



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE ASSEMBLY

Wednesday, 21 April 1999

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 12.00 pm, and read prayers.

CAMPING LAWS, AMENDMENTS

Petition

Mr McNee presented the following petition bearing the signatures of six persons -

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

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

We therefore ask that the following legislation be amended.

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

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

A similar petition was presented by Mr McGowan (four signatures).

[See petitions Nos 187 and 189.]

JARRAD STREET, COTTESLOE

Petition

Mr Barnett (Leader of the House) presented the following petition bearing the signatures of 1 518 persons -

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

We, the undersigned request that changes to Jarrad Street, Cottesloe be undertaken by Main Roads to reduce traffic congestion and minor traffic accidents.

We suggest the following:

A) That changes are made to Jarrad Street to allow both lanes to turn South into Stirling Highway.

B) That a keep clear sign be painted on the road at the Jarrad Street car park exit to allow steady access in and out of the carpark.

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

[See petition No 188.]

VACATION SWIMMING CLASSES

Petition

Mr Carpenter presented the following petition bearing the signatures of 21 persons -

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

We, the undersigned petitioners, call on the Minister for Education to abandon plans to contract out vacation swimming classes as it could risk:

- . the current high standard of teaching
- . the affordability of classes
- . the availability of classes, particularly in country areas

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

A similar petition was presented by Mr McNee (48 signatures).

[See petitions Nos 190 and 192.]

CATS, STERILISATION

Petition

Mr Barnett (Leader of the House) presented the following petition bearing the signatures of 1 398 persons -

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

We, the undersigned, urge the Government of Western Australia to enact and implement legislation enforcing the compulsory sterilisation of all cats, with the exception of those under the care of approved, licensed breeders.

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

[See petition No 191.]

WEAPONS BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Prince (Minister for Police), read a first time.

SELECT COMMITTEE ON CRIME PREVENTION

Extension of Time

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

That the date for presentation of the final report of the Select Committee on Crime Prevention be extended to 1 July 1999.

PERTH PARKING MANAGEMENT BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Mr Omodei (Minister for Local Government), and transmitted to the Council.

SCHOOL EDUCATION BILL

Council's Amendments

Amendments made by the Council further considered from 25 March.

Committee

The Deputy Chairman of Committees (Mr Sweetman) in the Chair; Mr Barnett (Minister for Education) in charge of the Bill. Progress was reported after Legislative Council amendment No 64 had been agreed to.

Amendments Nos 65 to 74 postponed until after consideration of amendment No 104, on motion by Mr Barnett (Minister for Education).

Mr BARNETT: I move -

That amendment No 75 made by the Council be not agreed to.

I intend to move a substitute amendment.

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

Mr BARNETT: I move -

Clause 116, page 84, after line 5 - To insert the following new subclause -

(4) In this section -

"**student**" means a student enrolled at a government school who is on school premises at a time when -

- (a) the student is required to attend the school as part of an educational programme at the school;
- (b) the student is otherwise participating in an educational programme of the school; or
- (c) the student is on school premises in preparation for, or subsequent to, being at the school for a reason referred to in paragraph (a) or (b).

Mr RIPPER: The Opposition accepts this substitute amendment proposed by the Government, which will allow students to receive certain types of material if they happen to be on school premises for the meeting of a specific organisation to

which they belong, rather than if they happen to be on school premises for the purposes of an educational program. The Opposition was concerned that students' participation in community events that took place on school premises might be unintentionally limited by the requirement in the legislation that certain material of a political, religious or industrial nature not be distributed to students. The Government has responded to that concern, and although it has rejected the wording that the Opposition supported in this and the other place, the Opposition is happy to support the substitute amendment.

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

Mr BARNETT: I move -

That amendment No 76 made by the Council be agreed to.

The Government accepts this relatively minor editorial amendment, which concerns community membership of school councils.

Mr RIPPER: This clause provides for the membership of councils to be drawn from other members of the community, and the word "general" is proposed to be inserted before the word "community". I am not entirely sure of the impact of this amendment. I do know that there is a concern about the composition of the new school board for the Cannington school, where the people who are said to be from the community are not from the local community but are from the metropolitan community and from that part of the community which is constituted by, in the main, business organisations. The board has not properly provided for representation from parents and for representation from the local Cannington community, which is the community which the school should serve firstly. I believe that the Cannington school board is constituted in a way which is outside the provisions of the present legislation. I am concerned that in the future, we may have more school councils like the Cannington school council which do not provide for representatives from the local community. There has been a change of mind on our side with regard to some of these issues, because originally one of our members moved for the deletion of the word "local" from before the word "community". That was done for a particular purpose. We now see an unintended consequence where there may be a school council which is not representative of the local community.

I seek some comment from the minister on the way in which he interprets the phrase which will now appear in the legislation, "other members of the general community". I do not mind people from the broader general community being on school councils; however, I am concerned when local parents and the local community do not get a place on the board, like the board responsible for the development of the new Cannington Senior College.

Mr BARNETT: We are trying to maintain some flexibility in this legislation. I do not have any difficulty at all with the principle. The community generally is the local community. We will increasingly see specialist schools. Cannington is an example of a school that will be a specialist senior college which will aim to draw students from across the metropolitan area into vocational programs. We are also looking in that particular case at employment placement. In that case, for example, business representatives may be there and they may not be part of the local community but have a very strong commitment to the school. Similarly with the decision announced a couple of weeks ago to make the John Curtin Senior High School a college of the performing arts, it may be argued that the community of that school is an arts community as much as it is a local community. We must be careful not to restrict a valid and proper representation on councils on definitional matters. I do not have any difficulty with what the member for Belmont says. However, we will have more specialist schools where the local community can be functionally rather than geographically related.

Mr RIPPER: I do not mind the presence on the council of representatives of the functionally related community, though I would prefer representatives of the geographically related community also to be represented on the council. I speak both as the shadow Minister for Education and as the local member when I disagree with the way the current Cannington board has been constituted. Although that school is supposed to have links with the business community, special excellence in vocational education and serve the whole south east metropolitan corridor, it will also be the local school for the Cannington district and there should be people from Cannington, particularly Cannington parents, on that board. I ask the minister to consider that, because there is resentment about the lack of Cannington representation on the board. I would not approve of functional community representation totally excluding local community representation when these specialist schools are set up.

Mr BARNETT: This is one particular school and I am sure there will be further examples. I do not have any difficulty with the member for Belmont's proposal and I am happy to talk to him about that. It is desirable that local parents be represented on the school. If there is some disquiet about that matter, let us try to deal with it; however, I accept his principle.

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

Mr BARNETT: I move -

That amendment No 77 made by the Council be agreed to.

Amendments Nos 77 and 78 are linked together. The effect of this amendment from the other place is to ensure that parents and community members form the majority of the members of a school council. The original version of the Bill stated that staff should form the minority and the intention was to ensure that school councils were broadly representative of a wider community and not dominated by staff. Parents organisations sought an amendment to say that the parents would form a majority. The difficulty with that is that it could restrict flexibility. In a specialist performing arts school, for example, there may not necessarily be a majority of parents of those students. The majority may be made up of the performing arts community with various levels of expertise. Therefore, a compromise was reached to ensure that parents and community members together make up at least half of the council, and that is reasonable. Again, it is difficult to be too prescriptive in legislation as there will be different situations. It will be incumbent upon the minister of the day and those involved directly in establishing the council to ensure that a council is broadly representative of parents and of the specialist interests of the school.

Mr RIPPER: I accept that the effect of the amendment proposed by the other place is to provide that parents and community members must form a majority of the members of the council. My concern relates to the previous point I made. It could be that the majority would be made up entirely of community members, without specific representation from parents. There will be flexibility but there is also the risk that in some of the special schools there will not be the parent representation that the parents are seeking. Indeed, the way the clause is constructed could result in a very limited parent representation even though the staff were in the minority on the school council.

Mr BARNETT: I understand the point and I add that the composition of the councils will be subject to regulations in any case and we can deal with that. I make the point again that there will need to be flexibility in the legislation so as to accommodate it. If there is an anomaly in the way that councils are established, that will have to be dealt with as a particular case when it occurs.

Mr RIPPER: This matter could be dealt with when the regulations under subsection (5) come to the Parliament because they provide for the number of members and composition of councils to be provided for by the regulations. Presumably, if it is wished, a minimum number of parent representatives could be provided for in the composition of any council when the regulations are drafted.

Mr Barnett: Yes. When those regulations are drafted we will try to accommodate the sentiment expressed by the member for Belmont.

Mr RIPPER: I will put that on the formal record in case Hansard missed it. The minister is indicating that the question of local parent representation will be accommodated.

Mr Barnett: Yes. In some way we will reflect that within the regulations.

Mr RIPPER: It will be accommodated in the drafting of the regulations?

Mr Barnett: Yes.

Mr RIPPER: Mr Deputy Chairman, the minister knows that we will examine the regulations carefully from many points of view when they arrive in the Chamber.

Mr Osborne: O thou of little faith.

Mr RIPPER: I have great faith in the minister. I am simply taking out an insurance policy as well.

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

Mr BARNETT: I move -

That amendment No 78 made by the Council be agreed to.

This amendment is a related issue and is simply an editorial correction.

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

Mr BARNETT: I move -

That amendment No 79 made by the Council be not agreed to.

The effect sought by the other place under its amendment is for any parents and citizens association which is unincorporated to be required to become incorporated within two years of the commencement of the Act. This amendment provides that the minister will organise a waiver or otherwise cover the costs of incorporation for any new P & C which has not yet been incorporated. The reasons for that are that the charges for incorporation are made according to the Associations and Incorporations Act 1987. We do not believe it is appropriate to interfere with the provisions of that Bill. In the proposed subclause the Minister for Education might not have the capacity to ensure the necessary arrangements as it is outside his or her responsibility and power. It is also not appropriate in our view to propose the waiving of a government charge for which all other associations are liable. The number of PCAs likely to be affected is small. The Bill was drafted on initial advice from WACSSO that it desired all associations to become incorporated.

Mr RIPPER: Although the Opposition pursued this amendment in a bid to reduce costs that might be imposed on P & C associations, this is a matter on which we would not want to hold up the passage of the Bill. We have consulted with the Council of State School Organisations to determine the impact on PCAs of the requirement to incorporate. My understanding is that there are not many PCAs which are non-incorporated and therefore the group that we are seeking to protect from charges would not be large. I do not want to put words into the mouth of the spokesperson for the Council of State School Organisations, but I think it would be fair to say that it would regard the current provisions in the legislation as acceptable. Given that it would regard the provisions as acceptable - at least that is my understanding of its position - and that only a small number of associations are non-incorporated, and they should be, we do not propose to pursue this matter to the ultimate extent and delay the Bill.

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

Mr BARNETT: I move -

That amendment No 80 made by the Council be agreed to.

This is similar to another amendment made previously to the legislation. It relates to a person who is authorised to inspect a non-government school and requires that person to show proof of authority. We accept that principle.

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

Mr BARNETT: I move -

That amendment No 81 made by the Council be not agreed to.

Amendments 81 and 82 are linked. The effect that is sought by this amendment of the Legislative Council is to require mandatory annual reporting by non-government schools. Within the government school system we are moving to a system of annual reporting by schools. That is part of what has been introduced in the trial of self-management and local management of schools. The argument for reporting by non-government schools relates to the fact that they receive substantial public funding directly from both the Commonwealth and the State. State funding of non-government schools is in the order of \$120m, plus low-interest loans and other forms of assistance are available. It is not appropriate that the Minister for Education should impose a reporting mechanism on non-government schools. They have their own different methods of reporting. Catholic schools and the so-called higher-profile schools have their own school councils to which they report. The funds that are provided by the State to non-government schools generally on a per capita basis relating to student enrolments are used primarily for recurrent expenditure typically to fund salaries and the like.

This proposal would require little more than a simple statement of compliance rather than a comprehensive account of expenditure. I would encourage all schools to move down the path of furnishing annual reports broadly covering the financial plans for the school and its performance in terms of curriculum, educational programs and the like. It is something parents will look for increasingly and they deserve to have it. I am sure that as the government school system moves down the path of annual reporting, non-government schools will progressively follow, but I do not think it is appropriate that the minister of the day should require annual reports from non-government schools.

Mr RIPPER: I disagree with the minister's argument. A substantial amount of public money is spent on support for non-government schools. As the minister indicated, the budget is at least \$120m. In addition to that \$120m, money is payable under the low-interest loan scheme. It is a widely held view in the public education sector that it is held much more accountable for the expenditure of public moneys than is the non-government school sector. I put this matter to the non-government school representatives and they responded that the level of accountability is greater than those in the public sector imagine. They say they are accountable to the Commonwealth for the assistance they receive and reporting requirements are involved. They also have internal accountability in terms of their own systems and school councils might have to make reports available to parents. Finally, they say accountability is required because of the fees that parents pay. Children are not required to attend certain non-government schools and parents can vote with their feet if they are unhappy about the way a school operates.

I accept all of those points. Nevertheless, we are talking about public money and it is appropriate that individual schools are accountable to the State Government for its expenditure. The amendment is not onerous and it includes the phrase "a report, as prescribed by regulation". Therefore, the minister has the ability to draft a regulation which will not impose onerous requirements on the non-government school sector. In the first instance, the reports which are made already to the Commonwealth could be furnished to the State. A relatively low level of requirement could be imposed initially in order not to inconvenience excessively the non-government school sector and the requirement could be developed as time passes.

I support the need for government schools to provide annual reports to the parent community. Parents and the community generally are demanding increased accountability by the school sector. This can be seen in the demand for the publication of the TEE results of certain schools. There is also the demand for the publication of the results of literacy tests in certain schools. Unfortunately, if published, some of that information has the capacity to portray unfairly the performance of certain schools and damage that performance in the future. There are two possible responses to this problem: One is to say we will not allow that information to be published; the other is to accept the inevitable and recognise that, because of the way our culture is heading, there is a demand for information. We cannot say defensively to people that they cannot have that information. We should accept the situation and move on and provide more information. By doing that, the information that is provided about the performance of schools will be fair and comprehensive. The best way to achieve that result is for government schools to prepare annual reports to the parent community. If government schools must accept greater accountability and openness as occurs in other sectors of society, so also should non-government schools.

The education system cannot be immune from the demands for extra accountability which are being applied to service sectors across the community. Government schools will have to accept the increased demand for accountability, much as it might be painful for them. That is the way the culture is moving and they cannot resist it. If government schools have to accept that, so also should non-government schools. The amendment is fairly carefully crafted. It does not immediately impose a burden. The minister can come up with a regulation which is easy to adapt to at the start, but it allows for the possibility of the development of improved accountability in the future.

Mr BARNETT: I understand the argument of the Deputy Leader of the Opposition. However, this amendment would do little in respect of accountability. The money is provided under this division to schools on a per capita basis. In that sense, the only accountability is that they actually have those students.

Mr Ripper: Might they not say something about the programs they are using the money for and the performance of the school?

Mr BARNETT: As they develop that, they might. The Commonwealth Government requires a report, as the Deputy Leader of the Opposition said. If one has concerns about accountability - that is a fair issue - a more productive way of proceeding would be to require schools also to furnish to the State Government a copy of the report to the Commonwealth. The State could liaise with the Commonwealth if it thought there was other information or a different format for that information.

Mr Ripper: If the Government accepted this amendment, a regulation could be drafted which states that the State Government must be given the report that the Commonwealth is given, and that would be the accountability.

Mr BARNETT: I am advised that would not work because the report becomes the property of the Commonwealth. If the Opposition wants to achieve this, I understand that the Commonwealth would cooperate. If the school is required to prepare a report for the Commonwealth, I do not think there would be any trouble in making that report available to the State also. Between the non-government schools system, the Commonwealth and the State, we could come to an administrative arrangement that would enable that to be done.

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

Mr BARNETT: For the same reason I move -

That amendment No 82 made by the Council be not agreed to.

This relates to amendment No 81 and is a minor matter.

Mr RIPPER: This is part of the same argument. The Opposition supports improved accountability for the non-government schools sector, and it opposes the minister's disagreement with this amendment which has been supported in the upper House. I repeat that I am not trying to impose an onerous burden on the non-government schools sector. However, a common argument that is put up against it is that it is not sufficiently accountable for the moneys which are expended on it. In some quarters that argument weakens the case for the funding which the non-government schools sector receives. It might be in its interests to demonstrate that it is accountable. In that way it is much harder to argue against the funding which it needs for the education of its students.

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

Mr BARNETT: I move -

That amendment No 83 made by the Council be agreed to.

This is the first of several amendments relating to advertising and sponsorship. The effect of this amendment is to make sponsorship and advertising subject to constraints provided in regulations. These regulations are dealt with subsequently in amendment No 97. This amendment, in association with amendment No 97 which we will deal with later, enables regulations to be made for the management of advertising and sponsorship in government schools. Again, I hope there has been agreement that we can reach some compromises in this area.

Mr RIPPER: The minister is correct in saying that there are other proposals to deal with the question of sponsorship which the Opposition can accept. In view of those other proposals, the Opposition is prepared to withdraw its support for its original amendments. However, I note that amendment No 83 deals with the words that allow for regulations to govern sponsorship. I originally had this noted as an amendment which the Government was prepared to support. Perhaps I have misunderstood the communication from the Government. I thought it would oppose amendments Nos 84 and 85 but would accept amendment No 83.

Mr Barnett: The Government is accepting amendment No 83 with respect to putting regulations in place. It is not accepting the part of subsequent amendment No 84 which states that there can be no naming rights.

Mr RIPPER: Mr Deputy Chairman, perhaps you can clarify for my confused mind the precise question that is before the Chair at the moment.

The DEPUTY CHAIRMAN (Mr Sweetman): The question is that amendment No 83 be agreed to.

Mr Barnett: Amendment No 83 states that regulations will be established with respect to sponsorship and advertising.

Mr RIPPER: Will all advertising and sponsorship need to be in accordance with the regulations? The amendment dealing with the establishment of regulations, which we will come to later, states that regulations may be made to provide for sponsorship. If the regulations are not made, will we still have sponsorship and advertising that is outside any regulation at all?

Mr BARNETT: It is certainly the Government's intention to have regulations in place. Once they are put in place, that becomes part of the Education Department's policy, and schools will comply with that.

Mr Ripper: There will not be sponsorship in advance of the regulations?

Mr BARNETT: Not under this Act, no.

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

Mr BARNETT: I move -

That amendment No 84 made by the Council be not agreed to.

This relates to what we have just been discussing. The effect of this amendment would be to restrict naming rights on advertising and sponsorship. As I said, we agree with putting in place regulations relating to advertising and sponsorship. However, to prevent naming as such is unnecessarily restrictive. The way in which it is done is important. People always talk about the McDonald's high school. Things like that will not happen. However, one can imagine situations in which, for example, a library may be donated by a company. As long as there is no conflict of interest educationally or self-interest or attempt to market through that, I see no problem. Any naming, as is typical of school names, would go through a proper process and would be done in the conservative way.

Mr RIPPER: The Opposition had a number of concerns about sponsorship. It had concerns about the possibility of the integrity of the curriculum being affected by sponsorship; it had concerns about equity. The Opposition's attempt to seek

some regulation of sponsorship in the Act was to move an amendment related to the naming of an educational activity. A better way to go about it is to have a comprehensive policy governing sponsorship and advertising and for that comprehensive policy to be embodied in regulations. Fortunately, an amendment was moved in the other place by the Greens which provided for a comprehensive policy on sponsorship, with such policy to be expressed in regulations. When the regulations come before the Parliament, we will essentially be able to have another bite at the whole question of policy on sponsorship and advertising. It is a difficult area because it is hard to craft a rule which prevents what one wants to prevent while allowing what one wants to allow. The Opposition does not mind a company making a donation to a school and a school modestly acknowledging that it has received a donation from a company. It does not want to allow the McDonalds health education course. As I say, it is hard to craft an amendment which allows one and prevents the other. I hope that the minister's officials have a bit more luck than we have had when they come to draft the regulations. We will be watching with considerable interest that package of regulations when it comes before the Chamber.

Mr BARNETT: The member is right about crafting and putting words in place. I hope that the regulations will satisfy him. Even so, at the end of the day there will be a value judgment involved. If it is a major sponsorship, it will probably end up with the minister. It will be very public knowledge in the school and in the community. I do not foresee inappropriate names of buildings or programs in schools occurring. There will be enough checks and balances in the system. Certainly the focus will be on the educational interests of students.

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

Mr BARNETT: I move -

That amendment No 85 made by the Council be not agreed to.

This amendment relates to definitions in the previous amendment which has been rejected.

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

Mr BARNETT: I move -

That amendment No 86 made by the Council be not agreed to.

This part of the legislation deals with powers to exempt a school from all or parts of this legislation. The amendment that was moved in the Legislative Council would have had the effect of removing the capacity of the minister to exempt schools from the requirements of the new Act. The fear would seem to be that a minister of the day might suddenly exempt a whole lot of schools and create charter schools. I think charter schools will progressively develop but they will be more for meeting specialist needs. There may be all sorts of reasons that a particular school might need to be exempted from some parts of the Act; in other words, a school that may operate on a non-conventional basis. The new senior college at Cannington is one example of a school that will operate at different times and will have a wholly different *modus operandi*. Similarly, schools may be set up in a specialist way, such as agricultural schools, that require a whole series of different rules and regulations. Some parts of this Bill may not suit them. We are also contemplating establishing schools, such as the systemic school for Aboriginal children. Again they might need to operate on quite different grounds from those that are deemed typical for a government primary or secondary school. Another example would be the current work being done in the department of looking at developmental schools to deal particularly with students at educational risk or alienated youth. The member for South Perth will be interested that one of the matters we are looking at is an inner city school to deal with school kids essentially and to bring them into an educational program. One can imagine that those types of schools will not operate within the normal confines of this legislation for all sorts of reasons. The big challenge in that case will be having the kids attend school and participate in it. All sorts of management and day-to-day procedures may need to be put in place.

We do not support the amendment. The minister of the day must be able to exempt schools. Some further amendments may satisfy some of the concerns that the Opposition has about unilateral or cavalier decisions of exempting whole rafts of schools. It has drawn a bit of a middle ground between government and non-government schools where there is something like a pooled community school, which again deals with alienated youth. The Government essentially provides funding for that school which operates on a quite different basis and takes many students out of government schools to attend it. I can see models developing which may be in the government system, or some community group may run a school for a particular group of students, essentially with government funding, and operate it under quite different criteria. Another group may be students with particular disabilities which might fit within that category.

Mr RIPPER: The Opposition has considerable reservations about this clause. We opposed the clause in both the lower and upper Houses and we received the support of the minor parties. We opposed the clause because of our fears and the fears of others about what a Government might do with this very significant power. We have had intense debates over the detailed provisions of many clauses as we have gone through this Bill. All of those debates can be made irrelevant by the exercise of the minister's power under this clause. That is what concerns people in the various interest groups that are dealing with this legislation. Every single gain, advance and protection in the legislation can theoretically be put at risk by the use of the minister's power under this clause. The minister could essentially rewrite the School Education Bill. Those are the arguments against the acceptance of clause 215.

The arguments for clause 215 are twofold. First, the power under clause 215 could be used to provide for innovation in the system. It could be used in particular to provide for innovation to meet the needs of students who are particularly disadvantaged in the operation of the current public school system. Second, there may be a minor problem with the legislation which may affect many schools. By the use of the minister's powers under this legislation, that minor problem could be obviated without the need for amending legislation to be brought immediately to the Parliament. Therefore, there are arguments both against and for the existence of this power. The Opposition is resolutely opposed to the introduction of charter schools and to individual government schools having the right to hire and fire teaching staff. The Opposition does not want to see this clause used to erode parents' rights that have been established in the rest of the Bill.

Mr Barnett: What about those parents who want a charter school? I can see that is more likely to happen in the more affluent suburbs.

Mr RIPPER: I oppose the notion of charter schools. If parents were to come to me and say that they wanted a charter school, I would argue with them about the implications for the whole system. I would not open the door to charter schools because a small group of people might want one in a particular case. The minister's very mention of the concept of charter schools is what alarms people about clause 215. I am indicating to him that the Opposition has weighed up the arguments for and against clause 215. In the interests of innovation, special services for disadvantaged students and proper administration should there be some glitches in the operation of the new legislation, the Opposition is prepared to support clause 215, but it does so with some reluctance and concern about how it might be used. The minister proposes a substitute amendment. As the clause stands, a minister's order for exemption will be subject to disallowance by Parliament. I understand the minister will be moving a further amendment to limit the time in which such an order can apply. It might be helpful if the minister indicated the protections, at the conclusion of which I will have an opportunity to continue my remarks.

Mr BARNETT: Protections were in the original version of the Bill. Following some discussion on points raised by the Opposition, further "protections" are to be placed in the Bill. First, to exempt a school from some parts of the legislation, such as an Aboriginal or alienated youth school, the minister must give notice to Parliament of that intention. That will be subject to disallowance. It is the first public check in the process. If a school is nominated for a special status and is to be exempt from parts of the Act, the matter is to be brought to Parliament and can be disallowed in either House. Second, an exemption can initially apply for only three years - not forever. It applies for three years with a one-year renewal. If a three-year trial were in place, for example, for a school for alienated youth, and it were successful, the minister may extend the exemption for a further year. During that year, the minister must bring in an amendment to the Act, presumably as some sort of schedule, to confer the school's exemption on an ongoing basis. It may be done indefinitely or for a certain period of time. Any idea to set up a school on an alternative or atypical basis which requires an exemption from the Act will be a public process. Several steps will be involved. If Parliament disagrees, it can prevent the minister from taking that action. Apart from the charter schools issue involving some philosophical matters to be debated, matters which have arisen in my time as minister have related to schools dealing with alienated youth or setting up a systemic school for Aboriginal students. I imagine that such matters would have bipartisan support in any event.

Mr RIPPER: Some reference was made in informal discussions with the minister to tabling in Parliament the reasons for an exemption to be ordered. I am not sure whether that has been included in the drafting of the minister's proposed substitute amendment.

Mr Barnett: The substitute amendments contain a proposed subclause (4) which indicates that the minister will ensure that the reasons in support of an order be laid before Parliament. The matter is attended to. In exempting a school from some part of the Act, the minister must table not only the exemption, but also reasons for the decision.

Mr RIPPER: I have been able to verify the provision.

Mr Barnett: Just trust me!

Mr RIPPER: Tabling the reason is part of the minister's substitute amendment.

Mr Barnett: Oh, ye of little faith!

Mr RIPPER: "Just trust me" says the minister; however, that is one of the sources of opposition to the existence of clause 215 in the legislation. Various proposals for educational changes are controversial. Many people in the education system do not want the controversial changes to be made. They fear that this clause is a mechanism by which change could result. I reassure those people in the education community who are concerned about things like charter schools and the local employment of teachers that the Opposition will not support the use of clause 215 for the introduction of such changes.

Mr Barnett: It is something for the future perhaps: If it happened that an overwhelming majority of parents wanted a charter school arrangement, would the member stand in their way even if it were properly accounted for with proper policy established?

Mr RIPPER: I make it clear that the Opposition does not support the concept of charter schools. I do not want the minister to allow any doubt to be created about the Opposition's position. Importantly, orders under clause 215 will be disallowable by Parliament. If the minister were to come to Parliament with an order to create a charter school, the Opposition would move a disallowance motion and seek the support of the other parties in the upper House.

The Labor Party is prepared to support its use for innovation and in the interests of disadvantaged students generally; however, it is not prepared to support the use of clause 215 for wholesale changes in the education system, and certainly not to create charter schools or to permit the local employment of teaching staff. Those people in the education community who are worried about those things can take heart from that assurance as the Government does not have a majority in the other place. If after the next election this Government is returned to office, it may not have a majority in the upper House either. The protection would be available against the changes. If the Government were returned with a majority in both Houses, the Government would have the capacity to amend the Act to institute an unfettered clause 215 substitute, or change the substantive provisions of the Act to do what it wanted. Naturally, I hope and expect that the Government will not be returned with or without a majority in the upper House. I hope and expect that a Labor Government will be returned at the next election and the education community will be dealing with a Labor Government which does not support charter schools and the local employment of teachers by individual schools. That Government could be trusted to resist these extremes of so-called education innovation. I know that people in interest groups are concerned that the Opposition has accepted a compromise with the Government to ensure the passage of the School Education Bill with the retention of this clause. I say

to those people that the Opposition will be vigilant in Parliament regarding the use of the clause. It will be prepared to engage in substantial consultation with all interest groups involved should the minister seek to use this clause.

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

Mr BARNETT: I move the following amendments by way of substitution -

Clause 215, page 144, line 13 - To delete "the period" and substitute "a period not exceeding 3 years as".

Clause 215, page 144, line 14 - To delete the line.

Clause 215, page 144, line 15 - To delete the full stop and substitute "; and"

Clause 215, page 144, after line 15 - To insert the following paragraph -

- (c) renew an order made under paragraph (a) for a one year period only by making the order to renew at least 6 months before the original order expires.

Clause 215, page 144, line 20 - After "order" where it first appears, to insert ", the amendment or repeal of an order or the renewal of an order".

Clause 215, page 144, after line 24 - To insert the following subclause -

- (4) The Minister is to ensure that the reasons in support of an order, the amendment or repeal of an order or the renewal of an order under subsection (1) are laid before each House of Parliament in accordance with section 42 of the *Interpretation Act 1984* as it applies under subsection (3) of this section.

This amendment will set in place the procedure I foreshadowed. If a minister exempts a school from some part of the procedure he must give notice before both Chambers of the Parliament with supporting reasons. That can be disallowed. If allowed, the exemption will be for three years with a one-year renewal period. If the minister wants it to go beyond that period he must bring in a renewal amendment to the legislation, which will be subject to the full parliamentary process. This will guarantee that any changes to the status of individual schools will be an open process.

Mr RIPPER: The substantive debate on these matters has been conducted with regard to the previous motion moved by minister. However, I want to ask the minister how many schools are likely to be subject to orders for exemptions at any time. Does the minister envisage that perhaps only a handful of schools would be subject to substantial exemption from the provisions of the Act, or will large numbers of schools be subject to the totality of exemption orders?

Mr BARNETT: In terms of schools doing particular things, the number of schools exempted from parts of the Act would be small. Examples would be senior colleges, agricultural schools, schools for disaffected students and the like. Out of the 730 government schools it is impossible to put a figure; but indicatively 30 schools might fall within that category. However, classes of schools may be exempted for a reason. For example, all community kindergartens may be exempted from the restriction on enrolling five year olds or whatever it might be. In some cases the numbers would be significant, but it would be about non-contentious issues. If there were an exemption for agriculture, the performing arts or some vocational program, the school might require some exemption from part of the Act. However, I do not expect there will be a great number.

Mr RIPPER: What will be the impact of this clause, if any, on the industrial entitlements of teachers under awards and agreements? That matter has been raised with me and I would appreciate whatever advice the minister could offer on how the clause could be used to affect those particular entitlements.

Mr BARNETT: The clause will not be used for the purpose of in some way affecting teachers' pay and conditions. However, I recognise that if a school operated on a different basis it may have that effect, but it would not be done for that purpose. I will not use this for any industrial purpose if that is a fear the teachers' union may have. If a school or senior college operated over different hours, that would affect teachers' working conditions. Obviously, if a school ran from 9.00 am to 9.00 pm - virtually shift arrangements - there would have to be new industrial agreements with teachers. I recognise that it will be necessary to negotiate new arrangements for particular schools.

Mr Ripper: Is the minister giving an assurance that he will not use the Bill for industrial purposes but there may be industrial consequences?

Mr BARNETT: Yes. I give a personal assurance I will not use this industrially, but changes to schools may have industrial consequences.

Mr Ripper: Which would be negotiated?

Mr BARNETT: Yes, as always.

Question put and passed; the Assembly's amendments agreed to.

Mr BARNETT: I move -

That amendment No 87 made by the Council be not agreed to.

This amendment relates to the power to review a particular situation by the minister or delegate of the minister. The amendment seeks to establish an independent education reviewer, effectively an education ombudsman. There has been a lot of discussion both within the Parliament and in the corridors about how this might be dealt with. It is my experience as a minister that although most things are dealt with at school or departmental level, occasionally an issue reaches the level of the minister, and the minister of the day may take direct involvement in trying to resolve the situation.

The Bill is significant in that it sets up a number of review and panel procedures relating to disciplinary matters, school attendance, home education and also children with disabilities. There are many avenues within this Bill that allow parents and students to have full access and rights to representation. A proper structure is set in place. Having said that, and despite all these procedures, processes and structures, occasionally a result may be seen to be unjust. An ombudsman-type position would have some powers to review the process, which is generally the restriction on ombudsman powers. I can imagine that occasionally, even if the process is done properly and all the reviews undertaken, we might get a case in which the outcome is unfair or unreasonable. In that case a minister needs to have the ultimate power to make a decision. I cannot imagine a minister making a decision not in the interests of the child or to correct what the minister might see to be an unfair, inappropriate, or unforeseen situation. In three and a half years as Education Minister I am struggling to think of an instance which has come to my office where I might have some direct input. I imagine the history of education ministers is that they always act properly and in the interests of the student.

There may be a situation in which a student wants to be enrolled in a particular school and after all the processes have been gone through, for whatever reason, the student is not accepted. The minister might make a judgment that, although the processes were proper, the student can be enrolled. It would be inappropriate to take away from ministers that ultimate power to make a discretionary decision. I am not being protective of powers of ministers, but I feel strongly about this. To take away parents' rights to go to the top to the minister of the day is inappropriate. Despite having gone through all the processes, if a parent feels aggrieved and feels it is not a fair or just outcome, it would be undemocratic to say to that parent that he or she cannot go to the minister but to an education reviewer. The minister ultimately must be responsible for what happens in education. At the end of day, almost as an appeal of last resort, the parent must have the right to go to the minister with a grievance.

Mr RIPPER: Originally the Opposition advanced the concept of an education ombudsman. Because of the nature of the powers of the upper House, that form of the Opposition's amendment could not be moved after it had been rejected in this place. The purpose of pushing for an education ombudsman was to provide for a situation in which the merits of a decision could be re-assessed and the processes by which a decision was reached could also be re-assessed. The final element was that the advice of the education ombudsman would be available to the aggrieved person. It would be a system of merit review, process review and open advice to the decision maker. The decision would still rest with the decision maker, and not with the education ombudsman. I agree with the minister that in the end the minister is accountable to the Parliament and the public for the way in which the education system operates. That accountability is particularly stringent with regard to the operation of the government schools system. I would not like a system in which the minister would be accountable to the Parliament and the public but would be unable to intervene in cases of particular injustice affecting an individual student. If the minister is to be properly accountable to the Parliament and the public, he must have the power in the final analysis to rectify an injustice. I would not like the situation that applies in the Police portfolio to apply in the Education portfolio. If the minister has the responsibility, he must have the power to rectify injustice. I understand the reason the Police portfolio is constructed in the way it is but I would not like the Education portfolio to be structured along similar lines. The minister must be both responsible and powerful enough to honour that responsibility.

I do not see the upper House amendment which provided for the establishment of the position of a reviewer as preventing the minister from conducting his or her own review if that review is required. I do not read the legislation, as amended, as preventing the minister from conducting a review. The minister sees them as alternatives. I see no reason not to have both. The minister has general powers under the legislation, and there is nothing to stop a person from writing to the minister, the minister asking the Education Department for a report, and the minister then making a decision even if a review has been, or might be, carried out by a reviewer.

Mr Barnett: The minister can either review it directly himself or appoint someone to undertake a review. That is probably more likely.

Mr RIPPER: The Bill, the upper House amendment now before the Committee and the minister's proposed substitute amendment lack the element of a merit review and the element of advice from the review process that is available to the aggrieved person. The power of the ombudsman structure is that even if people do not eventually get the decision they want from the department or agency, they know what the ombudsman has recommended and that recommendation has a pretty powerful moral influence. That is the situation I would like in place with an education review; I do not suggest removing the power of the minister to finally determine the situation but that power should be used accountably because the advice on which it is exercised in the ultimate is available to the aggrieved person. That will not happen with either the upper House amendment or the proposed substitution, and it was certainly not in the original Bill. I regret its absence.

Mr BARNETT: The Bill in its present form and with the foreshadowed substitution sets up appropriate structures and review processes. Ultimately, decisions can be changed by the minister, but to establish an education reviewer or ombudsman position in a statutory sense would add another layer that I do not believe is necessary. In particular cases, the minister can appoint someone to deal with difficult or complex issues or deal with them directly. If an education ombudsman position is established, in practical terms either the ability or willingness of the minister to take direct responsibility will be diminished. Issues will always be referred to the education ombudsman and to some extent that will provide a cop-out to the minister. If the ombudsman made a decision on a matter referred to him, it would be almost impossible for a minister to go against that recommendation in a public sense. That takes away the ultimate responsibility of the minister and the ultimate right of a parent to go to the minister about a grievance or particular situation after it has gone through the process properly. Despite what the member said about responsibility and exercising powers, in practical terms ministers will not do it and will be aloof and distant from some of the real issues.

Mr RIPPER: The Minister for Education is concerned about the possibility of a minister not being able to go against the recommendation of an ombudsman and effectively of all issues being handed to the ombudsman. Ministers can be captured in all sorts of ways. It is remotely possible that ministers may be captured by their departmental bureaucracy, and may regard

it as their role to defend the actions of that bureaucracy, come what may. I would not recommend that in the case of the Education Department, but it happens to ministers from time to time. It may be the case that injustice will arise as a result of a ministerially-supported policy and, therefore, it will not be very satisfactory to the persons aggrieved by the application of that ministerially-endorsed policy to have available only the possibility of review by the minister. I do not want to take away the ability of the minister to set policy and implement it, but he may think twice about a particular policy if a series of recommendations from an education reviewer or ombudsman, which are available to the aggrieved people, raise doubts about the wisdom of that policy.

I do not think the legislation in this area is right yet. All sorts of confusing discussions have taken place inside and outside Parliament. We still do not have the summit of the review and appeal process right in the legislation. I agree with the minister that many primary and intermediate appeal and review processes are provided, and that is a substantial advance in the rights of parents and others who deal with the education system. Opposition-supported amendments have improved that situation. The Opposition had hoped at the summit of this process for the establishment of something like an education ombudsman, and I am disappointed with the outcome so far because I do not believe it is satisfactory. The minister should think again about preserving his power but also about the openness that would come from the advice given to him by the appeals process being made available to the aggrieved person.

It might be useful to look at what is available in the Planning portfolio. There is a ministerial appeals system in the Planning portfolio; the minister appoints an appeals coordinator. I am not certain precisely what happens, but the recommendation of the appeals coordinator might be available to the aggrieved person at or around the time the minister makes the decision. That matter could be looked at.

Mr BARNETT: I understand that the planning appeals mechanism is not a statutory one. Indeed, should a Minister for Education decide to set up an education reviewer or an education ombudsman, there is nothing in the legislation to prevent him from doing that and doing so in an administrative sense. Should the member for Belmont ever find himself as Minister for Education, the legislation would not prevent him from doing that. However, I suspect that at that time he would have a different view. An education ombudsman can be set up under the legislation. It is not my intention to do so; however, on a particular issue that might affect one or a group of students, if I found something complicated or contentious, a likely course of action would be to appoint someone to review the situation as a delegate of the minister. It is not restrictive, but again to set up the office in a statutory sense would add another layer on top of already extensive procedures in the Act. I have that hesitancy about human nature being what it is: Whenever there is a difficult issue the minister of the day will tend to refer it to the education reviewer. One might argue that it is the Opposition's job to put pressure on ministers and to make them accountable. It would be very easy, every time a contentious issue occurred in education, to dispense with it by saying that the reviewer will deal with it.

Mr Ripper: Three months later we will find out.

Mr BARNETT: Yes. That can be very convenient for ministers but it brings a lack of accountability.

Mr Ripper: We can imagine what would happen if the information were available three months later and it was critical of the department or the minister's policy.

Mr BARNETT: If the minister were to set up a review, which he could do in any case, he should do so publicly and, depending on the circumstances, publicly comment on it. Obviously, in some cases privacy would prevent it from being published. As I have said, I do not support the amendment in the sense of establishing a statutory position, but should a minister of the day choose to do so, nothing in the Bill would prevent him from doing it.

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

Mr BARNETT: I move -

That amendment No 88 made by the Council be not agreed to.

The amendment is no longer necessary because of the substitution that I propose to move a little later.

Mr RIPPER: We are now dealing with the consequential amendments that flow from the argument about whether the minister should review matters or whether that should be done by a reviewer. I am not entirely satisfied with either scheme. The upper House amendment which establishes a reviewer does not necessarily mean that that reviewer's advice is available to the aggrieved person. It might be a private communication between the reviewer and the decision maker. Even the upper House amendment, which is preferable to the minister's scheme, is still unsatisfactory. In any case, we have had the argument and the minister has rejected the proposal for an education ombudsman.

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

Mr BARNETT: I move -

That amendment No 89 made by the Council be not agreed to.

Amendments Nos 89 to 92 relate to the proposal by the Legislative Council to set up an education ombudsman. We have not accepted that proposal.

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

Mr BARNETT: I move -

That amendment No 90 made by the Council be not agreed to.

The same reasons apply.

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

Mr BARNETT: I move -

That amendment No 91 made by the Council be not agreed to.

The same reasons apply.

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

Mr BARNETT: I move -

That amendment No 92 made by the Council be not agreed to.

The same reasons apply.

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

Mr BARNETT: I move -

That amendment No 93 made by the Council be agreed to.

The amendment is part of the substitution clause relating to the review process through the minister. The effect of the amendment is to remove the authority to delegate the function to another person. Concern has been expressed by the state Ombudsman about the application of the Parliamentary Commissioner Act 1971 if subclause (4) remains in effect. The proposed position is that while investigations would be carried out by others on behalf of the minister, it is the minister who provides final authorisation for review findings. There is nothing to prevent a specialised office of review from being established, should anyone choose to do so, for the purposes of clause 216.

Mr RIPPER: The minister is ultimately responsible for the review, but he may appoint officers to do all the preparatory work.

Mr Barnett: To do so in the name of the minister, yes.

Mr RIPPER: Would the minister have to sign off on every decision arising out of the review process?

Mr Barnett: Yes.

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

Mr BARNETT: I move -

That amendment No 94 made by the Council be agreed to.

The effect is to remove the power of a delegate to act in the name of the minister. Again, I make the same comment as in respect of amendment No 93.

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

Mr BARNETT: I move -

That amendment No 95 made by the Council be not agreed to.

Again, the amendment relates to the review by the minister or a delegate. The effect of the amendment is to establish and give powers to the proposed reviewer that the Legislative Council's amendments had foreshadowed. As we have rejected the proposal to have an independent reviewer, it follows that the proposal relating to powers and the establishment of that office also should be rejected.

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

Mr BARNETT: I move -

That the following amendments be substituted for amendments Nos 87 to 92 and 95 -

Clause 216, page 145, line 20 - To insert after "review the procedure" the words "or reconsider the decision".

Clause 216, page 145, line 22 - To insert after "review" the words "or reconsideration".

Clause 216, page 146, after line 4 - To insert the following subclause -

(7) Nothing in this section affects the jurisdiction that the Parliamentary Commissioner for Administrative Investigations has under the *Parliamentary Commissioner Act 1971*.

Clause 217, page 146, line 8 - To delete "or 215" and insert ", 215 or 216".

Clause 217, page 146, lines 9 and 10 - To delete ", 21(2) and 216(4)" and insert "and 21(2)".

The DEPUTY CHAIRMAN (Mr Barron-Sullivan): Is the substitute amendment that the minister is putting forward a substitution for clauses 87 to 95, except for clauses 93 and 94?

Mr BARNETT: That is correct.

Mr RIPPER: I would like the substantive effect of the series of amendments moved by the minister to be put on the record. My understanding of their effect is that they allow the minister to not only request a changed process by which the decision

can be made following a review but also ask for a reconsideration of the actual decision. This goes some way to allowing for an assessment of the merits of a decision. It appears that the minister will not make the decision himself under these provisions but he can send a strong hint to the decision maker that he should reconsider the merits of the decision. That is my understanding of the effect of these amendments. I am unsure of what the minister actually intends because in many of his arguments he talked about the minister making the decision but on this occasion it appears that the minister will simply be seeking a reconsideration by another decision maker.

Mr BARNETT: If an issue comes to the minister, under these amendments the minister can decide that the process should be reviewed if he feels there has been a failing in the process. If he believes the decision emanating from the process is wrong, he can ask that the decision be reconsidered. The minister is empowered to appoint an independent person or ask the agency to review the process or reconsider the decision. The finding comes back to the minister and it is his decision. The minister must ultimately accept responsibility. If the minister asks for a review and still does not like the answer, he does not have to accept it. The minister can still make his decision at the end of the day but in most circumstances the minister would seek advice.

Mr RIPPER: What is the effect of the last two amendments which relate to delegation?

Mr BARNETT: I am advised that the delegation powers have been removed. As I understand it, if the minister has someone do the leg work, he cannot delegate the power. It comes back to the minister being required to accept responsibility and sign off on any decision or review.

Mr RIPPER: The delegation powers refer to clauses 215 and 216.

Mr Barnett: I am advised that that is editorial material.

Mr RIPPER: My understanding is that the minister cannot delegate either the powers to order exemptions under clause 215 or the review functions.

Mr BARNETT: That is the case. The minister cannot do that. I am advised that that is dealt with in clause 217 which refers to clause 215 on page 146. Trust me that that is true. The minister cannot delegate powers to grant exemptions to schools; that would be quite improper.

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

Mr BARNETT: I move -

That amendment No 96 made by the Council be not agreed to.

This is similar to amendments Nos 10, 20 and 58. The intent of the amendment is broadly acceptable to government but substitute wording will be provided.

Mr RIPPER: This amendment is similar to a series which have been moved throughout the debate. In each case the Government has responded with a standard form of wording about the things the panel needs to take into account. The Opposition accepts the substitution. It is not quite as good as the wording in the upper House's amendment but the Opposition appreciates the move the Government has made toward the spirit of the upper House's amendment.

Mr SWEETMAN: I want to be clear that we are not accepting the wording of the upper House's amendment. It is not being agreed to but the minister said the Government agrees with the intent and he will put forward similar words with a different meaning. I am seeking clarification from the minister because if I was a part of this panel, under this amendment I would see it as my responsibility to try to mitigate against these issues, to give some dispensation. If a teacher was assaulted in a classroom and the child was brought before the panel, I would be encouraged to take all other extraneous matters into consideration and decide that on balance it was a reasonable thing for the child to do and allow him to remain in the class. I need to be certain in my own mind that that is not permitted by the Chamber's not agreeing to the amendment. I want to be sure that a substitute with similar words will not say that.

Mr BARNETT: In the forthcoming substitute amendment, a panel is to take account of what might be mitigating circumstances. The panel may have regard to social, cultural, lingual, economic or geographic factors or learning difficulties which might be relevant to the particular situation or student. It does not mean that these factors are excuses for misconduct but the panel may take those things into account. That is reasonable. The panel is not prevented from making some allowance - it can take into account cultural or isolation factors, disabilities, medical problems and the like.

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

Mr BARNETT: I move -

Clause 234, page 155, after line 15 - To insert the following subclause -

- (5) In performing its functions in relation to a particular child or student, or class of children or students, an advisory panel may have regard to the social, cultural, lingual, economic or geographic factors, or learning difficulties, that might be relevant to the matter before the panel.

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

Mr BARNETT: I move -

That amendment No 97 made by the Council be not agreed to.

The effect of this amendment sought by the Legislative Council was to provide definition of the matters to be covered by regulation and require the establishment of an advisory committee. The Government accepts part of the idea but it is not accepting all of what was proposed in the Legislative Council's amendment.

Mr RIPPER: We are dealing with the second part of the argument on sponsorship. In earlier debates, we rejected two of the three amendments proposed by the upper House on sponsorship issues. We rejected the amendment related to naming rights. The consequential amendment relates to the definition of an educational program that might be subject to those naming rights. We accepted a reference to regulations to govern sponsorship and advertising. We are now dealing with the upper House amendment that provided for those regulations and the matters which those regulations should cover. Although the Government accepts the concept of a package of regulations to cover advertising and sponsorship, it does not accept the exact terms of the amendment provided by the upper House. I have been advised that the Government is not proposing to accept two aspects of the upper House amendment. That amendment establishes regulations providing for the means of ensuring the fair distribution across government schools of the benefits of advertising or sponsorship. I have looked at the Government's proposed substitute amendment and that matter will not be covered by it. The upper House amendment also provides for an advisory panel to advise the minister on advertising and sponsorship policy and for the minister to obtain that advice before he proceeds to amend the regulations related to sponsorship and advertising.

The Opposition has been prepared to drop its amendments on sponsorship and advertising in return for this package of amendments. I hope that the minister will make a commitment in this Committee to establish an advisory panel with regard to advertising and sponsorship. I also hope that the minister will make a commitment that he will receive the panel's advice before he proceeds to amend regulations related to sponsorship. My understanding is that the Government does not wish to establish an advisory panel on advertising and sponsorship within the Act. However, I hope that the minister will make a commitment to the Committee to establish such an advisory panel by administrative means and that he will receive the advice of that advisory panel before the regulations are made.

On the issue of regulations to ensure a fair distribution across government schools of the benefits of advertising or sponsorship, the Government wants to come to that aspect of the policy via another avenue. I will leave it to the minister to explain how that matter might work in practice. I expect him to move a substitute amendment which deals with the fair distribution across government schools of the benefits of advertising and sponsorship; however, I am not sure how the mechanism will apply in practice.

Mr BARNETT: I give a commitment that I will establish administratively an advisory panel to perform the role of drafting regulations relating to advertising and sponsorship. Whether that continues in an administrative sense to provide advice on projects or proposals for sponsorship advertising is a decision that should be made at the time. If that is necessary, and there is sufficient work for it, it may continue. An advisory group will draft the initial regulations. We discussed the issue of equity in the original debate and there are two dimensions to it. I have dealt with the issue of taking away any sort of naming right. In many cases, companies and organisations want to sponsor a school in their localities or with which they have developed an association; for example, an iron ore company may want to sponsor a high school within the Pilbara for obvious reasons. That should not be interfered with. An equity consideration may arise. We cannot say to that company, "That money must go evenly across the whole system", because that will dry up sponsorship dollars; however, there is an equity argument. If one school, because of its association with large companies for example, suddenly found that huge amounts of sponsorship were available, there would be an equity issue. The minister of the day could deal with that by either reducing the amount of the sponsorship or requiring that some part of it be distributed more broadly across the school system.

We will return to the amendment to clause 214 later when we will state that if there is a delegation of any powers, issues of equity across the system must be taken into account. It will be difficult to foreshadow all of the possible circumstances that could arise in the future, but I accept that there is the potential for an equity issue to arise within the system. Administratively, I doubt that that would apply; I doubt that a school would find itself so well endowed, it would have a privileged position.

Mr Ripper: What about schools which are poorly endowed? Eventually a large number of schools may have advertising and sponsorship revenues, but for other schools it is just hopeless.

Mr BARNETT: Some organisations might want to sponsor their local school or schools with which they have an association. Other organisations prefer to remain anonymous and would rather sponsor education in general, believing that their sponsorship dollars should go to those schools most in need. They do not want to have a direct relationship with any given school; they essentially want to hand over the money, support education and be hands off. I am working on a proposal to establish an education foundation which will disperse funds across the system or to particular schools that are designated as being in need.

Mr Ripper: Would this advisory panel that you will establish administratively be able to give advice on the establishment of such an organisation?

Mr BARNETT: We are trying to establish a foundation on the basis of the public education endowment trust, which already has about \$8m or \$10m worth of potential assets. It will be a different and a properly constituted body. There must be some nexus between the two and I will refer that issue in general to the advisory group. We must also bear in mind that when rules and regulations are set up to cover sponsorship and advertising, there must also be a more general education foundation base. The advice on a sponsorship proposal of \$100 000 might be that perhaps \$50 000 should go to the school and part of it should be referred to the foundation to be disbursed to schools in need.

Mr Ripper: When you deal with the delegation to the principal of the power to make that deal, would you raise that issue in that context?

Mr BARNETT: Yes. If we can establish this foundation, it will have a relatively high profile within the school system.

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

[Questions without notice taken.]

Mr BARNETT: I move -

Clause 214, page 144, after line 6 - To insert the following subclause -

- (2) The Minister is to ensure that a subdelegation does not state that this section is to apply unless the application of the section in the particular case is in accordance with the fair distribution across government schools of the benefits of advertising and sponsorship.

Mr RIPPER: I am interested in the way this proposed subclause will apply. Does the minister expect that a subdelegation will be made on each occasion that a major sponsorship agreement is to be instituted or that the principal of a school or all principals of senior high schools, for example, will receive a subdelegation to undertake sponsorship and advertising agreements and the minister will not know about a particular deal they are likely to enter into? This scheme seems to work on the basis that there is a delegation for each agreement.

Mr BARNETT: That is true. With any major sponsorship arrangement we will ensure that administrative procedures are in place so it comes to the minister's attention.

Mr RIPPER: Is it the case that when a subdelegation is made down the chain to a principal there will be limits on the amount of sponsorship that can be undertaken without reference to the higher authority?

Mr BARNETT: Yes. Strict criteria will be attached to any subdelegation; for instance, a monetary figure is probably obvious. That will allow for dealing with minor, local sponsorships. Any major sponsorship deal will come to the advisory panel and certainly to the minister. My experience is that wherever there has been significant sponsorship, notification has come to me because the sponsor is keen to let the Government of the day or the public know it is doing something.

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

Mr BARNETT: I move -

Clause 237, page 158, after line 13 - To insert the following subclause -

- (3) Regulations for the purposes of section 209(2)(d) may provide for -
 - (a) the duration of an agreement or arrangement for advertising or sponsorship in relation to a government school;
 - (b) naming rights in relation to advertising or sponsorship in relation to a government school;
 - (c) the means of ensuring that advertising or sponsorship in relation to a government school does not interfere with the normal operations of the school; and
 - (d) the extent to which teaching materials may be involved in advertising or sponsorship in relation to a government school.

Mr RIPPER: This is a set of powers to establish regulations related to sponsorship and advertising and is similar to an amendment which was carried in the other place, except for the reference to equity. The minister has attempted to accommodate that reference to equity by the previous substitution which has just been accepted by the Chamber. It would have been preferable for the provisions on equity to be contained in regulation rather than the essentially administrative schemes which the minister proposes. However, the Opposition must accept compromise proposals on some of these issues and is happy enough to accept the compromise package for sponsorship, especially now that the minister has made a commitment to establish administratively an advisory panel and to receive its advice before he proceeds to make the regulations which are contemplated by this substitution.

Mr BARNETT: I confirm that the Government will do that. There will be a fair amount of public interest in the way the regulations are drafted and I intend to have policy input myself, to ensure that they are proper and fair. I can understand the public interest in the issue of sponsorship and advertising. I can assure the member for Belmont that the Government is not about to adopt a cavalier approach. A number of publicly spirited organisations, particularly businesses, genuinely wish to assist local schools or the school system.

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

Mr BARNETT: I move -

That amendment No 98 made by the Council be not agreed to.

The effect of the amendment would be to provide for a review of decisions to cancel enrolments or remove children's names from school registers. The incidence of this is likely to be small. However, in view of the support for the principle of amendment No 9, which provides for a regular check to locate missing children, and the mechanism for independent review in clause 21(6) which also provides sufficient avenue for dealing with the relatively small number of grievances that might arise, the Government does not support the amendment.

Mr RIPPER: The amendment arose out of the considerations of the Standing Committee on Public Administration in the

other place. It relates to a review process for a relatively small number of cases, such as when people might have sought to gain enrolment for their children at a favoured government school by misrepresenting the address at which the child lived or in other ways by providing false information. The Opposition thought there might be occasions when there would be argument about this and that the review process would be an advantage. However, there have been some complications with the particular review process provided for in this amendment, and in view of the existence of general review processes and the relatively small number of cases, and as the minister has indicated his acceptance of another opposition-inspired amendment which provides for follow up when children are taken off the register because they cannot be located, the Opposition is prepared to accept the rejection of this amendment.

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

Amendments Nos 99 to 104 postponed, on motion by Mr Barnett (Minister for Education).

Mr BARNETT: I move -

That amendment No 65 made by the Council be not agreed to.

This amendment relates to the issue of fees and charges on which considerable debate has taken place both inside and outside Parliament. A compromise position might succeed in passing through this Parliament. It is a compromise that leaves both sides somewhat dissatisfied but it represents some middle ground. It is not my preferred outcome with respect to school charges. I will not restate the debate, but certainly the Government's preferred position was outlined in the original Bill whereby school charges would be mandatory and would be used for the materials used by students during their schooling or for extracurricular activities, such as attending the theatre or providing cooking materials. School charges have been levied in the school system for a long time. In primary schools they have been capped at \$9 since 1972, and if inflation were taken into account that would amount to \$60 a year now. The Government proposed that school charges be capped by regulation at \$60 for primary schools and \$235 for secondary schools, which is close to the current limit of \$225. Many issues can be raised with respect to this and I do not want to repeat the debate.

There is a philosophical point of view. I argue that parents always have contributed and should continue to contribute to education; they do so in a variety of ways, through school uniforms, school lunches and the like, and this provides for some of the extra events, consumable items or programs added to the curriculum. In government schools there is no charge or fee for the curriculum or attending the school, and the full educational program is available without charge. These charges are for funding consumable items and the extracurricular activities that enrich education. The amendments propose a middle road that at a primary school level charges would be capped by regulation at \$60, but in a legislative sense they would be voluntary and that would be made clear to parents. At a secondary school level charges would be mandatory and capped by regulation at \$235; in other words, they would be recoverable. There is a distinction.

At a secondary school level there is a secondary assistance scheme; in other words, students attending compulsory secondary years of education whose parents are covered by the health card system are deemed to be from low income families, and the Government provides the equivalent of the school charges to the school on their behalf. The payment is mandatory for those parents deemed to be able to afford it, and those parents who are deemed not to be able to afford it have the charges paid to the school on their behalf by the Government under the secondary assistance scheme. I had proposed that were the charges to be mandatory at the primary school level, the assistance scheme would be extended to cover primary school students. All those parents deemed able to pay a maximum fee of \$15 a term would be required to pay it, and those of low income status who held health cards would have the fee paid on their behalf by the Government. The consequence would be that a school charge to a maximum of \$60 a year would be payable, as determined by the school decision-making body, but there would be some powers of collection. Parents on low incomes who were eligible for health cards would have their charges paid by the Government. Under that system all children at primary school would have had that charge paid, either by the parents or through the Government. Such a system would mean that schools in low socioeconomic areas would have the same extracurricular activities that are taken for granted in more affluent areas. That would create true equity across the system.

However, members opposite have a philosophical objection to that. I understand their argument and, therefore, the Government will reluctantly agree to a voluntary approach at primary schools. In the first instance, it may seem good to parents and it is certainly popular with the Western Australian Council of State School Organisations. It may seem to be equitable but at the end of the day it will prove to be inequitable. In my electorate, which is a relatively affluent area, most schools charge \$50 or \$60 a year at the primary school level. Almost all parents pay that and the children enjoy all the extracurricular activities. In some less affluent areas, the rates of collection may be only 20 per cent or 30 per cent, and those additions to the school program are not possible. Making the fees voluntary will not achieve anything in terms of equity. It could be argued that the Government should pay the lot, but that would amount to \$27m. However, even if the Government did that, inevitably some other idea would be put forward about what schools might do, and requests would be made to fund other activities. Setting criteria for all the charges that might be levied, capping them, making them mandatory, and providing an assistance scheme for children from low income families, would guarantee that all schools had equity and could run the same level and quality of extracurricular activities.

In conclusion, I emphasise that this is not about fees for education. Attendance at schools, participation in programs and most consumable items are provided in government schools; this is about the cream on top which schools may want to add to the curriculum which is fully supplied and funded through the State Government.

Mr RIPPER: When the minister first presented the School Education Bill to the Parliament, the Opposition immediately noted that it gave the minister the power to make school charges and fees compulsory and to increase those fees and charges. The Opposition determined that its minimum position would be to try to prevent the Government from increasing the burden on parents for the education of their children. In drafting the amendments, the easiest way to proceed proved to be to accept

an amendment in the upper House which made it impossible to charge fees on a compulsory basis for any necessary part of the curriculum - and "necessary" was defined as relevant to the Curriculum Council Act, so the definition was very broad indeed.

There were a number of positions. The existing position was de facto compulsory secondary school fees and voluntary primary school fees. The Government's position was compulsory school fees in the primary division and in the secondary division, with increases in both areas. The upper House position was no compulsory school fees at all. What has been arrived at between the Government and the Opposition in discussions prior to the presentation of the matter is essentially a return to the current position. There will be compulsory school fees in secondary schools, as there already are at the moment. However, there will not be compulsory school fees in primary schools. Primary school fees will continue to remain as they are at the moment - voluntary.

The Government talks about a contribution of up to \$60. We do not like that figure. However, it will be set by regulation, will be a maximum and in any case will be voluntary. When the regulation comes before Parliament the Opposition might again debate with the Government the appropriateness of that figure. However, that is not for debate at the moment because the legislation merely provides for the regulation and in any case makes the charge voluntary.

There has been difficulty with the Opposition's proceeding with its ideal position. The Opposition's ideal position is that public education should be available without regard to a person's income and without a charge being placed on the parent. Here, though, is the difficulty: At the moment schools receive \$27m a year from school fees. The Government does not propose, if fees are abolished, to make up that \$27m. If the Legislature were to proceed to make all school charges voluntary and schools were to lose that income, there would be no make-up from the Government. It would mean that school students would lose the benefit of educational programs funded by those school fees. Opposition members still think that the ideal position is for there to be no school fees in secondary or primary government schools, but to implement that position properly requires a budget commitment of \$27m. The Government is not prepared to make that commitment. The Opposition intends to take up the matter in future campaigning contexts. We will assess what we can offer parents and then debate the matter at the appropriate time. At the moment, though, there is demand for a new School Education Bill. It is accepted by all in the education community that it is desirable to have a new School Education Bill. The existing Act dates from 1928. If we accept the compromise with the Government, it will allow passage of the School Education Bill with all the other benefits in the Bill for the education community. In discussions with the Government we have been able to achieve in essence the maintenance of the status quo. There will be compulsory fees in the secondary sector and voluntary fees in the primary sector. We have been able to prevent the Government from increasing the burden on parents of children in government school education.

Mr BARNETT: I will not prolong the debate, but again I remind members that school charges have existed for a long time. Indeed, the current maximum charge of \$9 in primary schools has remained unchanged since 1972. I can remember my parents paying a school charge when I attended primary school back in the 1950s, but I do not know what the level was then, so this is nothing new. I note also that South Australia recently put in place a compulsory primary charge of \$150 a year. That is excessive. We are talking about a maximum of \$60 per year at any primary school, but the actual figure is to be determined by the school itself. Surveys indicate that most schools will probably charge about \$40 to \$60. Charges of perhaps \$10 or \$15 per term, which is what it comes down to, will not be onerous.

Again I remind members that the charge is for cooking materials and for book hire, which will save parents the necessity of having to buy texts for their children, as group texts will be available for them to hire. It could be for art and craft materials. I ask members not to hold the view that art and craft class materials are not funded. The great majority of materials are funded publicly, but there might be a desire in an art and craft class to have an exotic crayon, pen or paper for a particular activity. Parents want their children to have that ability and for the school to decide to get exotic or different non-standard materials for some specialist programs. That is a good thing and parents should be and are willing to contribute to it.

It is a somewhat unsatisfactory compromise from both points of view. Primary school principals will not be pleased. It will mean that they will continue to have problems, even though the peak parent group, the Western Australian Council of State School Organisations, has argued that any charges should be voluntary. We will find that perhaps even the majority of P & C associations would prefer a mandatory position to be in place for primary schools, that they played a role in setting the charge and that it would apply to everyone. Nothing upsets parents more and indeed there is nothing more inequitable than one parent paying a school charge which is used for a particular activity or outing and another parent not paying it but the child quite properly nevertheless participating. Parents say, "I have paid, you haven't, yet your child is deriving the benefit." In other words, one parent ends up paying for materials or outings for another parent's child. That is okay if the parent is genuinely a low-income parent, but in many cases he or she is not. The measure is equitable among parents and schools. However, we cannot get agreement on it or on what the Government would prefer, so we have a somewhat murky compromise. The \$60 is a maximum. It will be laid down by regulation. Any change to the maximum in future must also be by way of regulation and therefore subject to disallowance. I do not think that it is excessive, but nevertheless it is a compromise which it seems we can get through Parliament.

Mr RIPPER: Several other points must be made. The minister drew attention to disparities between schools serving areas of different economic affluence. He argued that schools which serve wealthier communities will be able to charge and collect the maximum fee and most people will pay, and in schools in poorer areas there will be only a low take-up rate in the contribution scheme. Of course that is only one example of the inequalities that arise between schools. Fundraising takes place in many schools. It is very easy to fundraise - let me put it this way: It is much easier to fundraise in the western suburbs than it is in the lower income areas of Perth.

It is the Government's responsibility to make sure that all schools are funded to provide quality education regardless of the social and economic circumstances of the children who attend. It is important for the Government to come up with

additional funds for schools which serve disadvantaged areas. I hope that the minister will consider ways in which extra assistance can be provided to schools which serve poorer areas without seeking to hit the parents who are already financially hard-pressed. It is sometimes difficult for those of us on decent incomes to appreciate the financial circumstances of people on low incomes. I represent an electorate in which a charge of \$1 or \$2 is a matter of significance. It is an issue which people take up or argue about. The debate brings home to me the importance of what might seem to members of Parliament to be relatively low charges to people on low incomes.

My first point is that inequities can arise between schools because of the different incomes of their communities. It is not only a matter of contributions or fees but also of the fundraising parents and citizens associations can do. It is the Government's responsibility to counteract those inequities. I hope the minister will agree to look at additional funding for primary schools serving low-income areas if these inequities arise as he suggests they will. My second point is that control of school fees and charges is a difficult exercise. School administrators always want to provide additional services to their students and are always looking for additional funds. There is a temptation for those in charge of schools to go to the parents and tell them that if they pay an additional amount, they will be able to offer a particular course to the children. There is a temptation for those in charge of schools to put items on the book lists and require parents to pay for them and so provide the necessary materials for a desirable educational service. If a Government abolished school fees and found the \$27m to replace those charges, it would be difficult to maintain that situation over the medium and long-term because those in charge of schools would find ways to offer optional additional services for which they would charge fees and ways to add items to book lists from which parents purchase materials for their children.

An advantage of the compromise which has been reached and the new set of proposals the minister has put before the Parliament is that those two areas will be placed under some control. I commend the minister and his advisers for incorporating school council oversight of charges for optional courses and the composition of book lists in the new provisions relating to charges and fees. These provisions will be welcome and will go some way to bringing more accountability, clarity and control into what has been a difficult area to monitor in the past.

Mr BARNETT: I thank the member for those comments. The ministry team working on this Bill has been adaptable in taking on views. I do not wish to prolong this debate but there may be an assumption that in the so-called "more affluent" suburbs it is easy for parents to simply hand over money and that is the end of it.

Mr Ripper: I amended my remarks to say "easier".

Mr BARNETT: It is easier but all schools, no matter where they are, have a full range of income levels. The assumption I mentioned is not true. Without meaning any disrespect to any other school, it is my observation that the level of parental involvement in the more affluent areas is extraordinarily high. It probably reflects a parental group which is itself well educated and places a high value on education. I would not like anyone to assume that in the western suburbs people simply hand over money and that is it. That is not the case; parents have a high level of involvement. Often in some of the lower socioeconomic areas other pressures on families such as work and single parenthood limit the ability of parents to provide input in a physical sense.

Without making any commitment, I undertake to look at ways we can provide some compensatory funding for schools given that this fee will now be voluntary. Previously I was prepared to introduce assistance on the basis of charges being mandatory at a primary level; therefore, there was an implicit commitment to spend some money. It will not be a large amount, but it may be possible to introduce some form of funding which will provide supplementary funds to schools which, for example, have a particularly high proportion of students covered by health cards. That funding will not go the whole way, but it will provide some equity. I recognise that it is hard to raise funds from the parents of children in schools where 60 or 70 per cent of the students are covered by health cards, and there are schools in that position. I stick to the principle which has unfortunately been compromised. It is not unreasonable to expect parents who are deemed able to pay something towards the items which are for their children's direct benefit and use to do so. One of the principles behind the School Education Bill is that of shared responsibilities and parental involvement. Shared responsibility does not relate only to monetary issues, but some monetary contribution is important for materials, outings and the like.

Mr RIPPER: It will be important in the administration of these new provisions that there be clarity about the voluntary nature of the contribution requested from parents of primary school children. It is clear in the legislation and I appreciate that the latest draft - which I received minutes before the debate - defines "contribution" as "voluntary contribution". That is a good addition to the list of definitions. However, I would like to see this contribution clearly defined as voluntary when primary schools ask for it. I do not want to see schools ignoring the spirit of what the Parliament has endorsed. In some cases in the past schools have pretended to have powers of fee collection which they have not had. I do not want to see schools pretending that the fee is anything other than voluntary or embarking on exercises to put pressure on people to pay the fee in the administration of this provision.

In the past, there has been a regrettable tendency for secondary schools in particular to institute their own in-house collection measures such as not allowing a student to attend the school ball despite his buying a ticket or attend a graduation ceremony because his parent has not paid the general fee. I note a statement in proposed section 106 that a principal of a government school must not exclude a student other than an overseas student or an adult student from participating in an educational program at the school for the nonpayment of a charge payable under clause 99. That is an important section. I hope that as a result of this measure passing through the Parliament there will be greater clarity, an understanding that Parliament has endorsed the concept of compulsory charges at secondary schools which are collected in the normal way debts are collected and that it has not endorsed compulsory charges in primary schools. There should be clarity in the administration of this provision. Clause 106 relates to educational programs. A student cannot be excluded from any part of the educational program as an in-house debt recovery measure on the part of the school but events such as balls and end-of-year picnics are not really part of the educational program. Someone who does not buy a ticket to the ball should not be permitted to attend but if a student buys a ticket, he should not be excluded because his parents have not paid a fee. The debt should be collected

in the same way as any other debt and not through pressure being applied to the innocent party, the student. It is possible to have tighter protection than is currently contained in clause 106. I do not know if the minister can look at that in another place. I like the current protection but feel that it could go further. I ask the minister to indicate how he expects this to be handled administratively and what types of instructions will be given to schools so we can move away from the past when there was some confusion about whether fees were compulsory or voluntary, when there was some difficulty with ordinary debt collection measures and schools embarked on their own in-house collection measures.

Although the minister regards it as an unsatisfactory compromise, I also regard it as an unsatisfactory compromise. Nevertheless, it is much clearer and is a more satisfactory situation than that which is in the Act. That is our point of view, and I hope the minister agrees. The situation has advanced from all points of view with school council oversight of optional school charges and book lists, the statement that a student whose parent has not paid a debt cannot be harassed and more easily usable debt collection measures for compulsory charges.

Mr BARNETT: I agree with that. The position is, and will be, clearer. Using non-legal means to recover school charges at a secondary level and the sorts of practices the member for Belmont said might occur in terms of excluding students from activities, should never be necessary again because legal measures are available now under mandatory charges to pursue the recovery of a school charge. Exclusion from a school ball should never need to be used. Returning to the point made earlier by the member, it will be made clear to parents at primary school level that it is a voluntary charge. What the charge can be used for within the school will also be made clear. Parents will know what the charge is, that it is voluntary and what it will be used for. The position will be clearer in that area. There is no doubt that this has been a grey and confusing area and a source of much irritation, if not conflict, within schools. Neither of us has achieved our preferred philosophical position, but we have something which is clearer and workable. I still have a concern about some of the inequities that will occur between primary schools, but those inequities have always been there.

Mr RIPPER: School councils will have oversight of costs for optional programs. It is clear how this will work in secondary schools, but I am not sure how it will work in primary schools. Will a primary school have to decide before the end of each year what schedule of excursions it will have for the following year, or will it be able to arrive at a decision that a certain global amount will be set aside for excursions or a certain global amount can be anticipated for excursions and that the school agrees not to go beyond that global amount? Exactly how will the principal's determination and the council oversight of these provisions for optional charges work?

Mr BARNETT: The school council will set the charge for the school and, as a responsible organisation, I expect it will do that in a financial context; that is, in determining the school charge it will look at the ability and willingness of parents to pay and the sorts of programs and activities the school will plan for the following year. It may decide that a portion of the charge is required to fund materials, sporting equipment and outside school activities, but it does not need to be specific. There would then be flexibility. Essentially, a budget will be established in broad terms setting out how the money should be collected and what will be paid for. The school principal and teachers will have discretion to work within that.

Mr Ripper: You have referred to the voluntary contribution. My question related to the provision to charge people for an excursion or a school camp and the further provision that those types of charges are subject to termination by the principal and oversight by the school council. Under the legislation it appears that schools must make that determination and have approval before the end of the school year. I am concerned that a school must reach a decision about its excursions for 2000 before the end of 1999. That is not the way many schools work. How will that be administered?

Mr BARNETT: It will not be inflexible. If a school decides that there will be a year 8 excursion, it should allocate funding for that. That does not mean it must set out exact details of the activity. It also has the discretion to vary the allocation of funds if it decides it wants to do more of one activity than another. That is not a bad discipline in a school. If a school charges parents a specified amount for a specified area of expenditure, it should have a plan of what the school intends to do. The plan does not need to be so prescriptive as to make it impossible to run the school; however, a school should have a plan for the year.

Mr RIPPER: I note there is provision to charge adult students tuition fees. It is also current administrative policy that if a person has not had an opportunity to go through to year 12, that person will not be charged even if he or she is an adult and returns to secondary school to finish years 11 and 12. It would be good to have that administrative policy in the legislation. I did not receive it in time to draft an amendment to that effect. Everyone should have a right to 12 years of primary and secondary education. If a person has not exercised that right in the past, he or she should be able to go back to school, even if he or she is 25 years of age, and exercise that right to 12 years of primary and secondary education without any requirement to pay tuition fees. However, if an adult is essentially using the school system for adult education purposes and could be a student of TAFE or at an extension program provided by a university, it probably is appropriate that schools charge on the same basis as TAFE or a university extension program. I have a great deal of sympathy for people who did not have the advantage of 12 years of taxpayer-funded education and are now picking up where they left off.

Mr BARNETT: That is the current policy and that will continue. The current policy regarding adult access to government schools states that a permanent resident should have a reasonable opportunity to gain access to a school level qualification without a charge for tuition. It is intended to continue that policy and no regulations will be made in relation to that aspect. On the other hand, provision must be made for the collection of a tuition charge or portion of a tuition charge where an adult undertakes a community education course; for example, at a senior college. I am sure everyone accepts that.

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

Mr BARNETT: I move -

That amendments Nos 66 to 74 made by the Council be not agreed to.

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

Mr BARNETT: I move -

That the following amendments be substituted for amendments Nos 65 to 74 -

Clauses 97 to 103

Page 71, lines 18 to 23; page 72, lines 1 to 29; page 73, lines 1 to 26; and page 74, lines 1 to 22 - To delete the lines and insert the following -

Subdivision 1 - Fees for instruction, charges, contributions and costs

Definitions

97. In this Subdivision -

"adult student" means a person who enrolls at a government school in a year and whose post-compulsory education period has ended before January in that year;

"contribution" means voluntary contribution;

"extra cost optional component" means an optional component of a government school's educational programme having a cost that is not incorporated into the determination of the school's charges or contributions under section 99 because of the high cost associated with the provision of that optional component;

"first charges payment year", in relation to a student -

- (a) until 31 December 2010, means the first calendar year in which the student had reached 12 years of age by the beginning of the year; and
- (b) on and from January 2011, means the first calendar year in which the student had reached 12 years and 6 months of age by the beginning of the year;

"overseas student" means a person who enrolls at a government school and who -

- (a) is not entitled to reside permanently in Australia; and
- (b) satisfies the criteria (if any) prescribed by the regulations for the purposes of this Subdivision.

Limitation on matters for which fees for instruction and charges may be imposed

- 98.** (1) No fee for instruction may be imposed in respect of a student for the provision of -
- (a) a non-optional component of an educational programme at a government school; or
 - (b) an optional component of an educational programme at a government school if the instruction is provided by a member of the teaching staff,
- unless the student is an overseas student or an adult student.
- (2) A contribution must not be sought towards a fee referred to in subsection (1) and any agreement entered into for the payment of a fee referred to in subsection (1) has no effect.
- (3) No charge may be imposed in respect of a student for -
- (a) materials provided in a non-optional component of an educational programme of a government school; or
 - (b) services or facilities for use in, or associated with the provision of, a non-optional component of an educational programme of a government school,
- before the student's first charges payment year unless the student is an overseas student.
- (4) A contribution determined in accordance with section 99 may be sought for the costs of the materials, services or facilities referred to in subsection (3).

Charges and contributions for the provision of certain materials, services and facilities

- 99.** (1) Regulations may be made providing for charges or contributions that may be made for -
- (a) materials provided in -
 - (i) a non-optional component of an educational programme of a government school; or
 - (ii) an optional component of an educational programme of a government school that is not an extra cost optional component;
- or

- (b) services or facilities for use in, or associated with the provision of -
 - (i) a non-optional component of an educational programme of a government school; or
 - (ii) an optional component of an educational programme of a government school that is not an extra cost optional component.
- (2) The principal of a government school may from time to time determine a charge or contribution -
 - (a) if the charge or contribution is of a kind prescribed by the regulations as able to be charged or be a contribution for the purposes of this section; and
 - (b) not exceeding any limit prescribed by the regulations.
- (3) If the school has a Council a determination under subsection (2) does not have effect unless it has been approved by the Council.
- (4) All charges or contributions for a school year must be determined under subsection (2) and approved under subsection (3) not later than 2 months before the beginning of the school year.
- (5) The principal is to take reasonable steps to notify the persons -
 - (a) from whom may be recovered under section 107(1) the charges that are payable under this section for a school year, of those charges; and
 - (b) from whom a contribution may be sought, of the amount to be sought by way of contribution.
- (6) Notification under subsection (5) must be given not later than 2 months before the beginning of the school year but the validity of a determination is not affected by the failure of a person to receive notice.
- (7) When notifying a person for the purposes of subsection (5), it is sufficient for the principal to notify the person -
 - (a) of the total charges that are payable, or the total contribution to be sought, (as the case requires) for the school year in respect of the student, itemizing each component of those charges or the contribution and the charge or contribution for each component; or
 - (b) of the scale of charges or contribution for each -
 - (i) non-optional component of the school's educational programme; or
 - (ii) optional component of the school's educational programme that is not an extra cost optional component,

that will be available to the student in the school year.

Extra cost optional components of educational programmes

- 100.**
- (1) The principal of a government school may from time to time determine the costs to be paid for participation in an extra cost optional component of the school's educational programme.
 - (2) The costs of an extra cost optional component must not include a fee for instruction if the instruction is provided by a member of the teaching staff.
 - (3) If the school has a Council a determination under subsection (1) does not have effect unless it has been approved by the Council.
 - (4) The costs of the extra cost optional components to be provided in a school year must be determined under subsection (1) and approved under subsection (3) not later than 2 months before the beginning of the school year.
 - (5) If an extra cost optional component may be participated in by a particular student, the principal is to take reasonable steps to notify -
 - (a) a parent of the student; or
 - (b) in the case of a student who has turned 18 or who is a prescribed child, the student,

of the costs of an extra cost optional component of those costs not later than 2 months before the beginning of the school year.
 - (6) When notifying a person for the purposes of subsection (5), it is sufficient for the principal to notify the person -

- (a) by itemizing each component of those costs and the cost for each component; or
 - (b) of the scale of costs for each extra cost optional component that will be available to the student in the school year.
- (7) The participation of a student in an extra cost optional component is conditional on payment of the costs of that component.

Optional components that are not extra cost optional components to be available to certain students

102. The principal of a government school is to ensure that optional components of the school's educational programme that are not extra cost optional components are available to students at the school -
- (a) who are of compulsory school age; and
 - (b) who have reached their first charges payment year.

Principal to collect charges, contributions and costs

103. (1) The following are payable to the principal of a government school -
- (a) charges determined and approved under section 99 in relation to the school; and
 - (b) costs of the extra cost optional components of the school's educational programme.
- (2) If a person wishes to make a contribution that has been determined and approved under section 99, the contribution is to be collected by the school's principal for the purposes of the school.

Overseas students and adult students

104. A person who is an overseas student or an adult student is to pay such fees for instruction as may be prescribed and in accordance with the regulations.

Financial hardship

105. Regulations may be made providing for -
- (a) the reduction, waiver or refund, in whole or in part, of any fee, charge or cost provided for by this Subdivision;
 - (b) deferred payment, payment by instalments or other forms of assistance for the payment of any fee, charge or cost provided for by this Subdivision.

Students (other than overseas or adult students) cannot be excluded for non-payment of charges

106. A principal of a government school must not exclude a student, other than an overseas student or an adult student, from participating in an educational programme of the school for the non-payment of a charge payable under section 99.

Recovery

107. (1) Any fee or charge that is payable under this Subdivision in respect of a student may be recovered as a debt, if necessary in a court of competent jurisdiction -
- (a) from a parent of the student; or
 - (b) in the case of a student who has turned 18 or who is a prescribed child, from the student.
- (2) The chief executive officer is to ensure that before any administrative or legal action is taken to recover a debt under subsection (1) -
- (a) enquiries have been made into the reasons for the failure to pay the fee or charge;
 - (b) all reasonably practicable steps have been taken to recover the fee or charge; and
 - (c) the circumstances of the person against whom the action is proposed to be taken and the person's capacity to pay have been taken into account.

Agreements to pay costs not affected

108. Nothing in this Subdivision prevents a person -
- (a) subject to section 98(2) from agreeing to pay money for or towards the cost of providing an educational programme for a student;

- (b) from agreeing to pay money for or towards the cost of a school based activity beyond the school's educational programme; or
- (c) from enforcing an agreement referred to in paragraph (a) or (b).

Items for personal use in educational programme

- 109.** (1) The principal of a government school may from time to time determine the items that are to be supplied by a student for the student's personal use in the school's educational programme.
- (2) If the school has a Council a determination under subsection (1) does not have effect unless it has been approved by the Council.
- (3) All items to be supplied by a student for a school year must be determined under subsection (1) and approved under subsection (2) not later than 2 months before the beginning of the school year.
- (4) If a particular student is to supply any item under this section, the principal is to take reasonable steps to notify -
- (a) a parent of the student; or
 - (b) in the case of a student who has turned 18 or who is a prescribed child, the student,

of each item to be supplied not later than 2 months before the beginning of the school year.

Clause 107, page 76, line 19 - After "charges" to insert ", contributions and costs".

This is a new subdivision relating to fees for instruction, charges, contributions and costs. This replaces the part that has been deleted from the Bill and incorporates the amendments with which the Government and the Opposition agreed.

Mr RIPPER: Everyone has been operating under time constraints on these amendments. The final draft, which I skimmed through, was circulated in the Chamber immediately prior to this debate, but I read the first draft only last night. I think everything is okay.

Mr Barnett: Trust me!

Mr RIPPER: It is not the best way to proceed. I am sure there will be closer study of the draft before it reaches the other place. On the basis of my reading of it, the amendments appear to reflect very well the principles of the compromise reached between the Government and the Opposition for voluntary primary contributions and compulsory secondary fees which is essentially the status quo.

Mr BARNETT: What the member for Belmont says is true. This is not an entirely new clause in the Bill. Following discussions we had outside the Chamber and the agreement we would proceed to make the charges voluntary for primary but mandatory for secondary level schools, the changes affected consequentially almost the whole of the subdivision. It was therefore easier to amend the whole of the subdivision rather than make amendments clause by clause, line by line. It now reflects the voluntary nature of charges at a primary level.

Question put and passed; the Assembly's amendments agreed to.

Mr BARNETT: I move -

That amendment No 99 made by the Council be not agreed to.

As a result of the new clause this proposed amendment is not appropriate.

Mr RIPPER: This is the part that hurts; it is where the Opposition must give up its preferred position - perhaps a position we will be able to take up in campaigning in an electoral context later. However, in the interests of having a new School Education Bill, which we regard as desirable, we have reached a compromise with the Government.

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

Mr BARNETT: I move -

That amendment No 100 made by the Council be not agreed to.

An amendment was passed in the upper House that corporal punishment be not used in secondary schools. The issue was debated at some length in this Chamber. It is fortuitous, Mr Chairman, that you are in the Chair rather than in the Chamber! It has been policy within the Education Department that corporal punishment is not allowed and that is addressed by regulation. I am sure members have differing views. I do not support corporal punishment nor do the majority of schools, principals or parents. In my experience, although they may say corporal punishment is not a bad thing and did not do them any harm, in the 1990s when the use of corporal punishment is to be meted out against their children they invariably have a different view. It is an issue we could debate at length and go around in circles.

Although the Government's not supporting the amendment may seem contradictory, we would not accept the effective outlawing of corporal punishment. There are a number of reasons for that which have been previously debated. It would be inconsistent for a Government to legislate against corporal punishment in government schools and then allow independent schools to make their own decisions, which is the case. They deserve to be able to make those decisions. We made a

decision that in government schools corporal punishment was not allowed and that will be enforced by regulation. We do not need a statute that discriminates between government and non-government schools. Once it were in legislation we would be opening a Pandora's box of situations. It is part of teachers' guiding instructions to avoid any physical contact with students. Sometimes that is unavoidable in innocent situations such as sporting activities, teaching dancing or attempting to stop a student. Something quite innocent could be interpreted as some sort of physical punishment. It would open up a debate in the community that would be destructive to schools and would not contribute anything. The status quo of no reference to corporal punishment is appropriate. It is government policy not to support it and that has had bipartisan support over many years. It is not an issue. By legislating to ban corporal punishment in schools we would reignite the issue.

Mr RIPPER: The principal problem with our amendment is that it will reignite the issue within government ranks. There is officially bipartisan support for no corporal punishment in government schools, but that does not extend across the government backbench, although it extends across the opposition backbench.

Mr Bradshaw interjected.

Mr RIPPER: Is that right? I have not heard one of them say they would support corporal punishment. The minister has argued that it is illogical to legislate against corporal punishment in government schools while not doing so in non-government schools. Students can decide to leave a non-government school and attend another one or go to a government school. People who send their children to non-government schools have the financial capacity to make a choice. It is cheaper to go to a government school so there is no bar to leaving the non-government school if it is using corporal punishment. On the other hand people cannot vote with their feet regarding government schools. They may have a choice of only a government school in the locality and may not have the financial capacity to shift their children to either another government school or a non-government school. The systems are different.

People's positions regarding the systems are different. Their freedom of choice is different; therefore, it is appropriate to legislate against corporal punishment in government schools and not in non-government schools. It is a funny argument because both the minister and I agree that there should not be corporal punishment in government schools. It then becomes a question of how that prohibition should be placed into the law. Should it be part of the School Education Act, the regulations or an administrative instruction or policy within the Education Department? My understanding is that the current education regulations provide that discipline shall be mild but firm. That does not settle the question of corporal punishment although I understand it has been settled by an administrative policy within the Education Department.

It appears that the Government would be prepared to have the matter in an education Act regulation rather than in the Act. The Opposition would like to see a copy of the regulation before it signs off on not including prohibition in the Act. I have been advised of a drafting instruction that the Government has for the drafting of such a regulation and it looks fine. It would not be difficult for the draftsman to draft a regulation which could be shown to the Opposition and other parties in the upper House before this legislation is finally dealt with. I am interested in the Minister's comments on the matter.

Mr BARNETT: I have given a commitment that there will be consultation about the regulations before the Bill is proclaimed and enacted. With regard to corporal punishment, current regulation No 32 states that discipline is to be mild but firm, and any degrading or injurious punishment shall be avoided. The regulations that will be attached to the new Act will strengthen that by stating that in government schools, no physical contact or touch may be used as a form of punishment of a child.

Mr Ripper: Is what you read out the drafting instruction or the proposed regulation?

Mr BARNETT: It is the drafting instruction, but that is the intention.

Mr Ripper: That is fine, but could that be turned into a proposed regulation which the minister could show the other place before it dealt with this Bill?

Mr BARNETT: We will endeavour to do that. We can certainly demonstrate what it will say. Its final wording may be affected by other regulations and their interrelationship, but essentially the content and spirit of it will be the same. I am advised that we can provide the total drafting instructions on discipline.

Mr Ripper: That is good. I am sure you could show us a draft regulation on corporal punishment. Obviously it will be affected by the way the package is finally drafted, but not drastically.

Mr BARNETT: We will endeavour to do that. Again, I urge members in the upper House to avoid a general debate about corporal punishment, because that has the potential to sideline the progress of the Bill and ignite a wide public debate, which the community inevitably has about every two years.

Mr RIPPER: I wish the minister would make that same speech in the cabinet room, because the community debate is often initiated by the Premier, about every two years, or just before a by-election. The Opposition is interested in having a definite and clear statement of law which will prohibit corporal punishment in government schools. Whether that statement is in the regulations or in the Act will have no different impact. Therefore, if the minister can convince us that the School Education Bill regulations will include a good regulation on corporal punishment, we will not insist in the other place that this clause be in the legislation. However, we would like to see that regulation before we finally sign off on it.

Mr BARNETT: We will endeavour to provide as much information as we can.

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

Mr BARNETT: I move -

That amendment No 101 made by the Council be not agreed to.

I intend to move a substitute amendment. The clause affected by this amendment relates to the functions of school councils.

The objective of the Legislative Council amendment was to limit the functions of school councils with regard to three matters: The appointment of teaching staff, the management or operation of the school fund, and the vesting of property in the council. The Government has accepted the specific concerns behind the amendment and has proposed a series of substitute proposals to give effect to what is sought by the Opposition.

Mr RIPPER: I may need to have another look at the substitute proposals, because on my reading those proposals do not achieve the objectives that are sought by the upper House. One of the things that concerns the Opposition is the possibility that school councils will be involved in the employment and recruitment of teachers. That is prohibited by proposed clause 126(a) of the upper House amendment. It appears to me that the Government's substitute amendment will allow that function. I was quite surprised when I read the substitute amendment this morning, because this had not been flagged as an area about which there was significant disagreement, yet it appears from the substitute amendment that there is some disagreement.

Mr BARNETT: School councils can play a role only in the selection of staff. They cannot in any way be involved in the employment of staff. Staff can be employed only by the director general. Under merit selection, school councils already play a role in the selection of a principal, and they may also play a role in the selection of staff. Also, under the trial of local management that will begin next year, school decision making bodies will have the ability to vary the composition of staff and to make decisions about whether to employ more staff in the science area, for example, or to employ fewer teaching resources or teachers' assistants in one area in order to supplement another area. It is desirable that schools be able to choose the particular staff structure that suits that school community, and that is consistent with allowing a greater number of decisions to be made at the local level to reflect the local circumstances of the students and the school.

Mr RIPPER: The Opposition originally opposed clauses 124 and 125, which allow school councils to be given additional functions in certain circumstances. We opposed those clauses because we support limiting the devolution process which is advocated by some people who are interested in educational policy making. In particular, we do not support local employment of principals and teachers, because we regard that as contributing to the long-term development of a two-tiered education system where favoured areas and communities will have no problem in recruiting quality teachers in sufficient numbers, but where less favoured areas will have difficulty in recruiting the teachers that they need. We already have that difficulty under the centralised system, where we cannot supply the teachers that are needed in country schools. We believe that under a local employment policy, country education will suffer in comparison with metropolitan education even more than it is at the moment, and it will be even more difficult to recruit teachers in less favoured areas. We therefore opposed those clauses, because they would allow unspecified additional powers to be given to school councils. However, the Legislative Council decided that we had thrown out the baby with the bath water and we had knocked off all of the additional powers that could be given to school councils simply because of our concerns about the employment of teachers, so it came up with what I regard as a pretty sensible amendment. It left in clauses 124 and 125, which allow for additional powers to be given to school councils, but placed limits on those areas about which we had concerns. That narrowed the focus of the Opposition to the central point. That is the reason that proposed clause 126(a) from the Legislative Council states that regulations cannot be made prescribing as a function of a school council the selection for appointment to the school of members of the teaching staff. The Government is now proposing to allow that very power. The Government is saying that the school will not be employing the teacher but will simply be taking part in the selection of the teacher.

The impact will be the same. It does not matter who is the notional employer but who is the recruiter. If recruitment and transfer is localised there will be those inequity producing effects about which we have all been concerned. We do not want school councils to be involved in the recruitment of teachers. That was the object of the amendment that I moved in this Chamber. It was better drafted and arranged in the amendment made in the other place. The Government thinks it is addressing our concerns, but it is not really. We will still get the results about which we have been concerned with the Government's amendment. I regret that opposition members have not properly discussed the matter before reaching this stage of the debate. However, I am concerned about the proposals that the Government is putting before us, particularly as we have given ground on clause 215. If the minister is asking me and the Opposition to accept this amendment and the ground given on clause 215, he will stretch our ability to deliver compromises on this Bill.

Mr BARNETT: I acknowledge the concerns expressed by the member. However, school councils are only given an ability to take part in those staffing matters; they do not have powers. For example, under merit selection a school council representative, be it a parent or someone else, may be invited to sit in on a selection panel for a school principal. That is envisaged under the trial of local area decision making. I refer the member to page 151, clause 229(2), which makes it clear that the powers to engage, transfer, promote and otherwise manage the members of the teaching staff, other officers and wages staff are vested in the chief executive officer. Therefore, always the staff are the employees accountable to the chief executive officer, not to school councils. School councils can play a role and participate, and that is a desirable thing, but they do not have powers over appointments selection, transfer, salary or anything else.

Mr RIPPER: I am not convinced. In the end, taking part means conducting the recruitment. The appointment will be done formally by bureaucrats in the head office rubber stamping the decision of the selection panel on which the school council has been represented, but the result will be the same. I am not happy with this amendment.

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

Mr BARNETT: I move -

That the following amendments be substituted -

Clause 124, page 88, line 29 - To insert after "principal" the words "or any other member of the teaching staff".

New clause 126, page 90, after line 14 - To insert the following new clause -

Certain property vested in Minister

- 126.** All property acquired by an incorporated Council for the use of a school is acquired for the purposes of this Act; and section 208 applies to it whether or not any public moneys were spent on its acquisition.

Clause 126, page 90, line 24 - To delete "or".

Clause 126, page 90, line 26 - To delete the full stop and insert "; or".

New clause 126, page 90, after line 26 - To insert the following paragraph -

- (d) intervene in the management or operation of a school fund.

I stress that what the other place sought to achieve is reflected in these amendments. Again I reiterate that school councils are given an opportunity to take part in some of these selection procedures. These amendments do not hand over to parents or school councils staffing matters for schools. The Bill does not allow it and there is no intention to allow it to take place.

Mr RIPPER: How exactly will it work? Will there be a selection panel consisting of people from central office and people from the school council, or will locals make up the selection panel, conduct the interviews and then make a recommendation to head office?

Mr Barnett: The selection panels essentially will be Education Department staff, whether from the school, the district office or central office, depending on the position, and may involve one or more members of a school council to give some community input if they choose to do so.

Mr RIPPER: Is the minister saying that there will never be a circumstance when the school council will have a majority on the selection panel?

Mr Barnett: I would not anticipate that being the case. I have not experienced, in visiting more than 400 schools, any desire from parents or school councils to handle staffing. However, it is fair that if school councils are interested they have representation on some of the selections. I cannot categorically guarantee it, but it is certainly not intended that they have a majority on staffing. We are trying to allow some ownerships and flexibility in staffing and to give parents a role in some staffing issues so that the parental view can play a role in it and it is not an entirely bureaucratic process.

Mr RIPPER: My view is that some of the local management and local selection trials can work well while the number of schools involved is relatively small. What we are getting is in fact cream skinning. The results of the pilot look good in the schools that are officially part of the pilot and the negative outcomes are not noticed because they occur in unknown schools that are not part of the pilot. We will start to see the negative aspects when the process is adopted right across the system.

Question put and passed; the Assembly's amendments agreed to.

Mr BARNETT: I move -

That amendment No 102 made by the Council be not agreed to.

This amendment would give statutory recognition to the Western Australian Council of State School Organisations. WACSSO is the peak organisation of parent bodies within the government school system. In a practical sense that is recognised by the Government. However, it is not appropriate to enshrine that within legislation. Organisations may change, and splinter groups and whatever else may occur. An organisation does not deserve or need to be formally enshrined in a statutory sense.

Mr RIPPER: Can the minister state that there is nothing in the Bill that would prevent these type of arrangements being made with WACSSO if this clause is not supported?

Mr Barnett: I can give that assurance. WACSSO is involved in a great deal of activities around the education sector; however, again, that does not require formal citation within the legislation.

Mr RIPPER: I appreciate that assurance. Is the minister saying that in effect the administrative policy will be to act towards WACSSO as anticipated by this clause pending some dramatic change in everybody's circumstances?

Mr Barnett: I feel it would.

Mr RIPPER: I interpret the minister as saying that he will treat WACSSO as a representative body to the Western Australian Education Department and the Government. He will enable WACSSO to operate as a representative body; he will enable WACSSO to provide guidance, support and training towards its affiliated members; he will enable WACSSO to participate effectively in panels, committees and councils; and he will assist WACSSO to pursue its objects. That is what WACSSO wants in the legislation and I am effectively trying to get from the minister an indication that he will operate administratively in that fashion even if it is not in the legislation.

Mr BARNETT: As I said, we do not agree to putting those bodies in legislation. However, in a practical sense, WACSSO and various groups and individuals within WACSSO are heavily involved in education and I see that continuing. I do not have any difficulty with that. WACSSO's future or its longer term security is safe, if it has any concerns about that, provided it has all the constituent P & Cs, or a vast number of them, as constituent members. It is WACSSO's ability to serve the P & C associations within schools and individual parents over other issues which will determine its membership and therefore its relevance in education, and that is the danger. If anything is enshrined within legislation and an organisation loses membership support for whatever reason, it is still left in the legislation. It is like the contradictions that we hear currently

in the Olympic movement debate. WACSSO will be there and will be a major participant in education policy and debate so long as it retains its membership and the involvement of its constituents.

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

Progress reported and leave granted to sit again.

[Continued on page 7510.]

WINE INDUSTRY, AD VALOREM TAX

Motion

DR GALLOP (Victoria Park - Leader of the Opposition) [4.01 pm]: I move -

That this House -

- (a) recognises that most of Western Australia's wineries are small wineries and are a major contributor to regional employment and tourism in this State;
- (b) is deeply concerned that the Federal Government's tax reform package containing an ad valorem tax on wine may disadvantage Western Australia's small wineries; and
- (c) accordingly, resolves to write to the Prime Minister, Federal Treasurer and all Western Australian representatives in the Federal Parliament notifying them of the Western Australian Parliament's opposition to the ad valorem based wine equalisation tax and requesting them not to support such a tax measure, but to instead pursue a revenue neutral volumetric measure which will not hurt small wineries whilst favouring large producers.

I thank the government parties for agreeing to support this motion. They suggested a couple of changes with which we have agreed.

We are all aware that the Federal Government has proposed a goods and services tax package which includes a 29 per cent tax on the wine industry to ensure that wine prices do not fall dramatically when wholesale sales tax is removed. It is proposed that this be an ad valorem tax which is based on price rather than on volume. That is the Government's proposal that is currently being considered.

This measure has caused division in the wine industry. On one side we have the Winemakers' Federation and on the other the national small wineries coalition. The Winemakers' Federation represents the bigger wineries; the 20 large corporations which account for 98 per cent of wine produced. However, the national small wineries coalition represents the smaller wineries which process a smaller tonnage of grapes annually. About 1 000 such wineries are located throughout Australia. Of course they have higher production costs and lower volumes. About 150 of those small wineries are located in Western Australia.

I come now to the central point of this motion. The smaller wineries throughout Western Australia play a very important role in our regional economies. They bring important tourist dollars into Western Australia; they are important exporters from Western Australia; and they employ local people who spend locally. It is the view of members on this side of the House, as I am sure it is of those opposite, that this is a new sector of our economy which is progressing, expanding, exporting, employing and spending in our local economy and it should be encouraged, not discouraged. We want to encourage this industry not only because of the economic benefits which will flow from it to our State, but also because of the social benefits which will result in terms of the employment it will generate and the career paths it will open up for younger Western Australians associated with it, and the benefits for the enterprising people who have money to invest in wineries.

It is beneficial for our society and our economy to encourage small wineries. Our State cannot afford to make commercial life unnecessarily hard for these small wineries because they are now a key element in the way we wish to project our State nationally and internationally. In other words, they are part of the image of the State of Western Australia. Obviously it is an industry which is renewable and export-based, and it has had a very important employment- generating impact on the south west and other outer metropolitan regions in Western Australia. The central argument of this motion is that we should encourage small business and regional employment, and we should also encourage a new definition of the State based on the types of industries that we are good at.

The proposed wine equalisation tax which will, of course, be added to the GST has the potential to destroy the commercial viability of many of our small wineries. Members may ask why that is the case. If the reform measure is passed, small wineries will pay at least four times more tax on premium quality 750 ml bottles of wine than the larger wineries will pay on an equivalent quantity of cask wine. There is also the argument that the larger wineries can use the lower tax on cask wine to subsidise their premium wines which will give them an unfair competitive advantage. That is exactly what happens in the marketplace.

It is our view that the tax proposal put forward by the Federal Government - that is, the GST, which is a value-added tax, to which 29 per cent is added - would have a very damaging impact on the wine industry in Western Australia. It would be a retrograde rather than a progressive step. We would prefer the imposition of volume-based wine taxes such as those in France, the United States, New Zealand, and South Africa. That is a different way of viewing taxation. It is interesting that the small wineries in the United States receive a full rebate of the wine excise tax. We think smaller producers should be encouraged and this can be done by having a volume-based rather than a value-based tax; that is, we should have a volume-based tax rather than an ad valorem tax.

This motion does not focus on the GST which we on this side of the House oppose, but rather it relates to the issue of ad valorem taxes on the wine industry as opposed to volumetric taxes. I will make one comment on the GST relating to this measure. In making the comment I will refer to the Tasmanian Parliament *Hansard* of 14 April 1999, wherein a very similar measure was passed on the voices of all of the parties in that Parliament. The Labor Premier of Tasmania, Jim Bacon, said in a parliamentary debate -

Looking at tourism with the GST as well, it is interesting that the Federal Government's own forecasters or modellers who did the modelling for the Senate committee looking at the employment impact said that the GST impact, mainly because of its impact on tourism in Tasmania, would cost up to 1 000 jobs in Tasmania. If we add together the impact of this wine equalisation tax on the small wineries together with the impact of the GST on tourism in Tasmania then I think we have good reason to be very concerned about it.

This motion is not designed to enter into the GST debate. However, a similar argument to that mounted in Tasmania by Jim Bacon could certainly be mounted in Western Australia. The tourism industry task force made a submission to the Senate that a GST would have a negative impact on the tourism industry to the tune of 50 000 to 60 000 jobs throughout Australia. The modelling that has been done for the Senate has certainly confirmed that the tourism industry would have losses. Western Australia's share of that tourism task force estimate would be about 5 000 to 6 000 job losses. If we add to the GST the wine equalisation tax, which will impact particularly on employment creating and small wineries, we are talking about a very negative proposal for the people of Western Australia, but particularly for regional economies. As I said, the motion today is not intended to enter into the pros and cons of the GST. It has been deliberately framed so that we can all agree on something, even though we disagree on other issues. I wanted to make that point, similar to that which Jim Bacon made in the Tasmanian Parliament.

To summarise our position, we want to send a clear message to the Federal Government and the Federal Parliament that Western Australia has a very progressive wine industry based in the south west, but not only in the south west. I am sure that members who represent outer metropolitan seats will point out the important contribution the wine industry has made. Small producers with high costs are in the export market and creating jobs. More important than the fact that they are creating new jobs is the fact that they are creating new careers. I was talking to a wine producer who said that he came into the wine industry at a junior level, learnt the trade and then invested himself. The industry is very progressive. Therefore, why would we introduce a tax that biases towards the bigger wine producers and makes it harder for the smaller ones to compete in the market place? The motion is all about regional employment, small business, exports and a new Western Australian economy which has been created over the past couple of decades. As in Tasmania, we as a united group - something we are not often - should send a clear message to the Federal Parliament that we in Western Australia want to see a volume-based tax for the industry rather than an ad-valorem based system.

MR COURT (Nedlands - Premier) [4.14 pm]: I take the opportunity to say briefly that with the changes the Leader of the Opposition has agreed to, we are supporting this motion. The Western Australian wine industry has undertaken extensive lobbying. To its credit is the way it has been persevering in trying to get the message across that small producers concentrating on premium wines really are disadvantaged by the proposition. Today I had some discussions with the Prime Minister on this matter. I put the case for the Western Australian producers. There was no response one way or another to that proposition. The Prime Minister is well and truly aware of the arguments on both sides of this case.

The industry has had some remarkable success. It is one of those industries that requires capital investment and is also labour intensive. It has contributed to Western Australia's getting an international reputation for its quality wines of which we can be extremely proud. Again, today, I had the opportunity to put forward the concerns of the local industry. We must see what happens in the Parliament.

MR HOUSE (Stirling - Minister for Primary Industry) [4.16 pm]: I am pleased to be able to support this motion. I do so on behalf of all of the wine producers in Western Australia who fall into the category of some of the most successful primary industry producers in Australia. They have developed a very successful industry that started in a small way in this State and has grown hugely over the past few years; in fact, in only the past couple of years there has been a large increase in the planting of vines. It has been based around the fact that Western Australia has a small boutique premium wine industry which has been very successful in the export market. The last thing that this industry wants is an additional tax that would inhibit that growth. I feel very strongly about it, to the extent that last week I got the federal Minister for Agriculture, Mark Vaile, to come to Western Australia. We took him to the Margaret River region and got him to meet with some of the wine producers in that region. They were also representative of the whole industry across the State, so that the wine producers could put directly to the federal minister their case for a volumetric tax rather than an ad valorem tax. It is fair to say, just as the Premier has commented, that the Prime Minister listened carefully to the case that was put forward, as did the federal minister when we put the case to him about this growing and developing industry.

The Leader of the Opposition highlighted some key points about this industry. He got them all right. It is about employment, the flow-on effects in tourism, export development and alternatives to agriculture, which is a very important part of what the wine industry has been able to offer. In some parts of this State, smallish farmers who have been looking for other means of income have gone into grape growing for wine production and have done so very successfully. Once again I make the point that we do not need to be unfairly taxing these people. An ad valorem tax would be an increased imposition over and above the present imposition. Therefore, it is very important, particularly for our smaller boutique wine industries that produce premium wine, that we have a volumetric tax.

The federal legislation is now in the Senate. I hope that some of our federal members will see their way clear to being involved in that debate and putting the point of view on behalf of Western Australian wine producers, just as this Parliament is joining together today in a bipartisan way to put a point of view to the Federal Government and have the legislation amended so that we can get a satisfactory result for the wine producers of Western Australia.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [4.19 pm]: I support the motion and observe the cooperation in this House. I hope that as a result of that cooperation the Federal Government will consider the motion that has been supported by this Parliament and the statement made by the Premier on Monday in support of the stance of the 914 small wineries in Western Australia. I will endorse some of the remarks that have already been made, and rather than go over them I will praise some of the people who have been involved in the lobbying; in particular, Denis Horgan from the Leeuwin Estate winery who runs one of the premier wineries in Western Australia and that wonderful concert at Leeuwin every year. Denis has worked assiduously on this matter, and has lobbied all and sundry. Denis and his brother John, who is one of my next door neighbours, have made their presence felt, along with Conor Logan, past president of the Margaret River Wine Industry Association.

The Western Australian wine industry produces 28 per cent of Australia's premium wine. In Western Australia it is the most decentralised industry and is a major contributor to regional employment and tourism. I know that has already been said but it is worth restating. I encourage all members to read the National Small Wineries Coalition submission to the Senate Select Committee Inquiry into GST and a New Tax System. It is a comprehensive submission and it is worth reading into the *Hansard* the six key facts in the submission -

1. Australia is already amongst the highest taxed wine-producing countries in the world. Federal wine taxes have varied considerably since wholesale sales tax was first introduced in the 1930s at 2.5%. More recently it has risen from nothing in 1983 to 41% today. Under the tax reform proposal we will become the highest taxed in the world.
2. Under the proposed reforms, small wineries will pay at least **four times more tax** on their premium quality bottles of wine (750ml) compared to what the major corporate wineries pay on an equivalent quantity of cask wine.
3. In 1995 an independent Federal Government report into tax on wine (by the Industry Commission) recommended a tax comprising a GST type tax *plus a volume based tax*. Due to the intensive lobbying of the big wineries and the WFA, these recommendations have not all been implemented.
4. *In the USA small wineries receive a full rebate of wine excise tax* because the Government and others acknowledge the vital role they play in regional communities.
5. Australia's 20 largest corporate wineries produce in excess of 97% of Australia's wine while over 900 small wineries together produce approximately 2% of Australia's wine.
6. Overseas wine producing countries such as France, USA, New Zealand and South Africa all use volume based wine taxes.

They are very important points. We have a last chance now on tax reform. We need to exempt small wineries from the proposed top-up tax. They need a volumetric tax, not an ad valorem tax. The Warren-Blackwood electorate takes in all of the Margaret River area from Cowaramup down to Augusta.

Mr Masters: It is a small part of the Margaret River area.

Mr OMODEI: It is the largest and best part of the Margaret River area. If we ensure that the member for Vasse has no time to speak, he will not be able to spruik about his area of the Margaret River wine region.

There are wine growing regions in Manjimup, Pemberton, Bridgetown and Boyup Brook. The member for Stirling, the Minister for Primary Industry, has already mentioned the Plantagenet area. If we allow this tax to continue as proposed it will affect that 2 per cent of growers, who represent the largest number of producers. It will allow the big 10 producers - although there are really about 20 - to dominate the wine industry. They will be able to dictate what the contracts will be. Contracts as we know them today will no longer exist. It will allow the large wineries to "cherry pick"; in other words to pick areas they would select and the small producers would find difficulty in selling their product. That would see a decimation of small wineries and grape growers in Western Australia. The price of their land will diminish dramatically and will go back to a situation - in my district in particular - of grazing valuations for properties. That will have a serious effect not only on the economy generally, because most of the provedoring for the grape growing and wine making industry is spent locally, but it will also decimate the incomes of local governments where increased land valuations result in an increase in income for councils. It is a very important issue.

A motion that was proposed in the Tasmanian Parliament was amended and supported by all parties. Tasmania parallels Western Australia in that it has a number of small wineries. The other States are home to some of the larger wineries that produce up to 100 000 tonnes of grapes for producing cask wine. As the Leader of the Opposition said, in a way they are subsidising their premium wines. There is also an argument about the consumption of alcohol and the high level of alcohol in cask wine. Bottled wine is the way to go.

We have seen a burgeoning wine industry in Western Australia. I know there are comments about the possibility of a wine lake in the near future. However, if that potential overproduction is coupled with this tax we will see a further diminution of the capability of the small wineries to produce and prosper in Western Australia. It is a good thing that we are discussing this matter today and there is bipartisan support for a tax on volume rather than an ad valorem tax. On that basis I thank the members for agreeing to this motion.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [4.27 pm]: I support the growers and wine producers in the icon of Western Australian tourism, the Swan Valley. I have heard various figures of how much wine Western Australia produces. An article that I read said it was just under 5 per cent of Australia's total production, and I believe the minister said 3 per cent. We do produce only a small amount of wine compared with the rest of Australia. When I was in

the Barossa Valley I was sitting at a table in a most beautiful village in the valley surrounded by the people from the shire and also Margaret Lindeman from Lindeman Wines. When I was introduced she joked, "Just to put you in your place, June, do you realise that our winery grows as much wine as the whole of Western Australia?" I was able to quip straight back to her, "But we grow premium wine." The benefit to Western Australia is that our market is the premium market.

I support the motion by the Opposition. Government backbenchers have already been lobbying the Federal Government; we have been working on this for sometime. Perhaps the Opposition has only recently found about it, but we have been working on it for a while. I believe the extra tax will have a detrimental effect on wine growers in Western Australia, especially as we are a major producer of premium wines.

Since the Swan Valley Planning Act was passed there has been a great deal of investment in this wine area. I asked a question during question time today about tourism in the Swan Valley in the past four years. The response referred to investment in the Novotel Vines Resort with over 100 rooms; Hanson Swan Valley with 20 rooms and the development of many other bed and breakfast establishments. The Sandalford Winery has completed a multimillion dollar upgrade to its visitor facility and 34 units are proposed for the Swan Valley Oasis. Many other associated industries in the Swan Valley are icons for tourism. There are 32 units at the old Valencia winery and there are several new wineries and restaurants such as Riverbank and Baskerville; the list goes on. There has been large investment in the Belvoir function centre as well.

Overall in the Swan Valley people have invested in that tourist Mecca for Western Australia. Consequently, anything that puts back such investment is detrimental not only to the Swan Valley but also the rest of Western Australia. The Swan Valley enjoys many door sales but it also exports. Led by Jane Brook and some of the larger wineries, the Swan Valley exports about 30 per cent of our premium wine. The wine industry brings into Western Australia a large amount of money simply because we grow and export premium wines. We are entering the Chinese market at the moment. The Swan Valley has been exporting to the Japanese niche market for quite a while. I am sure that the member for Vasse will tell the House about his exports, so I will not mention now the area in his electorate. Wine tourism is a major growth industry.

The Swan Valley is also a major employment area. I recently went to the Bullsbrook school in connection with its search for jobs for young people campaign and I spoke to the group about looking for jobs around their own area - the Swan Valley wine industry. Not only does tourism employ part-time youth workers on weekends and evenings but it can lead to careers in future. There are also many training facilities connected with the tourism industry. Wine tourism is a top growth industry in Australia. Also, people in the Swan Valley have put in many new plantings. I strongly support the motion. The proposed wine equalisation tax would have a definite negative impact on the Western Australian wine industry. Tax should be based on alcohol content rather than value.

MR AINSWORTH (Roe) [4.31 pm]: I support the motion for two reasons: Firstly, to support the wine industry in the whole of Western Australia and, secondly and more particularly, to support wine growers in my electorate. It might surprise some members to know that there are commercial vineyards in the Roe electorate. There is an old planting of grapes on the Dalyup River at Esperance. Tom Murray's Dalyup wines have won gold medals in recent years. Grapes have been grown in the Esperance area for a century, mostly for domestic plantings, but along the Dalyup River there are beautiful soil and weather conditions for wine. That commercial vineyard is establishing its own winery on the site and it is not only producing excellent wines but also encouraging great interest in the area and there are now seven or eight new plantings of grapes for wine production in the Esperance area, both east and west of the town. The spread of premium wine growing is stretching almost from Geraldton to east of Esperance.

It would be a great pity if a tax based purely on value were introduced. It would put at great risk producers who are already involved in the industry and those who plan to become involved in the industry by investing in new plantings in my area. Even though we have only one established commercial winery in the Esperance area at present, it has played a big part in tourism in the area, supplying wines to local outlets and so on. In itself it is a tourist attraction. It is a day-trip for people to visit the winery and to take in some of the scenery in the area west of Esperance as well. Anything that jeopardised the continued prosperity of such an investment would be detrimental to the tourist industry and to the Esperance area. Also, further west to the Stirling Ranges people are planting wine grapes. Again, that area is part of my electorate. The comments that I made about the Esperance end of the electorate apply to that area as well.

There should be two things: Firstly, we should opt for the type of tax proposed in the motion rather than the one proposed by the Federal Government; and, secondly, there should be an exemption for small producers in the early stages to help them to get on their feet. The other aspect of the proposal from the Federal Government is that it encourages the consumption of low-value bulk cask wine, which is detrimental in the fight against excessive consumption of alcohol. On both counts the ad valorem tax is regressive. A tax that is based purely on volume is the right way to go not only for safer drinking but also for the future of the boutique wine industry in Western Australia. I wholeheartedly support the motion.

MR MASTERS (Vasse) [4.35 pm]: In supporting the motion, I wish to refer to the mid-1970s when I was employed by the Department of Fisheries and Wildlife at Busselton. At that time, the wine industry in Western Australia outside of the Swan Valley was just starting to be established. In the mid-1970s, there were two fledgling industries in the south west corner of Western Australia - wine and marron growing. I want to reflect briefly on the marron growing industry because it has some important lessons for the future of the wine industry. In the early to mid-1970s, Dr Noel Morrissey from the fisheries side of Fisheries and Wildlife showed through his research that there was potential for good economic returns to be made by growing marron. I am aware of people such as Bruce and Cheryl Wright and several others who invested their life savings in farms on which they constructed ponds for marron. To cut a long story short, however, that industry failed because the water was too pure. There was so little salt in the water that was being put into the marron ponds that the marron cannibalised each other in order to build their salt levels.

Mr Graham: You can fix that now; you can drop it straight in the river.

Mr MASTERS: I am talking about the south west. The result is that today only one or two of the original 15 to 20 farms are still operating.

My reason for mentioning the trials and tribulations of the marron farming industry is to highlight the fragility of any new industry, and that includes the wine industry in the south west of Western Australia. In this State, we produce only premium wines. They are sold in bottles, not casks. The industry has two main outlets for those bottles of wine. There are local - meaning Australian and Western Australian - sales, much of which is sold to local tourists, and there are export sales. Capel Vale, which is a winery very close to where I live, sells more than 40 per cent of its wine production overseas. As the member for Swan Hills stated, Jane Brook Estate sells more than 30 per cent of its output to export. Leeuwin Estate, which is in electorate of the member for Warren-Blackwood, sells, I understand, more than 80 per cent of its wine overseas.

I fear that if the Australian dollar appreciates significantly, as is expected to happen when commodity prices rise - already in the past three days the Australian dollar has gone up by 2¢ or about 4 per cent - we will find that export sales will be seriously disadvantaged. If in turn this means that the south west wine industry is forced to rely just on local and Australian sales of its wine products, the industry's growth may be severely handicapped by an inappropriately based and calculated wine tax. By having a wine tax that is calculated on the basis of alcohol content and not on wine value, as is currently proposed, the Federal Government to a certain degree will protect non-cask wine producers from the risks of an increasing Australian dollar and an over-reliance on local wine sales. If the Federal Government has any vision extending beyond the next three years - I am aware of the criticism that is often levelled at politicians and Governments that their vision extends only to the next election and not beyond - it will support the motion and implement its recommendations by bringing in a wine tax which, in addition to having health and societal benefits, will have genuine and important economic benefits for the wine industry throughout Australia and its future.

MR MacLEAN (Wanneroo) [4.40 pm]: I cannot let this motion pass without highlighting one of the urban myths that has grown in this place about the value and quality of wineries in the south west. All members should know that the best wineries are in the northern suburbs, and most of them are in Wanneroo. That is where the majority of the early vigneron settled and that is where the best production of wine occurs. These people produce local wines; their families have produced local wines for hundreds of years; and they have come to Australia from Europe and have continued their family tradition of producing local wines. The value of these wines is that the vigneron can select the grapes of the greatest quality and produce individual wines that are of a select vintage. These wineries would be severely affected by any tax that dealt with the value of these wines instead of the volume of wine. When a producer produces a volume, he does not have the opportunity to find the vines that have the best production of grape. Because grapes grow at different rates - different rows for different vines for different bushes - a volume producer cannot select pockets in his vineyard that will produce a better quality wine. I support the motion that we request the Federal Government to change its views. Western Australian producers will be severely affected by any tax that is not based on volume production. Although it pains my heart to support the Leader of the Opposition, I support this motion.

MR BLOFFWITCH (Geraldton) [4.44 pm]: Surprising as it is, we have a winery in Geraldton. How it was established is an interesting story. The owners went to Agriculture Western Australia and asked whether it would be suitable for growing grapes. They were told, "No, only table grapes; wine would not be successful." Four years ago they planted vines and two years ago they had the first harvest. I have given some of the wine to many southern members - the fumé blanc and the chardonnay - and it is first class; it is an excellent wine. Three more properties are now in the process of growing grapes and it will develop within the mid west. Agriculture Western Australia now has decided that it made a mistake; in actual fact, the climate, soil and rainfall is almost identical to the Napa Valley in California. All members know how successful the Napa Valley has been in producing wine. Members do not understand that Chapman Valley does not get the strong sea breezes; that is only on the coastal strip. There may be a few easterlies, but there are no cool, refreshing sea breezes that allow us to survive in that hot, dry climate.

I am also alarmed at the fact that we seem to be introducing a tax that will favour the larger operators to the detriment of the smaller operators; bearing in mind that these people have just started. They have a wine tasting and if members ever visit the Geraldton region, they should call in. The owners will supply members with a bucket of yabbies, a barbeque pack and a wine tasting. It is really nice and it is a lovely spot. As members drive towards Carnarvon, they will see it on the highway. Members should give it a try because it is very nice.

Mr McGowan: Is there a special deal for members of Parliament?

Mr BLOFFWITCH: If the tax goes through, there probably will not be any deal for members of Parliament. The only fair way is to base a tax of this type on the alcohol content. The tax should depend on the strength of the alcohol; certainly not on volume and small producers. That is what we should be doing. If a drink has an alcohol content of 14 per cent and a beer is at 2.5 per cent, it should be significantly cheaper. It will cause less damage to person who drinks a beer with an alcohol content of 2.5 per cent. If it is not based on alcohol, the community will suffer; the casks of wine will increase and many people who drink casks of wine will begin to abuse it. They will be able to buy more for their dollar and that is stupid. I support the motion. On behalf of the Pettits, the Chapman Valley wine producers, I give my support to this motion and hope the Prime Minister gets the message.

Question put and passed.

CRIME LEVELS IN WESTERN AUSTRALIA

Motion

MRS ROBERTS (Midland) [4.47 pm]: I move -

That this House expresses its most serious concern at the rising levels of crime across the State. We note that the

level of crime has risen markedly during the period of the Court Government and call on the Premier and the Minister for Police to -

- (a) explain the reasons for the marked increase in crime;
- (b) commit the resources that are necessary to reduce the levels of crime to the lowest of any State in the nation; and
- (c) commit the resources that are necessary to bring the clearance rates for crime to the highest of any State in the nation.

Interestingly enough, the last election policy document put out by the coalition stated "Action on all fronts, united approach for Western Australians on law and order, Western Australian coalition policies leading into the twenty-first century". Unfortunately, the coalition Government has been leading the nation in a range of crimes. We have seen massive increases in crime and very little impact on the clearance rates of crime. I do not intend conducting a debate today on hearsay and anecdotal evidence, of which there is plenty. Most complaints that come to my office, and to the offices of many other members, are about law and order. The second biggest issues are health and the waiting list and treatment of people who are ill or disabled.

The majority of the complaints that come to my office are about law and order and the increasing crime rates for assaults, burglaries and other offences. I do not intend to mention a lot of individual cases, because although individual cases are important and we all know many people among our family and friends who have been the victim of a burglary, assault or other crime, we need to have a cold hard look at the crime statistics and the trends in Western Australia, and at how the rates of crime in Western Australia compare with the rates of crime in the other States of Australia.

Many people will have read a recent article in the *Sunday Times* written by Nick Taylor and headed "Crime on rise". The article states -

New figures show WA crime is spiralling and is worse than the general perception, a researcher claims.

The general perception in the community about crime is very poor, and that is reflected in a lot of surveys that have been conducted. Therefore, to suggest that the reality is worse than the perception in the community is quite an outstanding statement. The article states also -

The belief that things were better here than in crime-ridden America was based on television reports and the real increase was worse than most people realised, Tom Lawson said.

Mr Lawson, a management consultant, found that in the past 30 years, assaults per 100,000 population in WA increased 130-fold and sexual offences 265-fold.

"In the past seven years most crime categories have continued to grow, some of them alarmingly fast," Mr Lawson said.

Mr Prince: In what seven year period?

Mrs ROBERTS: The article states in the past seven years. The article was written in 1999, so I presume it is 1992 to 1999. It continues -

"WA has a rate of property crime far worse than in any other developed country.

"Burglary in Perth in 1997 was 2.2 times the US median and 17 per cent higher than the worst US metropolitan area.

"The rate of burglaries in Perth is greater than Jakarta. Even worse, the rate is greater in Geraldton than Johannesburg.

"With 6354 burglaries per 100,000 in 1996, Geraldton was only behind Dar es Salaam in Tanzania and Buenos Aires."

Mr Lawson spent nine months researching for his book *Justice On The Edge, Law and Disorder in Western Australia*.

When he started he expected crime rates to be exaggerated, or media hype.

"I ended up proving a point I did not expect to prove," he said.

"The increase in the rate of crime in WA is extraordinary, as is the apparent effort to gloss over the reality.

"The facts prove that the public perception of a serious increase in crime is not the result of media hype.

"As crime has increased law enforcement has deteriorated.

"Charge rates, conviction rates and punishment rates have all gone down.

"Only prison terms are up."

Mr Lawson said 15,000 people committed more than 90 per cent of crime in WA, and that 2500 known repeat offenders committed half of that.

His research showed that in the past seven years sexual offences and homicide had remained stable relative to population.

Stealing did not grow and fraud dropped nearly 50 per cent.

In other findings:

- Armed robbery was up 328 per cent.
- Serious assault was up 63 per cent.
- Assaults on police were up 90 per cent.
- Motor-vehicle theft grew slightly but shot up 13.5 per cent in the last year under review.
- Domestic burglary was up 33 per cent but commercial premises burglary was down 32 per cent.

Mr Lawson said there was a steady increase in crimes involving violence or threats of violence. Figures were substantially higher outside the metropolitan area.

Geraldton and Kalgoorlie-Boulder had domestic burglary rates well above Perth.

"Perth has a very low rate of homicide, rape and aggravated assault, although the assault rate has been growing rapidly," Mr Lawson said.

"Both armed and unarmed robbery have increased by nearly 60 per cent."

Mr Prince: Will you read the last two paragraphs?

Mrs ROBERTS: I have read the whole article, because unlike some of the publications that have been put out by the Police Service and the statements that we have had from the Government -

Mr Bloffwitch: When was that article written?

Mrs ROBERTS: It was in the *Sunday Times* three or four weeks ago. The date has not been written on the copy of the article that I have. The claims that have been made by Mr Lawson, who has spent some months researching this matter, are quite alarming.

Mr Prince: It is a *Sunday Times* article about a book written by Mr Lawson, is it?

Mrs ROBERTS: Yes. I will also refer to some crime statistics that are independent of what Mr Lawson has said. I do not think anyone would dispute that the claims that have been made by Mr Lawson are alarming. It should be of huge concern that our burglary rates are 2.2 times the United States median and 17 per cent higher than in the worst United States metropolitan area. The increases in crime rates that Mr Lawson found should also be of huge concern, particularly in light of his claim that the point that he set out to prove was that the media hype was far greater than the real problem, but he found that the reverse was the case.

The first part of the motion states that we should express serious concern about the rising levels of crime across the State. We need to have a cold, hard look at the statistics, the crime rates, the comparisons with other States and the increases in crime in Western Australia, and acknowledge that we have a serious problem with crime in Western Australia. It seems that the only people who argue with me on this point are the elected members of the Liberal and National Parties, because no-one in the community argues about that point. Everyone believes that the rates of crime have increased. I propose to put on record a number of the statistical reports on crime from reputable sources so that we can establish once and for all that the level of crime in Western Australia is in many instances much higher than in the other States, and that serious concerns exist about the increasing rates of crime, particularly for armed robbery. We need to acknowledge firstly that we have a problem.

Paragraph (a) calls on the Premier and the Minister for Police to explain the reasons for the marked increase in crime, because once we have established that we have a problem, and that crime rates are spiralling and we are performing worse than other States, we need to look at why that is so. Why is crime increasing in Western Australia, and why are the rates for many different crimes higher in Western Australia than in other States of Australia? An analysis of that matter is worthwhile, and I hope that in his response the Minister for Police will attempt to explain why we have had this increase in crime and why Western Australia is performing poorly in comparison with other States. Rather than leading the nation in a good sense, we are leading the nation in a very poor sense.

Paragraphs (b) and (c) call upon the Government to commit the necessary resources, because I believe people in the community want to see the levels of crime in Western Australia decrease, and the clearance rates improve markedly. It is very easy to selectively quote crimes such as assaults and say there is a high clearance rate for assaults. However, there is a high clearance rates for assaults just about everywhere, because most assaults are, unfortunately, committed by people who are known to the victim. The Government does not talk about the clearance rates in areas such as burglary. Although there has been some slight improvement, the clearance rate still stands at about 13 per cent. As I said previously, the greatest deterrent for someone contemplating a burglary or crime is the risk of being caught. If the chances of not getting caught are about 80 per cent or 90 per cent, unfortunately people take that risk and commit the crime.

I will now refer to some of the reputable sources that have provided various crime statistics. In November 1998, the University of Western Australia Crime Research Centre released a statistical report covering 1 January 1997 to 31 December 1997. It was written by A.N. Ferrante, N.S. Loh and J.A. Fernandez and was entitled "Crime and justice statistics for Western Australia, 1997". Page 10 contains a table listing the crime statistics from 1991 to 1997. The first category - offences against the person - indicates that in 1991, 11 620 such offences were committed. By 1997, that figure had increased to 19 910, which is an increase of 71.3 per cent.

Mr Prince: What is the increase in the rate per 100 000 population?

Mrs ROBERTS: The minister should show a little patience; I will read out those rates as well. I said at the outset that I do not intend being selective; I will quote those figures. Based on the number of offences against the person, the increase is 71.3 per cent. The rate per 100 000 population in 1991 was 710.2 and by 1997 that had increased to 1 107.3, which is an increase of 56 per cent. That is a damning result. The number of offences against property increased from 189 615 in 1991 to 242 716 by 1997, which is an increase of 28 per cent. The rate per 100 000 has gone from 11 589.5 to 13 498.3, which is an increase of 16.5 per cent.

The rate of robberies is one of the most alarming issues. In 1991, the number of armed robberies was only 255. In 1997, the number was 1 059, which is an increase of 315 per cent over those seven years. The rate per 100 000 population is not much better. In 1991, the rate per 100 000 was 15.6 and in 1997 it was 58.9, which is an increase of 277 per cent. Robberies other than armed robberies increased from 510 instances in 1991 to 1 064 in 1997. That is a substantial increase of over 100 per cent. The rate per 100 000 was 31.2 in 1991 and 59.2 in 1997, which is an increase of about 90 per cent.

Burglaries are very concerning to the community. In 1991, there were 29 497 instances of burglary and in 1997 there were 39 913. That is an increase of about 35 per cent. The rate per 100 000 population increased from 1 802.9 in 1991 to 2 219.7 in 1997, which is an increase of about 23 per cent.

The fairest way to deal with this Government's performance is to compare the figures in the last year of the Labor Government with the latest available statistics. The result is far from flattering. The number of offences against the person increased by 45 per cent between 1992 and 1997. The rate per 100 000 population is up by 34 per cent. Armed robberies increased from 406 in 1992 to 1 059 in 1997, which is an increase of 160 per cent. The rate per 100 000 still represents an increase of 140 per cent, which is unacceptable. The "other robbery" category experienced an increase of 112 per cent, and per 100 000 population that is 96 per cent. The number of burglaries increased by about 33 per cent between 1992 and 1997 and the rate per 100 000 population increased by 22 per cent. Those spiralling crime rates are a cause for great concern.

The second factor that should be taken into account is how Western Australia is performing compared with other States in Australia. Also included in this document produced by the Crime Research Centre are the national crime statistics with a comparison between the various States and an Australian average, where that is available. Again this area is a cause for great concern. Western Australia experiences 1 600 sexual assaults and Australia wide there are 14 138. The rate of sexual assault in Western Australia in 1997 was 89 per 100 000 population and Australia wide the average was only 76.3. The rate in this State is 16.6 per cent above the national average rate of sexual assaults per 100 000 population. We are again marginally above the national rate for robberies. Our rate in 1997 was 118.2 and the national rate was 114.7. That is about 3 per cent above the national average.

I make no apology for not reading out every category, because offences such as homicide, kidnapping, blackmail and extortion have a very low incidence and are not high on the list of community concerns. Two offences that are high on the list of community concerns are unlawful entry and motor vehicle theft. In Western Australia there were 56 556 incidents of unlawful entry. Australia-wide the figure was 417 845. The rate per 100 000 for Western Australia is 3 145.3, yet the rate for Australia is only 2 254.7. WA's rate is nearly 40 per cent above the national rate for unlawful entry, and that is taking into account population differences. I reiterate that it is of great concern that Western Australia's rate is well above the national rate in this area.

There were 15 189 instances of motor vehicle theft in Western Australia, and the rate per 100 000 was 844.7. The national rate per 100 000 for motor vehicle theft was only 703.7. Therefore, WA is running at about 20 per cent above the national rate for motor vehicle theft. I do not know anyone who would find those figures acceptable. They give rise to huge concern.

I now refer to Australian Bureau of Statistics volume 4510.0, which is a document entitled "Recorded Crime Australia, 1997". I note that this has an embargo time on it of 11.30 am, Canberra time, Wednesday, 15 July 1998. I anticipate that some time in July this year a volume for 1998 will be published. However, these are the latest published statistics by the Australian Bureau of Statistics on recorded crime in Australia. This volume indicates that Western Australia has the highest rates in the country of unlawful entry with intent and other stealing offences, the second highest rate of armed and unarmed robbery, motor vehicle theft and sexual assault offences, and the third highest rate of assault offences.

In relation to clean-up rates, 93.6 per cent of investigations into unlawful entry with intent offences reported in WA were not finalised within 30 days, and 92.7 per cent were not finalised within 90 days. That means that more than one in 10 burglaries in WA were not solved within 90 days. Of all motor vehicle theft offences reported in WA, 88.2 per cent of investigations were not finalised within 30 days, and 86.8 per cent were not finalised within 90 days.

The ABS figures for 1996 and 1997 for the various categories of offences indicate that WA had a 23 per cent increase in murder and attempted murder offences and the nation had a 1 per cent decrease. WA's rate of 2.95 victims per 100 000 people was the fourth highest of all States - fifth if the Northern Territory is included - and it was below the national rate of 3.45 victims. Between 1996 and 1997, WA had a 40.6 per cent increase in manslaughter and driving causing death cases. WA's rate of 0.5 victims per 100 000 people is the highest in the country, and it is the second highest if the Northern Territory is included. It is well above the national rate of 0.21 victims.

WA's rate of 88.98 sexual assault victims per 100 000 persons is the second highest in the country, and the third highest if the Northern Territory is included. It is well above the national rate of 76.29 victims. In WA there was an 11 per cent increase in assaults. The nation had an 8.6 per cent increase. WA's rate of 763.91 per 100 000 people is the third highest of all States, and fourth highest if the Northern Territory is included. It is above the national rate of 668.78. In armed robbery, WA's rate was 58.89 per 100 000 persons, compared with a national rate of 48.64 per 100 000 persons. That is the second highest rate in the country. WA's rate for unarmed robbery was 59.28 per 100 000 persons. That was second only to the figure for New South Wales, but below the national rate of 66.08 persons.

WA's rate of 3 145 victims per 100 000 people for unlawful entry with intent - burglary is easily the highest rate in the country, well above the national rate of 2 254 victims. During that year WA had an 8.4 per cent increase in motor vehicle theft, whereas the nation had an increase of only 6.1 per cent. WA's rate of 884.7 victims per 100 000 people is second to New South Wales, as is its rate of 1 239.9 victims per 100 000 vehicles. The national rates are, by comparison, 703.7 and 1 160.4 victims respectively. WA had a 2.3 per cent increase for other theft; the nation had a 1.4 per cent increase. WA's rate of 4 204 victims per 100 000 people is the highest in the country and well above the national rate of 2 856.35 victims. Again we see in this report a fairly damning indictment of the performance of Western Australia in dealing with crime rates.

The next document I refer to is the most recently published one. This is the "Report on Government Services 1999" which was released earlier this year. At page 442 of this report, under the heading "Law enforcement and crime prevention - crimes against the person", table 6A.31 sets out some fairly damning statistics. Under the heading "Driving causing death", the rates per 100 000 population are listed for the years between 1993 and 1997. I note that in Western Australia the rate in 1993 was 1.4 people. It is now two people, which is a 43 per cent increase. For assault offences, the figures appear to go back to only 1995. In 1995 the rate for Western Australia was 634 assaults per 100 000 persons. By 1997 it had risen to 763.9 assaults, which is a 20.5 per cent increase. That 763.9 assaults per 100 000 persons in Western Australia compares unfavourably with the Australia-wide rate of 668.8 assaults per 100 000 persons. That puts WA at about 14.2 per cent higher than the national rate for assault.

In 1993 Western Australia had a sexual assault rate per 100 000 persons of 75.3. By 1997 it was 89.0, which is an 18 per cent increase over those years of coalition government. When that is compared with the national rate of 76.3 per 100 000 persons, Western Australia is 16.6 per cent above the national average for sexual assault.

I again highlight the category of armed robbery. Western Australian had an armed robbery rate in 1993 of 28.3 robberies per 100 000 people, and that rate was 58.9 per 100 000 persons by 1997. Therefore, the rate increased by 108 per cent in a five-year period of a coalition Government. The rate of 58.9 per 100 000 persons in 1997 compared to the national rate of 48.6 robberies per 100 000 persons, which placed us 21 per cent above the national average and second highest among the States.

The unarmed robbery rate in 1993 was 29.7 robberies per 100 000 persons, and the rate was 59.3 by 1997. That is almost a 100 per cent increase in five years. It is unacceptable and irrefutable. The national rate was higher than WA's at 66.1 robberies per 100 000 persons. I said I will not be selective. Our unarmed robbery rate was lower than the national average, but if it were not for the incredibly high figure for New South Wales, which raised the national average, one would find that Western Australia does not perform well when compared with other States. The 59.3 rate in Western Australia compares with 35.0 in Queensland, and 27.8 in Victoria, which is around the rate found in Western Australia in 1993. We have gone backwards.

Page 444 of the report contains table 6A.32 titled "Estimated total victims of crime recorded and unrecorded offences per 100 000 population, 1993-1997". We find that for many years many States have "N/A" inserted in the columns; that is, not available. The break and enter rate in Western Australia in 1997 was 7 500 cases per 100 000 persons, and the equivalent figure Australia-wide was 4 400. The figures beyond that date do not appear to be available for Western Australia in any comparable way.

The rate for attempts to break and enter in Western Australia in 1993 was 4 900 cases per 100 000 persons, compared to an Australian rate of 3 100 cases. By 1995, the only other available figures provided by Western Australia, the rate had increased to 5 500 cases per 100 000 persons. That is a significant increase. A national average is not available as insufficient States provided the information on this item. Western Australia did not provide the information in 1996 or 1997 on attempted break and enter. Interestingly, the table for break and enter and attempted break and enter provides figures for 1983 for one reason or another. In 1983, the break and enter and the attempted break and enter rate was 5 700 per 100 000 persons for Western Australia. The national rate was 6 100. Therefore, we were about 7 per cent below the national rate for break and enter and attempted break and enter back in 1983. In later years we have risen to be above the national average. The other categories contain so many N/As that they are hardly worth quoting.

Page 426 of the same document is titled "6A.2 Effectiveness indicators", with a subheading "Protect, help, and reassure the public; satisfaction with the police services". I note with interest the selective quoting by the Police Service of the figures which appear in such government services reports. I draw members' attention to the "Delta Update", No 34 of January 1999. The page headed "The transformation program - Delta", and a lower heading of "public attitude surveys". It states that the "COAG report released in February 1998 demonstrates the public's acceptance of the police services. The WAPS having obtained an 84 per cent satisfaction rate based on contact with police in the last 12 months. This is the equal highest in Australia." It seems more than coincidental that two things have occurred. The next Council on Australian Governments report was due out in February 1999, and the next month was likely to produce some very different statistics. I suspect that the service knew what the statistics were likely to indicate, and that it would no longer be equal highest in the public satisfaction ranking based on contact with police in the last 12 months. Also, the service chose only one of many tables printed in the COAG report. It printed the only table which reflected favourably on the Western Australia Police Service. The Police Service has been biased and subjective in its presentation to whoever receives the "Delta Update". By the time the document was released, it was in no way reflective of the satisfaction level with the Police Service in this State.

If the Police Service were to be fair - in the same way that I am being fair today by quoting many statistics - it would look at the entire picture and not choose the table which best reflects its position. Alternatively, the police should not release the information in January when it is known that less flattering figures were to be released in February. The satisfaction rate diminished by about 5 per cent to a fairly poor ranking among Australian Police Services.

I take time to outline a number of tables to place on the record what the COAG report indicated for 1999. Again, it is not a generally favourable picture of the operation of the Police Service in Western Australia. Table 6A.9 is headed "Persons

aged 18 years and over; general satisfaction with the services provided by the police 1997-98 (per cent)". People are categorised under the headings "Very satisfied", "Satisfied", "Neither", "Dissatisfied", "Very Satisfied" and "Don't Know". A summary of the totals is then presented. In Western Australia, 63 per cent of people said they were "satisfied" or "very satisfied" with services provided by the police. The national average was that 68 per cent of people were satisfied or very satisfied with police services. This "Report on Government Services 1999", which was released only in February, indicates that the satisfaction level in Western Australia is 5 per cent below the national average level. In Western Australia 16 per cent of people were dissatisfied or very dissatisfied with the service and Australia-wide the rate was only 12 per cent; therefore, Western Australia's rate was 4 per cent higher than the national rate in the dissatisfaction stakes.

Mr Prince: Do you intend to table this?

Mrs ROBERTS: I am happy to. It is from the blue and white COAG report.

Mr Prince: Instead of going through each table, why not table the document?

Mrs ROBERTS: Because I am not a minister and I am not able to. I can only table it for the day. I cannot have it incorporated in the *Hansard* record other than by reading the figures in. The 63 per cent satisfaction rate in Western Australia can be compared to the 66 per cent of people in New South Wales who were satisfied or very satisfied with their police service; in Victoria the figure was 72 per cent; in Queensland, 66 per cent; in the Northern Territory, 70 per cent; and Australia-wide the figure was 68 per cent. Only Tasmania, with a 61 per cent rate, had a worse satisfaction rate than Western Australia. In every other State the satisfaction rating for the police service was higher than that in Western Australia. The picture does not vary much when the figures are broken down into various categories. The satisfied or very satisfied rate for males in Western Australia was 62 per cent, compared a national rate of 67 per cent. For females the picture is much the same; 65 per cent in Western Australia compared with 68 per cent nationally.

The document also provides a breakdown in age groups, and I note that Western Australia had the worst figures in the category for people aged 65 years and over. That should come as no surprise to those who are in touch with the community or their constituencies. In Western Australia only 72 per cent of people aged 65 years and over were satisfied or very satisfied with the Police Service. However, nationally, 79 per cent of people in that age group were satisfied or very satisfied with the service. The Western Australian satisfaction level in that age group is 7 per cent below the national average. The figures are also broken down according to birthplace. In Western Australia 66 per cent of people born in Australia were satisfied or very satisfied, and that figure compares unfavourably with the national rate of 69 per cent. The difference is greater for those born outside Australia; in Western Australia only 59 per cent in that group were satisfied or very satisfied with the Police Service compared with 65 per cent nationally.

The figures are further broken down to indicate satisfaction or otherwise with police in dealing with various categories of problems. Only 47 per cent of people in Western Australia were satisfied or very satisfied with the way the police dealt with public order problems, which was 5 per cent below the national average of 52 per cent. The people in Western Australia were less satisfied in this area than those elsewhere in the nation.

The one category in which the people of Western Australia seemed to be more satisfied with their Police Service than were people in other parts of the nation, is "Satisfaction with police support for community programs". The Western Australian satisfaction rating was 78 per cent compared with a national average of 71 per cent. That is not particularly surprising because the police in Western Australia have put a huge emphasis in recent years on community programs. I do not think there is much criticism in the community of the way in which the police conduct themselves in the community and support community programs, and the number of programs initiated in recent years. The alarming fact is that people in Western Australia were less satisfied than those in other jurisdictions with the way the police deal with law and order problems.

The document contains interesting information on "Persons aged 18 years and over: Opinion on police, 1997-98". For this purpose people were required to indicate whether they agreed, strongly agreed, disagreed, strongly disagreed, neither or did not know. Under the heading "Police perform job professionally", 70 per cent of people in Western Australia agreed or strongly agreed, and nationally that figure was 74 per cent; that is, fewer people in Western Australia strongly agreed that the police performed their job professionally than did nationally. Under the next heading, people were asked to respond to the statement that police treat people fairly and equally. In Western Australia, 48 per cent of people agreed or strongly agreed with that statement, compared with 53 per cent nationally. Again, fewer people in Western Australia believed the police treated people fairly or equally than elsewhere in Australia.

The document contains many other tables, including the reasons for contact with the police. The table quoted from in the previous year relates to persons aged 18 years or over and their satisfaction with their most recent contact with police. That was the one table drawn from the 1998 COAG report, and it indicated that in Western Australia 84 per cent of people were satisfied. The most recent table, released in February this year, indicates that that figure has dropped by 5 per cent to 79 per cent. Far from leading the nation, Western Australia's rate is equivalent to the national average for people in that category. Victoria achieved the best result at 83 per cent, followed by Tasmania and the Northern Territory with 80 per cent. Western Australia had 79 per cent and a couple of other States had 78 per cent. That is nothing to crow about and I again note the selectivity of choosing that table, as opposed to the many other tables in the COAG report. If the Government wanted to draw on any table, it should be the primary table that heads the chapter on effectiveness indicators, which is general satisfaction with police services. I remind members that the latest report on government services indicates that only 63 per cent of people in Western Australia were satisfied or very satisfied with police services, compared to a national average of 68 per cent.

One of the responses I anticipate from the minister is that since the end of 1997 matters have improved. I suggest that the minister table all of the crime statistics for 1998, assuming that they are complete, and we can factor those in and put them in the table. In the meantime, I have the most recent official statistics which were provided to me by the Police Service, or

the minister, from his sources; that is, from the 1998 annual report. The figures include the years 1993-94 to 1997-98, which takes us halfway into 1998 in terms of the currency of these statistics. Between 1996-97 and 1997-98, the reported number of robberies increased from 1 960 to 2 515; that is a very unfavourable trend. There was a marginal improvement of 0.4 per cent in the clearance rate. Under the category of assault, the reported number in 1996-97 was 13 920. That figure increased to 14 170 in the financial year 1997-98. There was a 3 per cent improvement in the clearance rate for assault. Sexual assault also increased marginally from 2 504 to 2 512; that is not a category in which the police are winning. Unfortunately, the clearance rate for sexual assault decreased markedly. Having had a clearance rate in 1996-97 of 96 per cent, it decreased to 87.9 per cent in 1997-98. That is a deterioration of slightly more than 8 per cent.

Deprivation of liberty crimes increased between those two financial years from 267 to 343. The clearance rate for deprivation of liberty decreased from 80.1 per cent to 77.3 per cent. Burglary increased from 58 062 in 1996-97 to 59 061 in 1997-98. The clearance rate improved by less than 1 per cent. Stealing increased between the financial years 1996-97 and 1997-98 from 77 472 to 78 112. The clearance rate remained fairly static; it improved by 0.3 per cent. Motor vehicle theft increased from 17 228 to 19 900. Again, we could not say that the crime level had turned around by the middle of last year. Unfortunately, the clearance rate for motor vehicle theft also decreased marginally from 17.1 per cent to 16.8 per cent; that is a decrease of 0.3 per cent. It is significant only because we want to see vast improvements in the clearance rates, and instead we are heading in the wrong direction. Damage, including graffiti, increased and the clearance rate improved marginally. Drug offences increased and the clearance rate improved marginally by about 1 per cent. The category of other offences, which are significant offences because they include breaches of restraining orders and stalking, increased from 7 118 to 8 650. However, there was an improvement in the clearance rate from 48.3 per cent to 55.4 per cent.

I have attempted to illustrate the bad picture of crime statistics and trends in crime in this State and the very unfavourable comparisons that we have with other States. I am sick and tired of trite arguments that we are not that bad. Everyone in the community complains about the increase in crime and the level of crime in our community. They are right and the figures I have produced today, from highly reputable sources, demonstrate that clearly. For a long time our Government has not been prepared to acknowledge that it has a problem with law and order and escalating crime and that it has a problem compared with other States in Australia. We have also had the rhetoric from the Government when it attempted to suggest that it is not necessarily a government responsibility; that the community must take responsibility for the levels of crime. I will refer briefly to a paper put out by the Home Office in London.

Mrs van de Klashorst: Do you believe that? You put your signature on a document that claimed you agreed with that.

Mrs ROBERTS: I am happy to chat with the member for Swan Hills afterwards or I will interject on her. I will refer to the document from the Home Office titled "Reducing Crime and Tackling its Causes - A briefing note on the Crime Reduction Programme". In this document the British Government acknowledges a problem and commits significant resources to it. That is what I am calling on the Government to do today: To commit the resources that are necessary to bring down the crime rates and to improve the clearance rates. That document, signed off by the Rt Hon Jack Straw MP, Secretary of State for the Home Department in January 1999, contains the commitment made by the British Government and the responsibility that it is taking for the crime rate and for preventing crime. Unfortunately, our Government has not taken similar initiatives. It states -

To achieve these aims, and in addition to the crime reduction programme, the Government made available through the Comprehensive Spending Review:

- an additional £1.24 billion over three years for the police;
- £85 million over three years for the Youth Justice Board to invest in developing good practice in dealing with young offenders;
- £211 million over three years to combat drugs, including an extra £76 million over three years for programmes in prisons;
- an extra £159 million over three years for the probation service . . . and
- an extra £226 million over three years to provide constructive prison regimes.

Taken together, the crime reduction programme and the whole of the Government's strategy on crime, offer a real chance of a long-term reversal in the rise in crime which has otherwise been a feature of life in this country for the past 80 years. If we can secure that reduction and a corresponding reduction in the fear of crime, we can add value to every aspect of life, enhance liberty and revitalise our communities.

It goes on to state -

The Government has committed £250 million over the next three years to this Crime Reduction Programme - which makes it the biggest single investment in an evidence-based approach to crime reduction which has ever taken place in any country.

It also details a number of other initiatives such as the £50m which will be invested in total over three years on domestic burglary, a category of offence which is highly concerning in Australia. I want the minister to acknowledge the problem, explain how he is dealing with it and ensure that resources are committed to reduce crime in this State and improve the clearance rates.

MR PRINCE (Albany - Minister for Police) [5.48 pm]: It is difficult to respond to what has been inflicted upon us by the member for Midland for the past 60 minutes. It varies very little from what she said in this House on 15 November last year. It is almost verbatim, with some different figures drawn from other sources; however, the theme is the same. I will talk about

statistics, crime rates and so on, but I also want to make the threshold point in this matter: The rate of crime - that is, the number of offences of any type or the total number of offences committed in any population - is the only factor that can be used to compare either points in time, whether it be one year or 10 years apart in the same society, or one place with another. When we compare periods of time, whether they be 10 years apart, two years apart or one year apart, and whether they be in the same place or between one place and another, we need to look also at other things that have changed over those periods. To take a simplistic look at the number of offences is a nonsense, and even to look at the rate of commission of offences is not an adequate way of analysing the information. This State has changed enormously in the 30 years quoted by the author of the book that was reported in the *Sunday Times*. When the author says that there has been a couple of hundred-fold increase in the number of offences, he takes no account of the fact that in the mid-1960s, the population of this State was - the Minister for Agriculture will remember this better than I - about 600 000. It is now about 1.7 million or 1.8 million and rising. The ethnic mix of the population of this State has changed phenomenally. I understand that Western Australia is now regarded as the most cosmopolitan State of Australia. That was not the case 30 years ago. That fact has led to significant changes in the way in which Western Australians -

Mrs Roberts: Are you blaming migrants for the increase now?

Mr PRINCE: No. I am making the point that the society that is Western Australia has changed enormously over the past 30 years; and whether that has had any effect on crime, we will need to find out. All of these things must be looked at to see whether they have had an effect. We need to look also at the things that have been done that may have led to a change. The changes that we made to the Pawnbrokers and Second-hand Dealers Act a few years ago are definitely connected to the increased rate of robbery of cash from people in the street and in their homes. We can debate whether we should have made those changes, and I will come to that in a moment. The rate of crime is far more important than the quantum of crime, and in looking at that we need to look at the circumstances and at the changes in society that have taken place over the periods which the member for Midland has sought to compare. When we compare different places, whether it be Western Australia and the eastern States, or this State and the United Kingdom, the United States or another first world country, we need to ensure that we look also at the differences in the societies that we are talking about and in the way in which their laws operate. We then get the problem that crimes may be reported in different ways and with different categorisations.

Crime rates are an unreliable but not useless indicator of level of crime at any one time or in any given time frame. They are subject to many variables, of which I will give four examples. The incidence of reporting is often linked to the confidence of the community in its police. If people do not have confidence in the police, they will not bother to report the crime. If people have a high degree of confidence in the police from the point of view of approachability, but they do not think the police are very good at solving the crime, they will at least report it. If people think the police are good at solving the crime but not very approachable, they will hesitate to report the crime. Many factors influence the incidence of reporting.

Mr Graham: An interesting analogy can be found in Victoria, where the police shoot more of their citizens than in any other State in the nation, but the public also report more crime to the police and have more confidence in the police.

Mr PRINCE: In Victoria the number of killings by police officers exceeds the total for the rest of Australia.

Mr Graham: People have more confidence in the Police Force.

Mr PRINCE: It is an anomaly. Whether that leads to a higher reporting rate is debatable. The second point about crime rates is that changes in law and public policy in one place can make a comparison of crime rates between that place and another place difficult, if not something that should not be done at all because we cannot get a reliable result. A classic example in this State in the past five years is the changes that we made to the pawnbrokers' legislation. The third factor is that changes in reporting practices and in the categorisation of offences within the criminal law - in a sense the creation of new offences - may lead to anomalies in reporting. Therefore, unless we know the changes that have been made over the period of time about which we are talking, we will not be able to make a meaningful comparison.

The fourth factor is the categorisation of crimes. Between 1994-95 and 1997-98, in nine out of the 22 categories of crime that are reported upon, the crime rate decreased in this State. It can be argued plausibly that the increases in two of the seven categories for robbery and armed robbery are due in part to the changes that we made to the pawnbrokers' legislation. We used to have the situation where if there was a theft of property from a motor vehicle, a farmhouse, a shed, a home, a duplex or an industrial premise, more often than not that property - for example, a handyman's electric drill, a video recorder or a camera - was taken to a pawnbroker, who had little reason to suspect genuinely that the property was stolen and would with the best will in the world, and in the normal course of his or her commercial business, pay for that property and put it up for resale. It is well documented that has been the case for decades, if not for a century or more.

We brought into this Parliament changes to the pawnbrokers' legislation - I think they achieved bipartisan support in their passage through both Houses - that provided that the pawnbroker upon receiving that property must record it, and that computerised record would then be transmitted daily to the police, who would compare the stolen property that had been reported to them with the property that had been received by the pawnbroker. That has resulted in a significant reduction in that trade with pawnbrokers, for which they are grateful. The proprietors of Cash Converters, which is one of the biggest pawnbroking chains in the world, supported that change to the legislation unreservedly, because they did not want to be the receivers of stolen property. That change in the pawnbrokers' legislation has also resulted, as predicted by many people at the time, in an increased rate of robbery of people in the street, near automatic teller machines and in their homes, where the offender is seeking cash rather than goods that can be fenced.

We might say with the benefit of hindsight that we should not have made those changes to the pawnbrokers' legislation, and if we changed the law back again, we might reverse the situation. However, the consequence would be a greater increase in the theft of property, which is a crime, and an increase in the number of insurance claims. The whole community would then pay, but it would pay in a monetary way rather than in a physical way, and perhaps we would need to make a value

judgment about whether it is more desirable to spend a greater amount of money on insurance premiums than to see the terrible pictures in the press of the agony that has been sustained by elderly people who have been physically assaulted in the course of these robberies. That is value judgment that people may want to make. I do not, because a crime is a crime. We found a system that was in place and widely used. We sought as a Parliament to correct that system, and that was the right thing to do. We now have some unintended consequences, which we seek to address by other means.

The next point that must be made about crime is that it is not static. The criminals of today do not behave in the same way that their fathers, grandfathers and great grandfathers behaved, notwithstanding some of the Rumpole cases that we have seen about some of these famous families, and I as a practitioner have experienced something similar. Criminals tend to be inventive and find new ways of doing things. Computer crime is an obvious example of an offence that did not exist 20 years ago but does now. The ways in which criminal activity is carried out vary, and consequently laws, policing methods and detection methods should change.

In this area I recently visited, albeit for only a short period of time, the London Metropolitan Police, Birmingham and Scotland. There are six forensic laboratories in the UK. Birmingham happens to be the centre, with a major database laboratory for DNA testing and other forensic matters. In Scotland I spent some time with the Strathclyde police centred in Glasgow and the Scottish Police Training College at Tulliallan Castle. The Government in the UK has almost the same law that we have in this State. The police have the power to take a sample, a buccal swab from the inside of the mouth, after arrest. They have been doing this on a systematic basis for about four or five years. They have been building up a database of DNA samples taken from crime scenes for at least that long, if not longer. As a result of legislation, they are also able to obtain DNA samples from most, if not all, of the convicted criminals in jail, for whatever reason they are in jail. Their burglary clearance rate in the last three years has increased from 12 per cent to more than 40 per cent and is climbing. When I was in Birmingham speaking to the lady who is in charge of the area of forensic science - which is not police-run; it is a separate organisation run by the Home Office - she said that by going from six to 13 points of comparison in DNA testing, the probability of getting the right person then increase to about 99.9 per cent recurring; in other words, virtually certain. They were getting a number of comparisons where two people matched the same DNA sample because the number of comparison points was only six; by going to 13 consequently the degree of accuracy is increasing. The result is, by using modern science, they have achieved the greatest breakthrough in police investigation since fingerprints were invented about 100 years ago.

Mr Graham: Including fingerprints?

Mr PRINCE: No. The actual invention of the science of fingerprints and the creation of the database of fingerprints, roughly 100 years ago, led to the police at that time having a tool that previously did not exist. The police were entirely reliant upon, for example, somebody who actually saw an offence committed or saw a person going in and out of a house, or whatever the case may be. In other words, they relied on a process of deduction from evidence of sight of movement. The fingerprint enabled the police to say that a particular individual was in a particular place at about a particular time even though no-one saw him or her. However, the hit rate of connecting a crime scene to a person whose fingerprints are on file is only about 7 per cent. That is, relatively speaking, low when one considers the size of the database. Bear in mind the 50-odd police forces of the United Kingdom hold millions of fingerprints. The DNA database has been built only in the past five years or thereabouts and the hit rate with DNA is already far higher than that of fingerprints, moving up towards 40 per cent and rising. From memory they have somewhere in the vicinity of 600 000 people's DNA on their database at the moment and they aim for 1.5 million, which is roughly the criminal population. Of course that must be constantly reviewed as people die and new criminals come along. They reckon that their hit rate will increase to probably 60 to 70 per cent.

Mr Trenorden: Even though there is testing against the samples taken or do they also grow in proportion?

Mr PRINCE: Yes.

Mr Trenorden: They will keep those percentages?

Mr PRINCE: Yes, they will. All their experience so far tends to indicate that that is the case. The UK authorities, with their forensic science service, are the world leaders. The Americans are nowhere nearly as advanced currently. However, the British said to me when I was there, "We happen to lead at the present time; we have done so far; but in many areas of this nature the USA will lead, we will lead and so on and that is great." They are both significant, sizeable populations, when comparing Europe against North America and in the areas of technology that sort of competition from the point of view of detection ability and so on is something from which we can learn and feed.

The Government intends to have in place, as soon as the Parliament passes it, the appropriate legislation for the development of a DNA database in this State. The other States are progressing similarly to a greater or lesser extent. A national database is something that I wish to see happen. It is fraught with some difficulty because I would wish to see in this State, for example, the ability of the police on warrant from a judge to compel the taking of DNA from a group of suspects, largely to be able to eliminate those whom it could not be. In other States - and New South Wales is one - they take the view that a sample of that nature should be taken only after that person has been arrested. In that sense it becomes a confirmatory piece of evidence rather than an investigative tool. My view is that it should be used as an investigative tool and when people are exonerated from the investigation, it is fair that their information should be destroyed.

A national DNA database will be fraught with peril because in Western Australia we will have one created on a certain legislative basis, I hope, and other States will have theirs on a more restricted basis. The ability to be able to share information across Australia therefore will be a complex issue. However, that is something that is also being progressed by the Federal Government, which has made \$55m available under the CrimTrac program to do a number of things among which is the creation of a national DNA database. As we get that, I would expect to see our burglary clearance rates increase just by being able to use that investigative tool. We have had a number of startling successes in using it in this State so far.

The people who have been recently arrested and charged over the death some eight years ago of an elderly lady in Mandurah have been arrested simply because some very bright police officer at the time found a piece of chewing gum in a potted plant and said, "I wonder why that is there?" He picked it up and put it in an envelope. Years later it was tested. The DNA found in it did not match that of the deceased lady. There was then a question sent around Australia and it matched a person who was in jail in Darwin. That is just one case example and we are dealing with a murder investigation which is obviously very serious. If we can work up the infrastructure, the protocols and so forth to use this technology for volume crimes, of which burglary is one, I am sure we will have a significant effect. In much the same way as the pawnbrokers' change by legislation had a significant effect upon an area of criminal activity and in a sense transposed some of it to some other areas, we will have a significant effect upon burglaries and other offences involving the leaving of a sample of DNA. That undoubtedly will help to reduce incidents of certain types of crime; however, it will not eliminate it because we do get a certain transposition of crime.

Mr Trenorden: When you are talking about a figure, you obviously saw the response by the criminal element?

Mr PRINCE: Yes, some of it.

Mr Trenorden: Is there an effect that they can have on the DNA question?

Mr PRINCE: In the UK I was given an example of a person who was a serial rapist in one of the counties outside London and who is known to have committed six or eight rapes so far. His method of operation is to use a plastic sheet on the ground, to clothe himself completely in plastic, except obviously his genital area, including gloves on hands and his face covered while he carries out the act of sexual penetration in order not to transmit any DNA to the woman concerned. He wears a condom also. He is very well aware of the science and is attempting to prevent himself being caught by leaving a DNA sample. It is absolutely extraordinary and no doubt they will catch him.

Mr Graham: It conjures up some images.

Mr PRINCE: It does. It not only conjures up the image of the perversion of the individual concerned but also the inventiveness of what is a perverted mind. Although that is an extreme case, less perverted people are nonetheless still inventive in the way in which they go about their criminal activity. Increasing crime rates are a worldwide phenomenon, both in the first, second and third worlds. In the US, over the 15 years from 1979, the total number of crimes increased in nine of those years. The rate of crime per 100 000 population increased in eight of those years. I tabled a paper to that effect when we last debated this motion on 25 November 1998. I do not propose to do it again as it is already among the papers in this House. Dr David Indermaur of the Crime Research Centre at the University of Western Australia in a report that the member for Midland quoted also says that Western Australia is not experiencing a crime epidemic. I quoted him and that is exactly what he said. Rather, the crime rates experienced here are comparable with those in other western nations.

This is a person whose function, job, training and skills are related to analysing the rates and the basis upon which they are created to look for the anomalies which I mentioned and to make meaningful comparisons, rather than the author who has quoted in the *Sunday Times*. I place much reliance upon the accuracy of the integrity of the work done by Dr Indermaur in his Crime Research Centre.

The clearance rates by the WA Police Service for 1997-98 compared with 1996-97 increased in 24 out of 28 categories of crime. The clearance rate is the number of offences solved. Given the increase in offences, it also means one is not only clearing more of a static number, but one is also clearing more of an increasing number. According to the 1997 Australian Bureau of Statistics publication entitled "Recorded Crime: Australia", this State is above the Australian average in clearance rates in seven of 12 crime categories.

Since 1993-94, the total number of offences being cleared as a proportion of the population, because this is a meaningful way of looking at it, has increased from 2 985.2 to 4 334.2 per 100 000 head of population; a 45 per cent increase over a period of six years. The clearance rates have increased in a general sense over most categories of crime, not overall. The total number of armed robbery offences being cleared as a proportion of the population increased from 12.1 to 28.1 per 100 000 head of population; a 132 per cent increase over six years. These calculations take into account increase in population -

Mrs Roberts interjected.

Mr PRINCE: The clearance rates have increased from 12.1 to 28.1 for armed robbery offences over a period from 1993-94 to -

Mrs Roberts interjected.

Mr PRINCE: We are not talking about the raw numbers. I am talking about clearance rates for the crimes at present. The total number of burglary offences being cleared as a proportion of population has increased from 358.2 to 428.2 per 100 000 head of population; a 19.5 per cent increase. The number of burglaries has increased enormously, but the clearance rate has increased significantly. The total number of serious and common assault offences being cleared as a proportion of population has increased from 410 to 607 per 100 000 head of population; a 48 per cent increase.

Mrs Roberts: That is nonsense.

Mr PRINCE: This is not nonsense; these are accurate figures of clearance rates. I have previously produced these in this place and the member for Midland has for whatever reason either chosen not to read or has forgotten that I produced the mid-year report for the six months ending December 1998. These are the most recent figures that are available; it is not the annual report.

Mrs Roberts: Have you tabled those?

Mr PRINCE: I will. I tabled it previously in this House in the past four months. The key features are the number of offences and the clearance rates which are shown by way of a graph. This is the trend of offences. It can be seen that the trend of offences of sexual assault, burglary, damage, robbery, armed robbery, burglary, other offences, motor vehicle theft and so on are reducing.

Several members interjected.

Mr PRINCE: Down; look at the graph. The trend of clearance rates in all but one is also increasing. The recorded offences and clearance rates are in tabulated form. I will not read this out and bore members to death. I seek to table it. I would like to have it incorporated into *Hansard*, but I do not think I can.

[The paper was tabled for the information of members.]

Mr PRINCE: If I can have the graphs incorporated in *Hansard*, it might assist the member for Midland to read them because I have tabled them before but she has not read them. I also produce for the benefit of members, and I seek to table it, from the crime research and development unit of the Western Australian Police Service the crime analysis for armed robbery offences, burglaries with aggressive behaviour, the elderly as victims of crime, motor vehicle theft, and a review of traffic analysis in Western Australia in 1998, all of which are relatively short - they do not take that long to read - but are an accurate current analysis of the statistics. All of those have been produced this calendar year since January. These are the most up-to-date statistics and they are not a secret; they are publicly available and they have been tabled in this House but the member has not read them. That is her problem.

[The paper was tabled for the information of members.]

Mrs Roberts: Selected by the WA Police Service.

Mr PRINCE: Clearly the member for Midland does not trust the WA Police Service. She has a fundamental problem with police. The Opposition does not like the police. The Opposition is the advocate of the right to pilfer. It not does think that the police should exist and it believes they should do only what the Opposition tells them to do. The member for Midland really is a problem.

I will comment on the COAG report which stated -

The report on Government Services 1999 examines the performance of government service provision across Australia . . .

It is important to note that the COAG report which the member for Midland mentioned deals with figures for offences and outcomes of investigations relating to 1997. It is dealing with data in 1997; this is now 1999. Much of the data was very interesting and the member did go through much of it. It deals with four main areas: Community perception of police and safety, victimisation rates for key offences, outcomes of investigations and road safety. The report states -

Community perceptions

Feelings of safety: There is a general national decline in the trend for communities to feel safe . . .

The Australian average for feeling safe at home during the day was 93.4 per cent in 1997 and 93.1 per cent in 1998. The average for feeling safe on public transport likewise reduced. It continues -

Honesty of police: The rating of WA for honesty of police is consistently above the national average.

Most Recent Contact: Community satisfaction with the most recent contact with police has declined from the previous year . . .

In 1997, 83.8 per cent of the population were satisfied and in 1998 that percentage reduced to 79.1 per cent, but across Australia it is 78.8 per cent. Western Australia still leads the Australian average. I continue to quote -

Offences (victimisation rates)

Sexual Assault: WA has experienced a steady decline since 1995.

This decline is also reflected in the lot of six papers that I tabled again. The number has reduced from 102.8 per 100 000 head of population in 1995 to 99.5 in 1996 and to 89 in 1997. I will not read out all of the figures because it is not necessary to do so. If members are interested they can read it. I intend to table it. However, there are a number of caveats that should be borne in mind when looking at any of this data. They are listed as -

Time period: The crime data in the COAG Report relate to the period January-December 1997.

In other words, the data is about two years old.

Type of data: The figures in the COAG Report relate to victims not offences. The figures for the WAPS performance for the six months July-December 1998 relate to offences not victims.

Full details of all reported offences are contained in appendices and so on, but that is something that must be read in detail. Comparing the Council of Australian Governments data with Western Australia Police Service performance data creates problems, first because of the different time periods used, secondly because of the use of victim-based data in the COAG report, thirdly because of the use of outcomes of investigations in COAG data compared with clearance rates in WA data, and fourthly because the six-month performance report from July to December 1998 has no comparative data for other jurisdictions or the national figure. Those are all warnings I issue when looking at this, because here we have data from which people have quoted, and I am making the point that they must be very careful how they do that.

There is no doubt that there has been an increase in the volume of crime in this State over a recorded period. As the population has increased, one would expect an increase in the volume of crime. In addition, there has certainly been an increase in the incidence of a number of different offence categories over a period. Nobody is doubting that; I am not denying that. There has been an increase in the clearance rates for almost all, but not all, reported crimes. There has been a decrease in some areas. The trend lines go up and down. As at December last year, not all, but most of them, as I have said, are trending down.

I deal now with that which the member for Midland wanted to make as the point of her speech but which she only reached with about two minutes to go; that is, the question of resources. I will deal in a moment with the causes of crime. However, let us deal with resources at the police end of this continuum of crime. In 1993, this Government committed to the 800 plan. That involved the employment of 500 officers over and above the normal attrition rate and the replacement of 300 sworn officers in administrative positions by civilian personnel. In 1992, the authorised strength of the WA Police Force, as it then was, was 4 053. The actual strength was 4 107. In 1993, the authorised strength was 4 168, and the actual strength was 4 211. In 1995, the authorised strength was 4 238, and the actual strength was 4 348. In 1996, the authorised strength was 4, 698 - the 800 plan had come into effect - and the actual strength was 4 543. The authorised strength remained the same in 1997 and 1998, but the actual strength went to 4 779 in 1997 and 4 718 in 1998. The authorised strength is the full-time equivalent allocation for sworn police officers. The actual strength differs - members need to remember this - and it is the actual head count, or the actual number of police officers. In the 1997-98 annual report, the figure is shown as 4 830, roughly 200 more than the authorised strength. The reason is that it includes senior executive personnel, Aboriginal police liaison officers, special constables and recruits. In some data collections they will not be listed as part of the strength. That is why the head count is seen to be higher than the authorised strength. Currently, this State has the highest police officer population ratio of any State in Australia. It is 20 per cent higher than the national average.

Mr Riebeling: That has not solved it.

Mr PRINCE: No, it has not solved it, but when opposition members bleat about resources and not enough police officers, remember that WA has the highest police officer population ratio of any police force in any State of this country. It is 20 per cent higher than the national average.

Mrs Roberts: I did not call for more police officers. I am calling for resourcing the police officers in the Police Service that we have.

Mr PRINCE: Of course, police officers are resources.

Mrs Roberts: Resource the police officers.

Mr PRINCE: I am making sure that, as the member has had her say and has shut up, somebody else does not come along with that furphy as well. With regard to the budget, we have the highest level of expenditure on police services per capita of any State. The "1999 Report on Government Services" is the authority for that proposition. We spend more per capita on police than anybody else in Australia. Total spending on police by this Government in the last six years is over \$2b.

Mr Carpenter interjected.

Mr PRINCE: I am coming to the causes of crime. Just think about Gough Whitlam. Including the 1998-99 police budget, this Government has injected an extra \$157m over the Labor budget of six years ago, which is a 63 per cent increase. If one considers base budgets, in 1992-93 the figure was \$249.1m; in 1998-99 it is \$405.9m. In 1993-94 it was \$266.8m. It has increased progressively each year over five years by amounts of \$17m, \$26m, \$30m, \$45m and \$29m, and that amount of money has not just been keeping pace with inflation and so on.

Mrs Roberts: How much of that was for staffing costs?

Mr PRINCE: Wait a minute. About 88 per cent of the total budget is spent on wages and salaries.

Mrs Roberts: Of that increased amount, how much was allocated to cover staffing costs?

Mr PRINCE: In 1987-88, \$179m was spent on recurrent expenditure.

Several members interjected.

The ACTING SPEAKER (Mrs Hodson-Thomas): Members, there are too many interjections while the minister is on his feet. I remind members that Hansard is having difficulty hearing his comments. Please be mindful of Hansard.

Mr PRINCE: In 1992-93, the recurrent budget was \$240m. The interesting thing is that the recurrent budgets under Labor were as follows: In 1987-88, \$179m; in 1988-89, \$218m; in 1989-90, \$240m - it is on the way up; in 1990-91, \$242m, which is still increasing; and in 1991-92, \$222m, which was a drop of \$20m out of the police recurrent budget in one year. In 1992-93 it went back to \$240m, which was less than 1990-91. In 1993-94 the figure was \$261m. Between 1993-94 and 1998-99 the recurrent budget for police went from \$261m to \$367m. In that time the figure has increased. Under the Labor Government, the figure went up and down. This Government has increased recurrent spending compared with the previous six years by 43 per cent in total.

The ratio of contingency expenditures to salaries fell from 30:70 in 1988-89 to 17:83 in 1992-93. That was under the Labor administration. With respect to capital, the capital budget is absolutely extraordinary because the figure has gone from \$13.77m in 1990-91 to \$38m in 1998-99. This Government has more than doubled the total spending on capital works compared with the previous six years under Labor.

Although the member for Midland was not here at the time, she might recall the McCarrey report. At page 258 of the McCarrey report, the Commission to Review Public Sector Finances, it pointed out that former cells were being used as

change and eating rooms, typing was sent by one station to another because nobody had space to locate a typewriter and a typist and a communal toilet, without ventilation, was opening onto typist facilities. The report listed a range of matters. Inspections of the head office and suburban police stations confirmed the inadequacy of accommodation and services. Premises were substandard and the equipment available to meet operational demands was inadequate. This was a description of the Labor Government's administration in the McCarrey report.

McCarrey's comments under the heading of summary in regard to the Police Department are that poor facilities and inadequate equipment are major handicaps. It goes on and on. It recommends improved accommodation, secure communications, adequate equipment, management consultants to be engaged to assist with a review leading to police officers being trained in modern management practices, work scheduling practices being overhauled, reporting systems being formalised and, among other things, that police functions be reviewed for appropriateness as ongoing police functions. It refers to court security and the transport of prisoners - matters that we have been debating ad nauseam with the member for Burrup. It refers to the feasibility of contracting out licensing administration and so on. All of those things were identified as problems when we came to power. We have moved to address them, albeit not as fast as we would have liked because we inherited a monumental financial problem from members opposite, which is still being attended to.

Mr Riebeling: For how many years will that be?

Mr PRINCE: Until the debt is paid.

When it comes to capital works spending, we are installing a state-of-the-art computer and communications system costing more than \$51m in the first phase. More than \$38m is going to capital works, which includes obviously the police academy. Some \$37m is going to commence phase 1 of the Delta information technology with \$10.7m in 1998-99. Some \$14m is going to the emergency service call taking dispatch and communications system. Do members know what that leads to? Digital encrypted communication to the police officer personally and to his vehicle; the ability to have touch screens and keyboards and all the rest of it in the vehicles so that it is easy to access the database on the move; the ability to talk without being overheard either by the media or anybody else with a \$100 scanner from Tandy. That should have been done a long time ago because the technology has been around for a long time. It also brings in much more modern management ability through a much flatter system, which is all part of Delta. It brings in a much better devolved exercise of which the technology is part.

They have a slogan in Victoria which is "more technology, the same police and better results", and it is working. That is also what we are doing. We are doing it so well that quite a number of people are coming here to find out what we have done. The Australian Institute of Police Management has quoted us as having the best police reform agenda that is known. Visitors are coming here in a little while from Ireland to look at what we have done because they have heard that the Delta program in this State is the best. People from Strathclyde, whom I visited a few weeks ago, come here not only to help us, to update and change some practices, but also to look at what we are doing and to take away from here things which they find of value in changing their practices. The same thing applies to a lot of other areas. The member quoted the United Kingdom. I was in the United Kingdom a few weeks ago. In the aftermath of the latest reports on the Stephen Lawrence affair, this State learnt how not to do that 10 years ago. We are a long way in front of the Metropolitan Police Force when it comes to dealing with matters involving race.

Mr Riebeling: That was 10 years ago when we were in government.

Mr PRINCE: The police did it and the Opposition did it, yes. It took the Royal Commission into Aboriginal Deaths in Custody to do it, but we are a long way in front of the Metropolitan Police Force when it comes to dealing with those racial matters. They are about to tuck their heads between their legs and hope that it goes away. That is what I observed when I was there. They are leaders in some respects but not in others - likewise neither are we, but the Delta program is first class.

As regards capital expenditure, for the benefit of members, we spent \$1.738m in Kwinana in February 1996 on a new police station. We spent \$1.679m on a new police station for Belmont. At Halls Creek in 1997 we spent \$2.352m on a new police station. At Roebourne in 1998 we spent \$2.786m. At Kununurra we spent \$4.13m. At Morley we spent \$1.722m. I will table this document, which is a list of capital works covering 1993 to 1999. It details the amount of money spent on police facilities in those places.

[The paper was tabled for the information of members.]

Mr PRINCE: I have been into some police facilities which have not yet been upgraded. Victoria Park Police Station would have to be the worst. It is still a place which one could describe with words straight out of the McCarrey report. It will be fixed. We have not yet been able to fix everything that the Opposition mucked up but we are getting there. We have done a whole heap more than the Opposition ever tried to do.

When it comes to police officers' pay, because we are still talking about resourcing, based on the salaries of police officers before their latest pay rise of 9 per cent, over the past 10 years the salaries of sworn officers have gone up 63 per cent on average. The greatest increase is for the position of sergeant. Sergeants' salaries have increased by 71 per cent. Over the same time, the salaries of unsworn members of the Police Service have gone up an average of 35 per cent in 10 years. Our police officers are extremely well paid in comparison with others across Australia. There is only one rank or level where we are not the leader. I think the leader is the rank of a senior constable in New South Wales. Otherwise uniformly we pay better. The Commissioner of Police, referring earlier to the Delta upgrade, commented that the Police Service has never had it so good. It certainly has not. It certainly did not under members opposite. I table the Delta upgrade for July 1998 and January 1999.

[The paper was tabled for the information of members.]

Mr PRINCE: I will now talk about equipment. The amount of \$15m has been committed to upgrade operational and office equipment. We had 356 preliminary breath analysis units and we now have 1 283. We had 592 computers and laptops and we now have 3 110. We had 562 hand-held radios and we now have 1 253. We had 133 radars and we now have 300. We had 30 ballistic vests and we now have 184. We had 29 riot helmets and we now have 392. We had only 25 riot shields under the members opposite and we now have 302. We had 1 748 revolvers and now we have 2 931. Pistols have gone from 15 to 828. We had 76 video cameras and we now have 127. We had 26 video interview units and we now have 222. The member for Burrup will know what video interview units are. How many times has he heard the police have to put up with an attack in a court by a defendant or the representative of a defendant saying that they made it up?

Mr Riebeling: You know because you were a defence counsel.

Mr PRINCE: Exactly. How many times has he heard it? I cannot remember how many times I said it, and yet the Opposition would never fund the police sufficiently to put videos into interview units. As soon as they came in, there was the evidence on screen with audio. Defendants can no longer say to their lawyer that the confession was beaten out of them because there is the evidence. It has been a remarkable change in the way in which matters are able to be handled both at the investigative level and also in court.

As to police community relations, the "1999 Report on Government Services" found that we have the highest level of reporting rates for two of the five surveyed offences. That would seem to indicate that most people have a very good belief that the police will act. We have the second highest number of people who believe that the police are most honest. This is the COAG report from which the member's colleague has been quoting. The May 1998 Roy Morgan poll found that Western Australia had the second highest public perception of its police in terms of honesty and ethical standards. Members opposite try constantly to denigrate the police. They do not have the capacity within them to acknowledge good people doing a good job in difficult circumstances. The Delta change management program has brought a flatter and broader devolved management structure. It has gone from functional to geographic organisation and control. It has brought a much more self-responsible management. It is happening gradually and is not complete yet, but there is a much better focus on service than there was before.

An editorial in *The West Australian* of 19 March 1998 claimed that it was too early to pass judgment on the Delta reforms in the Police Service and that critics should give the new system a go before leaping to judgment. Members opposite leaped to a judgment before it even began to be implemented. *The West Australian* said that it must be given a chance to show whether it can generate the improvements in the service that the community wants.

I also deal briefly with sentencing and penalty changes. These have also had a significant effect. We have changed in the Criminal Code the penalties for unlawful wounding, home burglary and aggravated home burglary. There is also the three-strikes legislation. We have changed the review periods for murder, and wilful murder involving strict security imprisonment for life. We have changed the penalties for assaults on public officers and for grievous bodily harm. That is not all. The Young Offenders Act abolished remission and meant that all detainees must serve at least 50 per cent of their sentence in detention. It produces a credible proof of the sentencing option. Amendments to the Bail Act have done a good deal to correct the problems that existed when we came to government, and we are still working on that. We have abolished automatic parole for prisoners serving at least three years in jail for certain violent crimes. The Sentencing Act amendment, which is for debate in the other place, brings in more of those sentencing reforms. We have other changes in hand that are being progressed. The sentencing amendment Bill deals with remission and parole. We are developing a sentencing matrix. We have changed the Bail Act and the Fines, Penalties and Infringement Notices Enforcement Act and so on.

A great deal has been done to ensure that those who should be in jail are there, and those merely cutting out fines are not in jail. This subject requires more work. We are considering more changes for whole-of-life sentences. I am delighted that the Weapons Bill has arrived after languishing in the other place for nine months. I hope we will address that issue as well. The Government will enhance other areas. Amendments were made to the Police Act which enabled police officers to deal with people suspected of committing graffiti offences. Members opposite did not agree with that measure, and we had an unbelievable fight in here on that Bill. Also, the insistence of the member for Burrup on the right to pilfer with the surveillance devices measure was beyond belief.

In the last few minutes I mention two things not directly related to police, but about which I know a little. When I was Minister for Aboriginal Affairs, we replicated enormously a number of Aboriginal patrols. Two or three of them operated initially, and a significant number of them are now in place. They are terribly important as they are community based and run. Funding was found through Treasury, notwithstanding the problems members opposite wished upon us when I was minister. Most of those patrols operate very well, although they all have their ups and downs which is the nature of community organisations. However, they have been startlingly successful in reducing the rate of Aboriginal offending, and caring for Aboriginal people who are intoxicated. They are a first-class initiative.

The Aboriginal justice councils, both at the state and regional level, were an initiative of the Aboriginal Affairs Department when I was minister. These have been perpetuated and also do a first-class job.

I am of the view - a view borne out by an enormous number of people who know about these matters - that the best form of deterrent to crime is the probability of being caught. In many areas, that clearly works - in other areas, it does not. The example I gave at length earlier is use of DNA technology in the United Kingdom, where a much enhanced probability of being caught has been achieved. I am sure that this will lead to a reduction in offences in which DNA can be found. It will take time. I confidently expect to see that same results will be achieved here when we establish a DNA database and have a system operating. We are working on it. We need the legislation, the resources, the science and the trained people.

It has been most constructive this calendar year to read a report prepared under the national anti-crime strategy by, among others, a professor from Griffith University in Queensland. Not many copies are around. I have the executive summary with

me, which I lay on the table for the information of members. If members want to obtain a copy, I am happy to help. It is titled "Pathways to Prevention".

[The paper was tabled for the information of members.]

Mr PRINCE: This study represents the first time that anyone in an academic sense has tried to conduct a complete survey of all work done on the causes of criminality in an environmental and family sense.

Mrs van de Klashorst: It was done in England first.

Mr PRINCE: Yes, it was done in the United States and the United Kingdom as well. The risk factors - I will not read the many out - are fascinating. Most of these are commonsense to those of us who have worked in criminal law. The risk factors include teenage mothers, single parents, substance abuse, parents who are criminals, anti-social models, marital discord, large family sizes, fathers being absent, poor supervision and monitoring of child by parent, harsh or inconsistent discipline, abuse, neglect, school failure, deviant peer groups, bullying, divorce and family breakups, war and natural disasters. I have picked only a few of the risk factors which more probably than not result in a child winding up as a criminal. It is dealing with bulk population of course. Many people from such background are excellent citizens, and many who come from protective factor backgrounds are not excellent citizens. I talk generally in population numbers.

The protective factors include supportive and caring parents, family harmony, more than two years between siblings, small family size, a positive school climate, opportunities at critical turning points and major life transitions and so on. One of the most fascinating aspects I had not realised was prematurity, low birth weight and matters relating to formation in the womb, as well as the birth process; these have been identified as common in children who ultimately tend to criminal behaviour.

Mr Carpenter: What about intellectual disability?

Mr PRINCE: It is there. Low intelligence, prenatal brain damage, chronic illness and so on are listed as factors. I would recommend that the member for Willagee read this one-page executive summary and the full report which I am waiting to arrive. I will get a full copy. It is not intended to label any individual as a potential criminal, but is a study representing what many people who work in the criminal area would know. These people will say upon reading it, "We know this." Kindergarten and school teachers can identify potential criminals. In my practice in Albany, I could name potential criminals without seeing them simply through family name and so on. The study has properly researched and documented that experience.

We need as a society to debate the question of intervention in the formative process of childhood with a view to prevent criminality. I am not talking about taking children away. I refer to intervention to try to correct the risk factors so the criminal result does not occur. Many of the programs instituted by socialist Governments, with good intention I am sure, have as an unintended consequence resulted in dysfunctional families, large families and other things of that nature.

Mr Carpenter: Where would you place large families in that process? Are you saying families are larger or smaller than they were before 1982?

Mr PRINCE: I say that some of the philosophies of members opposite in social engineering is in part at fault - I am sure in an unintended way. We must seriously, sensibly and pragmatically consider how we use this information to correct the probability of criminal behaviour among the young.

Mr Carpenter: That was utter rubbish! You have demonstrated a complete lack of understanding.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [6.50 pm]: The member for Willagee should read the document to understand what the minister was saying. The member for Midland obviously has not read the Select Committee on Crime Prevention "Making Western Australia Safer" document, which has her name on it, as many of the facts and figures she quoted in her speech are contradicted within that document. I will not quote the many facts and figures now. The document summary tells us about crime prevention. Debate over the last two hours or so has been on tertiary crime prevention. The minister commented on tertiary crime prevention for which the Government is responsible. More importantly, tertiary crime prevention is reactive crime prevention, so we should now also look at secondary and primary crime prevention.

When I was asked to say a few words in this debate, without having to spend a lot of time I found I could list two whole pages of government achievements in primary crime prevention. I received a newsletter from one of my colleagues and found many initiatives in that. I want to go through some of the things that I see every day, and I cannot understand how the member for Midland does not see these things because we both work in the Midland area. I am also a member of the Midland crime prevention community group and I see these things all around me, yet the member for Midland does not.

Let us look at Family and Children's Services. The poverty task force received funding of \$1.5m over three years to help with primary crime prevention among young people. A school drug education teacher support package which forms the basis of drug education in schools is another primary crime prevention strategy. The Narang apartment block in Balga was demolished recently. That was shown on television at the weekend. Homeswest's New Living program is working towards crime prevention by removing slum areas. Homeswest is utilising the crime prevention building code to make its buildings less susceptible to crime. Homeswest houses in the New North project have been refurbished. These projects aim to break the poverty cycle.

A school package on crime prevention will make students aware of the effect of crime on seniors, and of seniors' needs. That is primary crime prevention. The Elder Crime Protection project addresses elder abuse in the community and is also primary crime prevention. The Fremantle policing seniors support program provides for volunteers to help seniors and brings young people and seniors together, as does the Armadale community care program.

Grants totalling \$8m were announced from the community sporting and recreation fund. All of these projects are funded by the Government including \$1.5m for the construction of the Broome sport and leisure centre. I can go on ad nauseam through page after page. The Shire of Northam was allocated \$122 771 for the construction of the Bakers Hill recreation and leisure centre. Rockingham received \$1.5m for the construction of the Warnbro leisure and aquatic centre. Ballajura received \$766 000 for the construction of an aquatic centre; and Gnowangerup, \$410 000 for the construction of an indoor recreation facility. I received a telephone call from a friend at Halls Creek who was seeking assistance.

Several members interjected.

Mrs van de KLASHORST: I am responding to the member for Midland, who claims that the Government is not spending money on crime prevention. I am giving members proof that the Government is spending money hourly, daily, and weekly on crime prevention. Halls Creek received \$120 000 for the construction of club rooms. Gosnells has a high crime rate and will receive \$112 570 for the Gosnells leisure world.

I was involved in a committee on domestic violence. The Government has funded initiatives for domestic violence prevention programs in the Bunbury region worth more than \$230 000; a children's counselling service in Bunbury, Busselton and Collie through the Waratah Support Centre; men's perpetrator programs all over the State through Relationships Australia; a women's health program at the South West Refuge; a culturally and linguistically diverse persons' access project; and an Aboriginal Family Violence program through the Bunbury Aboriginal Medical Service. This morning I spoke with Pam Walsh, the chairperson of the Police Minister's Council on Aboriginal, Police and Community Relations, about some of these programs. The Government funds the Aboriginal Family Violence program through the Bunbury Medical Centre and the South West Community Education program.

In the area of youth the Government has done so much that it would be difficult to list it all. Two regional youth development officers work throughout the State. Money has been allocated to youth teams, the scouts, the guides and cadets. All of these things are primary crime prevention initiatives. The cadet program has taken off in this State and queues of young people are waiting to join.

I have just obtained money from the Minister for Youth for a BMX track in Mundaring in response to problems in the community, and BMX tracks will be constructed in other areas of the State. Skateboard ramps are being funded in conjunction with the shires. All of these things are crime prevention measures.

Mr Riebeling: Are they working?

Mrs van de KLASHORST: They are starting to work. I have a couple of more examples in case members are interested. The Ministry of Justice has renewed a long-standing commitment to fund juvenile crime prevention programs to the value of \$1.67m annually, targeting 43 communities throughout the State. Support services for victims of crime are available in all courts, and victim support is provided in Kununurra, Karratha, Derby, Carnarvon and Esperance. At a meeting this morning we talked about a mentoring program to be run by the Ministry of Justice to stop recidivism. In the Mirrabooka community, local crime prevention programs have been boosted by a grant of \$3 000 made under the Safer WA program. They also receive an annual grant of \$5 000. There are 22 Safer WA communities in Western Australia working with local government councils and agencies. If we could find time to total up everything it would be a phenomenal amount of money.

Mr Carpenter: Would it be \$7b? That is the state budget.

Mrs van de KLASHORST: The member for Willagee can read this; I can prove this. The member for Midland should be aware of these things but she is not.

In my area a group of young and old people are working together, and they receive a seniors funding grant. Gosnells has a VIP Truancy program. A couple of weeks ago I went to Northbridge with the JAG team. On Friday at 11.00 pm I met the JAG team at the police centre at the railway station. I was still in Northbridge at 3.00 am. The JAG team are police officers who pick up young people who are under age and who should not be out late at night. The JAG team bring them in and involve Family and Children's Service, the Education Department, and the Health Department to get our young people off the streets to get them back to their parents and to make their parents accountable for them so that a 12-year-old girl does not walk the streets of Northbridge at 3.00 am and prostitute herself. These programs are all in place. If anyone has two or three hours I can go on and on. I have seen these programs at work.

The Midland area is well serviced by these programs. For three hours on Tuesday morning I also accompanied the Midland truancy patrol from which the police and community workers get lists of absentees from the schools and pick up those children, assist to counsel them and try to get them back into school.

The Cyril Jackson senior campus provides a youth prevention and retention program. The Northam District High School is doing work on truancy. Homeswest is revitalising old areas. I have a five-page list of government drug initiatives. The Government is funding a \$300 000 sobering-up shelter in Midland; domestic violence programs and the Aboriginal Nyoongar patrol.

Mrs Roberts: It has taken four years because of the protests of Liberal Party people who do not want it.

Mrs van de KLASHORST: That is not true. The poverty task force has received \$1.5m and allocations have been made to graffiti programs, police community drug service teams, Aboriginal affairs for Geraldton, Midland cyclic offending, and solvent abuse in the desert communities. I have been a party to those discussions. There have been programs to remove guns. A tragedy has just occurred in America involving firearms. One death occurs every 30 seconds in America because of guns. We have major programs in our area including the Midland Safer WA Council, Midland Youth Quest, Bullsbrook Youth Fair and camps for at-risk youth. I will not go on; I have made my point. I oppose the motion moved by the member for Midland because I do not think she knows what she is talking about.

MR BAKER (Joondalup) [7.00 pm]: Two interesting points have arisen from this debate so far. Firstly, the member for Pilbara is no longer in the Chamber, although he is listed to speak in support of this motion. He has simply disappeared. He walked out of the Chamber shaking his head. He has already been thoroughly convinced that this motion does not have any legs. The other interesting aspect is that the member for Midland made only one correct statement; that is, we should at all times adopt an evidenced-based approach when analysing the merits of this motion. That is the very factor that will result in this motion being defeated.

[Leave granted for speech to be continued.]

Debate thus adjourned.

SCHOOL EDUCATION BILL

Council's Amendments

Amendments made by the Council further considered from an earlier stage of the sitting.

Committee

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

Progress was reported after amendment No 102 made by the Council was not agreed to.

Mr BARNETT: I move -

That amendment No 103 made by the Council be not agreed to.

This amendment relates to ministerial directions to the chief executive officer. The Government does not agree to the amendment and proposes to substitute a new clause. The Government proposes to include a clause to correct an omission because no reference is made to the CEO of Department of Education Services. Some of the amendments moved in the upper House imposed excessive requirements. If the minister gave an instruction to the CEO of the Education Department or the Department of Education Services, there was a requirement to table that in both Houses. That requirement might apply to a statutory corporation but it is not appropriate for a government department. It is particularly sensitive in the case of schools because an instruction might relate to a particular student. For the record, I indicate that I have not given any direction to the chief executive officer in the three and a half years that I have been Minister for Education, and it would be an unusual circumstance if that happened.

Directions are occasionally given to statutory corporations particularly to protect the position of directors; for example, in the proposed privatisation of AlintaGas it was necessary to give a direction to give the directors the power and authorisation to make decisions consistent with the privatisation, otherwise they could have been responsible as directors. However, that is not true in the case of a department, and it is not appropriate in this case.

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

Mr BARNETT: I move -

That the following amendment be substituted -

New clause 147, page 101, after line 6 - To insert the following new clause -

Minister may give directions to the chief executive officer

- 147.** The Minister may give directions in writing of a general nature to the chief executive officer with respect to the performance of the chief executive officer's functions under this Part but the Minister cannot give a direction in relation to a particular person.

Mr RIPPER: When I first saw the Government's change to this amendment, I noted that it deleted the requirement for the text of any direction to be tabled in both Houses of Parliament and published in the annual report. I wondered why the Government had departed from the requirement to publish the direction in the annual report, as that was contained in the original Bill. I am advised that those provisions normally relate to statutory authorities, rather than to departments, and certainly I am not aware of those sorts of directions usually applying to mainstream government departments. On that basis, I am prepared to accept the Government's proposed new clauses relating to the ability of the minister to direct the chief executive officers of the two departments contemplated by this legislation.

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

Mr BARNETT: I move -

Clause 224, page 149, lines 1 to 12 - To delete the lines and insert the following clause -

Minister may give directions to the chief executive officer

- 224.** The Minister may give directions in writing of a general nature to the chief executive officer with respect to the performance of the chief executive officer's functions under this Act but the Minister cannot give a direction in relation to a particular person.

This amendment does exactly the same thing as the previous amendment. The previous amendment related to the chief executive officer of the Department of Education Services and this amendment applies similarly to the chief executive officer of the Education Department.

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

Mr BARNETT: I move -

That amendment No 104 made by the Council be not agreed to.

I intend to move a further amendment which relates to the issue of school boundaries. It will allow for a transitional process for the progressive relaxation of school boundaries. This issue was dealt with earlier in the debate.

Mr Ripper: Where is the substitution to be found?

Mr BARNETT: The amendment from the Legislative Council carried forward all school boundaries. The proposed amendment will carry forward only those boundaries that the Government wishes to carry forward. In other words, there will be progressive relaxation and removal of boundaries where they are not needed. The amendment made in the Council effectively froze boundaries as they were, and this will progressively free them up over time. It is intended not to do away with boundaries in the first year, but to progressively relax them according to the principles discussed earlier, which are now enshrined in the legislation and give priority to local children.

Mr RIPPER: My understanding of the proposed substitution is that if the chief executive officer, within six months of the commencement of the Act, wants a school to be a local intake school, it will be a local intake school with the current boundaries under the repealed Act. I see the point that the minister makes. Given that we have been able to agree on priority for enrolment to children living nearest non-local intake schools, I see no problem.

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

Mr BARNETT: I move -

That the following amendment be substituted -

Schedule 1, clause 10, page 162, after line 23 - To insert the following subclause -

- (2) If, within 6 months of the commencement, the chief executive officer declares a government school to be a local-intake school the area for the purposes of section 60(1)(b) in relation to the school is to be taken to be the area described in relation to the school in a notice under section 21(2) of the repealed Act, unless the chief executive officer otherwise defines the area.

That does exactly what the member for Belmont said previously.

As this is the last amendment, I would like to make a couple of comments. When the Bill went through the lower House there was extensive debate. It went to the upper House and was referred to a committee. There were some 104 amendments. That created great difficulty in consistency and, indeed, the policy input of the Bill. In relatively good time we have worked through those 104 amendments. A significant number have been accepted by the Government; others have not been accepted. In other cases we have negotiated with the Opposition and agreed on middle positions in many cases.

I thank the Opposition's education spokesman. Although there have been significant differences in philosophy and the application of education law, there has been broad bipartisan agreement about the vast majority of the legislation and a commitment to see the legislation come into place. The two major points of contention of some policy significance related to school boundaries and fees and charges. With your indulgence, Mr Chairman, I should like to make it clear on the public record what is now the position on the Bill. With respect to fees and charges, the Bill now maintains the current legal position in relation to charges in government schools; that is, voluntary in primary schools and legally recoverable in secondary schools.

Mr Ripper: It is important to reinforce the point that it maintains the current legal position.

Mr BARNETT: I have said that it is the current legal position. Fees have been legally recoverable in secondary schools. The Bill also provides for assisting those who face financial hardship in relation to meeting school charges. It makes it clear that any contribution sought from parents is to provide a direct benefit for students. It provides for voluntary contributions for the costs of materials, services and facilities used in the educational program for primary schools. By regulations, that will be set at a maximum of \$60, with the actual amount to be determined at school level. It provides for a compulsory contribution towards some materials, services and facilities used in secondary schools, and by regulation that will be set at a maximum of \$235. The new format of the Bill includes accountability to the local school council for the upper limits of charges and contributions and also for the cost of extra optional activities and book list items.

With respect to school boundaries, the other major issue, the Government and the Opposition have recognised that boundaries are required effectively to manage the demand for places at a school that is under pressure of enrolments and to ensure that local children have a right of access. Both sides have recognised that parents should have a choice of which government school their child attends. We have tried to reconcile the principle of choice with priority access for children to their local school.

The position reflected in the legislation is that, first, there is discretion to allocate school boundaries when they are needed. If there is no boundary, priority is to be given to children living nearest the school. The administrative intention is that if there is demand for places at a school, a boundary should be declared, and that can be done at any time. Further, in order to make an easier transition to the new provisions the Education Department will be authorised to retain any existing boundaries which are appropriate. As a result of the Bill's provisions it is likely that school boundaries will stay as they are when the new Act comes into operation, but the provisions will enable the relaxation of boundaries over time, and the process of cross-boundary transfers will stay as it is in the short term. There will not be radical changes, but the Bill will allow for relaxation and progressive removal of boundaries and therefore will allow parents a far more effective and open choice of which school their son or daughter attends.

Mr RIPPER: I will also make a general comment on school boundaries and, with your indulgence, Mr Chairman, as this is probably the final occasion on which we will debate these matters, I will comment on school fees. With regard to school boundaries, the Opposition's principal concern was to preserve the most important choice that parents would want to make, and that is to enrol their child at their local government school. After discussions with the Government, that proviso has essentially been placed into the legislation with a requirement that when there is any conflict over the availability of places in a non-local intake school, priority for enrolment will go to the child who lives nearest to that government school. In the end, the issue about boundaries between the Government and the Opposition was able to be resolved. The Opposition certainly did not support school boundaries for boundaries' sake; the Opposition was interested in the priority for local enrolment. As the Government was able to accept that principle in the legislation, the Opposition has been able to accept the relaxation of school boundaries.

With regard to school fees, the Opposition perceived the Government as wanting to move beyond the current legal situation with the new School Education Bill. Currently compulsory secondary fees and voluntary primary contributions are in place. The Opposition also perceived the Government as wanting to have compulsory school fees in primary and secondary schools. We have reached a compromise which is essentially the preservation of the status quo; that is, voluntary primary contributions and compulsory secondary fees. However, it is a refined and improved version of the status quo. The situation is clearer to all concerned. There is also the provision for a school council veto on optional charges and the composition of book lists. Further, there is a provision which will prevent schools from harassing students whose parents have not paid fees by depriving them of the right to participate in educational activities.

As the minister and I said earlier, it is not entirely satisfactory to us; we would prefer a public school system without compulsory charges. It is not entirely satisfactory to the minister. It is a true compromise and it has produced a clearer and better version of the status quo with regard to school fees. It is true that the Opposition has compromised on several matters in the Bill - I am presently answering to my critics on that score - and it is the case also that the Government has compromised on a significant number of amendments. The Opposition feels that it has won some significant victories in the debate. Just as important, we agree that there is a need for a new School Education Bill to replace the outdated Education Act on which we currently operate and which some people ignore because it is so irrelevant to current educational circumstances. In order to progress a new School Education Bill through Parliament, there must at some stage be agreement between the various parties contesting the debate. We have been able to reach that agreement. There might perhaps be a bit of finetuning in the other place but essentially there will be a new School Education Bill as a result of the willingness of the Government and the Opposition, as the Government and alternative Government in this State, to work together.

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

Resolutions reported.

Recommittal

On motion by Mr Barnett (Minister for Education), resolved -

That the message be recommitted for the further consideration of amendment No 101.

Committee

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

Mr BARNETT: I move -

That the original substituted amendment to amendment No 101 be not agreed to and the following new amendment be substituted -

Clause 124, page 88, line 29 - To delete "the school principal" and substitute -

, but not the appointment of, the school principal or any other member of the teaching staff.

New clause 126, page 90, after line 14 - To insert the following new clause -

Certain property vested in minister

126. All property acquired by an incorporated Council for the use of a school is acquired for the purposes of this Act; and section 208 applies to it whether or not public moneys were spent on its acquisition.

Clause 126, page 90, line 24 - To delete "or".

Clause 126, page 90, line 26 - To delete the full stop and insert "; or".

Clause 126, page 90, after line 26 - To insert the following paragraph -

(d) intervene in the management or operation of a school fund.

I thank members for their indulgence in agreeing to the recommittal.

Question put and passed; the Assembly's amendments agreed to.

Further resolutions reported.

House adjourned at 7.23 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

TOURISM, PROJECTS APPROVED

1964. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

- (1) In line with the budget papers, has the Western Australian Tourism Commission identified any areas of the State and/or projects which it is attempting to fast-track through the approval processes?
- (2) What areas of the State/projects have been identified?
- (3) What action has been taken by the Western Australian Tourism Commission in respect of each area of the State/project?

Mr BRADSHAW replied:

- (1) Whilst the Western Australian Tourism Commission is not attempting to fast track any projects through the approval process, it has however prioritised the development needs of the State. The Kimberley, Gascoyne and Perth Regions have been identified as priorities, with the projects expedited in a manner that conforms to the statutory planning process.
- 2a. Kimberley – tourist accommodation in Broome and relocation of Broome Airport to a new site.
- 2b. Gascoyne – tourist accommodation
- 2c. Perth – more tourism activity in the city and on the river; increasing economic benefits of tourism activity in the city (Perth Convention and Exhibition Centre) and linking the city to the river (eg Barrack Square Redevelopment).
- 3a. Land has been identified at Gantheaume Point in Broome. A preferred site for relocation of Broome airport over the next 5 years has been found after long consultation and the necessary statutory processes are cutting in to evaluate the site, including native title issues.
- 3b. Land has been identified at the Boat Harbour in Exmouth and work has commenced to prepare the sites for private sector involvement
- 3c. The Barrack Square Redevelopment is in progress. Submissions in response to the Expression of Interest for the Perth Conventions & Exhibition Centre are currently being assessed.

TOURISM, PRODUCT DIVERSIFICATION

1965. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

- (1) Is the Government/Western Australian Tourism Commission working on further product diversification?
- (2) If so, what work is being undertaken in this regard?

Mr BRADSHAW replied:

- (1) Yes.
- (2) Work on Nature Based Tourism Development is in progress. Dive Tourism and Wine Tourism products are examples being developed where Western Australia is believed to have relative competitive advantages. Other products will be developed over a time frame to offer the best of Western Australia to travellers.

TOURIST ACCOMMODATION REGIONAL DEMAND INVESTMENT AND SUPPLY MODEL

1969. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

- (1) Is the Minister aware of the Tourist Accommodation Regional Demand, Investment and Supply model, otherwise known as TARDIS?
- (2) Is the Minister aware that the model is able to provide projections of demand for accommodation from international and domestic tourists in specific areas, and nominate a profitable level of supply?
- (3) Does the Government/Western Australian Tourism Commission use that model or intend to use that model?
- (4) If not, why not?
- (5) Has the Government/Western Australian Tourism Commission developed its own supply/demand model for accommodation that deals with issues of under or over supply, profitability and availability of visitor accommodation?
- (6) If not, does the Government/Western Australian Tourism Commission intend to develop such a model?
- (7) If not, why not?
- (8) If so, when?

Mr BRADSHAW replied:

- (1) Yes, the Western Australian Tourism Commission played a lead role in developing the model and supported its development with a financial contribution of \$30,000.
- (2) Yes, the model has predictive capabilities, however it does have limitations which are presently being assessed.
- (3) The model is still in 'final documentation' phase and it is estimated that the system will be ready for use in June 1999.
- (4) Not applicable.
- (5) No, Western Australian Tourism Commission helped develop the National model TARDIS that could have regional capabilities such as for areas in Western Australia.
- (6) Not applicable.
- (7) Refer to question 5.
- (8) Not applicable.

TOURISM, SPORTING EVENTS

1971. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

- (1) How many major sporting events have been planned by the Government/Western Australian Tourism Commission for calendar 1999 and calendar 2000?
- (2) Will any financial assistance be provided to any of these sporting events?
- (3) If so, what will be the amount and nature of the assistance provided to each event?

Mr BRADSHAW replied:

- (1) As the member attended the 1999/2000 Best on Earth in Perth calendar launch on March 17, 1999, he would be aware that there are 14 events planned, 3 of which are cultural events. This is the third year of this increasingly successful marketing campaign, which is designed to promote Brand Western Australia and position Western Australia as a vibrant and desirable tourism destination. Not all events featured on the calendar are directly supported by the Government since this is a marketing campaign with an event tourism message.
- (2) Yes.
- (3) There are the regular EventsCorp supported or managed events such as Rally Australia (\$2.542million) the Heineken Classic (\$600,000) and the Margaret River Surfing Masters (\$20,000 from EventsCorp and \$30,000 from the Ministry of Sport and Recreation). A new contract with the Hyundai Hopman Cup is close to signing. As well, as previously announced, Western Australia will be hosting the ITU Triathlon World Championships on April 30, 2000 which will represent the culmination of the 1999/2000 Best on Earth in Perth calendar. The Government has allocated \$1.63million for this event which is being managed by EventsCorp. It is expected to generate \$14million in economic impact. The 1997 world championships were hugely successful and injected \$13.3million into the economy. Other events will receive varied forms of assistance, some of which are still under negotiation. For instance, in regard to the Rugby Test match, EventsCorp will buy signage to feature the word "Perth" for national and international television. EventsCorp's staff also work in partnership with events such as Rugby to leverage event product or tourism packages from events. Last year, for example, EventsCorp's Tourism Product Manager, facilitated 1100 pax from South Africa and the eastern states for the South African/Wallabies rugby union test match. This event generated \$8.4million in economic impact. EventsCorp works with all events in identifying and promoting event product around the events, whether they receive direct sponsorship or not. This is a major benefit of the Best on Earth in Perth campaign to the tourism industry and one of its primary objectives. Details of the new Best on Earth in Perth series are available following the announcement of March 17 and I will instruct EventsCorp to send the member an information kit on the 99/2000 calendar.

TOURISM, SPECIAL EVENTS

1974. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

What special events has the Government/Western Australian Tourism Commission been able to attract to Western Australia for calendar 1999 and calendar 2000 which will generate a substantial economic benefit for the State?

Mr BRADSHAW replied:

The announcement of the 1999/2000 Best on Earth in Perth calendar was made on March 17, 1999. While the calendar will feature the regular high profile events such as Rally Australia and the Heineken Classic, there are also a number of one-off events featured in the forthcoming year's calendar. Those one-off events attracted or supported by the Western Australian Tourism Commission include the ITU Triathlon World Championships; the Australian University Games; the Pan Pacific Masters Swimming Championships and the Rugby Union Test Match. Regular events supported by the WATC include Rally Australia, Margaret River Masters, Heineken Golf Classic and Hyundai Hopman Cup. The following table summarises the estimated economic impact some of these events will generate for the State Government:

EVENT	ESTIMATED ECONOMIC IMPACT
Rally Australia	\$19million
Heineken Golf Classic	\$7million
Hyundai Hopman Cup	\$1million
Margaret River Masters	\$500,000
Rugby Union Test (Australia versus Ireland)	\$500,000
Australian University Games	\$2.91million
Pan Pacific Masters Swimming Championships	\$2million
ITU Triathlon World Championships 2000	\$14million

It will therefore be another very exciting year for major events in this State.

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2048. Mr BROWN to the Minister representing the Minister for Mines:

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

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

Mr BARNETT replied:

- (a) 12 (7 permanent, 4 casual, 1 trainee).
- (b) 3 (2 trainees, 1 casual).

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2052. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

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

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

Mr BRADSHAW replied:

WESTERN AUSTRALIAN TOURISM COMMISSION

- (a) The Western Australian Tourism Commission in the 1997-98 financial year recruited no permanent employees under the age of 21.
- (b) The Western Australian Tourism Commission in the 1998-99 financial year (to date) recruited no permanent employees under the age of 21.

ROTTNEST ISLAND AUTHORITY

- (a) Four employees under the age of 21 years were recruited by the Rottne Island Authority during the 1997-98 financial year.
- (b) To date in the 1998-99 financial year, no employees under the age of 21 years have been recruited.

GOVERNMENT CONTRACTS

2070. Mr BROWN to the Minister representing the Minister for Mines:

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

Mr BARNETT replied:

- (1) (a) One.
- (b) None.
- (2) (a) \$63,675
- (b) Not applicable.
- (3) (a) Focus Metals Pty Ltd.
- (b) Not applicable.

- (4) (a) Purchase and removal of precious metals from the Chemistry Centre of Western Australia.
(b) Not applicable.
- (5) (a) 18 December 1998.
(b) Not applicable.
- (6) (a) No.
(b) Not applicable.
- (7) (a) Awarded to the highest bidder to obtain maximum return from the sale of Government assets.
(b) Not applicable.

ROTTNEST ISLAND, CLEANLINESS OF PUBLIC FACILITIES

2097. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

- (1) Is the Minister aware of calls to talk back radio complaining about the cleanliness of public facilities on Rottnest Island?
- (2) Are the public facilities on Rottnest Island maintained to a high degree of cleanliness?
- (3) Does the Rottnest Island Authority have a contract with any company to maintain such facilities?
- (4) What is the nature of the contractual arrangements?
- (5) If not, what arrangements does the Rottnest Island Authority use to ensure such facilities are properly maintained and kept in a state of cleanliness?

Mr BRADSHAW replied:

- (1) Yes.
- (2) Yes. The public facilities on Rottnest Island are maintained to a high degree of cleanliness.
- (3) Yes.
- (4) Under the public tendering process, established under State Supply Commission guidelines, a three year contract was awarded to Jason Cleaning Pty Ltd in 1996.
- (5) Not applicable.

TOURISM, CAVE LAKES

2105. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

What assistance does the Government intend to provide to the tourism industry to ascertain why the Cave Lakes in the Margaret River region have become dry?

Mr BRADSHAW replied:

No request for assistance has been received by the Western Australian Tourism Commission.

TOURISM, AUSTRALIAN TOURISM COMMISSION'S ADVERTISING CAMPAIGN

2107. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

- (1) Is the Minister aware of the multi million dollar advertising campaign launched by the Australian Tourism Commission in January 1999?
- (2) Does the Minister expect the campaign to lead to additional overseas tourist visiting Western Australia?
- (3) What percentage increase in tourists does the Minister/Government expect to result from the Australian Tourist Commission advertising campaign?

Mr BRADSHAW replied:

- (1) Yes. The campaign is in fact a \$150 million commitment over three years in Australia's 5 major regional markets to establish Brand Australia. The strategy incorporates thematic and tactical advertising, public relations and promotion on the Internet. The thematic advertising is very generic in its approach, however Western Australian images feature prominently on the television and print campaigns in Asia and Japan.
- (2) The objectives of the three year strategy are to build consumer awareness of Australia, develop motivation to travel and then through the tactical campaign convert that awareness and motivation into travel. Given this, it is expected to lead to an increase in visitor numbers to Australia and Western Australia.
- (3) The Australian Tourist Commission's three year strategy is pivotal to Australia achieving the forecast growth for international visitors established by the Tourism Forecasting Council (TFC). The TFC have forecast that at the end of the three year strategy (2001) Australia will have 4.9 million international visitors which represents an increase of 23.9% over 1998. The Australian Tourist Commission does not create state based targets.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2147. Mr BROWN to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

- (1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?
- (2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?
- (3) If not, why not?

Mr BOARD replied:

I am advised that:

Please refer to the response to question on notice 2134 of 9 March 1999.

GRANT THORNTON, CONTRACTS

2228. Ms MacTIERNAN to the Minister representing the Minister for Mines:

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

Mr BARNETT replied:

- (1) None.
- (2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2294. Mr RIEBELING to the Minister representing the Minister for Mines:

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

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

Mr BARNETT replied:

- | | | | |
|-----|---------|--|-------------------------|
| (a) | 94 | (82 Department of Minerals and Energy | 12 Chemistry Centre WA) |
| (b) | (i) 63 | (56 Department of Minerals and Energy | 7 Chemistry Centre WA) |
| | (ii) 31 | (26 Department of Minerals and Energy: | 20 contract |
| | | | 4 casual |
| | | | 2 trainees |
| | | 5 Chemistry Centre WA: | 4 contract |
| | | | 1 casual) |

JERVOISE BAY PROJECT, GUNN SUTHERLAND CORPORATE PTY LTD'S CONTRACT

2305. Mr RIEBELING to the Minister for Commerce and Trade:

In relation to the contract awarded to Gunn Sutherland Corporate Pty Ltd to provide the services of a Project Director to the Jervoise Bay Project -

- (a) what was the total amount paid to this company to date;
- (b) as the contract will expire on 5 April 1999, what is the estimated total cost of this contract;
- (c) will the Department of Commerce and Trade be re-advertising this contract; and
- (d) If yes to (c), when will the contract be advertised?

Mr COWAN replied:

- (a) Gunn Sutherland Corporate Pty Ltd was paid \$143 969.27 through the contract with CP Resourcing.
- (b) \$143 969.27
- (c) No.

(d) Not applicable.

MINISTERS OF THE CROWN, FREE TICKETS TO SPORTING EVENTS

2326. Mr GRAHAM to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

- (1) Has any sporting club or organisation provided the Minister with free tickets to any major sporting events in Western Australia?
- (2) If so -
 - (a) to which events were the tickets provided; and
 - (b) on how many occasions have tickets been provided?

Mr BOARD replied:

I am advised that:

- (1) All members of Parliament, and the Minister in particular, receive hundreds of invitations to attend sporting, arts and social events every year. Whilst the Minister tries to attend as many events as possible, regrettably this is not always possible.
- (2) (a)-(b) This information is not readily available. Provision of this information would require considerable research that would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response. If the member has a specific enquiry I will endeavour to provide a reply.

GENETICALLY MODIFIED FOOD, LABELLING

2377. Mr BROWN to the Minister for Commerce and Trade:

- (1) Is the Minister aware of media reports that suggest that State Health Ministers outvoted their Federal and New Zealand counterparts to require the labelling on genetically modified food where it is substantially equivalent to traditional food?
- (2) Is the Minister also aware of comments made or purportedly made by the Deputy Prime Minister that the adoption of more onus requirements applied elsewhere in the world would "impede the capacity of Australian process food exporters to penetrate growing export markets, reducing their output, market share and their ability to provide employment"?
- (3) Has the Minister or any of his departments and agencies examined this matter?
- (4) Has the Minister or any of his departments made representations to the Federal Government in this regard?
- (5) If so, what were the nature of the representations?
- (6) What was the date of the representations being made?

Mr COWAN replied:

- (1) Yes.
- (2) Assuming the question should read "...the adoption of more onerous requirements than required elsewhere..", then the answer is yes.
- (3) The Department of Commerce and Trade has examined this matter.
- (4) Neither I, nor any of my departments, have made representations to the Federal Government in this regard. However, I did respond to a letter from the Deputy Prime Minister in which he expressed this view. I indicated that, while I support the labelling of foods produced using gene technology which are substantially different (that is in some property, nutritional value, nutritional effect or intended use) from conventionally produced counterparts, I do not support the labelling of substantially equivalent food products. In addition to agreeing that there are potentially negative implications for trade and trade agreements, I also raised concerns about the extent to which the labelling of substantially equivalent foods would usefully inform consumers and whether the requirements could be enforced. In some cases, the technology does not currently exist to differentiate some substantially equivalent foods, particularly highly processed products, from their non-genetically modified counterparts and some major suppliers of key commodity crops, such as soy beans, do not segregate modified and non modified varieties in bulk shipments.
- (5)-(6) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2539. Mr RIPPER to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?
- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?
- (3) If so, for each such appointment, will the Minister specify -

- (a) the officer's name;
 - (b) their classification and position at appointment;
 - (c) the date their appointment took effect; and
 - (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in a Ministerial office?
- (5) If so, for each secondment, will the Minister specify -
- (a) the officer's name;
 - (b) the classification and position to which the officer was seconded;
 - (c) the date this secondment was requested;
 - (d) the date this secondment took effect; and
 - (e) the Ministerial office to which the officer was seconded to?

Mr SHAVE replied:

LANDCORP, MFT, WAEC and DOLA

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

UNITING CHURCH, REVEREND GEORGE DAVIES

2579. Ms ANWYL to the Minister for Youth:

I refer to the decision of the Uniting Church to discontinue funding to its consultant Reverend George Davies and ask -

- (a) has the Minister received representations from concerned citizens about this decision;
- (b) if so, how many;
- (c) what action has been taken by the Minister or the Office of Youth Affairs to solve this problem;
- (d) does the Minister acknowledge that the Reverend George Davies is an extremely experienced youth worker; and
- (e) if so, what steps will the Minister take to ensure that the Reverend George Davies is able to obtain employment in the youth sector?

Mr BOARD replied:

I am advised that:

- (a) Yes.
- (b) Three (3) written representations have been received.
- (c) I met with Reverend Davies on 9 March 1999.
- (d) Reverend Davies has a good reputation amongst sections of the youth industry.
- (e) It is beyond my Ministerial responsibilities to influence employment decisions in the youth sector.

OFFICE OF YOUTH AFFAIRS, CONSULTATIONS WITH YOUNG PEOPLE

2580. Ms ANWYL to the Minister for Youth:

What consultations with young people have been undertaken by the Office of Youth Affairs (OYA) in the State, and specify -

- (a) the date of each consultation;
- (b) the number of young people consulted;
- (c) the origin of young people (eg schools, youth advisory councils etc);
- (d) whether a written report was generated;
- (e) whether such reports have been circulated;
- (f) if the answer to (e) above is yes, to whom;
- (g) the cost of such consultations; and
- (h) why has the Minister failed to make any such reports available to members of the Opposition?

Mr BOARD replied:

I am advised that:

- (a) See paper No 877.
- (b) Over 1,000.
- (c) High schools, TAFE and tertiary colleges, community members, Youth Advisory Council members.

(d)-(e) Yes.

- (f) All secondary schools, forum participants, State Ministers, District Education Offices and interested parties who requested a copy of the Report.
- (g) Consultations were conducted within the operating budget approved for the Office of Youth Affairs.
- (h) Copies of the report have been made available to interested persons on request. A copy is available in the Parliamentary Library.

YOUTH ADVISORY COUNCILS, CONFERENCE

2581. Ms ANWYL to the Minister for Youth:

I refer to the recent conference of Youth Advisory Councils and ask -

- (a) will the Minister specify which Youth Advisory Councils attended;
- (b) whether there were any Youth Advisory Councils not invited to attend;
- (c) if the answer to (b) above is yes, will the Minister -
 - (i) state which; and
 - (ii) advise the reasons;
- (d) what were the outcomes of the conference;
- (e) which Government and Opposition Members of Parliament were invited to attend the conference;
- (f) what was the cost of the conference;
- (g) which areas do not yet have Youth Advisory Councils;
- (h) what steps are being taken to have them established;
- (i) were any documents created as a result of the conference;
- (j) if the answer to (i) above is yes, will the Minister provide details; and
- (k) will the Minister provide a copy of those documents?

Mr BOARD replied:

I am advised that:

- (a) All Youth Advisory Councils were invited: City of Armadale, Shire of Augusta/Margaret River, Shire of Bridgetown/Greenbushes, Shire of Broome, City of Bunbury, Shire of Busselton, Shire of Capel, Shire of Carnarvon, City of Cockburn, Shire of Collie, Shire of Coolgardie/Kambalda, Shire of Dalwallinu, Shire of Dandaragan (Jurien), Shire of Dardanup, Shire of Denmark, Shire of Esperance, Shire of Greenough/Geraldton, Shire of Gnowangerup, City of Gosnells, Shire of Jerramungup, Town of Kwinana, City of Mandurah, Shire of Manjimup, Shire of East Pilbara (Marble Bar), Shire of East Pilbara (Newman), City of Melville, Shire of Merredin, Shire of Mukinbudin, Shire of Mundaring, Shire of Nannup, City of Nedlands, Town of Northam, City of Perth, Town of Port Hedland, Shire of Quairading, Shire of Ravensthorpe, City of Rockingham, Shire of Roebourne, City of South Perth, City of Subiaco, Shire of Swan, Shire of Waroona, Shire of West Arthur (Darkan), Shire of Wongan-Ballidu.
- (b) No.
- (c) Not applicable.
- (d) The outcomes were to:
 - (i) Bring together Youth Advisory Council members from throughout the State in a consultative and interactive environment.
 - (ii) Provide information and advice on youth related issues to the Minister for Youth.
 - (iii) Increase networking and liaison within the Youth Advisory Councils' network.
 - (iv) Provide opportunities for the Youth Advisory Councils to meet on a Statewide basis.
 - (v) Provide participants with training and advice on:
 - (i) How to run meetings.
 - (ii) Regional planning.
 - (iii) Young People and the Arts.
 - (iv) The Youth Allowance.
 - (v) Young People and the Law.
 - (vi) Young People and the Media.
 - (vii) Young People and Road Safety.
- (e) The Minister for Youth.
- (f) \$35,634

- (g) At present, there are a total of 61 YACs established throughout the State and a further 32 YACs are at various stages of negotiation, including:
- Shire of Derby/West Kimberley, Shire of Halls Creek, Shire of Kellerberrin, Shire of Wagin, City of Bayswater, City of Joondalup (all of the above have accepted a Memorandum of Understanding), Shire of Beverley, Shire of Cunderdin, Shire of Goomalling, Shire of Harvey, City of Kalgoorlie/Boulder, Shire of Koorda, Shire of Kulin, Shire of Leonora, Shire of Moora, Shire of Mount Marshall, Shire of Mullewa, Shire of Narembeen, Shire of Northam, Shire of Northampton, Shire of Pingelly, Shire of Toodyay, Shire of Wickepin, Shire of Wyalkatchem, City of Belmont, City of Canning, Town of East Fremantle, City of Fremantle, Town of Victoria Park, Town of Vincent, City of Wanneroo (all in the process of negotiating a Memorandum of Understanding) and the Shire of Cuballing (who have expressed their support for establishing a YAC).
- (h) Liaison with Local Government Authorities and service agencies responsible for implementing programs and initiatives for youth. Visits to the region, promoting the benefits of YACs and providing information and advice on how to establish a YAC.
- (i) Yes.
- (j) The Department of Commerce and Trade – A Regional Consultation Source Report.
- (k) Report tabled. [See paper No 878.]

YOUTH NETWORKS, FUNDING

2582. Ms ANWYL to the Minister for Youth:

I refer to the thirteen (13) youth networks and ask -

- (a) will the Minister specify the regions covered and the membership of each network;
- (b) what financial or other support is provided to each network;
- (c) how do the networks operate;
- (d) how often do meetings occur;
- (e) what steps are being taken to extend coverage of the networks; and
- (f) what is the total budgetary allocation for youth networks?

Mr BOARD replied:

I am advised that:

- (a) Youth Coordination Networks (YCNs) have been established in the following regions:

Metropolitan	-	East Metro Region (Midland) South East Metro (Cannington) South West Metro (Rockingham/Kwinana) Fremantle Community (Fremantle) Northern Suburbs (Wanneroo/Joondalup) North East Metro (Balgam/Mirraboooka)
Country	-	Kimberley (Broome) Mid West (Geraldton) Great Southern (Albany) Peel (Mandurah) South West (Nannup) Bunbury

For membership of each network see paper No 879.

- (b) A \$5,000 annual grant is provided to assist with convening meetings, secretariat functions and forwarding information to the Office of Youth Affairs for consideration. All the above networks are in receipt of \$5,000 with the exception of the North East Metro network (Balgam/Mirraboooka) who receive \$3,900.
- (c) Service providers in the regions meet regularly to provide a forum to discuss and formulate strategies and programs for youth initiatives within their communities. The role of YCNs is:
 - To assist in the coordination and provision of services to young people in the region.
 - To offer support and listen to the views of Youth Advisory Councils and young people in the region.
 - To give advice to the Minister for Youth and the Office of Youth Affairs on youth issues.
 - To address youth issues at the local level.
- (d) YCNs meet approximately on a monthly basis. For remote regions, meetings are held bi-monthly.
- (e) The appointment of the Regional Youth Development Officers will assist in the expansion of the Network. It is proposed that 19 YCNs be established, 12 in the country and 7 in the metropolitan area. Future YCNs to be established include the Pilbara, the Goldfields, the Wheatbelt and Perth.

(f) \$95,000.

YOUTH DEVELOPMENT OFFICERS

2583. Ms ANWYL to the Minister for Youth:

I refer to the Minister's brief Ministerial Statement made on 23 March 1999 announcing Youth Development Officers and ask -

- (a) when did the Minister first announce these positions;
- (b) has the Minister given consideration to extending the positions beyond the Goldfields and South West;
- (c) has consideration been given to extending the positions to any of the following locations -
 - (i) Carnarvon;
 - (ii) Esperance;
 - (iii) Broome;
 - (iv) Karratha;
 - (v) Warburton; and;
 - (vi) Port Hedland;
- (d) where will the positions be situated;
- (e) what ties will exist with the Office of Youth Affairs and any other Government agencies;
- (f) what salary will be payable for the positions;
- (g) when will the positions be filled;
- (h) who will sit on the selection panels for each position;
- (i) what are their qualifications;
- (j) what geographical areas will each Regional Youth Development Officer (RYDO) cover;
- (k) what duty statements are available for the RYDO;
- (l) will the Minister provide a copy of the RYDO duty statements;
- (m) why is increasing the awareness of youth issues in local communities the most important role of RYDO's;
- (n) how is this to be achieved;
- (o) will RYDO's be expected to promote or be involved with the Cadet programmes;
- (p) why has the appointment been termed a pilot program;
- (q) will evaluations be made; and
- (r) if so, on what terms?

Mr BOARD replied:

I am advised that:

- (a) 3 February 1999.
- (b)-(c) Yes, a proposal is currently being developed for a further Regional Youth Development Officer (RYDO) to be located in the Kimberley/Pilbara region.
- (d) RYDOs will be situated in Kalgoorlie and the South West region (Margaret River - 20 hours per week; Manjimup - 20 hours per week). The location of the Kimberley/Pilbara position is yet to be determined.
- (e) The RYDOs will be members of the Office of Youth Affairs. They will be responsible for promoting and coordinating youth programs on behalf of the Office. Through the Youth Coordinating Network in their region the RYDOs will work closely with other Government and non-Government organisations to improve the provision of services to young people.
- (f) \$47,457 - \$52,239 per annum or the part-time equivalent.
- (g) Applications are currently being considered and offers will be made in the near future.
- (h)

Kalgoorlie	Mr Geoff Leatt-Hayter Ms Celly Taffe Ms Julie Broad	Representative from the Office of Youth Affairs. Human Resources Consultant. Local community representative.
South West	Mr Geoff Leatt-Hayter Ms Celly Taffe Ms Annette Dix	Representative from the Office of Youth Affairs. Human Resources Consultant. Local community representative.
Kimberley/Pilbara		The selection panel has not been selected at this stage.

- (i) The Chairman, Mr Geoff Leatt-Hayter, has an undergraduate Degree and extensive knowledge of youth services and issues in the youth affairs field. Ms Taffe has extensive experience as a human resource and recruitment consultant. Ms Julie Broad holds an undergraduate Degree.
- (j) South-West, Goldfields, Kimberley/Pilbara.
- (k) The Statement of Duties is as follows -
Regional Youth Development Officer - Level 5
Brief Summary of Duties to be Performed in Descending Order of Importance
- | Duty No | Details |
|---------|--|
| 1. | PROJECT DEVELOPMENT AND IMPLEMENTATION: |
| 1.1 | Develops and implements projects and programs relevant to the provision of services to youth. |
| 1.2 | Maintains a knowledge of youth programs and provides advice on issues concerning young people in the region. |
| 1.3 | With the community, formulates and recommends plans for the piloting of new youth service initiatives and development projects. |
| 1.4 | Initiates and supports youth coordination networks in the community. |
| 1.5 | Supports the development of, and operation of, Youth Advisory Councils in the region. |
| 1.6 | Undertakes research and evaluation of youth programs in the region. |
| 2. | CONSULTATION & LIAISON: |
| 2.1 | Promotes and implements the Office of Youth Affairs' youth policies, objectives, initiatives and programs in consultation with relevant agencies within the region. |
| 2.2 | Represents the Department regionally on government and community committees to ensure inclusion of Office of Youth Affairs' policies and initiatives were appropriate. |
| 2.3 | Liaises with youth service providers in the region to advocate for the provision of youth services and programs |
| 2.4 | Acts as a focal point of reference for information dissemination of youth related issues within the community. |
| 2.5 | Provides advice to government and community agencies and organisations on training and development needs. |
| 3. | OTHER: |
| 3.1 | Represents the office of Youth Affairs and Executive Director as required. |
| 3.2 | Manages the preparation of relevant briefings, correspondence and speeches for the Executive Director and the Minister for Youth. |
| 3.3 | Other duties as directed. |
- (l) Yes, refer to (k) above.
- (m) Increasing awareness of youth issues in local areas is only one of a number of priorities for the RYDOs.
- (n) By supporting the existing Youth Advisory Councils and Youth Coordinating Networks, promoting programs and services, and encouraging consultations with young people and the community.
- (o) RYDOs will be expected to promote all programs and activities that are undertaken by the Office of Youth Affairs.
- (p) A pilot program will enable the effectiveness of the positions to be assessed and changes made where appropriate without initially committing resources on a long term basis.
- (q) Yes.
- (r) An evaluation will be made during the life of the pilot program.

QUESTIONS WITHOUT NOTICE

NATIVE TITLE, VALIDITY OF TITLES FOLLOWING PASSAGE OF LEGISLATION

714. **Dr GALLOP to the Premier:**

Now that the Titles Validation Amendment Bill has passed, will the Premier stop peddling falsehoods and act responsibly by reassuring titleholders that their titles are valid and secure and that their rights will prevail should there be any conflict of interest in the event that native title is found to coexist?

Mr COURT replied:

I will certainly tell them the truth. The truth is that those leaseholders are exposed to potential litigation. The Labor Party has had three opportunities to pass the Titles Validation Amendment Bill unamended. The Leader of the Opposition's solution is that for those 1 300 residential and commercial leaseholders, he will establish a committee which will examine every one of the leases. It will determine whether native title has been extinguished. Those 1 300 leases are scattered across the State and if the lessees have not built a house, they can be asked whether they intend to develop the land. What legal standing would that committee have in determining whether leases have extinguished native title?

Mr Ripper: What legal standing did the public servants who constructed the scheduled interests have?

Mr COURT: Is it not correct that the legislation was passed by the Federal Parliament?

Mr Ripper: Yes.

Mr COURT: Labor States such as Queensland and New South Wales passed the legislation. The following is an example of the leaseholders the Labor Party's amendments will affect: A lease over King location 539 on the Packsaddle Plain at Kununurra was granted to a couple in 1981. It covers an area of 4.4 hectares and is for the purpose of cultivation and grazing. When it was inspected in September 1998 the Department of Land Administration inspector reported that the lease had been fully developed to a high standard with mangoes and bananas and that the lease could be converted to freehold. The lessees are attempting to sell the property, but they cannot sell it because they no longer have the security of title that protects them from native title claims. Who will buy a property when it can be subject to claims?

The second example is Hampton locations 143 and 144 for which a lease was granted in 1984 to two people for 21 years. The purpose of the lease is residential and grazing and the area is 16 hectares. It is located near Kalgoorlie. According to the DOLA inspection report, two residences as well as quarters are built on the property. The area is fenced and well maintained. It is used for grazing horses. Why should these people have to face the prospect of defending their lease in the Federal Court? It is already subject to a number of native title claims.

Mr Ripper: Is the lease valid?

Mr COURT: The point I am making is that -

Dr Gallop: You won't answer because it does not suit your purpose. You are going around the community spreading falsehoods.

Mr COURT: If the Leader of the Opposition wants to get emotional about it, I will get emotional too. Some of these people are elderly. They have never had to worry -

Ms Anwyl interjected.

The SPEAKER: Order! We have had enough interjections on this question. Perhaps the Premier will bring his answer to a close.

Mr COURT: These people have not had to face legal action in the past. Some of them now have claims over their property, some have had claims removed, and some will have claims put back on their property in the future. All that members opposite had to do was to do what their federal Labor Party colleagues did and what the Federal Parliament did and give them the certainty. The member for Kalgoorlie knows the facts. She stands up in Kalgoorlie and -

Ms Anwyl: I know that our amendments cover them, and you refuse to listen to the truth!

Mr COURT: The Labor Party committee which is travelling around, without any authority, examining one lease at a time, will be an absolute joke.

I was pleased that the Leader of the Opposition said today that he will go with the Labor Caucus to Kalgoorlie next week. It has taken it two years to get there. No doubt the Labor Caucus will get to Exmouth in a couple of years.

Dr Gallop: You are a disgrace. That is a disgraceful comment, Premier, and you demean your office by saying that. You have become a petty, little, pathetic Premier, playing politics with people's lives.

The SPEAKER: Order! Members, I have allowed a lot of interjection to occur. One can easily understand the sensitivities in the question and in the answer that is being given. However, I think we have just about had enough interjection, because question time is going very quickly. We have had members ask questions across the floor. If the Leader of the Opposition wants to ask a question, he should be patient and stand up at the appropriate time; I will give him the call and he will get an opportunity to ask his question.

Mr COURT: The Leader of the Opposition should explain to those leaseholders in Kalgoorlie next week what he has done. The most important issue, however, is to put in place a workable state native title regime. I have said on many occasions that members opposite have sabotaged every attempt to put in place workable state native title legislation; and if they want

to continue down that path, they will have to take responsibility for the log jam that is occurring. They will have to take responsibility for the thousands of geologists today who do not have a job as a result of the unworkability of that legislation. Some of the Leader of the Opposition's colleagues over there are very silent.

TOURIST NUMBERS, SWAN VALLEY

715. Mrs van de KLASHORST to the Parliamentary Secretary to the Minister for Tourism:

Can the Parliamentary Secretary please advise of the number of tourists who came to Western Australia in 1998 and how much money they spent in this State; and outline the direct benefits to the Swan Valley?

Mr BRADSHAW replied:

Mr Speaker -

Mr Brown: And what were their names?

Mr BRADSHAW: As the Parliamentary Secretary to the Minister for Tourism, I take exception to that remark, because a lot of people go to the Swan Valley -

Mr Brown: I know. I am one of them.

Mr BRADSHAW: To request that they be mentioned by name is to imply that not many people go there. The Swan Valley is a very important region in Western Australia, and although the 1998 data has not been released by the Australian Bureau of Statistics and the Bureau of Tourism Research, the latest estimates available -

Mr Brown: Estimates?

Mr BRADSHAW: Listen to the answer. I said that the Australian Bureau of Statistics has not released its figures yet, so we can go on estimates only. The latest estimates available are for overseas visitors for the financial year 1997-98. During this period, the number of overseas visitors travelling to Western Australia increased by 4.3 per cent to 579 000, while Australia's overseas arrivals declined by 0.8 per cent to 4 222 000. In other words, Western Australia is doing very well in its tourism promotion in the sense that our number of tourists is increasing. The State's \$2.1b per year tourism industry employs up to 78 000 people, which equates to about 1 in 12 Western Australian workers. The Swan Valley, with its strong elements of being in close proximity to the metropolitan area, its culture, its wine heritage, and its being one of the State's historic communities, is in a good position to benefit from this level of tourism activity.

The strong growth in tourism is evident in the increase of day trips to the Guildford-Swan Valley area, from 202 000 in 1995 to 245 000 in 1996. In 1996 these Western Australian day trippers each spent around \$22 during their trip, spending a total of just over \$5.4m. Development of tourism infrastructure in the Swan Valley has also been strong, particularly in the past two years. Some examples of new and proposed infrastructure in the area include Novotel Vines Resort, over 100 rooms; Hanson's Boutique Hotel, 20 rooms; development of several bed and breakfast establishments; Sandalford Winery's investment in a multi-million dollar upgrade of its visitor facilities; 34 units proposed at the Swan Valley Oasis complex; 32 units under construction at the Old Valencia Winery; and a number of new wineries and restaurants including Sitella, Riverbank and Baskerville wineries. All in all the Swan Valley is progressing very well in the tourism area.

NATIVE TITLE POLLING COMMISSIONED BY PREMIER'S OFFICE

716. Dr GALLOP to the Premier:

I refer to the secret Wik polling conducted by AMR: Quantum Harris commissioned by the Premier's office last year, and ask -

- (1) Why have Western Australians been forced to pay for a survey of attitudes to native title and Wik in country and metropolitan Victoria?
- (2) Why has the Premier failed to table this polling, given that it was completed more than 12 months ago?
- (3) What was the cost to WA taxpayers of this polling and was the total cost shared equally by the WA, Queensland and Northern Territory Governments?

Mr COURT replied:

Did the Leader of the Opposition provide notice of that question?

Dr Gallop: No.

Mr COURT: I cannot give the specific costs associated with it; I will find that out. It has been public for some time. I think the polling has been public for some time.

Dr Gallop: You have not tabled it in the Parliament.

Mr COURT: The Leader of the Opposition asked why it has not been tabled. If he wants it tabled I will see whether it is appropriate to be tabled. As he knows, it was polling that was done by three States.

Dr Gallop: Was the cost shared equally?

Mr COURT: Yes it was. Being the most significant issue affecting our State, it is appropriate that that polling be done.

Dr Gallop: Polling of metropolitan Victoria? That's a good one!

Mr COURT: The point is that this Government has made that type of polling available publicly.

Dr Gallop: You didn't make this available, Premier.

Mr COURT: The Opposition when in government would not even tell us what polling it did or how much it cost and there was no access to it. Mr Speaker, I see no reason why it cannot be tabled because I understand it has already been made public for some months.

NATIVE TITLE POLLING, PURPOSE

717. Dr GALLOP to the Premier:

Is it not the case that the Premier commissioned that poll in order to pressure the Howard Government to run a race-based election campaign last year as outlined on the front page of *The Australian* in April 1998?

Mr COURT replied:

No. The Leader of the Opposition simply does not understand the practical problems that we have in the community with this native title legislation. That is why we will bring back into the Parliament another titles validation Bill so that the Opposition can again have the opportunity to give certainty to a relatively small number of leaseholders. That is why the Australian Labor Party will have to make decisions on whether it will be prepared to accept amendments to the federal and state legislation so that we can have a workable native title regime.

Dr Gallop: Amendments to the federal legislation?

Mr COURT: As a result of amendments to the 10-point plan in the federal legislation we have the opportunity to try to implement a workable state native title regime.

Dr Gallop: Isn't the Howard regime workable?

Mr COURT: I said from day one that even with the passing of the amendments it would be difficult to make the native title regime work, but give us a chance.

Dr Gallop: So the Howard regime is not workable? That is not what Howard says.

Several members interjected.

Mr COURT: If the Leader of the Opposition had bothered to listen to the second reading debate when we brought in the state provisions legislation, he would know that we said it was a compromise on a compromise.

Dr Gallop: I am sorry, Premier, but you are under an obligation to make the state legislation equivalent to the federal legislation, otherwise it will not get through the Parliament.

Mr COURT: The Australian Labor Party used its numbers in the Legislative Council to sabotage those attempts and that is the party that will have to go out to the community and publicly justify its actions.

SELECT COMMITTEE ON CRIME PREVENTION, PUBLIC FORUMS

718. Mr BAKER to the Chairman of the Select Committee on Crime Prevention:

I refer to the recently convened public forums conducted by the Select Committee on Crime Prevention in the Perth metropolitan area and elsewhere. Can the Chairman provide this House with a brief progress report regarding the level of interest in these forums expressed by members of the public and the general public's response to the select committee's initial discussion paper on this vitally important community issue?

The SPEAKER: I would like a copy of the question because strong limitations are placed on questions that can be asked of chairmen of select committees. This question may fall outside that scope. When that copy of the question is brought to the Table, we will determine whether the question is allowable.

After consideration, I will not allow the question from the member for Joondalup to the member for Mandurah in his capacity as the Chairman of the Select Committee on Crime Prevention. According to parliamentary practice, questions can be asked in only extremely limited situations. Questions can be asked, for example, about when the committee will table its report and procedural-type matters of that nature. However, questions cannot be asked about matters of inquiry that are being conducted by the committee because these deal with the substance of the committee's work and they could to some extent interfere with it. Therefore, the question is out of order.

CENTRAL PARK OFFICE TOWER, PROPOSED SALE

719. Dr GALLOP to the Premier:

I refer the Premier to the Opposition-initiated Auditor General's report on the proposed sale of the Central Park office tower by the Government Employees Superannuation Board which has found that the process was not sufficiently transparent and competitive, and that the board did not receive the required Treasurer's approval for the part of the investment that was processed. Is the Premier concerned at the failure of his Minister for Finance to properly investigate the matter when it was publicly raised and to ensure that proper processes were followed by the Government Employees Superannuation Board.

Mr COURT replied:

The Leader of the Opposition has a nerve to ask about those property deals. We are still in the middle of litigation associated with his party's property deals and this property deal back in the nice 1980 WA Inc days!

Dr Gallop: We live in 1990.

Mr COURT: Yes, we do, but we still have the legacy of his party's property dealings hanging around our neck. The Auditor General supports the sale of the Central Park office tower as a prudent measure to diversify and reduce the board's exposure to property. He said that a more open approach to the disposal process would have been preferable and the report concludes that the board should obtain the Treasurer's approval if it commits to that part of the proposed sale transaction involving investments in a unit trust. The Central Park proposal deal has not gone through, but basically -

Dr Gallop: Thanks to the Opposition.

Mr COURT: What does he mean "thanks to the Opposition"?

Dr Gallop: The Opposition raised this matter and your minister said he had no interest in it and he had complete faith in the board. He failed in his duties as a minister under the Crown.

Mr COURT: We have complete faith in the board and as the Auditor General's report states, it was prudent for it to want to sell that property.

Mr Ripper: You have a few problems with the ministers in the upper House - the Attorney General, the Minister for Finance.

Mr COURT: No, not at all. If the Opposition wants to have a debate about these property deals, let us bring it on.

TWO ROCKS, ACCESS TO BEACH

720. Mr MacLEAN to the Minister for Lands:

The minister would be aware that Yanchep Sun City Pty Ltd, a subsidiary of Tokyu Corporation, has recently blocked off access to a public beach at Two Rocks. What steps, if any, are being taken to restore this public access given that this entry road has been in use for about 20 years and would now be classed as an unrestricted right of way?

Mr SHAVE replied:

I thank the member for some notice of this question. The access referred to is by way of a four-wheel drive track which traverses private land owned by the Tokyu Corporation. I have requested departmental officers to examine the matter in an endeavour to resolve the issue.

TRAVEL AGENT'S LICENCE, REVOCATION

721. Ms MacTIERNAN to the Minister for Fair Trading:

- (1) Can the minister confirm that in September 1998 he or a person from his office contacted the chief executive officer of the Ministry of Fair Trading, Patrick Walker, requesting that the revocation of a travel agent's licence be overturned?
- (2) Can he also confirm that Mr Walker directed a staff member to overturn that revocation?
- (3) Can he also confirm that Mr Walker received legal advice that neither he nor the ministry had power to overturn the revocation?
- (4) Can he confirm that notwithstanding this advice, the travel agent's licence was restored?
- (5) Who was the travel agent who benefited from his intervention?

Mr SHAVE replied:

I thank the member for some notice of this question. In answer to question (1) I am advised -

Ms MacTiernan: Is the minister saying that he was advised about what he did?

Mr SHAVE: I was advised by my department with respect to answers specific to the question the member asked, as she would expect me to receive advice.

- (1) In September 1998, in response to a telephone call, my office contacted the chief executive officer of the Ministry of Fair Trading, Patrick Walker, in relation to the cancellation of a travel agent's licence. The CEO was asked to make inquiries into the circumstances leading to the cancellation of the licence. He was not asked to overturn the cancellation.

Mr Ripper: Who made the call from your office?

Mr SHAVE: One of my staff.

Mr Ripper: Which one?

Mr SHAVE: If the question is put on notice, I will provide the answer.

- (2) At the request of the CEO, an officer of the Ministry of Fair Trading consulted with the licensing authority, the acting registrar of the Commercial Tribunal, who indicated that the CEO might have discretionary power to reinstate the licence. On this advice, the CEO overturned the cancellation, subject to the licensee paying the statutory late fee.

Ms MacTiernan: The chief executive officer of the Ministry of Fair Trading overturned it?

Mr SHAVE: Yes.

- (3)-(4) After the cancellation was overturned, Mr Walker received legal advice which indicated that he did not have the power to reinstate travel agents' licences. Other legal advice, however, indicated that the licence did not need to be reinstated in any event as the original cancellation notice sent to the licensee was unlikely to have been valid.
- (5) The holder of the travel agent's licence was Mr Jeffrey Doig. As Mr Doig did not require his licence to be reinstated, he did not derive any net benefit from the action taken by the commissioner.

TRAVEL AGENT'S LICENCE, REVOCATION

722. Ms MacTIERNAN to the Minister for Fair Trading:

As a supplementary question, did the minister at any stage have any involvement in this transaction?

Mr SHAVE replied:

To the best of my knowledge, up until today I had never heard of Mr Jeffrey Doig and I was not aware of the transaction. It may have been mentioned to me, but I am not aware that it was.

FIREBREAK REGULATIONS, FINES FOR INFRINGEMENTS

723. Mr MASTERS to the Minister for Emergency Services:

The Shire of Busselton is concerned that some landowners view the \$80 standard infringement notice fine for breaches of firebreak regulations as insignificant and no deterrent to failing to comply with firebreak requirements. Can the minister please advise if the size of the infringement notice fine is considered to be too low, and, if so, what action is being undertaken to satisfy the shire's concerns?

Mr PRINCE replied:

The member raised the matter when I was in Busselton a month or two ago. A number of people from local government authorities in the area also raised the matter, particularly those involved with bushfire prevention, the policing of firebreak construction and so forth. The present situation is that an infringement notice penalty is \$80. Obviously that could be levied more than once if a person did not comply with a notice to put in an adequate firebreak. It is really no longer a deterrent. It was fixed at \$80 in 1990, which is quite a long time ago. I have asked the Fire and Emergency Services Department to review all of the penalties under the Bush Fires Act, because such a review is well overdue. I expect that review will be done this calendar year. In the meantime the infringement penalty can be increased to \$100, which is the maximum permitted under current legislation. I intend that shall be done in the near future by way of regulation tabled in the House. I intend that from the start of the next season, which is towards the end of this calendar year, the infringement penalty will be \$100. Given the problems that exist, particularly in the Busselton-Vasse area, I hope that will assist local authorities to deal especially with absentee landowners who ignore the requirement to put in firebreaks for the protection and benefit of all the people who live in that area. The multiplication of a number of infringement penalties of \$100 could add up to a substantial amount of money, far in excess of the cost of putting in firebreaks. I warn people in that area, through their member, who has been very active on this issue, that the Government intends to increase the penalty immediately to the maximum to which it can be increased and in due course by a considerable amount more.

JOONDALUP HEALTH CAMPUS, ELECTIVE SURGERY

724. Mr McGINTY to the Minister for Health:

- (1) Is elective surgery still cancelled at Joondalup Health Campus; and, if so, when will it resume?
- (2) How much additional funding has been sought by Joondalup Health Campus this financial year, and how much was granted and for what purpose?
- (3) What reductions or closures of operating theatres, procedures or beds will be applied to Joondalup Health Campus for the last quarter this financial year?

Mr DAY replied:

- (1) No, elective surgery is continuing to be undertaken at the Joondalup Health Campus.
- (2) It is important to appreciate that there has been a substantial increase in funding made available to the Joondalup Health Campus over the past couple of years. In 1996-97 when it was still operating as Wanneroo Hospital, the allocation was \$15.4m. In 1997-98, which was the year the Joondalup Health Campus was commissioned, the allocation increased substantially to \$26m. In the current year of 1998-99 the allocation is \$38.6m. I understand that negotiations are currently taking place for the allocation for 1999-2000. The last report I had was that those negotiations had not concluded. However, I certainly expect that there will be a further increase in the next financial year in the allocation to the Joondalup Health Campus. The campus has requested and received \$280 000 additional funding for the Department of Veterans' Affairs in-patient services in the current financial year.
- (3) The Health Department is purchasing an agreed volume of activity for 1998-99. Joondalup Health Campus has exceeded, for the first three quarters of the year, the in-patient volume of services required to meet that agreed activity level. The hospital is therefore reducing the level of in-patient services in the non-urgent category for April of this year. This will be reviewed at the end of April of this year to ensure that the contracted levels are achieved. It is important to understand that additional funding is also available from the allocation that the Government has made for the general increase in elective surgery activity in public hospitals.

JOONDALUP HEALTH CAMPUS, ELECTIVE SURGERY

725. Mr McGINTY to the Minister for Health:

I refer to (1) of the previous question in answer to which the minister said that elective surgery has never been cancelled at the Joondalup Health Campus. Will he explain the nature of the reductions and whether they will continue?

Mr DAY replied:

What I said was that elective surgery is continuing to be undertaken at the Joondalup Health Campus.

Mr McGinty: Not much though.

Mr DAY: My understanding is that there will still be a substantial level of activity. As I said in answer to the primary question, additional funds are available for undertaking increased elective surgery.

The reality is that the health campus used up its allocation for elective surgery in the non-urgent, category 3 class of patient in the first part of the financial year. Like every other hospital in the State funded from the public system, it has a responsibility to manage the use of its funds over the entire financial year. If the health campus uses up its allocation at a faster rate than that for which funding is allocated, it must work out how it will manage that situation over the entire financial year. Whether it is a government-owned and operated hospital or a public hospital managed by the private sector, people must appreciate that no bottomless pit of funds is provided by the taxpayers of Western Australia for running hospitals. People must manage the situation very carefully.

This Government has provided a substantial increase in the amount of funding available for public hospitals and health services. The Premier announced a few weeks ago that \$70m additional funding was being provided for our public hospital and health system. It is going a long way, but a bottomless pit of funds will never be available. Despite the fact that funding has increased substantially over this and the previous terms of Government, those funds need to be carefully managed. A large amount of additional funding has been made available for increased elective surgery. As I said yesterday, we are making good progress, including through the activity at Joondalup Health Campus in joint replacement and cataract removal surgery.

Mr McGinty: Why do you not answer the question? When will elective surgery resume?

The SPEAKER: Order! I know we allow many interjections and people ask questions, but a supplementary question is one question. Perhaps the minister can bring his answer to a close so other members can have a go.

Mr DAY: Elective surgery is continuing at Joondalup Health Campus within the reality of the allocation made clear to the hospital.

SUPREME AND DISTRICT COURTS, FEMALE JUDGES AND MAGISTRATES

726. Mr BAKER to the minister representing the Attorney General:

I refer to concerns expressed by some sections of the community regarding the gender balance of the Supreme and District Court benches.

- (1) How many female judges were appointed to either bench under the previous State Labor Government?
- (2) How many female judges were appointed to either bench by the coalition Government since the 1993 State election?
- (3) How many female magistrates were appointed by the previous State Labor Government as compared to appointments made under the current coalition Government?

Ms Anwyl: Bring back the female Attorney General!

Several members interjected.

Mr PRINCE replied:

Are members opposite ready? Are they listening? The Attorney General has provided the following answer -

- (1) One - and she is a very good judge.
- (2) Five. One female judge has been appointed to the Family Court, and another announcement is pending which might be of interest.
- (3) Three female magistrates were appointed under the previous Labor Government, and this Government has yet to appoint a female to the magistracy.

MR CLIVE GRIFFITHS

727. Mr KOBELKE to the Premier:

Notice of this question was given at 10.30 this morning.

- (1) How much in wages, allowances and other costs was Mr Clive Griffiths paid during the period when he was acting as the President of the Legislative Council in 1996 after he had been appointed as the Agent General?
- (2) Will Mr Griffiths be required to refund that money to which he was clearly not entitled?

- (3) What was the cost of flying Mr Griffiths back to Western Australia and accommodating him during the aborted trial in which he was a key witness?
- (4) Who is responsible for this fiasco - the Premier or the Attorney General?

Mr COURT replied:

I thank the member for some notice of this question.

- (1) In 1996, under the Salaries and Allowances Act, members of Parliament were paid an annual salary of \$81 042. The President of the Legislative Council received an additional salary of \$34 165, plus an expense allowance of \$2 735 per annum, an electorate allowance of \$21 068 per annum, and a postage allowance of \$5 400 per annum.
- (2) I am advised that consideration is being given to lodging an appeal. I believe that the decision will be made in the next day. As far as the Government is concerned, Mr Griffiths was certainly a member of Parliament and President of the Legislative Council at the time and performed his duties accordingly. He did not take up the position of Agent General until after he retired from Parliament.
- (3)-(4) Mr Griffiths was scheduled to return to Perth during April to undertake a number of functions in his capacity as Agent General. The Director of Public Prosecutions' office was aware of this, and arranged the trial dates to coincide with Mr Griffiths' return. He came out here for two main purposes: First, to organise a major promotion of Western Australian products we are conducting in London in September of this year. Two senior people from Selfridges store were here, and spent a week meeting all the suppliers who will participate in the largest promotion of Western Australian products to be held in Britain this year. I opened the Australasian oil and gas exhibition today, to which a very large contingent has come out from Britain, including, might I say, a contingent from Scotland. In relation to the cost of the airfare and accommodation, no cost was involved.

Mr Kobelke: No additional cost.

Mr COURT: There was no additional cost as Mr Griffiths was coming out anyway. The member for Nollamara asked the question about how the Agent General flew out here, and I have given the answer. The question the member might want to answer is how he flew back from London. Was it economy or business class?

Mr Kobelke: I was with your parliamentary colleague Hon Norman Moore. Answer the last part of the question: Who accepted responsibility - you or Foss?

Mr COURT: I asked whether the member flew business or economy class.

Mr Kobelke: Will you or Foss carry the can?

Mr COURT: I pose an interesting question: Did the member for Nollamara fly economy or business class on his return from England?

Mr Kobelke: I asked you a question - answer it for a change.

Mr COURT: I will answer the question. The workers' friend flew back from London first class! The member asked about Mr Griffiths, and I have given him the answer.

Mr Kobelke: What about the last part?

Mr COURT: There was no fiasco. Perhaps the member might answer who was responsible for his flying first class.
