WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE ASSEMBLY

Wednesday, 17 June 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 11.00 am, and read prayers.

CAR REGISTRATION FEES INCREASES

Petition

Ms McHale presented the following petition bearing the signatures of 51 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned citizens are totally opposed to the State Government's decision to impose a new tax on WA motorists through massive increases in car registration fees.
>
> Western Australian motorists already pay directly to the cost of roads through State and Federal fuel levies.
>
> The revenue received by the State Government from the fuel levy and from the sale of the gas pipeline provides government with resources to develop our transport infrastructure. This new tax is unfair and has a disproportionate impact on middle and lower income earners.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners as in duty bound, will ever pray.

[See petition No 237.]

Point of Order

Mr BRADSHAW: Does the petition not have to be accurate in its wording in the sense that there is no state fuel tax and the petition indicates that there is a state fuel tax?

The SPEAKER: All petitions are examined by the staff when they come in. If there are problems that do not allow the petition to be presented, I report that to the House so that the matter will be looked at. I do not know whether requiring petitions to be deadly accurate in their wording is a problem. People are petitioning this House. What we do with them is our business.

GOLD CORPORATION AND GOLDEN WEST CORPORATION JOINT VENTURE

Statement by Premier

MR COURT (Nedlands - Premier) [11.08 am]: I am pleased to announce that Gold Corporation is to enter a non-binding heads of agreement with Golden West Corporation with the objective of forming, in Perth, a joint venture in Australian precious metals refining and fabrication. The controlling shareholder of Golden West is NM Rothschild and Sons International Merchant Banking Group. This initiative has been recommended by the board of Gold Corporation and has been approved by the Government.

The proposed joint venture will involve existing refining and fabrication activities of Gold Corporation which are carried out in Perth and Melbourne. Gold Corporation's other activities, including minting, retailing and the Sydney 2000 Olympic coin program joint venture with the Royal Australian Mint will continue to operate under current arrangements.

The proposed joint venture, should it ultimately proceed, would be based in Perth and would be the largest refiner of gold and silver in Australia and a significant entity in the international arena.

The heads of agreement establishes an exclusivity period during which details of the joint venture agreement will be negotiated. Negotiations of the joint venture will take around three months with both parties taking a 50 per cent interest in what is expected to be an unincorporated joint venture agreement. This initiative has been recommended by the board of Gold Corporation in recognition of the potential rationalisation benefits of combining refining and industrial products activities to better withstand intense domestic and international competition.

Gold Corporation, in addition to receiving a cash consideration, would expect to significantly increase its earnings from the activities which would be included in the joint venture. Equally, it would not remove the synergies currently enjoyed by Gold Corporation from the other aspects of its activities. An equally important consideration would be the improved export marketing opportunities for value added precious metal products, which a joint venture could provide.

This decision follows an open public invitation issued by the Gold Corporation board in September 1997 seeking expressions of interest in the privatisation of Gold Corporation's refining and industrial products businesses. The current proposal represents the culmination of extensive discussion by the board of Gold Corporation with interested respondents.

This joint venture initiative is a logical consequence of the gold mining industry rationalisation and will ensure the continuation of a highly efficient and cost competitive service to gold producers based in Western Australia. Indeed, the joint venture will allow Gold Corporation to consolidate its strong position in the domestic refining industry. Its refining operations will process a record tonnage in 1997-98, and the prospects for the industry remain favourable.

BILLS (6) - INTRODUCTION AND FIRST READING

1. Gas Pipelines Access (Western Australia) Bill.

   Bill introduced, on motion by Mr Barnett (Minister for Energy), and read a first time.

2. Port Authorities Bill.

3. Port Authorities (Consequential Provisions) Bill.

4. Maritime Fees and Charges (Taxing) Bill.

   Bills introduced, on motions by Mr Omodei (Minister for Local Government), and read a first time.

5. Fire and Emergency Services Authority of Western Australia Bill.

6. Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Bill.

   Bills introduced, on motions by Mr Day (Minister for Emergency Services), and read a first time.

WESTERN AUSTRALIAN TREASURY CORPORATION AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Mr Barnett (Leader of the House), and transmitted to the Council.

SCHOOL EDUCATION BILL

Committee

Resumed from 16 June. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Barnett (Minister for Education) in charge of the Bill.

Progress was reported after clause 81 had been agreed to.

Clause 82: Issues arising on certain applications under this Division for enrolment -

Mr RIPPER: I move -

Page 59, lines 6 to 15 - To delete the lines and substitute the following -

(2) If in relation to a child any question arises under sections 74, 75, 76, 77, 78, 79 or 80 -

(a) a parent of the child may request that the issue in dispute be referred to an advisory panel constituted under section 229; and

(b) after considering any recommendations of such panel the issue in dispute is to be decided by the chief executive officer.

This clause deals with issues arising from certain applications for enrolment. The Education Department or the school may dispute certain matters regarding the child's enrolment. The department may say that the child's usual place of residence is not in the State or, with regard to the local intake school, the usual residence is not in a particular intake area. The department may decide that a suitable education program for a child with a disability is not available at a school; or, with regard to non-local intake schools or to the enrolment of children of pre-compulsory age or post-compulsory age, that classroom accommodation is not available or there may be other rules which the child's enrolment fails to satisfy. The issue raised by my amendment is how that dispute will be determined. Under clause 82 a dispute will be decided by the chief executive officer. Clause 85 refers to the CEO's ability to obtain advice or

information, including advice from an advisory panel constituted under clause 229. The CEO may seek advice from the advisory panel. The essence of my amendment is that when an issue is in dispute, the parent of the child should be allowed to refer it to an advisory panel. The discretion is shifted from the CEO to the parent. It expands the rights of the parents, otherwise they may find that the issue is not referred to an advisory panel but is resolved by the CEO.

Mr BARNETT: The Government's view is that this is unnecessary detail and does not add to the Bill. Clause 82(2) refers to a number of clauses, so the cross references the member seeks are already achieved. When the director general decides on an issue of a child's enrolment, she will deal with matters of fact. If at the end of day a parent is dissatisfied with her decision, clause 85 provides that the issue may go to an advisory panel established by the Minister of the day. I do not object to what the member for Belmont is saying, but it is already covered in the Bill.

Mr RIPPER: Clause 85 does not give an automatic right to a parent to refer a matter to an advisory panel. It says that without limiting the CEO's ability to obtain advice or information, the CEO may obtain advice from an advisory panel. It is clear that the CEO will determine whether a matter is referred to an advisory panel. If the CEO decides she does not like the idea of referring the issue to an advisory panel, she could resolve it herself. I am arguing that a parent should be able to refer an issue to an advisory panel. This would expand the rights of parents vis a vis the CEO. The Minister wants the matter left to the CEO to decide, perhaps with reference to an advisory panel. The Opposition argues that the parent has the right to refer the issue to an advisory panel irrespective of the wishes of the CEO. The CEO would then have a report of the advisory panel before her before she makes a final decision. We are not taking away from the CEO the right to make a final decision. However, the parent should have the right to be heard before an advisory panel and the recommendations of the panel put before the CEO. We are dealing with significant matters including the rights of parents of children with disabilities who might want them enrolled in a mainstream school. There will often be occasions for a dispute between a school and parent of a child with a disability about appropriate educational programs. We are also dealing with circumstances in which there might be a dispute over the address of the child. The parent says that the child is living in the local intake area and the school says that the child is not and some examination must occur of the child's living arrangements. There might be a dispute over classroom accommodation. Concerns have been expressed that some schools which are popular are more receptive of cross-boundary applications from students with academic talents than they are of applications from students with average or below average academic record. There might need to be some accountability there. A parent could apply - exercising the Minister's much vaunted choice - to enrol at a popular high school and be told that there is no classroom accommodation. The school might be discriminating because it wants to boost its academic results and it does not think that the child has the academic record that will enable the school's results to be boosted, so it tells the parent that there is no classroom accommodation. Under the Minister's Bill the matter is resolved by the CEO who may choose to use an advisory panel. The Opposition wants a parent to have the discretion to refer the matter to an advisory panel. That is a parent's right. The Minister wants to leave the matter with the director general.

Mr BARNETT: We must be realistic here. We are talking about a government school system containing 800 schools and 250 000 students. If a disagreement arises with an enrolment and an entitlement to be enrolled, it will be firstly handled by the principal at the school level. If that fails, the director general will handle the issue. Factors will be taken into account. If concern about the issue is still held, the director general may appoint an advisory panel under clause 85. If at all stages the decision is that the child cannot attend the school in question, the director general is required to identify a school at which the child can be enrolled. If it remains a matter of concern, the parent can appeal to the Minister who can act or appoint a delegate under the legislation to set up a panel again. How many rights of appeal does the Deputy Leader of the Opposition want? We must assume that decisions will be made using commonsense. A decision will be made at the school level, by the director general, by an advisory panel and by the Minister and the delegate. Ultimately, parents will have many opportunities to reach agreement and have it resolved to their satisfaction. We must be realistic: We are trying to run schools and educate children. If too many processes are created, the system will be open to frivolous claims and frustration. The Bill as it stands is a fair balance.

Mr RIPPER: May is the operative word.

Mr Barnett: Discretion.

Mr RIPPER: It indicates that "the director general may". The Opposition says that the parent should have the right to refer the matter to an advisory panel. It should not be automatic that it be referred. However, in addition to the Minister and the director general having that right, the parent should also have the right. Yesterday the Minister was big on the parents' rights and choices.

The DEPUTY CHAIRMAN (Ms McHale): It is difficult to hear with conversations being conducted by members sitting at the back of the Chamber, and by those in the Speaker's Gallery.

Mr RIPPER: I would like the member for Mandurah to listen to my words of wisdom. Yesterday, the Minister was

keen to paint the Opposition as not supporting parents' rights and choices. It does. It particularly wants to give parents the choice to have enrolment disputes referred to an advisory panel. It may be that an advisory panel will produce information, arguments or viewpoints which are not available within the education system because the advisory panel would include people with particular expertise from outside the system. If the Minister does not want to support parents' rights and choices on this matter, that is his decision. However, the Opposition wants to give parents the opportunity to have the matter referred to expert advice independent of the department before the director general resolves the issue.

Mr BROWN: I support this amendment. When disputes arise over management decisions in a range of government departments, matters are frequently referred to panels of some independence. I instance a range of state and commonwealth departments which have this practice. Homeswest has a system by which people aggrieved by management decisions can attend a panel comprising departmental and community representatives. The panel members can bring a fresh view to the consideration of the grievance.

I cannot conceive that the acceptance of this amendment will adversely affect the education system. I see it enhancing the decision making process. First, under the process advocated by the Deputy Leader of the Opposition, parents will feel that they have an opportunity to be fully consulted, involved and heard by a panel. Therefore, they will feel that they have had an opportunity to influence the ultimate decision of the Education Department. Suffice it to say, the end decision making authority in the amendment proposed by the Deputy Leader of the Opposition is the director general.

Mr Barnett: Ultimately, it is the Minister.

Mr BROWN: Sure.

Mr Barnett: They are far different.

Mr BROWN: An opportunity is presented to give a parent a chance to feel that he or she has been intimately involved in the system and was able to express a point of view to the independent advisory panel. Such a system is used by a range of state or commonwealth government departments and agencies. In many of those arrangements, people have been satisfied with the process, although not always with the outcome, because they are given an opportunity to be heard and have their views considered. The advisory panel in this instance will consider not only administration, but also equity and education. I urge the Minister, in line with practices elsewhere, to adopt this amendment which will lead to an improvement in the decision making process.

Mr RIPPER: I reiterate a point before we take this amendment to the vote. This is one of a number of proposed opposition amendments, the aim of which is to increase parents' rights in dealing with the state school system. Also, the Opposition will move a series of amendments to insert references to advisory panels to enhance the rights of parents in dealing with a system which many find frighteningly bureaucratic and difficult. Towards the end of the Committee's consideration, the Opposition will move for the creation of an education ombudsman. We appear to have a difference of opinion with the Minister as he is satisfied with the way the Bill deals with parents' rights. However, the Opposition has been listening to parent representatives who say that they want more of a role with advisory panels and independent reviewers of Education Department decisions. This right will not be automatic. The Minister has said that an advisory panel can be established, and that the director general and the Minister can ask a reviewer to look at the way a decision is made, although not consider its merits. That discretion should also be with the parent.

The Minister is concerned that consideration of the legislation is proceeding too slowly. We do not believe we are repeating ourselves. We are trying to persuade the Minister and place our views on the record.

Mr BARNETT: This Bill provides an enormous expansion of parents' rights. It establishes a school attendance panel, a school disciplinary advisory panel, a disability advisory panel, and under clause 211 it provides for an independent review of any decision made. For the first time, the rights of parents and the processes are to be enshrined in legislation. The Deputy Leader of the Opposition foreshadowed that the Opposition will move for the creation of an education ombudsman. That issue was debated at length in the consultation process. Such an ombudsman could only consider the process, which would deny the parents, teachers and students the right to appeal to the Minister, and would deny the Minister the right to have discretion.

Mr Ripper: No it does not.

Mr BARNETT: Yes it does.

Mr Ripper: The Ombudsman does not bind you.

Mr BARNETT: As soon as an ombudsman is appointed, it will be a matter of process and no appeal can be made

to the Minister. That is why I oppose the appointment of an ombudsman; it is not to limit people's rights of appeal. In many education matters, it is a question of judgment rather than the process followed. On compassionate or other grounds a Minister may decide to do a certain thing, or may appoint an advisory panel or independent reviewer to look at something. The Opposition should be very wary of that. It sounds fine, and during debate in public meetings the Western Australian Council of State School Organisations said it wanted an ombudsman appointed but, when the matter was explained, it backed off pretty quickly.

I also place on the record that all the amendments moved by the Opposition to this part of the Bill are WACSSO amendments which have been debated at length over two years.

Mr RIPPER: The Opposition is proud to move amendments on behalf of the representatives of parents of students at government schools. The Opposition has consulted with the teachers' union, WACSSO and other organisations in the education field, and they have suggested ways in which they would like the Bill improved. However, the Opposition has taken an independent position and it has not universally endorsed every amendment recommended by organisations outside the Parliament. Where an organisation has a point with which the Opposition agrees, it has taken up the amendment. The Opposition agrees that parents should have a right to have matters such as these referred to an advisory panel, if that is their choice. I make no apology for taking up amendments suggested by the Western Australian Council of State School Organisations. That is our role as an Opposition if we think the amendments have merit, and in this case we do.

Mr BARNETT: The parents' body has had a long involvement throughout this consultation period. Numerous meetings have been held, and numerous changes have been made to the legislation in response to its approaches. Its representatives have been heard and listened to and the Government has made some changes.

Amendment put and a division taken with the following result -

Ayes (14)

Mr Brown	Mr Grill	Mr Riebeling	Mr Thomas
Mr Carpenter	Mr Kobelke	Mr Ripper	Ms Warnock
Dr Edwards	Mr McGinty	Mrs Roberts	Mr Cunningham *(Teller)*
Dr Gallop	Mr McGowan		

Noes (31)

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

Pairs

Mr Graham	Mr Cowan
Ms Anwyl	Mrs Edwardes
Mr Marlborough	Mr Tubby
Ms MacTiernan	Mrs Parker

Amendment thus negatived.

Mr BROWN: I seek clarification of the words "classroom accommodation" in clause 82(2) of the Bill. I am not sure of the meaning of those words. They could be interpreted as meaning that if another chair and desk were squeezed into a classroom, there would be sufficient classroom accommodation. We all know of the limits on the number of students that can be taught in one class, and this provision suggests that it could be determined by whether an extra desk can be placed in a room. I seek clarification because I can envisage these words forming the basis of some potential dispute about whether there is accommodation in a school.

Mr BARNETT: In practice, that makes allowance for future growth of a school. It is not simply saying there might be one spare desk in a classroom. If it is anticipated that the cohort coming to the school in the following year from the local area would take that up, then enrolment might be declined. It must be judgmental, based on the forecast of population trends and the planning information within the department.

Mr Brown: I understand teachers will not be asked to teach more than a set number of students.

Mr BARNETT: Class sizes are specified, but there is some variability about that. Generally the class sizes are smaller than the specified number, and occasionally they might be one or two students over the specified number. That situation is managed at the school by the principal. For example, in early childhood education, the Government has committed to reducing class sizes from 38 to 28 to 24. However, some schools may choose not to do that because they might want to use the funding for extra teacher support or remedial literacy programs. It is a school based decision.

Clause put and passed.

Clause 83: Cancellation where enrolment found to be inappropriate -

Mr RIPPER: I move -

Page 61, after line 6 - To insert the following -

(6) A cancellation under this section shall have no effect unless -

(i) all reasonable attempts to reach agreement on the proposed cancellation have been exhausted; and

(ii) an advisory panel constituted under section 229 has reviewed the proposed cancellation and made recommendations to the chief executive officer.

This amendment raises the same issues as were raised in debate on the previous amendment which we sought to make to this clause. It allows the chief executive officer to cancel an enrolment where it is found to be inappropriate. It might be that the child's usual place of residence is deemed by the chief executive officer to have changed and, therefore, the child is living outside the local intake area of the school; or probably more significantly the chief executive has decided that an appropriate educational program can no longer be provided at the school for the child. Let us get clear what this issue is about: The school accepts the enrolment of a child with a disability, but then finds that, for one reason or another, the child is not fitting in at the school - it might be that the behaviour of the child constitutes a problem or the child's learning disabilities are more severe than the school judged - and the school tells the parents that it will have to cancel the enrolment of the child and they will have to go somewhere else.

In these circumstances the parents should have greater rights than are provided in the Bill; they should have the right to have the matter considered by an advisory panel. Unfortunately we failed with our amendment under clause 82 to establish an advisory panel. We are trying again under clause 83 to establish an advisory panel where the chief executive officer is considering cancellation of an enrolment. Yes, this amendment has been suggested by the Western Australian Council of State School Organisations. We make no apology for arguing for amendments which have come to us from that quarter. That is our role as an Opposition, and if we think the amendment has merit, we will proceed with it. We think this amendment has merit.

We know some parents fear for their rights in these matters; that parents of children with disabilities have a long history of dissatisfaction and disillusionment with the way in which the education system has responded to the needs of their children; that there is an increasing push from these parents to have their children enrolled in mainstream settings; and that in plenty of examples there will be some conflict, with some differences in judgments about whether a child should be enrolled in a school. We want parents of children with disabilities to have the right to obtain outside experts to look at the circumstances of their children. We want them to have more rights by comparison with the bureaucrats in the Education Department than the Minister has in the Bill. We make no apology for moving this amendment. We expect the Minister to knock it back because that is the attitude he has taken to our attempts to expand parents' rights in these matters.

Mr BARNETT: The Government does not agree with this for two reasons: First, it is redundant. If the chief executive officer cancels an enrolment, subclause (3) makes it very clear that he is required to give reasons, to inform the student or the parent, whichever is appropriate, and to show why the enrolment should be cancelled. The opportunity is also provided for a reasonable right to respond. Secondly, the proposed amendment seeks to set up yet another advisory panel or appeal process. How many do we need in this Bill? If the Opposition got its way with all its amendments, we would have an unworkable piece of legislation in which almost every decision would be open to challenge and appeal. The opportunity for frivolous or vexatious action would hamstring the education system.

Mr RIPPER: This is not a frivolous matter. It is about the school system telling parents that they cannot enrol their child at the school where they want to have the child enrolled. More accurately, the school system is saying that their child can no longer continue to attend the school at which the child has been enrolled because the school has decided it can no longer offer an appropriate educational program for the child. This is not an insignificant matter. This is the education system kicking a child out of a school and telling the child's parents that their child must go to another school. It is not a trivial matter at all.

Yes, there are some rights for parents under this clause. The chief executive officer must give notice of the cancellation and must give the parents an opportunity to show why the enrolment should not be cancelled. On a matter like this - it is neither trivial nor frivolous - such decisions should be capable of review by an advisory panel comprising, amongst others, people outside the system. That is very important when a child has a disability. There will be experts outside the system who have better knowledge, perhaps, of that child's circumstances than do people inside the Education Department. Children with disabilities, typically, are provided with services by other government agencies, such as the Health Department and the Disability Services Commission. They are also provided with services by non-government organisations that specialise in the disability the child has. There will be sources of expertise outside the Education Department and, in fact, they will be better equipped to respond to the child's needs than is the Education Department. It is not a trivial matter or one in which the best expertise is necessarily to be found inside the Education Department.

We think the Council of State School Organisations is right on these matters, and the issue should be considered by an advisory panel. These matters can become quite significant controversies. If parents feel their children have been removed from mainstream education and forced to go to a special segregated school, the matter will be quite emotional and important to them and their families. Increasingly parents of children with disabilities are saying that they do not want their children educated in a setting which has only children with disabilities; they want their children educated in the mainstream. In very many circumstances that wish should be acceded to. There will always be areas where there is a dispute about whether that is in the interests of the child or other children at the school. When those disputes arise, I do not want the decision made by only the bureaucrats in the Education Department; I want outside expertise to be available and the parents to have a right for that outside expertise to be consulted.

Mr BARNETT: I find it somewhat ironic: Listening to this debate, people would almost think we are not talking about children in schools. This is about the education of children and what is appropriate for them. There seems to be a total paranoia and preoccupation with setting up advisory panels and considering the rights of parents. The rights of parents are very important; however, in education, the children matter more than anything else. Yet children are not being mentioned by the Opposition in this debate.

A school attendance panel could deal with the issue, as could the director general. Under this legislation reasons for the decision and a right to reply must be given. If the parents concerned still feel aggrieved, they can go the Minister. Under clause 211 the Minister can set up an independent review. If the parents are still unhappy, they can talk to the Minister directly. How many more panels and processes do we need? We do not need this. It is covered. What the Opposition is suggesting is redundant. It has been debated in the consultation process and it is unnecessary.

Mr RIPPER: Of course this is about the rights of children. It is about who is to judge the needs of children, whether the judgment is to be made entirely by the chief executive officer, albeit having given notice to the parent and having listened to the parent, or whether the parent has the ability to call in other people, who might have expertise about the rights and needs of the child, to make recommendations to the Education Department. The Minister is right: Ultimately it is about what is best for the child. However, parents have a justifiable view that they are in a pretty good position to judge the needs of their child and that others outside the Education Department are also in a good position to judge the rights and needs of that child. I will not argue this tediously. We have put our views on the record. We have made an attempt to persuade the Minister. We are sorry that the Minister does not agree. I am happy to take the matter to a vote because we have plenty of other clauses to debate.

Amendment put and a division taken with the following result -

Ayes (16)

Mr Brown	Mr Grill	Mr McGinty	Mrs Roberts
Mr Carpenter	Mr Kobelke	Mr McGowan	Mr Thomas
Dr Edwards	Ms MacTiernan	Mr Riebeling	Ms Warnock
Dr Gallop	Mr Marlborough	Mr Ripper	Mr Cunningham *(Teller)*

Noes (31)

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

Pairs

Mr Graham	Mr Cowan
Ms Anwyl	Mrs Edwardes

Amendment thus negatived.

Clause put and passed.

Clause 84: Matters to be considered under sections 82 and 83 about educational programme -

Mr RIPPER: The Opposition opposes this clause with a view to substituting additional words. Under the Government's wording, the chief executive officer must consider the matters set out in this clause. The Opposition wants the chief executive officer to find that the child's enrolment would impose unjustifiable hardship on the school. The impact of our amendment would be to shift in essence the onus of proof. The issue deals essentially with whether a child with a disability should be enrolled in a mainstream school. The presumption should be in favour of the enrolment of a child with a disability unless the chief executive officer finds there is unjustifiable hardship on the school.

There is not a hugely significant potential conflict between the Government and the Opposition. It is a matter of whether we lean towards excluding children with a disability at the margin who want to enrol in a mainstream school or whether we lean to the margin of including them in mainstream enrolment. The Opposition's wording will make it more likely that the chief executive officer will decide to continue or accept the enrolment of a child with a disability at a mainstream school.

Mr BARNETT: The wording of the clause is adequate. From my experience over the past couple of years this issue is very sensitive. The sensitivity is not about only the child's performance and suitability of the program but also obviously the impact of a child with a disability on other children in the classroom and the school. It raises emotions and creates tension and discomfort for all concerned. The real issue is the way it is managed. As I said last night, the Government announced earlier this year an inclusion program which has been well received by parents with children with disabilities. It is expensive and well funded and being progressively upgraded. The wording of the clause is appropriate. It outlines the factors to be taken into account. Issues such as this are best handled by consultation. To my knowledge over the past couple of years we have been able to reach agreement with the school, the affected parents and other parents.

Mr RIPPER: I agree with the Minister that the key issue is the provision of resources, whether it is the Government's or the Opposition's wording. The greater integration of children with disabilities into mainstream classroom settings must be resourced by the Government of the day. The chief executive officer will have a lesser need to make a judgment that an appropriate educational program is not available for the child if the resources are provided at that school. Even under the Opposition's wording, if the resources were scarce, then the chief executive officer would find it easier to make a judgment that the enrolment of the child with a disability would impose an unjustifiable hardship on the school.

I commend the Minister for the efforts the Government has made to provide additional resources for the integration of children into mainstream settings. More resources will be required in the future because the initial programs will incur ongoing costs. More children with disabilities are now being educated than in the past, and parents of children with disabilities say that they want their children educated in a mainstream setting, not in a segregated setting. Although the Opposition maintains support for its proposed wording because it would result in more children with disabilities being enrolled in mainstream settings, the key is the commitment which the Government is prepared to make from Budget to Budget to provide the necessary resources to make this work.

Mr BARNETT: In terms of handling children with disabilities, the most important aspect is resourcing; however, it is important also to provide a range of educational options for parents so that a child, according to his circumstances, can move up or down in that range. The Government's program allows for full inclusion. My observation in schools is that, for many of these students, it would be better to have an option of a unit within the school which offers activities which are separate from other children, as well as activities which are integrated. It is often stressful for these children to be in a classroom with other children for the full duration of the day. The ability to be part of the school program is needed in some areas, but not in others. This allows extra support and care for these children, and enables the school to continue in a reasonably normal way. Every member of this Parliament is sensitive to this issue. It is best managed by giving choices to parents and providing the resourcing. The Government believes its wording in this part of the legislation and the other parts related to children with disabilities is appropriate.

Clause put and passed.

Clause 85 put and passed.

Clause 86: Decisions under sections 82 and 83 relating to children with a disability -

Mr RIPPER: This clause provides that a parent of a child may apply in writing to the chief executive officer for a review of a decision to change the child's enrolment. I am concerned with the wording of the subclauses relating to the time frames for the conduct of this review. Subclause (6) states that -

> Within 90 days of the chief executive officer receiving an application made under subsection (4) -
>
> (a) the chief executive is to refer the matter to a Disabilities Advisory Panel under section 87; and
>
> (b) the Panel is to examine the matter and report to the chief executive officer with its recommendation.

No time limit is stipulated for the panel's examination of the matter and the preparation of its report. A 90 day period during which the chief executive officer can sit on an application from a parent for a review, and a reporting period, which is essentially unlimited, is not satisfactory. The Government can do better for parents and children in these circumstances, and it should not have these excessive or unlimited periods during which the matters can be considered. I move -

> Page 63, line 6 - To delete "90" and substitute "7".

If my amendment is passed, on receiving an application from parents for a review of a decision regarding their child, the chief executive officer should refer it to a disabilities advisory panel within seven days. That is more appropriate than the Government's proposal for a period of up to 90 days to elapse before the chief executive officer is required to send the matter to a panel.

Mr BARNETT: The Government accepts the principle that the Opposition has raised - that is, the requirement for the director general to report - but it does not agree with the way the amendments have been drafted. I foreshadow an amendment on page 63, line 19, to insert after "and" the words "within 21 days after receiving the report"; so the requirement to report within 21 days would cover the whole process. I believe that covers adequately the series of amendments. I accept the point the member makes, but I am doing it in a different way.

Mr RIPPER: I am a little handicapped in considering this matter because I do not think the Minister's amendment is on the Notice Paper.

The DEPUTY CHAIRMAN (Mr Baker): No. You have just been given a copy of it.

Mr RIPPER: I have just been given a copy of the Minister's proposed amendment. It deals with a subsequent subclause. I do not think it covers the situation dealt with by our amendments, as the Minister indicated. I would like a minute or two to consider what the Government is proposing.

Mr BROWN: Three separate periods are being discussed. The first period is that within which the chief executive officer may refer an application to a disabilities advisory panel, which is dealt with under section 87. The Bill provides that the chief executive officer has 90 days within which to refer an application to the disabilities advisory panel. In his amendments, the member for Belmont suggests the period of 90 days be removed and a period of seven days be inserted. Therefore, once an application is received by the chief executive officer, he must not sit on it for approximately three months, but rather he should refer it to an advisory panel within seven days.

The second period to which the member for Belmont referred is the time within which the panel should report back. The amendment proposed by the Minister refers to a third time frame; that is, the period within which the chief executive officer will make a decision on the panel's report. The Minister proposes that the chief executive officer shall make a decision on the panel's report within 21 days.

Although that is to be welcomed because it puts a time period within which the chief executive officer is to consider making a decision on the panel's report, it does not deal with the other two matters; that is, it does not deal with the period of the time in which the chief executive officer should refer the application in the first place nor the period of time within which the disabilities advisory panel should consider an application. The amendments moved by the member for Belmont are not in conflict with the amendment foreshadowed by the Minister. They merely deal with different time periods in the process.

Mr RIPPER: I thank the member for Bassendean for his advice. We are dealing with three separate time periods in this clause; that is, the time taken by the chief executive officer following an application from the parent for a review before the chief executive officer sends it off to a disabilities advisory panel, the time taken by the panel to examine the matter and report to the chief executive officer, and the time taken by the chief executive officer to

consider the report of the panel, make a decision and give the advice to the applicant. I have proposed amendments to each of those three time periods. The Bill provides 90 days for the first phase of the process, an unlimited amount of time for the second phase and an unlimited amount of time for the third phase. I am proposing seven days for the first phase, 21 days for the second and seven for the third. The Minister is proposing to amend only the third phase and provide a time line of 21 days. I regard the Minister's amendment as inadequate. He should be moving to have some limits - if not the Oppositions' limits - for each of the three phases. He has dealt with only the third phase. Unless he can provide us with some alternative process, I intend to maintain my support for my first amendment which imposes a seven day time limit on the operation of the first phase.

Mr BARNETT: The member opposite has not understood it correctly. The process for a child with a disability is that if the chief executive officer makes a decision that the child cannot go to a school because a program is not available or for whatever reason, from the time that decision is made the parent has 28 days in which to apply for that decision to be changed. It is a 28 day process in which to appeal. The director general would then refer the matter to the disabilities advisory panel, which has a maximum of 90 days to consider the case and report back. The 90 days might seem excessive and in most cases would be, but some situations might be quite complex and require educational or health advice or whatever. When the panel reports back the director general, under the proposed amendment, would have 21 days maximum to report back. It is not unlimited. There are up to 28 days for the appeal, up to 90 days for the advisory panel to consider it and a further maximum 21 days for the director general to report back. Those are maximum periods. One would think that in most cases it would happen far quicker than that but, as I say, some cases are complicated.

Mr RIPPER: A closer reading of subclause (6) has led me to understand that the Minister may be correct. The 90 day period applies to paragraphs (a) and (b). The matter would be referred to the panel and it would report back within that three month period. It would have been better had the clause been drafted in a way which separated out those two processes. The way it reads the chief executive officer could sit on the application for 89 days, refer it to a panel and give the panel one day in which to respond. I do not imagine that a chief executive officer would do that, but that is the way in which the whole thing could operate. In view of the way in which the clause has been worded, it is not appropriate for the Opposition to continue with its amendments. We would otherwise be requiring the panel to report within seven days. Although I am keen on parent rights, that might compromise the quality of the panel's report. The Opposition might need to revisit this matter in the other place.

Mr Barnett: You have had a win. We have accepted your point about the limit on the time in which the director general should report back to the parent, but we have done it in a more balanced way.

Mr RIPPER: I accept that there has been some advance for the Opposition. I am still not sure whether 90 days is the appropriate combined period for a reference to a panel and a panel's report.

Mr Barnett: It is the maximum.

Mr RIPPER: In view of the explanation of the way in which the clause will work, I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr RIPPER: I move -

> Page 63, lines 16 and 17 - To delete the lines and substitute the following -
>
> (8) Within 7 days of the receipt of the Disabilities Advisory Panel's report referred to in subsection (6)(b) the chief executive officer is to give the applicant a copy of -
>
> (a) all relevant documents; and
>
> (b) the report of the Disabilities Advisory Panel.

This does not conflict with the subsequent amendment foreshadowed by the Minister which relates to the time the chief executive officer should take to consider the report and make a decision. We are saying here that the chief executive officer should give the applicant a copy of the report within seven days of receiving it. Looking at the Government's Bill and the way in which it could work, the chief executive officer could sit on the report of the disabilities advisory panel, make a decision and then give the report to the advisory panel and the decision to the applicant. We are saying that within seven days of the report of the advisory panel the applicant is entitled to see what the panel has recommended, even if the chief executive officer has not yet made a decision. Under the original proposal in the Bill the chief executive officer could have an unlimited time in which to make the decision. Under the proposed amendment there would be at least a 21 day period within which it must be made.

Mr BARNETT: What the Opposition says sounds fair and reasonable but it is not what would happen in practice. The experience of the existing section 20 appeals is that many can take months to resolve, and hence the 90 day period we previously talked about. They often require a professional opinion to be expressed.

The experience is that particular doctors, psychologists or psychiatrists may be unwilling to give that professional advice and evidence if the information is immediately to be made available, in this case, to parents. That has been a practical problem. If such opinions are given, and the parent does not accept the decision of the director general on the advice of the panel, and decides to take the matter further - either to the Equal Opportunity Commission or to the court system - any of that advice or opinion can be obtained in the court process. Ultimately the parent can obtain that information if it is pursued. We will limit the operations of the advisory panel in relation to that opinion and expert and professional advice. For that reason, the Government does not support the amendment. The information is available to parents if they pursue the issue.

Mr RIPPER: I am puzzled by that answer. The clause states that the CEO must give the applicant a copy of the report by the disabilities advisory panel. My amendment will provide two things: First, that there be a seven day time limit, and I have included all relevant documents in that provision. Perhaps the Minister was addressing that part of the amendment which relates to all relevant documents. The Minister is saying that if we let a parent know what the professionals have said there could be a comeback to the professionals and they may be reluctant to put their views on paper. I suppose there is some truth in that, but I find that disturbing. Professionals must be accountable, and if they have an honest view they should be prepared to expose that view to the parent. We say that people may be prepared to say things in secret which they are not prepared to have tested. That is disturbing.

Mr Barnett: But various occupations have professional ethics and standards which require confidentiality of the opinions they may express to the panel. We must recognise that there are medical professional ethics.

Mr RIPPER: Yes there are, but do those ethics say that a professional can advise a panel on some aspects of a child's behaviour or capability, without exposing that advice to the child's parent? That is a little disturbing, and I doubt whether it would be in accordance with the ethics of any profession.

Mr Barnett: But the panel would report that professional advice in a way which did not breach the ethics of the doctor or psychiatrist concerned. The panel would present its report in a way which would be acceptable and appropriate.

Mr RIPPER: The Minister is arguing that the professional could give a judgment on a child's psychiatric condition -

Mr Barnett: It would give only an opinion.

Mr RIPPER: - or intellectual capacity, without needing to make that information available to a parent. I cannot see how that is in accordance with the ethics of any medical or associated profession. Parents are entitled to this information. No-one should be allowed to give advice to bureaucrats about a decision relating to a child, without the advice being made available to the parent and the parent being able to test it.

Mr BARNETT: It is not bureaucrats; it is a an outside professional. We want those panels to work in a confidential environment on all professional advice and opinion, whether that relates to a medical condition, the intellectual capacity of the child, the family circumstances or social environment. I do not want to hide anything. I want the panel to have the benefit of all professional opinion and advice. The report must assess that advice and present it to the director general, who is required to make it available. If the parent is still unhappy with the position and wants to pursue it through the courts, any other documentation may be required by the courts. This amendment will limit the willingness of people to be candid in their opinions and professional advice.

Mr RIPPER: The Minister says that he does not want to hide anything. However, he does not want to provide the independent reports of professionals which may have been made to the panel, to the applicant. He wants the applicant to have only the independent professional reports if the applicant decides to take action before the Equal Opportunity Commission or in the courts. The second issue is whether there should be some time limit within which the CEO should provide the applicant with the report of the disabilities advisory panel. This is highly relevant, because the CEO -

Mr Barnett: My amendment does that; it is a 21 day limit.

Mr RIPPER: Yes. The Minister's amendment provides a time limit. However, his amendment says that within 21 days after receiving the report the CEO may confirm, vary or reverse the decision and must give written notice to the applicant of the subsequent decision and written reasons for the decision. It does not mean the 21 days does not apply to giving the applicant a copy of the report of the disabilities advisory panel. I assume that as a matter of practice, once the CEO had made a decision, he or she would give a copy of the decision, the reasons for the decision, and a

copy of the report of the panel to the applicant. However, that is not what the legislation provides. The CEO may give a copy of the decision and the reasons for the decision, and hold on to the copy of the report of the panel and perhaps give it to the applicant a year or six months later, because the Minister's amendment does not impose that 21 day deadline on the provision of the copy of the report to the applicant. This is highly relevant, because the CEO will make a decision about the child's enrolment after having read the report of the disabilities advisory panel.

What if the parent is of the opinion that the panel had it completely wrong; that a serious mistake was made in the professional assessment of the child, or that the panel was misguided in some way? If my amendment is accepted, the parent or the applicant will be given a copy of the report of the panel before the CEO makes a decision; and if there is something wrong with the panel's report or if the professional assessment has been in some way negligent, the applicant will be able to blow the whistle and ring the Education Department or write a letter to the CEO and say that before a decision is made on the panel's report it should be noted that a serious error has been made in the way the matter has been handled.

One would expect mostly that the disabilities advisory panel would do the right thing, that the professionals would do the right thing; but in our electorate offices we have all heard of cases of serious allegations being made about the way in which some processes have been handled. We have heard people allege that a doctor did not examine a person; the doctor only asked a couple of questions and wrote out a report, but did not listen to the person when he said that his back hurt in a certain way.

Mr Barnett: You have won!

Mr RIPPER: In that case, I will sit down. However, I want to know how I have won before I give up the case entirely.

Mr Barnett: You have bored me into submission!

Mr RIPPER: That is not the answer I want.

Mr BARNETT: We are looking at the wording. I accept the point that the member is making. The principle would be to keep to the 21 days within which the CEO would give the parent the reasons for the decision plus a copy of the report on which the decision was based. Therefore, the amendments that I foreshadow is that at page 63, line 16, we insert "within 21 days after receiving the report". It would read "The chief executive officer is, within 21 days after receiving the report, to give the applicant a copy of the report of the disabilities advisory panel". Subclause (9) would follow with the other amendment I foreshadow, that the reasons be given; that is, within 21 days the applicant will receive the decision, the reasons for the decision and a copy of the report. The director general may take into account other factors or judgments about the school and its capacity, and so on.

Mr RIPPER: Despite the Minister's advice, I do not think I have entirely won the point, because he is now saying that the report, the reasons for the decision and the decision will be given to the applicant within 21 days. That leaves outstanding the two issues about which I have just spoken. The first issue is whether the applicant should receive not only the report but also the relevant documents; and the Minister does not accept that. The second issue is whether the applicant should receive the report before the director general finalises the decision. According to the wording of the amendment, the applicant will receive everything at once. I would like the applicant to receive the report before the director general makes a decision in case there is a mistake in the report and the applicant needs to engage in some last minute lobbying.

Mr BARNETT: That would be at the discretion of the director general, and there might be circumstances in which it was appropriate to give the applicant a copy of the report before the decision was made. That would depend upon the circumstances of the case.

Mr RIPPER: I believe a wise director general would give the report to the applicant, because that would allow the applicant to prepare for the subsequent decision. It might help the applicant to understand the decision and not to be so shocked when it was finally made. I appreciate that the Minister has gone some way towards the position that I have adopted.

Mr Barnett: I would not have done it had the member for Roleystone been here; he would not have allowed me to do it!

Mr RIPPER: He says when he accepts amendments that they would not have been accepted had the Minister been here; so I am not sure who is the good cop and who is the bad cop! I will persist with my amendment, because I believe it covers some issues that are not covered by the Minister's amendments, but I appreciate that the Minister has moved some way towards our position.

Amendment put and negatived.

Mr BARNETT: I move -

Page 63, line 16 - To insert after "is" the following -

, within 21 days after receiving the report,

Proposed subclause (8) would then read -

The chief executive officer is, within 21 days after receiving the report, to give the applicant a copy of the report of the Disabilities Advisory Panel.

Amendment put and passed.

Mr BARNETT: I move-

Page 63, line 19 - To insert after "and" the following-

, within 21 days after receiving the report,

Amendment put and passed.

Mr RIPPER: I move -

Page 63, after line 21 - To insert the following -

(10) Where under this section the child in question is a prescribed child, the student is entitled to representation by an advocate of her or his choice.

This is not a hugely important amendment because I do not know that many prescribed children who are children with disabilities will be subject to these provisions. Nevertheless, the legislation does provide for children who are not enrolled by their parents in the school system, and they too have rights that are perhaps in a de facto sense equivalent to the rights of parents under this legislation. The Opposition believes that a child who is going through these processes is entitled to representation by an advocate. Nevertheless, we are getting into fairly technical aspects of the Bill, and the Minister may be able to explain how these matters can be handled other than by the Opposition's amendment.

Mr BARNETT: This point is covered adequately under the following clause 87(5). If a child who was a prescribed child, because of a disability, or whatever the circumstances, was not able to adequately represent himself, the panel would not be able to function properly and it could decide to have a representative, typically a friend, to assist; or, in other circumstances, the Minister could give a direction that representation be in place. The flexibility already exists to handle that situation if it arises.

Mr RIPPER: We have a proposed amendment to clause 87(5) which reads "the applicant has the right to have a representative present to assist in presenting a case." We will argue these issues under that general amendment to provide for representation, rather than continue to argue them with regard to this amendment. We will put the amendment to the vote, but it is a specific example of a more general issue which we will debate in clause 87.

Amendment put and negatived.

Clause, as amended, put and passed.

Clause 87: Disabilities Advisory Panels -

Mr RIPPER: I move -

Page 64, lines 1 to 7 - To delete the lines and substitute the following -

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

(a) who has such experience, skills, attributes and qualifications as prescribed by regulation; and

(b) who is not an employee within the class referred to in section 223(1).

The chief difference between our amendment and the clause proposed by the Government is that we believe that the experience, skills, attributes and qualifications should not be simply as the Minister considers appropriate in an individual case but should be prescribed by a regulation. We had this debate earlier with regard to the composition of advisory panels. The Minister wants complete flexibility to determine the composition of a panel, whereas the Opposition believes that people should be able to predict to a certain extent the composition of a panel. The

Opposition believes also that these matters should be covered by the regulations. The Minister has already indicated that there will be public consultation on the regulations. That consultation would give the public an opportunity to say, "When it comes to a Disabilities Advisory Panel, we would really like this type of representation", and that could be established as a matter of general policy in the regulations, rather than by lobbying the Minister for a letter that states, "Whenever I make a decision on this, these are the types of things that I will consider."

It is better handled in the regulations. The regulations can have a higher or lower degree of detail and specificity, as the Minister chooses. We do not seek to hamstring the Minister. We seek to establish a degree of predictability and public input in the construction of these panels.

Mr BARNETT: The Government does not support this amendment. It is the same issue as that which was debated on school attendance panels under clause 39. This approach is too prescriptive and unnecessary. We accept the reality in this State that the availability of people will vary from place to place, particularly in some of the regional or more remote parts of Western Australia. I gave a commitment under clause 39 that a policy will be developed as to the qualifications of people who will serve on these panels. We will consult about those qualifications and they will be made public. This will be a fully open and accountable process. However, to go down the path of regulation suggested by the Opposition, would not only be overly restrictive, but also prevent the formation of panels in some circumstances.

Amendment put and negatived

Mr RIPPER: I move -

Page 64, lines 14 to 17 - To delete the lines and substitute the following -

(5) The applicant has the right to have a representative present to assist in presenting a case.

We had the same argument with regard to panels earlier in the debate. Some people in our community have fewer skills and less confidence than others. Not everyone has a university education; not everyone has an English speaking background; not everyone feels confident in their own skills to argue their case before such a panel. The argument is relevant to disabilities advisory panels because the issues relating to the education of a child with a disability are likely to be complex and involve professional judgments on esoteric issues. This is a complicated area and one which is even more difficult for a person to argue than some issues which might arise regarding school attendance panels. I do not suggest that the representative be a legal representative. I do not think we would want to see QCs fronting up before these panels. However, a person should have the right to make a decision about his own skills and confidence, and his need for a representative to assist him.

The Government proposes to leave that discretion to the panel. If the panel finds it difficult to understand the person, or if the panel thinks the person is not putting his case adequately, the panel can decide that a person be represented. People should be able to make that judgment about their own position. Every day I deal with people in my electorate office who ask me to advocate for them in simple matters such as the maintenance required on their Homeswest houses or their entitlements to social security pensions. The matters dealt with by disabilities advisory panels are much more complicated than the matters that bring people to our electorate offices seeking our representational skills and advocacy. People should have the right to have an advocate and it should be their choice.

Mr BARNETT: We have been through this issue with respect to the school attendance panel - different panel, same issue. The Government has not changed its mind. We do not want these panels to become areas of legal battle. We do not want the costs of a whole litigious process to become part of this. If people have the support of a friend, that is appropriate. Whether a person can speak is up to the panel to decide. Commonsense will prevail. If there is a circumstance where people feel they have not been treated fairly, then, at the end of the day, the Minister has the ability to direct the panel about representation; that may be a friend, an advocate or a legal representative. We prefer to keep this level of informality and allow the panel to determine its modus operandi.

Amendment put and negatived.

Clauses 87 to 89 put and passed.

Clause 90: Suspension for breach of school discipline -

Mr RIPPER: I move -

Page 65, line 16 - To insert after "committed a" the following -

serious or repeated

If my amendment is carried, the subclause will read -

> The principal of a government school may suspend from attendance at the school a student who, in the principal's opinion, has committed a serious or repeated breach of school discipline . . .

I move that amendment because suspension from school is a serious matter. It hinders the child's education. Also, it creates potential difficulties for the child's family and it possibly creates difficulties for other government agencies.

It is remarkable that we follow a policy in our society of providing less supervision for children who are causing trouble than we do for those who are well behaved. Children who are well behaved are at school under the supervision of their teachers during school hours. Children who commit breaches of school discipline - and by definition are among the more troublesome of students - are suspended from the school, put out into the community where their families might not necessarily be able to care for them and are not subject to any supervision at all. This contributes to our crime problem; for example, to daylight burglaries. Truancy rates are closely correlated to daylight burglary rates. In regard to this issue, suspension has the same or perhaps even more deleterious effects. It is a strange circumstance that we provide less supervision for children that we punish for being troublesome than we do for children who are well behaved.

Suspension is a serious issue. It should not be engaged in lightly by schools, but they need this capacity. I do not say that they should not suspend students, because other children at the school are entitled to peaceful and positive learning conditions. Teachers are also entitled to teach free of harassment, violence and abuse. Therefore, suspensions have to be engaged in; however, they should not be engaged in for trivial or minor matters.

It is fair to insert in this legislation the requirement that the breach be either serious or repeated. It will not be too onerous on principals because the operative words are "in the principal's opinion". However, it will send a message to principals that they should try every other method to deal with children's misbehaviour before kicking them out of the school and putting them back into the community where they are likely to be someone else's problem; either their families' problem; the problem of the police; the problem of Family and Children's Services; or the problem of the local shopping centre where they are congregating and perhaps committing disorderly offences.

Mr BARNETT: I agree with the point made by the Opposition. We do not want large numbers of suspended students roaming the streets creating havoc. However, the criteria for suspension are to be laid down in the regulations and they may relate to the types of offences, their degree of repetition, and also the severity. That is where the matter is appropriately dealt with and it is "in the principal's opinion". The Government does not disagree with the sentiment, but it does not believe it is proper to insert those words in the clause. The matter will be defined within the regulations.

This clause simply gives the legal power for suspension to take place. It does not comment about the circumstances warranting suspension or the occurrence of suspensions.

Sitting suspended from 1.02 to 2.00 pm

[Questions without notice taken.]

Mr RIPPER: The Minister indicated that he did not think the words "serious or repeated" should be in the legislation. However, he went on to say that regulations would cover the whole question of suspensions for school discipline. He appeared to agree with my statement that suspension should occur only for serious or repeated breaches of school discipline. Will the regulations provide for the sorts of restrictions on suspensions which the Opposition is proposing to put into the legislation with its amendment?

Mr BARNETT: I will be a little equivocal. We would make it clear that suspension is for a serious or repeated offence. I guess one would judge that when one saw it. I take on board the member's comments. In principle I accept them.

Amendment put and negatived.

Mr RIPPER: I move -

> Page 65, after line 25 - To insert the following -
>
> > (4) A principal of a government school may under this section suspend a student who is enrolled at the school from attendance at all or part of the student's educational programme.

There is no huge ideological or policy point with this amendment. However, the Opposition considers that there may be cases where a student is engaged in some activities on the school campus and other activities, for example, at TAFE or on work experience. It may be that the breach of school discipline relates to activities on the school campus. It may be productive for the child to continue with his or her education at TAFE or on a work experience

placement. The Opposition believes that only a suspension necessary for the maintenance of school discipline should be instituted. If the child could continue productive activities without threatening school activities, those actives should be able to be maintained. The legislation should therefore provide for what might be regarded as partial suspensions, in other words, suspensions from some but not all of the activities in a child's educational program.

Mr BARNETT: The Government does not accept this amendment because it regards it as superfluous. The definition provided in clause 88(a) makes it clear that defining an educational program could include all or part of it, so the position is adequately covered and flexibility exists in the legislation.

Mr RIPPER: When I look at clause 88, I do not see any reference to "all or part". I see "references to an educational programme include an arrangement to which section 24 applies". Clause 24 provides for a person to be involved in a program outside the school campus, but the Minister has missed the point of my argument. Although a student could be suspended from all parts of his or her educational program, including parts outside the school campus, it does not seem that clause 88 provides for partial suspension which is the objective of my amendment.

Mr BARNETT: For example, a student may be suspended from the sports program. It is an educational program. This is not for all educational programs. I know what the member is saying but it is adequately covered in the legislation.

Mr BROWN: This is an important issue because it goes to the question of whether there is flexibility in the legislation, which the Minister claims. "Educational programme" is defined in clause 4, the definitions clause, which provides -

> **"educational programme"** means an organized set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student's individual needs;

As I read those words, it is educational program in the singular and not a series of educational programs. If that is the case, then it is a single program for a student which might encompass many different components but is only one program. Clause 24 provides that a student may participate in activities that are part of an educational program at a school. Again that is the singular use of the word. In participating in the educational program a student may attend for a particular period of a school year or for a particular period of each week in the school year. While that flexibility is there and a student may attend one or more places to participate in the educational program, it certainly seems to me as if the words used in clause 88, and more particularly incorporated in clause 90, refer to the total program.

I take it that the Minister says we have misinterpreted "educational programme" and it does not mean the whole program applied to a student but includes its component parts. Therefore a student could be suspended from a component part if it is appropriate. I do not know whether one can draw that easy interpretation from looking at this clause or whether the matter has been looked at by parliamentary counsel in the drafting of the Bill. Perhaps the Minister can point out the provision that makes that clear. Certainly as I read the Bill from a lay perspective, it would suggest to me that "educational programme" is the entire program that a student is undergoing at one or more places and that the only power provided by clause 90 is to suspend the student from the program in its entirety where that is appropriate, whether at one or more places. Perhaps the Minister could point out how he arrived at his interpretation of the Bill. On the face of it, it is not possible.

Mr BARNETT: It is possible. I refer to clause 23(a)(ii) which makes it clear that educational programs are as required by the principal. In other words, the principal has discretion, whether it is on all parts, some components or some days - or whatever else.

Amendment put and negatived.

Mr RIPPER: I move -

> Page 65, after line 25 - To insert the following -
>
> > (5) Where, under this section, a principal, or a person authorized under subsection (3), suspends a student from all or part of the student's educational programme, the principal or the person so authorized must provide the student with an organized set of learning activities relevant to the student's educational programme in order to provide continuity of that student's educational programme while that student is under suspension.

I move this amendment in pursuit of the argument I put earlier today: It is not appropriate for the education system to suspend a student without any arrangements being made for the student's continued education or supervision. It is ridiculous that in this community the well behaved students are those who continue to receive supervision from the government school system, while the troublesome students are sent into the community without any arrangement

for the occupation of their time or supervision. This causes problems for families who have a rebellious child at home, when everyone else in the family may be in work and may have to make arrangements for the supervision of the child. It causes problems for people in the community because truanting and suspended children are factors in the rate of day-time burglaries, vandalism and harassment of people at shopping centres. It causes problems for other agencies, such as the police who may be required to deal with the activities the suspended students get up to while not being supervised at school, or with students who are not under any other supervision as a result of the suspension.

The education system must take responsibility for these children. I do not say that the schools should not have the option of suspension; it is a necessary disciplinary process. The other students and teachers at the school are entitled to peaceful teaching and learning conditions; but the system must make provision for those students. I place the obligation on the principal, but there is also an obligation on the system or the department to provide some arrangements which principals could access when they suspend students. It is not appropriate to have students in the community for two or three days or even a week, without any activities being arranged. It is bad for their education, and although they have breached discipline they still have a right to pursue an education. It is bad for the rest of the community, because no-one takes responsibility for suspended students. If the Education Department will not take responsibility for suspended students, some other community agency should accept that responsibility. However, we do not appear to have any volunteers from other government agencies; so we should put that responsibility on the education system.

Mr Pendal: What about the parents?

Mr RIPPER: Parents have a responsibility. However, it may be a sole parent who is in work, or it could be two parents in the household but both are in work. How will they provide supervision during the day? We do not have child care services for 14 year old boys. Child care services cut out when the child turns 12. Therefore, services are not available which parents can access to provide that supervision. If the Education Department thinks that - despite the fact that we have a compulsory education system - students must be booted out from the system, at least for a few days, the department must take responsibility for making arrangements, in the best interests of the child and the family, and everyone else in the community who may be subject to the same breaches of discipline as the school complains about.

Mr BARNETT: The regulations will cover this matter. I agree that if a student is suspended attention must be paid to the continuity of the educational program, and some supervision is relevant. The regulations will also address the current work in respect of students at risk and the management of school behaviour. An enormous investment has been made in improving the way in which those students are managed and, we hope, the way they will progress in the system. That will be reflected in the regulations, because that is the appropriate way to handle it.

Mr RIPPER: I seek some clarification of the Minister's last statement. Is the Minister saying that the regulations will make provision for the supervision of suspended students?

Mr Barnett: It could well do.

Mr RIPPER: I would like to see the provision in the legislation. If I cannot get the support of the Minister to include it, I would like a commitment from him that it will be placed in the regulations. I do not have such a commitment. I have only a suggestion that it could be. That is my distant third preference.

Mr Barnett: If we can progress this Bill through Parliament, we will start work on drafting the regulations.

Mr RIPPER: It could be done now. The Minister is not accepting any amendments; therefore the Bill will not vary too much from the original plan.

Mr Barnett: Are you supporting this Bill going to a committee of the upper House?

Mr RIPPER: Yes.

Mr Barnett: That is after two years' consultation; so, we will not be working on the regulations until the Bill is passed. Currently, an increasing number of schools are concerned that this legislation will not be in place before the beginning of the next school year.

Mr RIPPER: We support the Bill going to a committee of the upper House, because that is the proposition that has been put to us -

Mr Barnett: By whom?

Mr RIPPER: We have received a letter from the WA Council of State School Organisations supporting the referral of the Bill to a committee. We have also received correspondence from the State School Teachers Union supporting the referral of the Bill to a committee. I agree it would be preferable -

Mr Barnett: I have not received any correspondence from the State School Teachers Union.

Mr RIPPER: I do not say that it has written to the Minister. I am aware that WACSSO has written to him.

Mr Barnett: Who signed the WACSSO letter?

Mr RIPPER: The letter to me was signed by Diane Guise. I believe the council has written to the Minister. I am aware that the Minister wants this Bill to be in operation in time for the next school year -

Mr Barnett: So do the schools.

Mr RIPPER: The Opposition does not want to frustrate that. We would like to see the Bill implemented at the beginning of the next school year. We support the referral of the Bill to an upper House committee. However, I will advise my colleagues in that place that the committee should deal with the Bill in an expeditious manner. We do not seek a long committee inquiry in the upper House. We hope for a short, sharp inquiry. It is not all bad news for the Government if the Bill goes to a committee of the other place, because some of the clause by clause debate that would otherwise occupy the time of the upper House can occur in the committee context. The Government may receive an advantage from the Bill's going to a committee of the upper House, because debate can occur on the clauses while the other place is not sitting - during the recess - and debate on the clauses in the House could be restricted to those matters on which some recommendation had been made by the committee for a change. That is probably my imperfect understanding of the way in which the other place works, but that is the way the Opposition approaches the matter. We have no interest in stopping the Minister from implementing this Bill from the beginning of the next school year. We do want some changes to the Bill, but we are not trying to frustrate or delay the Bill.

I am glad that the Minister has agreed that there is some sense in providing for the continuity of education and the supervision of students who have been suspended. I am disappointed that he will not accept the Opposition's amendment, nor give a guarantee that what we propose will be covered under the regulations.

Amendment put and negatived.

Mr BROWN: I wish to raise with the Minister the guidelines that may be in operation to assist principals in exercising their discretion under this clause. Last year at one school in my electorate, one of the parents and citizens' associations had grave concerns about the way in which the principal was exercising his discretion under this section of the Act, and many more students were suspended than had been the case previously. That is not the case this year - a different principal is at that school - and the level of parent distress has reduced measurably. Last year, there were a number of suspensions, and parents raised with me the criteria that were being used by the principal in exercising his discretion to suspend.

I also raise the question of what natural justice considerations are taken into account or applied in arriving at a decision to suspend, because in some cases allegations were made which, when fully investigated, were not accurate, but nevertheless the decision was made to suspend the student. I do not have an amendment, but I want to get on the record the manner in which the Minister envisages this power will be exercised under this proposed section, because it can cause a lot of distress to parents if they perceive that the power is not being exercised prudently and judiciously.

Mr BARNETT: Regulations will detail the type of offence, the way in which suspensions may be applied, and the procedures that must be followed. Equally, policy guidelines will be developed with regard to suspensions, and they will be available.

Mr Brown: Apart from the obvious very serious offences at school, in the case of minor offences, will there be due warning in that process so that parents are advised before the axe falls?

Mr BARNETT: The process will be designated in the regulations, but good management by a principal of a school would ensure those things. I have confidence in teachers and in principals, and in the district directors and the director general, to have some commonsense and educational skills and to be able to manage schools. The Opposition thinks it can dictate everything in a piece of legislation and create good education. That is naive. It is not the philosophy of this Government. We trust schools and educators, we trust the director general, and we believe schools will flourish. The Labor Party philosophy seems to want to prescribe every piece of minute detail. That is a philosophical difference between us. We have confidence in people and we trust people.

Mr BROWN: I know the Minister does not have much concern about the constituents in my electorate, because they went through this process, and it caused them considerable anguish for almost a year. The Minister may pontificate about putting trust in and accepting the discretion of the principal, and so on. In my electorate, the vast majority of principals are highly skilled, exercise their responsibilities prudently and carefully, and are highly respected members of the community and the school community. However, last year I thought the wheels were falling off. There were two unpleasant occurrences in schools in my electorate which had the parents up in arms about the way in which the

school was being managed. The two principals concerned are not at the schools today; they have been moved on. Therefore, it is not unrealistic for me to ask what measures will be put into this Bill and/or the regulations to try to ensure that the parents in my electorate do not go through the same anguish that some of them went through for almost all of last year. I do not shy away from that situation at all, and there is a need for good management, whether it be in the public or the private sector, or in a school, because, as a colleague of mine used to say, the rules are made for the guidance of the wise and for the adherence of fools.

We do not need a high level of prescription, and I am not advocating a high level of prescription, but I did not like, and the parents in my electorate did not like, the experience they had last year whereby they were told by the Education Department that things could not be done and they would have to wait months for the problem to be rectified. It went on and on and was not resolved by good commonsense and by people making judicious decisions. It is not unreasonable for me to raise those matters in this place and to seek some remedy or protection that will be included in this Bill that may overcome those types of problems. I am sorry the Minister is a bit huffy about it, but I say to him, so he will understand, that I will have no equivocation in raising this matter again if any of the parents in my electorate find they are treated in the disdainful way that they were treated last year.

Mr RIPPER: In the past 12 months, we have heard allegations that students have assaulted or harassed teachers. In the two examples that I can think of - East Maddington Primary School and Carnarvon Senior High School - I have been in receipt of complaints from parents that the Education Department and the school have not taken sufficiently strong action against those students. In both those cases, the parents expected that the school would take stronger action than it did against those students who had disrupted the learning environment of others and had engaged in a particularly serious breach of school discipline by being involved in assaults or by threatening teachers with assault. I hope the Education Department will take a very strong line on violence and harassment in schools. I hope the Education Department will say that anyone who assaults a teacher has stepped way beyond the pale and should be suspended; and if that student's education is to continue, it should be in some form of specialist unit. Will the regulations deal in a vigorous manner with this question of assault and harassment of teachers?

Mr BARNETT: No, the regulations will not, but the policy of the department will be to take a stronger line, to use the member's words. Assaults of teachers is a matter for perhaps the criminal law, and certainly the common law. It is not appropriate that it be dealt with within this legislation, and I know that is not what the member was suggesting. From a policy point of view, we will take a stronger line.

Clause put and passed.

Clause 91: Grounds for exclusion from the school -

Mr RIPPER: For the information of the Minister and his adviser, I will not move the first of my proposed amendments to clause 91. We have debated that issue at some length in other parts of the Bill. The Minister has assured us that the legislation provides for the suspension of students from all or part of their educational program. I am sure the Minister will assure us that the legislation already provides for exclusion of a student from all or part of the student educational program. If he can confirm that, I will not move the first amendment.

Mr Barnett: We accept the point that has been made by the Opposition. I will move amendments accordingly.

Mr RIPPER: Is the Minister referring to another matter? I will clarify the matter to which I was referring. I am not formally moving this; however, I had proposed to add to page 66, lines 2 and 3 -

> enrolled at a government school may be excluded from attendance at all or part of the educational program of the student

I can formally move that amendment; however, the Minister previously advised that suspension can already occur on a total or partial basis. If the Minister advises the parts of the legislation which will allow exclusion on a complete or partial basis, there will be no need for me to move the amendment. However, we are having as much debate as if I moved the amendment, so it is perhaps not far advanced.

Mr Barnett: I misunderstood the point the member was making. Exclusion could be on an all or part basis.

Mr RIPPER: In the light of that, I do not proceed with that amendment. I do wish to proceed with my next amendment.

Mr BARNETT: I move -

> Page 66, line 6 - To insert before the word "threaten" the following -
>
> have adversely affected or

Page 66, line 9 - To insert before the word "are" the following -

have caused or

This is an editorial improvement to remove some ambiguity about the grounds for exclusion from attendance.

Amendments put and passed.

Mr RIPPER: I move -

Page 66, line 9 - To delete the words "are likely to".

I am thinking about the impact of the Minister's amendment. I may need to move that in an amended form. How does the clause read as it now stands following the last amendment?

The DEPUTY CHAIRMAN (Mrs Holmes): The clause after the last amendment reads -

(i) have adversely affected or threatened the safety of any person who is on the school premises or participating in an educational program of the school; or

(ii) have caused or are likely to result in damage to property.

Mr RIPPER: I would like to slightly alter my amendment to delete the words "or are likely to result in".

The DEPUTY CHAIRMAN: We cannot take out the word "or" because we have just voted for the word "or" to be inserted. We have already agreed to that.

Mr RIPPER: Is Madam Deputy Chair suggesting that I move an amendment which will leave an ungrammatical sentence in the Bill?

The DEPUTY CHAIRMAN: No, I am not. The only way we can do it, if we cannot find another way around the grammar, is to move for recommittal in order to make sense out of what the member for Belmont is trying to achieve.

Mr RIPPER: I will use one of my general speaking opportunities to advance the argument that I wish to see reflected in this legislation. Clause 91 of the Bill specifies grounds for excluding a student from school. One of the grounds in the Government's original Bill is -

(a) he or she has committed a breach of school discipline in circumstances that -

(i) threaten the safety of any person who is on the school premises or participating in an educational program of the school; or

(ii) are likely to result in damage to property.

I am not happy with the idea that someone can be excluded for circumstances that are likely to result in damage to property when no actual damage to property has occurred. I want to restrict exclusion, which is a very serious sanction, to occasions when there has been damage to property rather than to occasions where someone makes a judgment that the student might have caused damage to property. The Opposition's amendment has been upset by the amendment moved by the Minister for Education. We are hampered in that we do not have a complete set of amendments before the Committee, with everything on the Notice Paper. We have to marry two different sets of documents. I thought we would get, via the Notice Paper, one sequential set of amendments, which would make this easier.

Having had a further opportunity to examine the impact of the Government's amended clause on the amendment which the Opposition wishes to move, it is clear that the Opposition can move its original amendment without seriously disturbing the grammar of the Bill. I cancel my previous remarks about amending the amendment.

Mr BARNETT: I can think of two scenarios when a child student should be suspended or excluded because of a likelihood of causing damage without damage actually occurring: The creation of a bomb in a chemical laboratory that did not explode; the emptying of fire extinguishers in schools; not having caused damage but potentially a very serious matter for the school. Therefore, we must have this clause in the Bill. There may be things done, planned or partially executed which have not worked, in that sense, but could cause catastrophic problems for schools.

Mr RIPPER: I am fascinated by the Minister's revelation of circumstances in our government schools.

Mr Barnett: Just an inventive mind.

Mr RIPPER: The circumstances dealt with by the Minister are covered by paragraph (i) of subclause (a) of clause 91. That paragraph refers to threatening the safety of any person who is on school premises. Despite the fact that

the Minister has tried to construct some scenarios where the original clause might be useful, exclusion is a serious sanction. We are not talking about suspending someone for two or three days; we are talking about removing someone from the government school system and terminating that person's education. That is a serious sanction and it should be exercised only on the basis of actions that have been taken and not on the basis of what might have happened if the student had done this or that. Not many offences of this type would apply to other people in the community. It is wrong to have a person's education dependent upon someone else's judgment about what might have happened.

Mr BARNETT: The Government does not accept this amendment. My first two examples might have satisfied subclause (1) in the sense that they involved a threat to the safety of a person. A student might interfere with the pumps on a reticulation system at a school. There is no threat of damage, but there is the potential to cause thousands of dollars worth of damage. That may well be grounds for exclusion. A threat to property but not to personal safety is nevertheless very serious. One could imagine all sorts of scenarios where property could be damaged. At the end of the day, it is up to the disciplinary advisory panel to assess the cases. The legislation must allow people to make those judgments, and it does.

Amendment put and negatived.

Mr BROWN: The member for Belmont was seeking to overcome one interpretation of those words. As I understand from what the Minister has said, these words are intended to apply to an objective test; that is, the student has done something that could cause damage. It is irrelevant whether it has caused damage; it could have caused damage. It refers to actions that a student has taken that could have caused the damage but that may not have caused the damage.

Mr Barnett: It states clearly that "he or she has committed a breach of school discipline". The student has done something; he or she has not simply thought about it.

Mr BROWN: I can see that and it is important in relation to this clause. When it is first read, and certainly when it is read in isolation, one can interpret it as applying a subjective rather than an objective test. If it is the latter, I have fewer reservations.

Clause, as amended, put and passed.

Clause 92: Chief executive officer may exclude from attendance at school -

Mr RIPPER: I move -

Page 66, after line 22 - To insert the following -

(2) A recommendation under subsection (1) shall have no effect unless the principal has -

(a) satisfied the chief executive officer that all reasonable steps have been taken to overcome the detrimental impacts of the school environment on the child;

(b) given reasonable notice to the student and her or his parent or guardian of the recommendation; and

(c) provided the parent or guardian with copies of any information referred to the chief executive officer under subsection (1).

This clause relates to the chief executive officer's powers to exclude a student from attendance at school. Those powers are exercised following a recommendation from the principal. The Opposition wants the principal to provide information about the school environment to the chief executive officer, to give notice to the student and his or her parents and to provide the parents or guardians with copies of the information that has been given to the chief executive officer. This is a method of protecting the rights of those students who might be faced with exclusion from the education system.

Exclusion is a very serious option. It effectively means the termination of that student's education in the government school system. Some students do not progress well at school and if they do not they will be more liable to commit breaches of discipline. It is unfortunate that students who are failing to progress at school for one reason or another and students from socially disadvantaged groups are over represented among those subject to suspension or exclusion. We must recognise that sometimes the school environment has contributed to the discipline problems. As I said in debate on an earlier clause, I have had representations from Aboriginal people who say that sometimes Aboriginal students experience what they regard as racism in the school environment and that that contributes to their breaches of discipline. In other circumstances people have failed to learn to read and have attended school day after day and year after year experiencing continual failure. It is very hard to imagine what that must do to a person's attitude to school. When we are suspending or excluding a student we must recognise that that suspension or

exclusion represents, in a sense, a failure on the part of the school system to deal adequately with that student. I know that some students present very great challenges to the school system, but in an ideal world we would educate everyone, including those who present disciplinary challenges.

It is important that we examine what is going on in the school and in the system before we place all the blame on the person who has been suspended or excluded. I am not saying that that person bears no responsibility - he or she bears considerable responsibility in the great majority of cases. Unfortunately there are occasions when the school or the school system as a whole could have done more to assist with that child's education and to make the child more welcome in the school environment. I am particularly mindful of those people who for one reason or another fail to learn to read and Aboriginal students who face difficulties in our school system.

Mr BARNETT: Again, this amendment goes into very fine detail. It is almost an insult to school principals to suggest that they would not have done what they could to ensure that the school environment is managed properly.

The amendment also has technical problems in that the use of the term "detrimental impacts" would need to be defined; and paragraph (b) refers to a "guardian", which term is no longer used in family law.

We should have more confidence in our school principals and the management of the education system. When issues are referred to the school discipline advisory panel, obviously the environment, the school and the effects of other children and parents can be taken into account.

Mr RIPPER: As a former organiser for the State School Teachers Union I have a great deal of respect for the professionalism of school principals and teachers. However, every time members on this side suggest an amendment the Minister says that we are including detail that is insulting to the professionals in the system. The Minister is including a lot of detail and the legislation already provides for exacting requirements. If the Government intends to include those requirements, the Opposition will respond on behalf of those in the community who believe that other considerations should be included.

Despite the fact that we have a professional group of teachers and principals there are people in the community who are not happy with the way their children are treated in school. It must be recognised that Aboriginal people have grievances about the experiences of their young people in the system. It is not only Aboriginal people; there are others. Although it is a good system, it is not a perfect system. Although there are great schools, good schools and average schools, unfortunately, in a big system there will always be some schools that are not doing as well as we would want them to and for those reasons the Opposition wants a situation in the legislation such as would be achieved by this amendment. Some schools had large numbers of suspensions. The Carnarvon Primary School had 140 suspensions in a 12 or 18 month period. The total number of suspensions over an 18 month period within the Education Department was stated on the front page of *The West Australian* to be 12 000 suspensions. The Minister and I would both regard that figure as too high. We should take action to reduce that level of suspensions. Despite the professionalism of principals and teachers, that is not an ideal situation and that is why we need an amendment like this.

Mr SWEETMAN: I have listened intently to what the members for Belmont and Bassendean have said in debate. I find their argument difficult to follow, because one moment they advocate for teachers and the next for the students. When do we expel a child and when do we keep that child in school? Paragraph (2) of the amendment states that the principal must satisfy the chief executive officer that all reasonable steps have been taken to overcome the detrimental impacts of the school environment on the child. That will create more difficulty for teachers. Constant reference has been made during this debate to a school in my home town which has unique problems. The fact that there were 17 assaults on teachers last year and this year, and five students required medical attention after being assaulted at school speaks for itself. Those children must be removed from the school. On one occasion the member for Belmont said that those children must be kept in school unless there were serious or repeat offences.

Mr Ripper: I regard those offences as serious.

Mr SWEETMAN: If we were to make the Bill as prescriptive as the member for Belmont would like we would open this up to wider interpretation. The best example of what could occur would be the Young Offenders Act. In places like Mt Magnet police officers are frustrated when they get calls from the public, the shire and the school asking them to handle situations of vandalism, burglaries, car thefts, etc, involving children. A police officer has provided a case study involving a juvenile who was prosecuted in the Children's Court for criminal damage. When the police officer who made the complaint gave evidence he was asked by defence counsel whether he had considered alternatives to charging the juvenile. The police officer stated that he had considered that charging was his only option. The magistrate dismissed the charges against the juvenile on the ground that the trial was an abuse of process because section 22 of the Young Offenders Act requires a police officer to consider alternatives to court proceedings. An appeal against the decision is being considered currently by the Director of Public Prosecutions. The relevant

provision of the Young Offenders Act is section 22 which states that before considering a proceeding against a young person for an offence, a police officer must first consider whether in all the circumstances it would be more appropriate to take no action or administer a caution to the young person. That section also states that where circumstances arise in which a member of the Police Force would charge a young person with a commission of an offence, the member of the Police Force may, having regard to circumstances, caution the person instead of laying a charge and that caution may be given orally or in writing. It also states that a police officer cannot caution a person instead of laying a charge if the offence is a schedule 1 or a schedule 2 offence.

If we passed this amendment that contains similar provisions to the Young Offenders Act, we would cause frustration to the people who are trying to solve the problem. I can imagine the principal and the chief executive officer running into impediments even when they have good reason to expel a child. If we include this type of condition in the Bill, we will give comfort to the advocates for this deviant behaviour. We must establish rigid codes of discipline. The Bill adequately covers the circumstances of teachers and children at the moment. We are continually focusing on the non-performers and non-conforming students - those who are in our faces proclaiming that they are being hard done by - rather than on the students who are at school to learn and to get the best education they can before they go on to higher education.

Mr RIPPER: It is a matter of balancing the rights of teachers to teach in an environment free of violence and harassment, and of students to learn in a peaceful learning environment, with the punishment of those people who are breaching school discipline in a way which respects the serious nature of the sanction of exclusion, the experiences that they have had at school and their rights. The Opposition's amendment aims for a proper balance. The member for Ningaloo might say this will put difficulties in the way of the school system to suspend a student. However, if the school system were attending to its own detrimental impacts on some students there would be fewer disciplinary problems and less need to expel or suspend students. The point I am driving at is that the schools must look at themselves as well as looking at the behaviour of children when they breach discipline.

Mr Johnson: I could support your amendment if the alternative option was to give them the cane.

Mr RIPPER: I will later move an amendment on that subject of corporal punishment. The member for Hillarys well knows that I do not agree with him.

Progress reported.

[Continued on page 4162.]

ADVANCE BANK (MERGER WITH ST GEORGE BANK) BILL

Cognate Debate

On motion by Mr Court (Treasurer), resolved -

> That leave be granted for the Advance Bank (Merger with St George Bank) Bill and the Advance Bank (Merger with St George Bank) (Taxing) Bill to be considered cognately and that the Advance Bank (Merger with St George Bank) Bill be considered the principal Bill.

Second Reading

DR GALLOP (Victoria Park - Leader of the Opposition) [3.40 pm]: The purpose of these two Bills is to put in place a legislative arrangement which recognises the merger of Advance Bank Australia Limited with St George Bank Limited. On 29 January 1997, St George became the beneficial owner of Advance Bank. The transfer of the banking business from Advance Bank to St George took place by way of the principle of succession in law. As a result of the merger, legislation is required to recognise the transfer of assets and liabilities in Western Australia under the principle of succession in law, and to render amounts payable to the State of Western Australia equivalent to amounts which would have been payable in taxes, duties and charges if the merger had occurred in a different manner. Mergers between other banks in recent times have been facilitated by other means; therefore, no recent precedents exist for this type of legislation.

The Opposition supports the Bills, which present an opportunity to comment on the banking industry generally. Undoubtedly, the banking industry has undergone major reform over the past 20 years. The Campbell committee reported in 1981 and made a number of recommendations aimed at improving the efficiency of macroeconomic management, and at the abolition of direct interest rate and portfolio controls on financial institutions. More recently, the Wallis inquiry report made a number of recommendations about banks and financial institutions generally. Although some of the changes have brought greater efficiencies and choice for customers, a number of customers, particularly those in the regions, receive less service than was previously the case. In fact, the bank closure issue was continually raised throughout our regional audit. The Opposition has been conducting an audit on services in regional

Western Australia with a focus on government services; however, we receive a remarkable amount of feedback from communities regarding bank closures. The reduction in bank branches, together with declining government services, is causing a great deal of hurt and resentment throughout regional Western Australia. The regional bank closure issue is the focus of an inquiry being undertaken by the commonwealth Standing Committee on Financial Institutions and Public Administration.

Bank closures, along with the downsizing of government operations, the application of the user-pays principle and the centralisation of decision making processes lie behind the current disillusionment in the bush with the mainstream economic and political elite. Bank closures are having a significant impact on rural and regional communities throughout Western Australia and the nation at large. A continued reduction has occurred in the number of bank branches throughout Australia. Reserve Bank statistics show the dramatic reduction in the number of bank branches in Western Australia: The number of non-metropolitan bank branches fell from 242 in June 1993 to 183 in June 1997, which was a fall of 59 branches or 24 per cent. Nationally, the fall has been 11 per cent. Research published by the *Sunday Times* suggests that nearly 47 communities in Western Australia have no direct access to bank services.

The impact of bank closures on country towns is significant. I now refer to research conducted by the Centre for Australian Financial Institutions by Dr Diana Beal and Deborah Ralston from the University of Southern Queensland. The study was entitled "Economic and Social Impacts of the Closure of the Only Bank Branch in Rural Communities". The research indicates the reasons for so much concern and anger in rural communities about the loss of their local banks.

I now consider the three areas of this impact; namely, upon the community, the individual and the businesses in these towns. The closure of the bank branch impacts upon the community in three main ways: First, a financial drain from the community occurs merely from the closure of the bank itself. Other consequences are a loss of financial investment, a loss of confidence in the community and changes in shopping habits. The study conducted by the Centre for Australian Financial Institutions found that well over 90 per cent of areas experienced a reduction in expenditure in a town as a result of a bank closure. The average decrease in spending was $320 a month, which is a significant impact upon a local community. Just as importantly, residents become more pessimistic about the future of their community, which influences their behaviour. Many people think that leaving a town will be better for their families. It is not only the economic impact from the loss of a bank, but also the perceptions created by that loss and the impact it has on the behaviour of individuals. The bank closure sets up a chain of events which can lead families, who might otherwise survive in that town, to move out. This exacerbates the problem.

Secondly, the major effects on individuals in rural communities of the bank branch closure are the increase in the size of cash withdrawals; reduced investment income; reduced access to, and an increased cost of, finance; and reduced access to financial planning advice.

The security risks posed by the prospect of individuals carrying greater sums of cash is of concern, as was highlighted in a number of submissions made to the standing committee inquiry. Last year, as part of our regional audit, I visited the town of Paraburdoo with the member for Burrup. One of the most important issues raised by local residents was the security problem with individuals carrying large sums of cash which cannot be deposited in the local bank. That story has a good ending as a credit union is now operating in that town. I will return to that matter in a moment.

Many problems arise for individuals. In the modern world, we need access to financial planning and finance, and people have reduced access to those important areas when the local bank branch moves out of town.

Thirdly, and importantly, an impact is felt by business through increased cheque cashing; a loss of cash sales; an accumulation of excess cash; a delay in the deposit of cheques; and an increase in bad debts. Interestingly, the University of Southern Queensland placed a figure on that cost: High cash handling businesses reported an average monthly cost increase in cheque cashing of $12 100, and the cost for low cash handling businesses was $4 750 a month. For the community and professional service businesses, the cost was $500 a month; and government and semi-government businesses reported an average monthly cost increase of $2 000. Businesses unable to meet the cash needs of customers reported an average of $4 475 a month in lost sales for high cash handling businesses, and an average of $675 a month in lost sales for low cash handling businesses. It is never surprising to see that when a bank closure is proposed, small businesses in these towns become very concerned - and for very good reason. They will experience an ensuing loss of sales.

The following question immediately comes to the minds of those in rural communities: What can Governments do? Banks close their doors for a range of reasons, including cost cutting exercises and policy decisions. A question should be answered by the Government: What role should it play in insulating regional Australia from decisions made by private institutions such as banks? Of course, the Opposition will be involved in the debate that will occur in the community on this question, and it is currently looking at a range of issues. Today I will refer to one initiative that should be taken in Western Australia. Before doing so, I refer to a submission to the standing committee inquiry

into regional banking services from the Australian Consumers' Association. It states that experience since deregulation has shown that access issues in this sector will not simply be solved by the market, although clearly there is a role for more innovative approaches from industry. Rather, access to banking and like services is now a policy problem that requires a package of solutions from government, industry and the community.

Other Governments and other sectors of industry have taken up the challenge. The State Government in New South Wales, together with the former Federal Labor Government and the credit union industry, have taken an initiative on regional bank closures. New South Wales has jointly funded the CreditCare initiative with the Federal Government - now the Howard coalition Government - and the Credit Union Services Corporation. The CreditCare project was established in 1995 with the aim of assisting people in rural and remote communities to secure convenient access to basic financial services. CreditCare has contacted more than 130 communities and helped restore financial facilities in 36 communities, mainly in New South Wales and Queensland. Its most recent success was the opening on 15 December 1997 of a United Credit Union branch in Paraburdoo. Westpac closed its Paraburdoo branch in April 1996. Without full banking services in Paraburdoo, some residents had to make a 160 kilometre round trip to Tom Price to do their banking. That bank closure led me and the member for Burrup to visit that area last year, and talk to people involved in the CreditCare project and members of the local community. We are pleased to report to the Parliament that a credit union branch is now operating in Paraburdoo.

The CreditCare project is not a welfare project. Credit unions must justify their presence in these towns on a commercial basis. However, when a bank leaves the town, CreditCare organises a meeting of local people, talks to them about their banking needs, and determines whether it is possible for it to move into the town, take over some of the business and, in the process, offer banking services to people on a branch customer basis rather than on an indirect basis through electronic services or some other arrangement. It is a commercial operation and the credit unions must justify it. It is certainly not a welfare initiative, but the Government can assist.

The New South Wales Government has committed just under $900 000 to the CreditCare program. The former federal Labor Government provided $1.6m for the initial two year pilot project, and federal funding was renewed in May 1997 with an allocation of $2.8m over two years. The New South Wales and Federal coalition Governments have put resources into the CreditCare program. It has been recognised as a success by a number of quarters. The Australian Consumers Association in its submission to the inquiry, to which I referred earlier, stated that the credit union CreditCare program, operating with government assistance, is a very useful means of providing access to banking and payment services in rural Australia. Such combined industry and government schemes are an effective way of providing services to rural and regional areas. Consideration should be given to expanding this or similar programs. It is also important to note that, as a result of the Wallis inquiry, credit unions will be able to offer similar services to, and come under the same regulatory bodies as, banks. Those comments are from the Australian Consumers Association.

It is also interesting to look at what some of the development commissions in Western Australia have said about this program. The Goldfields-Esperance Development Commission, in its submission to the inquiry, advocated the role of mutually owned financial institutions. It stated that in regional USA, local communities have often set up community banking cooperatives as an alternative to the centralised institutions. Such a concept has merit in Australia and there are some noteworthy local success stories such as the Bendigo Banking Branch. The submission urged the standing committee to investigate the potential for small locally owned banks and to encourage the Federal Government to resource the concept and develop a process for local communities to follow, thus removing some of the barriers.

Currently throughout many jurisdictions in the world there is a revival of interest in decentralisation and devolution of power down to communities. This can occur through a federal system, and within a federal system through devolution to local government. Within local governments there can be devolution to the communities and suburbs contained within those jurisdictions. Even in the metropolitan area, precincts are being developed as a basis for organisation at the government level. There is a distinct move towards decentralisation, and contemporary politics will be significantly influenced by that philosophy. Members on this side of the House have been strong advocates of that move in their policy preparation.

The second trend throughout many jurisdictions is the revival of interest in concepts of local mutualism and local cooperatives. The concept of the local economy is making a significant comeback because, with the centralisation implicit in the globalisation processes occurring throughout the world, many local communities feel they are missing out on some of the benefits of the enormous wealth that can be created in the modern economy. They believe that through local cooperative action and local sharing of resources and knowledge, they are in a position to gain from the enormous wealth creating potential of the modern world. Rather than leaving it to the globalisation process, they are taking action on their own. This may be as simple as a local community putting together a local action plan to ensure the rest of the world knows what that community can offer. It may mean the local community setting up an

initiative to provide a basis for new industry to come to that town, or an innovative approach to capturing through traffic that normally does not stop in the town. There are many ways in which local communities can take action to capture more of the market. Linked with this is a renewed interest in mutualism.

I was interested to receive in recent days a telephone call from a well known figure in Australian politics in earlier days, Mr Race Mathews, who was a Minister in the Cain Government in Victoria. He has a great deal of interest in cooperatives.

Mr McGowan interjected.

Dr GALLOP: He was a prominent figure in the Australian Labor Party when Gough Whitlam was emerging as a political figure, but I am not sure he was a member of that Government. He was certainly a member of the Cain Labor Government in Victoria. He is currently writing a book on local cooperatives and their link with the tradition of Christian socialism.

Mr Court: That should be a best seller!

Dr GALLOP: He has also written a book recently on the origins of Fabian socialism.

Mr Court: Are you still the head of that in WA?

Dr GALLOP: The branch is now defunct in WA.

Mr Court: Did you let it wind up?

Dr GALLOP: We did. We found the business of government in the 1990s took too much of our time.

Mr Court: What is the replacement group called?

Dr GALLOP: We do not have one at the moment.

Race Mathews has just written an article in *The Australian Financial Review* in which he suggested we should be talking more about these ideas of locally placed mutualism. The time is again ripe for this. We must get on with this local initiative. The fact of the matter is that the credit union movement is in a position to offer assistance to local communities - it does so on a commercial basis - but there are ways by which Governments can assist the process. As can by shown by the statistics, there has been a reduction in metropolitan bank branches since 1993.

Other governments, such as the New South Wales Government, have been proactive in tackling this issue; for example, as well as funding the CreditCare program, the New South Wales Government has developed a strategy to tackle this problem. It has produced an action kit which includes a number of initiatives for communities facing bank closures. We have publicised this kit throughout Western Australia. There has been some interest in it and we have sent it to local communities. It appears the Government has taken its usual ideological approach that the marketplace will take care of the problem. Evidence shows that it has not, and does not.

On 6 May the State Government announced it would examine options to replace banking services which have been removed from country towns. It set up a task force chaired by the member for Avon to visit country areas and to consult on the issue. More than 18 months later, the report of the regional financial service task force was finally released. The report contained a number of recommendations which rely mainly on the actions of others to address the problems caused by regional bank closures. The Government has provided no clear strategy or action plan for regional Western Australia to combat this growing problem. More importantly, the Government has continued to ignore my calls to fund an initiative, similar to CreditCare in New South Wales. A small commitment by this State Government will go a long way to helping some country towns.

Although much has been said about improving electronic banking services, the importance of having a physical presence cannot, and should not, be underestimated. As the Wheat Development Commission stated in its submission to the regional banking inquiry -

> No matter what alternative means of providing banking and like services in regional Australia are found, the human factor must be recognised and provided for.

I could not conclude my speech on a better note.

MR TRENORDEN (Avon) [4.02 pm]: I am pleased to have an opportunity to speak in this debate. As is often the case, this opportunity comes at an inappropriate moment for me. I am not seeking to debate the issues raised by the Leader of the Opposition; however, as we are talking about banking, I will respond to many of matters he raised. I do not wish to be nasty to him when I say that he is out of step with what is happening in rural Western Australia. CreditCare cannot help the vast majority of the Australian people. The difference between the situation in New South

Wales and cental Queensland has to do with the size of the communities. In a community with 2 000 or fewer people, mass does not allow for CreditCare to operate.

The task force, to which the Leader of the Opposition referred, has had a lot to do with CreditCare. I have met with representatives of CreditCare on numerous occasions, and I am familiar will its total operation. I support it 100 per cent. However, the mass must be large enough for the CreditCare operation to work. There must be a mass of about 2 000 people, or 1 500 in some circumstances. Most of the communities about which we are speaking, which have lost banking services, are below that benchmark. We must seek different solutions.

What the Leader of the Opposition has said is true: CreditCare has been particularly successful in New South Wales and some parts of Queensland, because of the size of communities from which banks have withdrawn their branches. This is not about these branches being unprofitable; it is about delivery of banking services by different technology. Recently one of the big banks in the town of Goomalling shut down. I happen to know the profit of that branch before its closure was $330 000. It was not enough to keep the branch open. I do not wish to utter nasty comments about the bank, but the branch was shut because it was all about getting rid of people and moving to technology. The banking and the credit union movements are quickly moving to service delivery through technology.

The Town and Country Bank is closing all country branches in Western Australia. Brookton lost the Westpac branch, and was very relieved to get an agency of the Town and Country Bank to replace that bank service. It has now announced that it will go to technology to deliver the service and is shutting down its branch in Brookton. We are in technology driven times. The fact is that the technology which is taking services away from country people can also be used to bring back those services. This Government is working on various options in this regard.

There are some difficulties in dealing with the transition. A simple solution is to have GiroPOST in the post offices. As members will know - this was reported on ABC radio this morning - the Federal Government is reviewing the services offered by post offices. We will not know what GiroPOST looks like until that review is finished. It is important that that facility remain so that the post offices can deliver banking services.

As part of the task force, I saw a piece of technology operating in a real estate agent's office in Welshpool. Every bank service, except passbook accounts, was offered via a piece of hardware worth about $10 000. It was not in the premises of a bank; people could go to the real estate agent's office to cash cheques and do all the dealings they normally do at a bank. There is no reason the same technology could not be installed in a post office, or a newsagency, or a cooperative, or a local government body in a country town. The technology is available. It will also run on copper; therefore, an Internet service provider connection and all the other support items are not required. It requires only a personal computer, and not necessarily a high speed one. Although it may react a little slower than a larger, faster personal computer, it will get the job done. Normal banking services can be replaced using those sorts of options.

I will not provide details of the confidential information given to me and others in the task force by people who are looking to fill the void of banks. However, a number of small business people are looking at the sort of technology being used by banks, and adding reward and loyalty purchasing to it. It will come to both metropolitan and regional communities in Western Australia and will offer a banking service. The State must be involved in this issue. A review is currently in place and within a reasonable time I hope I will be able to provide members with some information relating to its findings.

A serious problem is the movement of cash. That was moved not by banks, but by the post offices. The post offices were not paid for that service. About a year ago they withdrew the service and said they would not move more than $200 in cash through their system. The banks were caught out and had to use couriers. An ad hoc arrangement exists in this State between the banks and couriers. As the banks withdraw from the community, the couriers do not know who to deal with and, in turn, the couriers also withdraw from the community. I will give an example in my electorate. Couriers travel up the Brookton Highway to Corrigin where there are two banks. They drive right through the middle of Brookton and do not stop. The two major service stations in that town take a reasonable amount of cash during the day and have a requirement every day to put the cash into their bank accounts.

Because the couriers are couriers, and are not banking people, the facility has not been available for them to interface with and to allow the excess money in the community to be removed, or if there is any shortage, for it to come in. If a race meeting is being held in town, or if the Moondyne Festival is happening at Toodyay, or whatever might be happening in Kalbarri that requires cash, those things are predictable. We need a mechanism throughout the State to remove excess cash from the communities and shortages of cash can come into them. We are looking at doing that across the State. People are currently looking at those needs on a statewide basis to see whether some sort of global contract or series of contracts can be put in place to enable the movement of cash. Options will eventuate; however I agree with the Leader of the Opposition that they are too slow. The fact is that people are hurting now, but some limitations apply to this argument that are beyond a State Government. The Federal Government has the problem

of a post office. I certainly hope that GiroPOST emerges at the end of the current review as an option for not only country people, but also everybody. People realise that branches are closing down in their communities. They will appreciate the opportunity of going to the post office and using it as an agency for banking.

Mr Pendal: I hope you look after Toodyay.

Mr TRENORDEN: I take that point. GiroPOST is already an agent for 10 or 11 banks. BankWest is, but the big four are not a part of the GiroPOST agreement. It is important that they become a part of the agreement at some stage. The big four argue that they could have a post office beside one of their branches, and they would be paying for both. It is important that those services exist for country people. The inquiry revealed that every time a person leaves a country town to do his banking, he takes $200 with him that is lost to that community. We also know from our surveys that people are travelling in excess of 200 kilometres to do their banking. If they leave their town to do their banking, they will do their other business, including commercial business, wherever that bank is. They will drive past their local machinery dealer, the supermarket and hardware store to go to the next town to the bank, and they will do their business there.

It is hurting the country communities seriously. It is a crisis when one considers that every time someone in a community of a thousand people takes $200 out of that community when they travel to another town to do their banking. The Government is on top of it and moving on it. I am aware of the federal inquiry on 13 July. I will be meeting in Northam with our federal counterparts on that issue.

Members on this side are very conscious of the seriousness of this matter. We are also very conscious of the fact that large sections of the community do not want to deal with cards and technology. Early last year I was lucky enough to visit Microsoft in Washington State with the Public Accounts and Expenditure Review Committee. While we were there I was told that 20 per cent of the world's population does not want to deal with technology. Australians have taken to technology faster than anyone else. They have taken to using ATMs faster than the Americans on a per head basis and they have taken to using phone banking faster than the Americans. They have a higher ownership of personal computers per head and are using the system faster than Americans.

Banks, the Government and others cannot be blamed for moving to new technology. It is too late to be King Canute standing on the beach holding back the tide of banks that are leaving country towns and the metropolitan suburbs. They will not return; I will tell members why. The comparative cost per transaction between an ATM and a bank teller is 13¢ to 100¢. Every time a person uses an ATM, the bank saves 87¢. The comparison between the cost of phone banking and a bank teller is 23¢ to 100¢. People at the counter are costing the banks money and the banks are moving away from that service. The Australian Bankers Association told the task force that I headed that banks do not really care because bank tellers are not an option for the banks and people must move with the new revolution. Those who are disfranchised - it is estimated at approximately 15 per cent of Australians - will be lost in the system. Some innovative small business people are looking for that 15 per cent to be their business. They will give the banks a terrible shock and people in country areas will get back a service; however, unfortunately for the Leader of the Opposition, it will not be through CreditCare.

MR BLOFFWITCH (Geraldton) [4.16 pm]: This is a merger Bill between two large corporations and we as a Parliament are being asked to pass the Bills to make that happen. It is important that the Bills be passed. The general tone of the debate has been about a reduction in country services. Unlike the member for Avon, I believe a great opportunity exists for cooperatives to become involved in these services that country areas are losing. I attended a recent meeting of Australian credit unions at which I talked to several delegates from New South Wales, Queensland and South Australia. I said that they must feel pretty excited about what is happening. They said they were. I said that the Wallis report recommends that credit unions be allowed to operate cheque accounts as well as complete banking services which is something that credit unions did not have access to and they will get into the bigger market.

The most exciting thing for me is that the national banks, for the reasons explained by the member for Avon and the Leader of the Opposition, are withdrawing from markets. The member for Avon is right; it is an electronic age and all of the major players, including petrol and retail companies are getting involved. We will be shuffled increasingly into lines to use the magic card, and everything will be easier. The banking industry is no different. Ninety per cent of banks' customers can be catered for through an EFTPOS terminal. The other 10 per cent are a bit of a problem because they are the businesses. They are the people who have large cash deposits at the end of the day and must deposit them somewhere. It is in that area that the credit unions have an opportunity to get involved. I know that someone said it needs 2 000 people to make it viable. I have never seen a bank established in a community of less than 2 000 people. Banks are normally established in towns with 5 000 to 8 000 people.

When any national bank - Westpac, National Australia Bank, or the Australia and New Zealand Bank - decides to close 30 branches throughout Australia, inevitably some very good branches will be closed. Consideration is not given to how a branch is performing, because it is a strategic move and therefore 30 branches must close, and it is

inevitable that some very profitable branches will be closed. As an example, when the oil industry decided to close service stations, some service stations were very profitable and were selling 750 000 litres a month but because it was necessary to close 20 service stations in the metropolitan area even some profitable ones were closed. One would think that it would be a gold mine to continue such a business but the strategic plan of the industry was to close a number of service stations. This is yet another process that will provide opportunities galore for credit unions.

I agree with the Leader of the Opposition: It is up to the States and the Commonwealth Governments to provide some sort of banking service, as well as an education program because most people do not understand what is a mutual society or a cooperative. We must inform people about what is involved before we invest any money. However, this is a very worthy enterprise for us to undertake. It will certainly breathe some life into many country towns that are feeling the pinch. It is a positive step for the State Government to take. I commend the Bills to the House.

MR RIEBELING (Burrup) [4.22 pm]: I agree with the comments by the Leader of the Opposition relating to Paraburdoo, because that town faces a major problem. As a member of a committee the member for Avon visited Paraburdoo immediately before the last state election and tried to create some damage in the town. However, the member for Avon does not understand the impact on very isolated communities such as Paraburdoo, when a bank is closed. Not only was the Westpac bank at Paraburdoo closed, but in its lack of wisdom the management decided to make sure that its leased premises were not accessed by another institution which could offer a credit union service to its customers. That was a forlorn hope. Eventually a credit union moved in and United Credit Union Ltd services the vast majority of the iron ore community, and it is doing that very well.

People in the Pilbara have become accustomed to the removal of government services and banking facilities. When Westpac closed its Dampier branch some concern was expressed, but not a huge amount, because Karratha is quite close to Dampier. However, that was not the case in Paraburdoo which is some distance from Tom Price where a banking facility is available. In the Paraburdoo experience the hotel became the only cash flow business to which people could go to get money for everyday transactions. After people have had a few beers they approach the publican for, say, $200; but the poor hotel manager may have already given that amount to five or six other people. He has had more arguments with people over banking business than over his hotel business. The closure of the bank had a devastating impact on the people of Paraburdoo.

It was disturbing to hear the member for Avon meekly accept that more financial businesses will close and that post offices will take over that sort of business. Currently post offices do almost everything, but in Karratha the post office staff has not increased after taking over agency work even though the number of staff at government agencies has decreased considerably.

We must fight the centralisation of those collection services into one agency rather than retaining the population base in small towns. I hope the Treasurer makes a greater commitment to country towns than the member for Avon appears to have made, because the member has accepted that eventually technology will mean that country towns will have a post office and nothing else. That would be a backward step. The Treasurer accepts - as does the Leader of the Opposition - the importance of regional and country areas and realises that the viability of small country centres must be maintained even if it costs the State Government a few dollars to do so.

MR COURT (Nedlands - Treasurer) [4.25 pm]: I thank members for their contribution to the debate and for their support of this legislation. This has provided Parliament with the opportunity to discuss in more general terms the issue of banking in Western Australia and the changes that are occurring in rural and remote parts of this State. No doubt, with the move to introduce further technology, some sections of the community will have difficulty using that technology. Similarly, decisions to close banks in some towns, where the banks are still quite large operations, will cause concern.

I am confident that the market place will address the situation. Not too long ago my son wanted to buy some shares, but he did not have enough money to buy the minimum quantity being offered by the sharebroker at the time. All he could do was approach a bank which had the ability to put together such packages. As a result of that service, we have always regarded the bank highly, because it provided the service to a small operator who one day hopefully will become a big operator. We should not neglect a wealth creating section of the community, particularly in electorates such as Burrup where the cash flows through families are not small. It will pay us to provide a good service to those people, and financial institutions which have a track record of providing good services will have more chance of picking up business in the longer term. I hope that the market place can find solutions to some of these problems.

I thank members for their support of the Bills, which are facilitating yet another merger in the banking world.

Question put and passed.

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

BITUMEN EMULSION PLANT, PERTH AIRPORT

Grievance

MRS ROBERTS (Midland) [4.30 pm]: I wish to raise an issue of enormous community concern. While I have chosen to grieve to the Minister for Planning, I could have just as easily grieved to the Minister for the Environment. For a change the Minister for Planning is not the main villain in this saga. The main villain is the Federal Government for allowing Westralia Airports Corporation Pty Ltd to proceed with a bitumen emulsion plant at Perth Airport despite a complete lack of consultation, residents' and environmental concerns and the fact that the Perth Airport master plan and environmental strategy has not been finalised. In fact, it appears that the corporation has signed up to a deal with Pioneer Road Services Pty Ltd in respect of the bitumen plant well ahead of the consultation process for the master plan and environmental strategy.

The main concerns are outlined in a letter from the Department of Environmental Protection as follows -

> *Odour*
>
> Odours from the asphalt and bitumen manufacturing process have the potential to impact on the welfare and amenity of areas designated for urban development in the Metropolitan Region Scheme (MRS) south of Adelaide Street. . . .
>
> *Noise*
>
> Noise emissions from the plant and associated traffic have the potential to impact on the amenity of nearby areas identified for urban development in the MRS. Modelling undertaken by the proponent indicates relevant criteria will be met at noise sensitive premises with appropriate noise abatement in place.
>
> *Particulates*
>
> Particulates have the potential to impact on the amenity or affect the human health. . . .
>
> *Groundwater*
>
> The proposal may impact on the groundwater quality such that existing and potential users are affected. . . .
>
> *Wetlands*
>
> The proposal has the potential to impact on the integrity, functions and environmental value of wetlands in the area. . . .

The letter is addressed to the Airport Environmental Protection and Building Control Office and it further states -

> Legal advice received recently, however, suggests that the Western Australian Environmental Protection Act cannot be applied to proposals occupying land under the control of the *Airports Act 1996*, as:
>
> > a) Part 5 of the Airports Act (dealing with planning and building controls within airport leases) is intended to apply to the exclusion of State laws relating to land use planning and the regulation of building activities; and
> >
> > b) Division 3 of Part 6 of the Airports Act contains regulations for the control of environmental harm, which would duplicate controls allowed under Part V of the *Environmental Protection Act 1986*, and thus override State law (according to the *Commonwealth Places (Application of Laws) Act 1970)*.

The DEP is saying that it has no jurisdiction over that site and the same obviously applies to planning. Other planning style concerns are also of concern, such as increased road traffic in the area.

A letter signed by Martin Richardson, the principal planner of the Shire of Swan, states -

> It would seem that, notwithstanding the fact that environmental considerations have been taken into account, the allocation of land for industrial uses of this nature may prejudice the future planning of the site for industrial development.
>
> I urge you to ensure that the development of industry on the site is managed within the overall strategy as contemplated by the case-by-case basis.

Despite that, the Westralia Airports Corporation has determined to approve this in an ad hoc manner ahead of that process.

Proper planning and environmental processes continue to be subverted by the Federal Government. The current preparation of the Perth Airport master plan and environmental strategy has been corrupted by the Westralia Airports Corporation. The State Government has also failed to challenge the Federal Government's subversion of planning and environmental processes.

I grieve to the Minister for Planning because he is the person responsible for planning in this State. I want him to use every resource at his disposal to join with me in opposing the construction of the asphalt and bitumen manufacturing plant at Perth Airport. It is not good enough for Governments to say "Do as I say and not as I do." Everyone else must abide by state planning and environmental laws and go through the approval processes of local councils. In this case the Federal Government has thumbed its nose at local and state environmental planning processes and the local community.

It is not sufficient for the corporation to advise the DEP and the shire in writing. It should be subject to full and proper planning and consultation processes. The corporation is not a planning authority and it has no expertise in the area. It should not be able to sign up for its own financial benefit at the expense of local residents such as those likely to be dramatically affected in Hazelmere. This State Government should not simply sit on its hands; we need our state Planning and Environment Ministers to stand up to Canberra and to tell their federal Liberal colleagues not to treat the residents of Hazelmere with contempt and to abide by our state laws.

MR KIERATH (Riverton - Minister for Planning) [4.35 pm]: For once the member and I agree about something. It is a bit of a worry. I agree wholeheartedly that any development of the airport land should be subject to state planning, environment and building laws. However, under the federal Airports Act, those laws do not apply. It is fascinating that on 9 April the Ministry for Planning received for endorsement under a section of its Act a copy of a lease agreement between Westralia Airports Corporation Pty Ltd and Pioneer Road Services Pty Ltd involving 4.6 ha of land for a bitumen processing plant.

As I said, Perth Airport and the lease to the Westralia Airports Corporation are subject only to the federal Airports Act, and under that Act state planning laws do not apply. The ministry advised the corporation's lawyer accordingly and returned the document. The ministry did not receive a development application for the proposal. The matter was referred to the Shire of Swan and it provided its comments to the corporation. The proposal has also been referred to the EPA.

Mrs Roberts: The corporation wrote to the Shire of Swan. The statement I read said that it did not believe there was any need for consultation.

Mr KIERATH: One of the problems with the Act is that the corporation is required only to consult or refer; there is no approval process. The process of development for the Perth Airport involves a master plan and someone in Canberra signs it off. I understand that the plant was subsequently approved by the commonwealth airport environmental controller and the airport building controller.

Mrs Roberts: Who sought no comment from local residents. They are so far removed from Perth, let alone from Hazelmere.

Mr KIERATH: I agree, but the State Government has no powers. That is very frustrating. I cannot necessarily rule out the plant because -

Mrs Roberts: I have asked the Minister to take up the case with his federal colleagues in Canberra. You are from the same party.

Mr KIERATH: We have been taking up the case over planning and the Perth Airport site for some time without any success. When Westralia Airports Corporation obtained the lease, the Western Australian Planning Commission proposed that the corporation enter into a memorandum of understanding.

Mrs Roberts: As the local member I am not advised. They signed off on the paperwork before I knew about it. Under the local legislation, I would be advised of anything affecting my constituents. That is how they are thumbing their noses at everyone and getting away with it. Local members are not advised on what is going on in their electorates.

Mr KIERATH: The WA Planning Commission has forwarded a memorandum of understanding to the Westralia Airports Corporation, but has not received a response. We are on a hiding to nothing as we have no statutory powers.

Mrs Roberts: The federal Minister needs to pull his finger out and give advice to the Westralia Airports Corporation.

Mr KIERATH: I understand that it is stipulated in the federal Airports Act. They can go direct to the federal Minister concerned as the case may determine. If it needs an environmental clearance, they go to Senator Robert Hill,

get the clearance and away they go. The State has no say in it. This highlights the difficulty the State has in many relationships with the Federal Government; namely, the bureaucracies involved are far removed from the site and do not understand the problems and feelings of the area. If commonwealth land is not to be used for commonwealth purposes, but to undertake normal development planning, the land should be subject to the State's laws. My predecessor took up that case and lost. I have made my views known that we should assume controls over commonwealth land in this State. Unfortunately, the Constitution prevents us from doing so.

Mrs Roberts: Will you join me in writing to the federal Minister?

Mr KIERATH: Yes, I will.

TAXI USERS SUBSIDY SCHEME

Grievance

MR PENDAL (South Perth) [4.42 pm]: I rarely grieve, but I do so today to relay to the House the story of a young women in my electorate who will be 29 years of age this year. I refer to her as Sandra. She is a young woman who lives in Como and is currently battling some exceptional odds. Her "enemy" is the literal meaning of words of a government eligibility criteria, and to some extent her "enemy" is her own sense of honesty.

This young woman suffers serious and severe disabilities. She was badly injured in a motor accident in 1984 when she was about 15 years of age. She fractured her skull in that accident, some of the results of which have been that she has very restricted mobility, she is very slow to embark and disembark from vehicles, she walks permanently with the aid of calipers, and she lives in constant fear of losing her balance when walking in public. Also, she suffers the propensity of having involuntary movement in her left shoulder when in stressful situations of this kind.

For a number of years, Sandra has been a worthy user of the taxi users subsidy scheme as buses and other forms of public transport are simply not practical in her circumstances, mainly because of the time, difficulty and pain involved in negotiating bus steps and the like. Earlier this year, the criteria for the taxi users subsidy scheme were reviewed and, unfortunately, she was counted out of the scheme. She was required to return all the vouchers then in her possession. I impress upon the Minister for Disability Services, who today represents the Minister for Transport, which is a happy coincidence - the only happy aspect of this matter - that she lost her right to the taxi vouchers because she stated in the re-application form for access to the scheme that she had used a bus on that day of 5 March this year. I have a copy of the application form before me, and after indicating that she had used a bus she added the words "with pain and difficulty". That honesty was her downfall.

I can tell members from personal observations of Sandra that for all practical purposes - Sandra's and other bus users' purposes - she cannot cope with any comfort or efficiency with catching a bus. She made that clear in her answer to the next question on her re-application form. I add that Sandra also has a medical adviser backing up her assertion that in all practicality she can use no other form of public transport than taxis.

My inquiries reveal that her disability under the scheme must be so severe that an application could never - I emphasis that word - catch a bus. I understand that the officers in the department who are dealing with the situation are not totally unsympathetic to my constituent's situation, but they are required to administer the scheme to the rules, albeit - this is the extent of my criticism - that they are interpreting the rules rather narrowly.

Sandra used 100 vouchers a year between 1990, when she first had access to the scheme, and 1996, when the scheme became restricted. I asked for her application to be reassessed in a letter to the Minister for Transport in March of this year. I argued that for all practical purposes she cannot, and should not, use buses.

Sandra is a battler in the best sense of the word. This women does not work - she cannot work - but she has been providing voluntary charity assistance at SouthCare in Manning and Collier Retirement Village in Como. I ask members to imagine that situation for a moment: A person with her troubles wants to help, and does help, other people in need of assistance.

Sandra will be aged 29 years at the end of this month. What a wonderful gift it would be for society to treat her fairly and give her some dignity and fairness by seeing that the rules change in time.

The Minister wrote to me on 9 April and confirmed what we already knew; namely, that the criteria were changed so applicants had to have "a severe mobility disability that will always prevent them from using conventional public transport". The fact that Sandra was able to use a bus - albeit slowly, awkwardly and sometimes with embarrassment - was her downfall. I think society has treated her shabbily.

One light can be seen at the end of the tunnel. The Minister has indicated that the criteria are to be reviewed in July. I appeal to the Minister, a few weeks from that decision being made, that the criteria be changed and widened to

include genuine people like Sandra. There cannot be so many of these cases that a personal trip cannot be arranged so officials can see Sandra in her calipers and see how she must cope in her travel. This is not the case of a malingerer trying to rort the system. The system should be designed specifically for person like Sandra; that is, a person with a severe disability, but who still wants to be a useful member of society. I appeal to the Minister for a change in the eligibility criteria.

MR OMODEI (Warren-Blackwood - Minister for Disability Services) [4.48 pm]: I congratulate the member for South Perth for his very articulate description of this very sad matter. I agree entirely with his comments. He has covered the subject very well indeed. Undoubtedly, Sandra, who is a community volunteer worker, has a severe disability but does not fit into the taxi users subsidy scheme eligibility criteria.

The scheme is administered by the Department of Transport. It was publicly reviewed in 1995. As part of that review process, complaints under the Commonwealth Disability Discrimination Act 1992 were resolved. A conciliated agreement was reached with the complainants which resulted in fundamental changes to the scheme, including a change from medically based to functionally based eligibility criteria. It appears that Sandra has a significant disability which affects her quality of life. However, through her courage, she is able to use transport, much to her discomfort and probably to the discomfort of others if she moves slowly, as the member for South Perth has described in his letter. She does not currently comply with the eligibility criteria.

As Minister for Disability Services I intend to raise this with the Minister for Transport. The criteria are quite strict but in this case special attention needs to be given to Sandra. I would like to see officers of the Department of Transport visit Sandra and see first hand where she lives and the extent of her disability. I understand that has not happened. The assessment has been based mainly on the information that has come forward in a variety of ways. The taxi users subsidy scheme is terrific. I wish we could expand its guidelines and eligibility so more people could use it.

The Government is planning for the Paralympics, which will take place in 2000. It wants to ensure that Australia has a national taxi users subsidy scheme. At the moment, Western Australia provides a 75 per cent subsidy to taxi users with a disability. I think it is 50 per cent in other States. I would like to see the subsidy rate made uniform across the nation. I have raised that matter with the Federal Minister.

While I am not the Minister directly responsible, I am certainly aware of my responsibilities as Minister for Disability Services. I hope that the current assessment will deliver amended criteria in July. I will pursue that issue as a matter of urgency. I will ensure that the assessment is properly carried out with people like Sandra in mind. It seems that Sandra is being penalised because of her honesty. She admitted that she uses the bus system. Therefore, the people who conduct these assessments know she can use the transport system, albeit with great difficulty and discomfort to her and others. I understand she has a problem in that her left shoulder makes involuntary upward movements when she is under stress. Members can imagine what that would do to other people on a crowded bus and her embarrassment at causing discomfort to others. She is probably in great discomfort herself.

I give an undertaking to the member for South Perth that I will raise the matter with the Minister. I will find out the status of that review. The plan is to complete it this month and there are only a couple weeks left in the month. I will ensure that Sandra's case is given special attention and that somebody has a close look at it with the intention I hope of ensuring that she can again be eligible for the subsidy. Obviously the 1995 review made it harder for people to continue receiving the subsidy.

I cannot say much more than that. The member for South Perth has covered the subject very well. Sandra is obviously a very courageous person, somebody who is not sitting around but is going out and helping in the community on a voluntary basis, working with aged people in her locality. I will raise the matter with the Minister and ensure that her case is dealt with appropriately.

Mr Pendal: Thank you.

KWINANA BULK CARGO JETTY

Grievance

MR McGOWAN (Rockingham) [4.54 pm]: My grievance is to the Minister for the Environment. It relates to an important issue in the southern suburbs of Perth. I refer to the proposed export of iron ore and the extension of the Kwinana bulk cargo jetty for the export of iron ore by Koolyanobbing Iron.

The Kwinana strip has been a part of the southern suburbs of Perth for the past 40 years. It produces an enormous amount of the State's wealth - something like $8 billion a year - and provides 12 500 full time jobs for people in that area. It contributes a great deal to this State. It has many good aspects and it provides a lot of employment. However, some of the downsides are the impact on the environment of Cockburn Sound and on the quality of life

of the people who live there. That is why I am raising this issue. It is an important quality of life issue for people living in the Rockingham and Kwinana area. The Kwinana bulk cargo jetty is on the northern border of Rockingham. There are residences quite close by and a major small business strip along the beach front. An extension to the bulk cargo jetty would have a direct visual impact upon that area.

The proposal is to export 4 million tonnes of iron ore annually from the Kwinana bulk cargo jetty. A major extension will be constructed to handle that expansion in the export of iron ore. Koolyanobbing Iron and the Fremantle Port Authority propose to start construction in September this year. Construction will take 16 months and the jetty will be expanded by some 600 metres into a load out facility. The expansion will be finished by September 1999. Ore trains of more than a kilometre long will go to this facility twice a day. According to reports I have received, the proposal will generate only six jobs locally in the long term. More jobs will be created during the construction phase, but in the long term the expansion will result in only six new jobs. A report has been prepared, but I am not sure of the level of assessment. The report was written by Dames and Moore. It found that large amounts of dust and noise would be produced by this facility. There are also major concerns about the leaching of TBT into Cockburn Sound. Too much of that substance is already found in Cockburn Sound.

My grievance is that I learned of this proposal through the local newspaper about three weeks ago, as did my colleague, the member for Peel, and, I think, the vast majority of councillors of the City of Rockingham. There has been no consultation with the people living in the area, even though this will have an enormous impact upon their quality of life. We fully understand that the export of iron ore and these goods is necessary because they create wealth. However, it is a matter of where one constructs the facility. In our view, it is inappropriate to extend the Kwinana bulk cargo jetty without any proper consultation or environmental assessment.

The Government announced the other day that it would not be formally assessing the proposal. There needs to be a formal assessment of this proposal. We need to examine its impact on Cockburn Sound. A south metropolitan coastal waters study found that Cockburn Sound was heavily polluted. We need to know the impact of this proposal upon Cockburn Sound, which is a major recreational and fishing area for people living in the southern suburbs. It will have a major visual impact on our area but we do not know what will be the environmental impact. Therefore a proper assessment must be implemented.

As I said, I also have serious concerns about the location of this facility being in such close proximity to peoples' homes. Alternative sites are available. The Broken Hill Proprietary Co Ltd said its jetty may be available. As far as I know no examination of those options has been undertaken by the Fremantle Port Authority. I understand BHP has not been consulted about it. Traditionally iron ore has been shipped through Esperance port and a proper environmental assessment was undertaken there. No proper environmental assessment has been undertaken of the effects of this project on the Rockingham community.

This matter was raised yesterday in the upper House where the Minister for Transport said that we must wait and see what the company does. That is outrageous. It is not the company; it is the Fremantle Port Authority and the Government putting this in place. The Minister also said yesterday that the issue had nothing to do with the Government. That was another outrageous statement. Of course it has something to do with the Government. The Government can decide whether the facility should be built on the jetty and the level of assessment it must undergo. The Minister must examine the issue very closely. She should delay a decision to start construction. In the interests of the residential amenity of the people living in Rockingham-Kwinana, the Minister should ensure that a proper environmental assessment is undertaken and that consideration is given to other sites at which this facility can be established.

MRS EDWARDES (Kingsley - Minister for the Environment) [5.01 pm]: A proposal was received and assessed by the Environmental Protection Authority, which is an independent statutory authority and cannot be directed. The member's comment that a proper environmental assessment should be done is unwarranted because that consideration took place before the EPA could report, as it did last week.

Mr McGowan: Why was one done in Esperance?

Mrs EDWARDES: I will get to that. The recommendation that no formal assessment be undertaken is open to appeal until 26 June to me as the Minister for the Environment. Section 43 of the Act provides for a higher level of assessment.

Mr McGowan: At the end of the day if someone appeals you can decide?

Mrs EDWARDES: An appeal must be made to the Minister for the Environment for a final decision. I cannot direct the Environmental Protection Authority in its assessment. However, anyone in Western Australia can appeal a decision of the authority to the Minister for the Environment. It would not be appropriate for me to comment on the facility while it is subject to appeal.

The environmental factors considered by the EPA and the Department of Environmental Protection were marine environment, water quality, amenity, dust from stockpile handling and construction and noise. The EPA determined that assessment of the facility could be managed in accordance with part V of the Environmental Protection Act, which provides for works approval as well as licensing.

The proponent has committed to operating this facility under the same conditions as the ore loading facilities in Esperance, which were the subject of an extensive review. The facility was assessed formally by the EPA, which therefore has knowledge of the conditions involved. Under the Act it is subject to the licensing and works approval provision and therefore those environmental issues of concern can be managed. As I said, I will not make any comment on the facility other than to say the report is available.

Mr McGowan: Won't you comment on visual amenity?

Mrs EDWARDES: It is not appropriate for me to do that while the matter is subject to appeal. However, it is appropriate for anyone to appeal to me.

Mr McGowan: What about alternative sites?

Mrs EDWARDES: That is an issue for the proponent and the Ministry for Planning, not the EPA. I deal with the environment and therefore can examine the decision by the authority, the issues involved and how the EPA believes the project could be managed under the Environmental Protection Act. The member or any of his constituents has the ability to appeal that decision to me. I will ensure a copy of the report is made available to him so that he can advise his constituents accordingly.

The member referred to the heavy pollution and impact of the proposal on the Cockburn Sound. As he will be aware, Cockburn Sound is probably the most intensely used marine environment in Western Australia. It provides a safe anchorage for ships accessing the State's major industrial complex. However, it also supports a great deal of recreational use, particularly fishing. We must therefore maintain a high standard of marine life in the area.

As a result of the number of proposals being considered for that area, it was felt that we should examine some of the cumulative impacts of those proposals. In April, in accordance with section 16(e) of the Environmental Protection Authority Act, I requested that the EPA advise me of the cumulative impact of existing proposals together with any planned proposals. I expect that report within the next couple of months. That will provide a framework for proponents of any of these developments. It will also provide a benchmark for the community.

Mr McGowan: It will be too late for this one.

Mrs EDWARDES: I encourage anyone who has concerns about the current proposal to use the appeal process. The cumulative impact assessment will provide some level of confidence to the community as well as benchmarks for the EPA in assessing current or planned proposals.

COLLIE HOSPITAL BOARD

Grievance

DR TURNBULL (Collie) [5.08 pm]: In this grievance I present to the Minister for Health some comments following a meeting held in Collie on the night of Wednesday, 10 June. The meeting was called to discuss a number of concerns about the hospital. It was conducted by the Collie Shire Council under a strict meeting procedure prepared by the chief executive officer. It was very capably chaired by the shire president, Roseanne Pimm.

More than 100 people attended and a series of written questions to the management of the Collie Health and Hospital Board were submitted. The majority of them related to managerial and staff relationships at the hospital.

The chairman of the board very capably replied to those questions. The chairman, Mr Jim Foster, must be congratulated on the effort he put into the preparation and presentation of those answers. However, many other comments also were made particularly during question time, which followed the presentation of the written questions. During that process the people at the meeting asked whether I would convey to the Minister the general feeling of the meeting and present some of the questions and comments to the Minister. That is what I am doing today.

The first matter related to the privatisation of the permanent care nursing home-type beds in Collie. I will not ask the Minister to comment on that because it was very capably addressed at the meeting by Dr Neil Fong, who was also present. From speaking to people afterwards, it seems that the majority of people who were present did understand the situation, in that what we are seeking is commonwealth funding for those beds. As there will be only 25 to 27 of them, most likely no private operator would be interested, therefore the board and the hospital must look at those issues.

The main anger related to the fact that many people had heard that Collie District Hospital would close when the new Bunbury Regional Hospital opened. I am afraid that quite a lot of this fear and concern in Collie has been engendered by the Opposition's health spokesperson. He came to Collie a few weeks ago and has been telling people that that will be the end result. He has stated that in the Parliament. I would like the Minister to give us more facts relating to the continuation of services in Collie when the new Bunbury Regional Hospital is opened. I spoke forcefully on that matter to the people present and said that it was not possible for so many people from Collie to go to Bunbury.

The curtailment of hospital surgery times at our one remaining surgery has been a problem which has fuelled great concern. I hope the Minister will be able to reassure us on the availability of surgery times for local people needing operations conducted by our local surgeon, as this is a very important issue in Collie.

People at the meeting were also concerned that the tight budgetary control is reducing nursing staff levels to the point where individual nurses cannot cope and are unable to provide full nursing care. At many times patient activity is at a very low level, but there are definitely occasions when there is a sudden influx of patients as a result of an accident or serious emergency. This creates a great load on the staff. I hope the Minister can give a message of reassurance to those people that arrangements have been made to ensure that sufficient experienced staff capable of coping with emergencies are at all times employed in the Collie District Hospital.

An important question has been asked about the level of funding to Collie District Hospital. The funding level is calculated on a complex formula. I ask the Minister on behalf of the people at the meeting whether the funding calculation formula takes into account the highly industrialised nature of the Collie area, which includes power generation, mining and construction. As we know, those industries have a significant potential for accidents. It is also well known that itinerant people and their families in a community put more load on hospitals as they use the outpatient service rather than the doctor's surgery.

At the meeting one of the nurses read out a long list of drugs that were not available at the Collie hospital when they were needed. That frightened many of those people present. This might have happened for a number of reasons, but it is important that drugs are replaced as they are used. It is a question of management within the hospital, but I wanted to acquaint the Minister with the problem.

I was also asked to convey the anger of the meeting that the Government is spending money on items such as the Northbridge tunnel and a convention centre; I spoke against the convention centre. On behalf of the Collie people I urge the Minister to continue his fight with the Commonwealth Government for a reasonable amount of Medicare agreement money; I understand Western Australia needs about another $150m.

MR PRINCE (Albany - Minister for Health) [5.15 pm]: Concern has been expressed about the budget situation at Collie District Hospital for some 12 months. I visited the hospital about 12 months ago and outlined the broad budgetary issues that faced the public health sector at the time. I want to make it abundantly clear that Collie hospital is not quarantined from the effects of under funding by the Commonwealth Government of the total public hospital sector of this State, nor will it be. The budget for Collie District Hospital has been increased for the past three financial years. There has been no wholesale reduction in activity, budget or staff. Issues relating to management and staff have arisen at the hospital. The board is resolving those through standard approaches, and I support it. At the town meeting of 10 June many contentious issues were addressed excellently and at length by Dr Neil Fong, who is the Chief General Manager, Operations Division, Health Department. Through his being able to dispel the rumours and provide factual information I am sure that much of the heat has been taken out of those issues. Of course, as the member for Collie mentioned, the rumours had largely come from the member for Fremantle, who is adept at rumour mongering, and they are totally and completely without fact or foundation.

The effect of the Bunbury Regional Hospital and the South West Campus is the first issue with which I want to deal. There is no intention to reduce the services in the surrounding districts with the development of the South West Campus. On the contrary, it is expected to lead to the enhancement of services in the whole of the south west. There is the possibility of increasing the scope of activities at some of the hospitals such as Collie District Hospital. It remains to be seen what people with choice will do.

No overall reduction in surgery time has occurred at Collie hospital. A general practitioner with surgical skills did leave the town, which meant a reduction in surgical activity because nobody has replaced him, but there is still excellent access to appropriate surgical services. Indeed, the availability of surgical specialists who are resident in country towns is a difficult issue. Collie is fortunate to have one - many other places do not. However, with the development of the South West Campus I expect that more specialists will be available. That may well lead to a spin off in favour of Collie. I am sure that waiting lists will become a feature of some of our district hospitals which previously did not have them. They are there to provide some equity in access to services.

Over the past six months the management of the hospital has been working on ways to improve the allocation of

nursing staff across the hospital services. Difficulty has been experienced in recruitment, as often occurs in country areas. It is the first task of hospital management to ensure that experienced staff are employed at all times in the hospital to cope with all levels of emergency. That has always been the case. That is a matter for the local management to address. Management must remain within its budget and not over staff the hospital "just in case".

I have mentioned the funding level for Collie District Hospital. In 1997-98 the Health Department undertook a review of the budget allocation to Collie District Hospital, which resulted in an increase of $150 000 recurrent to its base allocation. I and the department have acknowledged the highly industrialised nature of the Collie area. That is why a substantial district hospital is located at Collie. Collie District Hospital is one of the larger and better equipped hospitals in the south west. Discussions with local construction and mining companies should be undertaken by the Collie District Hospital Board and hospital management - perhaps the member for Collie will be able to facilitate this - to discuss ways in which they can utilise medical services more appropriately.

As to the question of pharmaceutical supplies, rumours were spread about the non-availability of emergency drugs in the hospital. The drug in question was rumoured to have been brought from Bunbury by taxi. That rumour was peddled by the member for Fremantle; it was inaccurate, as rumours coming from him usually are. The drug was available in another part of the hospital, but nursing staff had not checked that out. Hospital management informed me that it was an oversight that should not have occurred. The requisition of drugs and other supplies, of course, is the responsibility of people working on the wards. There has never been a refusal to purchase necessary drugs. Processes to ensure supply are being reviewed. In that instance, maybe a nurse in one part of the hospital did not know that something was available in another part. That is a problem for management to sort out in consultation with the nursing staff.

With regard to government priorities, the Northbridge tunnel is a matter within the purview of the Minister for Transport, a National Party member. I am not surprised that the National Party member for Collie supports that as it is an excellent project which will be of great benefit to people in the metropolitan area and all country people who will visit the metropolitan area in due course. It has been funded from actions taken some years ago.

The convention centre is to be funded from capital arising from the sale of the Dampier to Bunbury gas pipeline, which as a capital asset of this State was sold and the money should be returned to capital assets. To return $100m to capital through a convention centre is an entirely appropriate use of capital. Funding of that nature should not be used for recurrent expenditure; not now, not ever. The Labor Government did that in the past. It borrowed for recurrent expenditure and mortgaged the future to pay for the present. One must live within one's means. I am surprised that the member for Collie is not prepared to defend the actions of the coalition Government, because I think she should.

As I said in question time today, the assembled Ministers for Health around Australia - which at that time included the National Party Minister from Queensland who, it seems, has lost that job - were adamant in putting to the Commonwealth that the States need $1.1b for the hospitals of this country this financial year and that should be added to the base for any new five year Medicare agreement for the funding of public hospitals. Arguably, that amount should increase as a result of the continuing dropout of people from private health cover. As I said in answer to a question at question time today - and no doubt it has been noted - the amount required varies, related as it is to the dropout in private health cover and the current increase in demand. There is absolutely no want of action on my part, or on the part of any of the State Ministers, who have taken this argument to the Commonwealth over and over again. We will do again tomorrow so that we get a fair and equitable share of the people's money back to them through the public hospitals of this country.

The ACTING SPEAKER (Mr Sweetman): Grievances noted.

GLOBAL DANCE FOUNDATION

Motion

DR GALLOP (Victoria Park - Leader of the Opposition) [5.23 pm]: I move -

That this House censures the Premier for -

(a) deliberately misleading the House over the Global Dance fiasco when he claimed that the funding for the event was approved by him on the recommendation of departmental officials;

(b) rejecting the recommendation of the Public Accounts and Expenditure Review Committee to improve accountability in its report on Global Dance; and

(c) ignoring the views of the Commissioner for Public Sector Standards supporting the Public Accounts and Expenditure Review Committee's recommendations.

There was discussion in this Parliament in recent days on the relative importance of this matter. We on this side of the House rate this issue as a very important one because it revolves around the fact that the credibility and accountability of the Premier of Western Australia is at stake.

I go straight to the heart of the question that we are debating in this Parliament in relation to the Global Dance fiasco; that is, the responsibility of the Minister; in this case the Minister was the Premier. The Premier is very fond of reminding us that the following words frequently flow from his lips: "I accept responsibility for this fiasco." The problem is that in all of the Premier's actions, he actually evades his responsibility. The reason for this is clear. When the Premier says that he accepts responsibility for what happened in relation to the Global Dance proposal, what he is saying is that in that most general of senses in which a Minister is responsible for what happens in his or her departments, he is responsible.

Mr Kierath: Is the Leader of the Opposition responsible for the State Government Insurance Commission?

Dr GALLOP: The responsibility is interpreted generally and indirectly. In this case, that is not the issue. The issue from our point of view is - and we will argue tonight - that the Premier is personally and directly responsible for what has happened in relation to the loss of money and for that he should be held personally responsible. Therefore, we are not talking about ministerial responsibility in the general sense that it is often referred to in the textbooks. We are talking about ministerial responsibility in a very direct and personal way; that is, that the Premier of this State, as the then Treasurer and as the then Minister for Tourism, was responsible for this fiasco and has yet to accept that responsibility. Indeed, when the facts related to this case are examined, there can be no other interpretation of what happened.

Further, we will argue that the Premier has misled the Parliament about what happened and has failed in his duties by rejecting the recommendations of the Public Accounts and Expenditure Review Committee and the Public Sector Standards Commission. This whole affair has been totally mishandled by the Premier. He mishandled the original request for money by Mr Reynolds and now he is mishandling the reports that have been presented to this Parliament following the inquiries into this affair.

The Premier cannot acknowledge the mistake that he made. He could not do it when he gave evidence to the Public Accounts and Expenditure Review Committee - that was his first opportunity to accept responsibility - and he could not do it even when that committee's report was presented to the Parliament.

Whenever we hear the Premier talk about this affair, someone else is always to blame! Interestingly, the Premier's behaviour is always misunderstood by other people! The understanding that other people have about what the Premier intended, wanted and was doing is always wrong! People are always wrong in their interpretation of the events!

Mr Kierath: Especially if it comes from the Leader of the Opposition, who always distorts things. He cannot even get a beat-up newspaper article right.

Dr GALLOP: This is the basis upon which I argue: The report by the Public Accounts and Expenditure Review Committee on the Western Australian Tourism Commission sponsorship agreement with Global Dance Foundation Inc - World Dance Congress 1997.

Mr Kierath: We have the evidence from a royal commission that the Leader of the House does not seem to own up to.

Dr GALLOP: So we do not accept the royal commission, is that right?

Mr Kierath: Yes.

Dr GALLOP: The Minister for Labour Relations has just misled this House again.

Mr Kierath: The Leader of the Opposition has never owned up to his role in the royal commission.

Dr GALLOP: It is the Opposition that has accepted the findings of the royal commission and not the Government. That is the truth of the matter.

Several members interjected.

Mr Kierath: The Leader of the Opposition has never owned up to his responsibility.

Mr McGinty interjected.

Dr GALLOP: Yet again in this Parliament -

Withdrawal of Remark

Mr BARNETT: I ask that the member for Fremantle withdraw the remarks directed to the Minister for Labour Relations.

The ACTING SPEAKER (Mr Sweetman): It is unfortunate that I did not hear what the member for Fremantle said. Obviously other people did. I request that the member withdraw those remarks if they are as offensive as the Leader of the House intimates they are.

Mr McGINTY: I seek your guidance, Mr Acting Speaker. I called the member for Riverton "a grubby little bankrupt". If the truth hurts, you, Mr Acting Speaker, can instruct me to withdraw; however, it is true.

The ACTING SPEAKER: I ask the member for Fremantle to withdraw that comment.

Mr McGINTY: I withdraw.

Debate Resumed

Dr GALLOP: Let us get back to the heart of this issue. Someone else is always to blame for the Premier's actions. Other people always misunderstand the situation! However, in the end, he cannot sustain his line of argument on this issue because the facts always get in the way. That is why the facts of this issue that have been presented on many occasions by the Opposition always stand the test of parliamentary scrutiny. They did so in relation to the Public Accounts and Expenditure Review Committee report and they still do today. What are those facts?

Fact No 1 is that the Premier was the driving force behind the project within government. Fact No 2 is that no-one else within government would have ticked off this project. If the Premier had not been the responsible Minister, this project would not have surfaced or got through the processes of government. Fact No 3 is that sound advice was not followed on this project. Fact No 4 is that what Mr Reynolds said, promised and threatened always gained precedence over what other people within government were saying about the project.

The Premier first got himself into trouble on this issue when he misled the Parliament on 13 March 1997. There was debate in the community on this issue, and the Opposition wanted to determine who was responsible for this commitment of money and how the Government lost $430 000 of taxpayers' money. Given what we know about this issue now, it is very interesting to read what the Premier said in 1997. Members must bear in mind the requirements on the Premier to be open and accountable to the Parliament, to tell the whole story and not half the story, and to tell the truth about what happens. The Premier said -

> I was the Minister for Tourism at the time the decision was made and I was aware of the proposal. When the proposal was put to me, it was sent to the Tourism Commission which made its decision on the matter.

The Premier put that highly misleading statement to this Parliament on 13 March 1997.

Mr Court: Who made the decision then?

Dr GALLOP: I will come to the Premier's evasion and obfuscation in relation to this matter, which he has just displayed again by way of that interjection. The impression that the Premier gave was that a proposal came into government, and he handballed it to the Tourism Commission, which dealt with it. Unfortunately, that presentation of the events does not shape up when one reads the report of the Public Accounts and Expenditure Review Committee. Therein lies a basic problem for this Government. The report of the Public Accounts and Expenditure Review Committee, members of which are representatives of the three major parties in this Parliament, reached conclusions directly opposite to that which the Premier has told the Parliament. The Premier misled the Parliament on what had occurred.

One month later the Premier's story changed a little. In April 1997, when the issue emerged again for discussion in this Parliament, the Premier changed his story. On 9 April he referred to the meeting of 22 December 1994 as the point at which agreement was reached. There was no mention of that meeting in his answer in March 1997, although he referred to it in April. I should read the full quote from the *Hansard* of 9 April 1997, when in question time the member for Bassendean asked him about this issue. The Premier referred to how the proposal emerged and it was going nowhere within government, which is an interesting commentary on the situation. He said -

> The issue had still not been resolved when I met Mr Reynolds and a representative of the Tourism Commission and two representatives of Treasury in December 1994. At that meeting it was agreed that the review would not be required provided that a formula for the repayment of the sponsorship amount was included in the sponsorship agreement - see clause 3.3(b). It was also agreed that GDF would take out keyman insurance over Reynolds - see clause 7.3(b).

The Premier has moved on from his statement that the Tourism Commission dealt with this issue to his statement that it was agreed at the 22 December 1994 meeting. How strange it is that when the Public Accounts and Expenditure Review Committee report came out, which also pinpointed 22 December as the day of decision, the Premier changed ground again and said that the Tourism Commission made the decision at its May 1995 board meeting and not the group who met with Mr Reynolds on 22 December 1994. He said first of all that the Tourism Commission made the decision, then the decision was made at a meeting on 22 December 1994, and now he tells us again that the Tourism Commission made the decision.

Mr Osborne interjected.

Dr GALLOP: It is no good the member for Bunbury's interjecting; it is all in the report. The member cannot run away from the report that the committee finally tabled in this Parliament.

Mr Osborne: You are selectively quoting.

Dr GALLOP: No, I am not.

Mr Osborne: The contract was signed in May of the next year.

Dr GALLOP: Here we have more obfuscation from the Government. I will read what members of the PAERC, including the member for Bunbury, said in their report. Finding 18 states -

> On the basis of the decisions taken at the meeting chaired by the Premier on 22 December 1994, the Western Australian Tourism Commission made a decision to support the sponsorship funding of the Global Dance Foundation.
>
> The formal decision by the Western Australian Tourism Commission was not made until May 1995.
>
> However, EventsCorp proceeded as if a formal determination by the Western Australian Tourism Commission had been made on the 22 December.
>
> At no stage in the intervening five months did the Western Australian Tourism Commission adequately review the decisions of the 22 December meeting.

In May the board was acting as if it were under direction. Everyone in this matter was acting as if that were the case and the Public Accounts and Expenditure Review Committee concluded its deliberations by accepting that that was the working assumption on the part of all of the government officials in relation to this matter. Everyone assumed it was a direction. The Public Accounts and Expenditure Review Committee concluded that that was the working assumption within government but the Premier will not acknowledge the facts in that matter. The only other interpretation that can be placed on these events that would lead to this conclusion is that all of these government agencies and government officials were willingly acting against their better judgment when they went ahead with the funding arrangement. That is the only other conclusion one can reach: They did not want it to happen but they made it happen. I admit there are contradictory aspects of human behaviour. However, when one deals with the facts in this affair, that assumption of contradictory human behaviour is not the best way to proceed. The best way to proceed is to assume that they were acting under the direction of the Premier. None of these public servants was an advocate of the proposal and all of them were highly sceptical - in some cases highly dismissive - of it. They did it, but against their better judgment, because the Premier wanted it to happen. That is the reason for the Global Dance fiasco in Western Australia.

That fiasco was of the Premier's making and no-one else's. He was the Premier, the Treasurer and the Minister for Tourism. In each of those capacities a role was played. As Premier, he had the authority of office so when he said something should happen, obviously public servants followed that recommendation. He was the Treasurer, so he was able to get the funds outside the scrutiny of Cabinet, because supplementary funding was required and it needed the approval of the Treasurer. He was also the Minister for Tourism, which meant the normal checks and balances, which might exist between one Minister who wanted supplementary funding and the Treasurer, were not available in this affair. It was a unique set of events in which the Premier was everything. He had the authority and the power, and he was the Minister. It is a remarkable confluence of events that led to this fiasco.

The matter did not go to Cabinet for collective scrutiny. It is interesting to note when observing Governments, that whenever Premiers do not check matters with their colleagues, mistakes are also made. When the Ministers for Labour Relations do not check things with their colleagues, mistakes are made. The whole point of Cabinet Government is to provide a check and balance and wider range of advice. Nor was it considered within government in the proper way. It was the Premier's project within government.

I remind the House of some of the findings of the Public Accounts and Expenditure Review Committee: Firstly, that

confidentiality restrictions prevented a proper assessment of the project; secondly, insufficient checks were made on the viability of the concept going ahead; thirdly, EventsCorp's own criteria for assessing projects were ignored; fourthly, there was poor record keeping and inadequate documentation; and, fifthly, there were important ambiguities and omissions in the final contract.

It would be bad enough if each of these matters were looked at in turn to reflect on what it meant about the way government is being conducted. Let us consider them collectively in one package. They warrant the most serious attention of a Government. What has the Government done? The response from the Government of Western Australia has been remarkable. Rather than respond in the spirit of accountability and responsibility, the Government has taken on the Public Accounts and Expenditure Review Committee. It has criticised the committee and said it got it wrong. What is more, the Premier has had the temerity to tell us that he accepts responsibility for this. Where is there any evidence of that? Do his behaviour and actions indicate that he has taken any responsibility? Has the Government shown any desire to reflect on what has been said and to put things right in government? It is not as though the suggestions in the report of the public accounts committee are revolutionary. They are sensible and would improve the regime of accountability in this State.

Let us remind ourselves of what the Government rejects. It rejects those suggestions for only one reason. If it were to accept these recommendations and its responsibility, it would have to admit that the Premier of Western Australia made an extraordinary mistake on behalf of a friend of his family. That is why the Government will not accept these recommendations from the public accounts committee. The first recommendation is -

> Where a Minister requests a statutory authority to carry out certain actions, such a request should be confirmed in writing by the Minister.
>
> Where a statutory authority believes a Minister has made a request of it the authority has an obligation to seek written confirmation from the Minister.
>
> These principles should be incorporated in all legislation governing statutory authorities.

That is a straightforward recommendation. The second recommendation is -

> Where the level of confidentiality imposed by a project proponent restricts the ability of government to adequately assess a proposal, funding should be refused.

That is an excellent recommendation that pertains to the heart of this issue. The third recommendation is -

> Where a Treasurer is also the responsible Minister, applications for supplementary funding for that portfolio should be submitted to Cabinet for approval.

That is a very good recommendation because it is written in the spirit of Cabinet Government that requires checks and balances. It is better to have two minds and two sets of judgment working on an issue rather than one. The fourth recommendation is -

> Where an Agency believes that its required and preferred course of action is contrary to the wishes of the Minister, then it should advise the Minister accordingly.
>
> The Minister should provide a written Ministerial direction to the Agency if the Minister requires an Agency to follow a different course of action that it favours.

The fifth recommendation is -

> That the Minister for Fair Trading report to Parliament on the means by which procedures for verifying membership of associations applying for incorporation can be strengthened.

These are the recommendations of the committee that the Government of Western Australia is contesting. It is not acting in the spirit of accountability, nor is it acting in a mature or objective way. What is so hard about this issue that the Government cannot respond positively to reasonable conclusions? What is it about this issue that caused the Government such aggravation that it wrote a nine page response, not including the appendices, to the public accounts committee's report? The answer is very simple: The Premier arranged for a certain commitment of money. The tragedy is that the commitment of money was not just risky, as the Government likes to define it, it was downright irresponsible in the circumstances. This was not one of the normal commitments of expenditure for which there were costs, benefits, a degree of uncertainty or for which people did not know precisely what would happen. This was a very improbable project and the commitment to it was highly irresponsible.

The public servants knew this. It is interesting to see the way in which the Public Service of Western Australia tried to protect the public interest. First, it tried to bury the project in the interdepartmental black hole. We all know about

that. When an idea comes to government and there are real problems associated with it, it gets buried in that wonderful interdepartmental black hole where nothing happens. However, when it became obvious that the Premier wanted it to happen, the Public Service tried to influence the process to incorporate some checks and balances that might protect the exposure of that money. It failed with that as well. When it became obvious that the Premier not only wanted this project, but also wanted it to happen on terms and conditions favourable to Mr Reynolds, the public servants simply gave up. That is why the Public Accounts and Expenditure Review Committee has made some very critical comments about the public servants. The critical comments are essentially that they did not play a role. They tried hard, first of all, to kill the project, then to influence the way it would be conducted, and then gave up. Of course, as a result the public servants have been highly criticised by the public accounts committee. The findings in the committee's report state as follows -

> Finding 17
>
> Mr Crockett's action to commence contract drafting with the Crown Solicitor's Office immediately following the 22 December meeting was inconsistent with his stated recommendation that a review clause should be tied to payments to the Global Dance Foundation.
>
> Finding 18
>
> . . . However, Eventscorp proceeded as if a formal determination by the Western Australian Tourism Commission had been made on the 22 December.
>
> At no stage in the intervening five months did the Western Australian Tourism Commission adequately review the decisions of the 22 December meeting.

Further on -

> Finding 27
>
> Ambiguity and omissions in the final agreed contract diminished the ability of the Western Australian Tourism Commission to access information from the Global Dance Foundation.
>
> Finding 28
>
> The contract did not specify clearly the respective obligations of the parties with regard to the performance of their obligations.

Finally -

> Finding 36
>
> The Western Australia Tourism Commission should not have released funds to Mr Reynolds until he complied fully with the conditions of his contract with respect to "keyman insurance".

After the Public Service had given up trying, it was subject to criticisms which have been clearly documented in the Public Accounts and Expenditure Review Committee report. If those criticisms stand up, the Government should respond in a vigorous way to those public servants. However, the Government does not do anything; it does not touch or take up this issue.

Let us return to the heart of the issue. This affair was not just a mistake; it was not just one of those events that occurs within government because of the uncertainties and complexities of the world in which we live. When Governments make decisions, certain assumptions are made about the future and not every government decision will turn out perfectly. There are economic decisions, world events over which one has no control, and decisions that might be an irrational response to a situation. No-one expects any Government to be perfect, but the failure of the Global Dance proposal was highly predictable and inevitable. If the normal processes of government had been allowed to work, Global Dance would never have occurred.

What makes this matter even more tragic from the point of view of the taxpayers of Western Australia is that after the Tourism Commission had agreed that the money would be committed to this project, drew up the contract and paid Mr Reynolds, certain problems emerged and those problems were revealed by the correspondence tabled regarding this matter. Mr Reynolds never delivered at any point on his side of the bargain. However, that did not stop the Premier from announcing the Global Dance event. Brochures were then sent all over the world asking people to send money to Western Australia when the Government knew that this man was not delivering on his side of the bargain.

The Premier failed to deliver in his responsibility in the process by which the decision was made. Once the decision was made and it became obvious that Mr Reynolds was not delivering on his side of the bargain, the Premier went

ahead and announced the event. Western Australian government support was given to it, documents went all over the world and people were invited to attend. The Government knew all along that this man was not delivering on his side of the bargain. The fact that the failure of the Global Dance proposal was highly predictable and inevitable is the reason the Premier has to locate somewhere else the decision to proceed with this proposal. If the decision is located where it belongs, and that is with the Premier, it can be seen that he has committed money to a project that was inevitably going to fail. That is something that the Premier will not acknowledge and that goes to the heart of this issue of personal responsibility; why he says that he always acts on advice, and why he says that it was the Tourism Commission that made the decision.

If the Premier acknowledges the truth about this matter, he will admit to being personally responsible, but he cannot bring himself to do that. Therefore, all of the evasion and finetuning of the argument about the Tourism Commission, the December meeting, and advice from Treasury ensues. It is all evasion. The decision was made at the December meeting at the instigation of the Premier and following the requirements of Mr Reynolds.

Mr Court: Are you saying that I am personally responsible for a contract that I did not sign?

Dr GALLOP: We again hear obfuscation from the Premier. Everyone else assumed that the Premier directed this issue, but not the Premier himself. He must be a very difficult Premier to work with if that is the basis on which he proceeds.

Ms MacTiernan: The Nuremberg events.

Dr GALLOP: Everyone else is to blame except the person who is the driving force for the Global Dance fiasco. I would be very concerned if I were a member of the Premier's Government if that is the logic he applies to these issues. We have all this evasion, obfuscation and misleading statements from the Premier. There is no doubt about this issue: The Premier has misled the Parliament in answers to questions. When the report of the Public Accounts and Expenditure Review Committee came down, supported by the Commissioner for Public Sector Standards, the Premier refused to accept responsibility and accountability. Instead of accepting those recommendations in the spirit in which they were given, he rejects them and pours scorn on the public accounts committee report in a highly cynical document presented to this Parliament. The arrogance of this Government is now reaching a new level. This Government is incapable of responding objectively to an issue when its own Premier is caught up in it as he is with this issue. There are times when it is better to accept one's individual personal responsibility and not shift the blame to someone else, and this is one of those times. The Premier's continuing failure to do that and evading his responsibilities on this matter means the Opposition will keep returning to it until he accepts his responsibility as Premier of this State.

Mr Court: I hope you do.

Dr GALLOP: The easiest and best option for the Premier is to accept his responsibility for the Global Dance fiasco. He drove it, allowed Mr Reynolds to get his way, ignored the advice given to him, and changed the terms and conditions under which this proposal went ahead in order to support Mr Reynolds's interests against the public interest. The Premier did all of those things because he wanted this project to go ahead. He thought he was doing the right thing by a friend of his family. That is why this happened; there is no other plausible interpretation of the events that have been presented by the Public Accounts and Expenditure Review Committee's report. Sometimes the George Washington approach is the best approach. In George Washington's case it was, "I did cut it with my hatchet, Pa." In the Premier's case, the approach should be, "I did make it happen with my own power and authority within government." Instead, we have a mixture of evasion and obfuscation. The more the Premier does that, the deeper the hole he digs.

Sitting suspended from 6.00 to 7.30 pm

MR GRAHAM (Pilbara) [7.31 pm]: The Global Dance Foundation event started with approaches directly to the Premier by Mr Peter Reynolds in 1993. The only substance to the proposals put forward by Mr Reynolds at that time were references from Sir Charles Court and the then Minister for the Arts, Hon Peter Foss. On the basis of those two references, the event was elevated to a status it did not deserve. It is easy for members opposite to dispute that and to say those references also alluded to other events and, therefore, are not relevant in the case of Global Dance. That is not true. That was confirmed in evidence given publicly by officers of the Western Australian Tourism Commission and EventsCorp to the Public Accounts and Expenditure Review Committee. They said quite clearly that the checks made revolve around those two references. Because Mr Reynolds had those references and was associated with the Graduate College of Dance, it led those two authorities to believe he could run a private arts organisation, be successful and, having those references, had the ability to run an international dance event; notwithstanding that he did not have the ability to do that and still has not run that event.

It is important to note that this man got to first base by virtue of those two references. Without them he would not

have been given any consideration whatsoever by those authorities. The evidence of those authorities to the committee made that quite clear. Between the time Mr Reynolds approached the Premier and the event coming up in some sort of formal sense, the Minister for the Arts sought from his department advice on a world dance convention.

I have with me an interesting letter dated 2 March 1994; that is, before anything happened in a formal sense. The Department for the Arts advised the Minister that without a budget it would be difficult to make any judgment on the cost benefit of the proposal. It states -

> The proposal, as it stands, lacks detail . . .
>
> It is proposed to hold the festival in 1995. This is a rather short lead time for a world competition.
>
> A competition is unlikely to attract funding from the normal arts funding sources, such as the Australia Council or the Department.
>
> The State Government would probably be required to underwrite what would, almost certainly, be a high risk venture.

Even before a letter had been received, the informal advice to the responsible Minister was to act with caution on this proposal. Because there were discussions between the Premier and Peter Reynolds, the Premier wrote back to Peter Reynolds on 12 April, five weeks after the department had advised the Government to proceed with caution, and stated -

> I would be happy for Western Australia to host the World Dance Convention and to take part in the publicity you have planned.

The Premier did not heed the advice, if in fact he saw it. I am prepared to give him the benefit of the doubt and say that he did not. He should have, but he neither asked for it, nor sought it. He chose not to get that advice and, without any advice from the appropriate authorities, he chose to commit himself to the project. He will say, quite rightly, that he did not commit to the project financially. At this stage of the proceedings he is correct in that. In his letter he states -

> In order to progress further the matter of financial support for the Convention, including the timing of the assistance sought, I have asked Mr Kevin Harrison, the Chairman of the Western Australian Tourism Commission, to contact you as soon as possible. Mr Harrison will ensure that your proposal receives the appropriate attention.

Then there was a series of to-ing and fro-ing between Harrison and Peter Reynolds. Part of that was a letter to Kevin Harrison from Peter Reynolds in May 1994 saying that he was enclosing correspondence he had sent to the Premier. That was the infamous letter that came out in the early days. We obtained it under an early freedom of information application. It has a handwritten note at the bottom of it, which no-one seems keen to claim, which states -

> Try to reassess as Premier is keen. Look at supplementary funding.

That was the first time in all of the documents, conversations and records that someone had mentioned supplementary funding. I am going through these documents to establish clearly the involvement of the Premier, his department and his officers, and to present some anecdotal evidence that is around about the telephone conversations. A freedom of information application cannot be made for telephone conversations - sadly. I do not want people to have any view other than that this event was driven in the early stages by the Premier's interest in it; I do not mean the financial interest, but his personal interest in the event. In September 1994, Reynolds again wrote to the Premier outlining the problems that he was having in negotiations and outlining the event. He stated -

> I have had two lengthy meetings with Kevin Harrison, the first May 6th the second during July, each meeting required the help of Jennifer Squires to arrange.

She is one of the political appointees in the Premier's office. We now start to see emerging the interference of the Premier's office, having referred the matter to the WATC. After claiming that the matter was left to the WATC, we then see almost daily the interference of the Premier's political minders in the events and the decision making processes of the WATC and other bodies.

Then there were meetings going through to 1996. There was correspondence from Reynolds to Harrison, Harrison to Reynolds, the Premier to Reynolds, and Reynolds back to the Premier. There was quite an overwhelming degree of paperwork for what is, by any yardstick, a relatively small amount of government funding, and I accept that. There were meetings between Reynolds and the Premier, between the WATC and Reynolds, and separate meetings between the WATC and the Premier, in his capacity as its Minister, at which all of this was discussed. It was an agenda item

and I will not take up time going through those minutes, letters and all the WATC briefing notes; they are on the public record. One cannot read them and come to any other view than that the Premier was driving the issue and that his office was intimately involved in the detail of who was doing what to whom and for how much.

Mr Kierath: Says you.

Mr GRAHAM: No, says the correspondence. On 12 September 1994, according to a WATC memo, a meeting was held between the Premier, Reynolds and Crockett. What does the Minister think they were talking about: The weather; the Minister's future?

Mr Kierath: You said they could not come to any other conclusion.

Mr GRAHAM: What would they have been talking about? On 13 September a meeting between Court and Reynolds was held at Parliament House. What were they talking about, given that Reynolds has a proposal before the Premier for the Premier to approve?

Mr Kierath interjected.

Mr GRAHAM: The Minister should not be stupid. A series of memorandums went from the WATC to the Premier. The first was dated 11 October and I will quote fleetingly from these to put to bed cynical views like those of the Minister.

Mr Kierath: Selective quoting.

Mr GRAHAM: The memorandum starts -

> The Premier has requested that we look at the prospect of Western Australia hosting the World Dance Congress, an initiation of Peter Reynolds, a local dance administrator.
>
> EventsCorp has thoroughly analysed the proposal as presented to the Premier and has developed the attached Cabinet Submission to be presented to Cabinet for their approval of supplementary funding to be made for the purposes of securing the event for Western Australia. . . .
>
> At the EventsCorp Management Board meeting it was resolved that the recommendation to the Commissioners be that the submission be forwarded to the Premier for presentation to Cabinet.
>
> The Premier has requested that this issue be dealt with as soon as possible . . .

The Minister can read into that what he will. The memorandum continued -

> The concept is of merit and worth pursuing based on the projections provided by Mr Reynolds. Unfortunately given the short time frame we are now faced with it is not possible to independently assess these projections.

The Department for the Arts said eight months before that that he did not have time to assess it. The memorandum goes on to make recommendations -

> By adopting this approach we will not be wasting money on a feasibility study which in essence has already been conducted by Mr Reynolds yet we will still be in a prudent position to withdraw should the initial marketing exercise demonstrate that the event cannot generate the economic impact required.
>
> This strategy is in line with the discussion you had with Mr Reynolds on 13 September at Parliament House.

That is addressed to Hon R.F. Court, Bachelor of Commerce, MLA, from the chief executive of his department or his Tourism Commission. No doubt the Premier was there. It continued -

> Following a recent meeting with Mr Peter Reynolds on 18th October we resolved all issues of the proposed contractual agreement except the issue of staggered payments.
>
> As I've discussed with you I still believe we should recommend that the staggered payments method is the appropriate way to go but I understand from Doug Cambell -

Who was the Premier's political minder -

> - that the Premier would like to see both options.
>
> Hence I attach two Cabinet submissions with both propositions.
>
> I would suggest that both be forwarded to the Premier with the attached covering memo.

> As the Commission approved the stage funding concept only, I would recommend you advise the Commissioners of the dual submission approach.

That was written by Shane Crockett. The attached memorandum from Kevin Harrison is to Hon R.F. Court, Bachelor of Commerce, MLA. The second paragraph states -

> Essentially all issues were resolved with the exception of one clause which referred to the provision for the State Government to pay in two instalments, the second of which is dependent upon a review that ascertains the viability of the project.
>
> Mr Reynold's position on this is that it is non-negotiable and that he insists on a payment of $430 000 up front for the marketing of the Congress and that there is to be no provision for the State Government to review the success of the campaign, or otherwise, at any point in time.
>
> My recommendation is that this is not acceptable and that it is unreasonable to expect the State Government to contribute such a large sum of money with no guarantee of performance or ability to review the performance of the campaign at set stages.
>
> While it is acknowledged that the performance cannot be absolutely guaranteed, it is reasonable for the Government to play a role in reviewing its expenditure and being able to limit that expenditure if the event is not progressing as planned.
>
> The position is not one of negativity, but rather one of prudence.

It further states -

> Ultimately this will need to be a Cabinet decision as the funds are supplementary to existing budgets ...

Surprise, surprise! Can members remember the little note? The Premier is keen on this - examine supplementary funding. It was discovered a couple of months later that it must come out of supplementary funding because there was no budget. It continues -

> One is as we would recommend proceeding with the review and the staggered payment schedule included, the other with an up front payment of $430 00 which we recommend against.
>
> In deciding which submission should go forward to Cabinet it should be noted that should the first go forward, Mr Reynolds has indicated he will not accept the offer of the assistance under those conditions.
>
> It is however still our recommendation that the Submission go forward with the review and the staggered payment incorporated, and that if approved, this is to be offered to Mr Reynolds.

That would have killed the deal stone motherless dead if the Premier had adopted that; we would not have been one cent out of pocket. Therein lies the stalemate and the problem that the Premier had to confront. It is then that the meeting of 22 December becomes crucial. Let us review that. It was in the Premier's office and was chaired by the Premier. The WATC chief who wrote that recommendation against it was not invited and was not even told the meeting was on. That was given in evidence to the public accounts committee. A junior functionary in EventsCorp was present, but not the officer who recommended against the expenditure initially. A junior functionary, now the chief executive of the WATC, was in the Premier's office!

It was worthwhile asking, as I asked, why the position changed against the recommendation from the WATC that I read. I asked the chairman, Mr Harrison -

> Mr GRAHAM: What changed your view?
>
> Mr HARRISON: Nothing did.

Nothing ever changed his view about this project. I then asked -

> Mr GRAHAM: Why did that happen when they were a week apart?
>
> Mr HARRISON: That was the final negotiated position.
>
> Mr GRAHAM: Negotiated by whom?
>
> Mr HARRISON: It was negotiated at the meeting on 22 December at the Premier's office.

There is no doubt in the WATC's mind who made the decision. There is no doubt when the Treasury funds were committed for two reasons. Firstly, the Public Accounts and Expenditure Review Committee found that that is so,

and that is the end of the process. Secondly, the chief executive of the WATC was asked as a result of that meeting on 22 December whether it was decided that Treasury funds would be made available and Mr Harrison replied that was correct. No ifs, no buts - that is correct. That is when the Treasurer made the decision to fund the event.

I want to talk about the meeting on 22 December and make some points because the Premier says that at every occasion, he acted on the advice of the Treasury. Mr Hall, whom members will remember was the designated Treasury official, was asked to explain the point about the conflicting evidence that I had put forward, and about advice before the meeting of 22 December and the advice after. I said to him -

> Mr GRAHAM: I want to know how Treasury went from a position in December 1994 in a letter to Campbell recommending strongly against it to a position in June 1995 recommending that the money be paid. What happened in the middle?
>
> Mr HALL: Agreement was reached when the Government made the decision, or the Premier made the decision, that he would support Global Dance holding the congress.
>
> Mr GRAHAM: The Government did not make the decision because it did not go to Cabinet.
>
> Mr HALL: That is not unreasonable.
>
> Mr GRAHAM: The Cabinet is the Government.
>
> Mr HALL: It may be a bad choice of words; I am sorry. I am saying that the Premier, the Minister for Tourism, the Treasurer, agreed that he would support Global Dance.

We must bear in mind that the member for Nedlands was all those people on that occasion.

Mr Langoulant pointed out that the Treasurer has the power under the Financial Administration and Audit Act to make those decisions. That has never been disputed. The transcript continues -

> Mr GRAHAM: You wrote on 7 December 1994, Mr Hall, to Campbell, the principal policy officer in the Office of the Premier, recommending against it and saying that it was difficult to support, given the nature of the venture and lack of accountability proposed in the arrangement. Within three weeks of that you went to a meeting at which the last remaining accountability measure was removed. Then shortly after that you wrote the recommendation to the Premier that he fund it. Were you instructed to do that?

Members should bear in mind that when I asked those questions I had not seen what Mr Hall had written. I will return to that point. The transcript continues -

> Mr HALL: I think there is a little misunderstanding of what was done. The Premier agreed that Global Dance would be funded. In doing that the Western Australian Tourism Commission required supplementary funds. In order to get supplementary funds the Treasury must recommend to the Treasurer approval for supplementary funds. Once the first decision has been made, the second decision is of no consequence.

Later on I asked whether the Treasurer could make that decision based on formal advice, or make it of his own volition. Mr Hall was quite clear, and the senior officials were quite clear, that the Premier could, as Treasurer, do it - and he did.

The Premier argues that the decision of 22 December was made subject to ongoing negotiations. It was not! Before I finish tonight, I hope to demonstrate that it was not. He did not issue any instructions for negotiations to be carried on around the contract. In fact, it was the other way around, and all the documentary evidence supports its being the other way around. The decisions were made on 22 December; the ongoing negotiations were about getting the contract to match the decision of 22 December.

Mr Baker interjected.

Mr GRAHAM: Members may call me silly if they like, but I do not think that Premiers should be able to mislead Parliament with impunity. I am sorry if members opposite have a different view. We will see how they vote on this motion.

In the nine minutes remaining, I will go through the hard evidence. The Premier stated that on 9 April 1997, as Treasurer, he approved supplementary funding on the recommendation of the Treasury Department on 1 June 1995. That statement is demonstrably false, and all the evidence from the Treasury Department says the opposite.

On 28 December 1994 a Treasury document signed by Mr Hall states -

> The Premier, following a meeting with the promoter on Thursday 22 December, 1994, agreed to commit $430,000 to promote a World Dance Congress to be held in Perth in late 1996.

However, the Premier said that he approved it on 1 June 1995. Treasury said that he approved it on 22 December. The advice the Premier had before that meeting - and I do not have time to go into it - recommended that he not approve it. A Treasury letter dated 7 December 1994 states -

> I am therefore unable to support provision of government financial assistance to a promoter whose budget shows a net profit of around $1.5 million -

That is the first time the Premier misled the Parliament. The second time was on 13 March 1997 when the Leader of the Opposition asked the Premier -

> Was the Premier involved in the decision to provide government support for the Global Dance Foundation to stage a world dance congress in Perth?

Mr Court replied -

> I was the Minister for Tourism at the time the decision was made -

He was the Minister for Tourism, but the decision was made by him as Treasurer. It is not a fine point: Only the Treasurer could approve supplementary funding. If anyone other than the Treasurer did so, it would be illegal.

Mr Kierath interjected.

Mr GRAHAM: If the Minister for Labour Relations wanted supplementary funding he would have to go to the Treasurer!

Several members interjected.

Mr GRAHAM: Mr Court stated -

> I was the Minister for Tourism at the time the decision was made and I was aware of the proposal -

Of course he was aware of it; he was running it. He also said -

> When the proposal was put to me, it was sent to the Tourism Commission which made its decision on the matter.

He was also asked whether he made any recommendations, and the answer was no. That statement was made by the Premier on 13 March 1997. Members can put aside what they might say about my being a zealot on this issue. The Public Accounts and Expenditure Review Committee found the exact opposite on this particular matter. The unanimous report of the PAC found that it was not true.

The next point to be made is that in answer to questions from the member for Bassendean, the Premier said -

> I have said to the member that none of the decisions was made without getting the proper advice. The member knows that they recommended that it be approved. As I said yesterday, those parties were involved.

Earlier he said -

> As to whether I made the decision, the member has all the information which I gave in an answer yesterday, when I explained that none of those decisions was made or approved until we had Crown Solicitor's and Treasury advice on the matters.

That answer was received on 10 April 1997. However, the Premier wrote a letter of complaint to *The West Australian*. I would love to have time to deal with that matter in detail. His letter states that the editorial stated -

> There is evidence before the Committee that Mr Court overrode or ignored concerns about the deal by officers of the WA Tourism Commission, Treasury and the Crown Solicitor's Office.

The Premier stated in that letter -

> The evidence before the Committee clearly stated that the Crown Solicitor's Office wasn't even instructed until 28 December 1994, six days after I had any direct involvement in these matters.

Several members interjected.

The SPEAKER: Order! The Minister for Labour Relations has been in this House when I have tried to get members on my left to stop making idiotic interjections which have nothing to do with the business before the House. Perhaps the Minister may observe.

Mr GRAHAM: In the Parliament the Premier said that he did these things on the advice of the Crown Solicitor.

Clearly he gets very shirty about it. He says, "Of course, I only had that advice!" However, in a private letter that he thought no-one else would see, he remonstrates with *The West Australian* and says that it was wrong, because the Crown Solicitor was not involved until six days later - and then he was not involved. The two statements are mutually exclusive.

My last point relates to 18 March 1998. In response to a question by me, in which I asked the Premier to provide the advice that he had received from the Under Treasurer prior to the meeting of 22 December, he stated -

> Yesterday I said the matter had been discussed with the acting Under Treasurer at the meeting of 22 December and that he had sent formal advice to me. I table that advice.
>
> . . . All of this information has been provided to a committee of this Parliament.

I have made the point before, Mr Speaker, that the advice that the Premier tabled was advice that he was given on 1 June 1995. Mr Hall's evidence deals clearly with that. That is not a recommendation to the Premier to fund the event; that is the completion of the paperwork. Mr Hall makes it very clear, and I would love the Premier at some stage to deal with Mr Hall's evidence. The Premier has skirted around it every time he has spoken on the matter. He has said that, as the Treasurer, he sat in the meeting with his staff and he approved the funding and they did the paperwork afterwards.

The Premier should explain how that constitutes getting advice. I would love to hear his explanation. He has yet to explain that to the committee, to this place or to anyone else. In fact, at the meeting of 22 December he had the recommendation from Hall - this is the advice he had in his hand when he went into the meeting - in which it is stated -

> I am therefore unable to support the provision of government financial assistance to a promoter . . .

He clearly recommended against it. It continues -

> Mr Reynolds' application for financial assistance from Government is also difficult to support given the nature of the venture and the lack of accountability proposed in the arrangement.

The Premier misled the Parliament on four occasions. We can forgive one or two. These incidents are not open to interpretation; the Premier has said -

Mr Kierath: He did not deliberately mislead.

Mr GRAHAM: One can get away -

Mr Kierath interjected.

Mr GRAHAM: If the Minister will vote for "misleading", I will happily amend the motion. The Premier can get away with an accidental misleading of Parliament perhaps once or twice, but he cannot get away with an accusation -

Mr Kierath interjected.

Mr GRAHAM: The Minister should shut up; he is a peanut. The Premier cannot continue to say that he acted on the advice of his officers and his department when every piece of paper that comes to our attention shows the exact opposite.

MR COURT (Nedlands - Premier) [8.02 pm]: I am getting the distinct impression that after five and a half years of my being in government the Opposition has only one issue on which to attack me.

Dr Gallop: There are 10 or 12.

Mr COURT: I am also coming to the conclusion that members opposite are policy bereft and that this could well be a cunning plan by the member for Pilbara to cause a bit of trouble within the Opposition.

Mr Graham: My personal ambition is well known. I am famous for leadership coups.

Mr COURT: I cannot believe that when we are facing issues such as the nurses dispute and very serious economic problems, members opposite have moved an urgency motion about Global Dance. Why have they done it? Because they had some secret new evidence! The member has been waving it around. The secret new evidence - these treasury documents - were given to the Public Accounts and Expenditure Review Committee when it was undertaking its investigation a year ago.

Several members interjected.

Mr COURT: It is top secret.

Mr Graham: They were given to you before the meeting and you did not understand them.

Mr COURT: I am naturally suspicious. Something might spring out of the woodwork. What I cannot understand -

Dr Gallop: Is why we lost $430 000.

Several members interjected.

Mr COURT: The Leader of the Opposition asks me whether the Government has a mandate to sell Westrail. Did he have a mandate to lose $1.5b?

Dr Gallop: That is a cracked record.

Mr COURT: Why bother having me appear before the Public Accounts and Expenditure Review Committee? Why get all this information? Why table a report? Members opposite must have decided to have a second bite. Perhaps they did not get the report right. I feel sorry for the member for Pilbara: If it were not for him having a run on this issue, I do not know what members opposite would be doing. If this is the top priority, I am interested to see the pecking order. We have had this public accounts committee investigation and it has all this information.

Dr Gallop: You have ignored its report.

Mr COURT: I do not know of anything that has been examined from so many different directions. The report was tabled and *The West Australian* runs an editorial on the issue once a week.

Mr Ripper: Why not get down to tin tacks and deal with the specific points raised?

Mr COURT: I came here to deal with the new evidence, but there is none. I might as well sit down.

Several members interjected.

The SPEAKER: A few members on my right appear to want to get into the debate. If they see the Whip, I am sure he will give them the time they need to make a constructive contribution rather than interjecting and interfering with the Premier's speech.

Mr COURT: The last interjection was the most worrying, because the member for Pilbara said that we will deal with the new evidence. We have had contributions from the Leader of the Opposition and the member for Pilbara, but we have not had the new evidence. That means it is on again next week.

I have taken this issue very seriously. I have taken responsibility for it as I do with all decisions made by the Government. I will comment only on the contribution from the member for Pilbara because I have heard the speech made by the Leader of the Opposition three times. I have also heard the member for Pilbara's speech a number of times. The point he is making is that a magical meeting was held on 22 December. Correspondence had been exchanged and advice was given. That is correct. He then said that 22 December was the crunch time; that is, the deal was locked away.

Mr Graham: That is what you said.

Mr COURT: I said there was a meeting, there were disagreements, the different parties all came together - including some of the parties the member mentioned - advice was given and a broad agreement was reached.

Mr Graham: It was a specific agreement.

Mr COURT: But it then had to go through many other processes, as happens in government. The main process is gaining approval from the Tourism Commission.

Mr Graham: Why?

Mr COURT: Because it had responsibility for this matter.

The final decision to sign the agreement was made by the Tourism Commission, which advised the Commissioner for Public Sector Standards -

> . . . the Minute of the Commissioners is clear, they decided to execute the contract. The Commissioners were <u>not</u> approving the contract on the basis of a de-facto decision from the 22 December meeting. Similarly, the Board did <u>not</u> have concerns about the contract. It considered the contract as per the normal process and made a decision to pursue the event under the terms and conditions proposed in the contract.

It further states -

> EventsCorp at all times was advised -

Dr Gallop interjected.

Mr COURT: I also hope the Public Accounts and Expenditure Review Committee examined it. The Leader of the Opposition has just raised a good point. The Commissioner for Public Sector Standards was asked to investigate these matters.

Dr Gallop: Why can you not tell the truth about this?

Mr COURT: The Leader of the Opposition has put his foot in it: He said that he hopes that the Public Accounts and Expenditure Review Committee will examine these letters, and I hope they do too because -

Dr Gallop: Why can't you tell the truth about this matter in which $430 000 was paid to a friend of your family without any checks and balances?

Mr COURT: It used to be a friend of mine, but they have changed the story to a friend of my family now!

Correspondence was sent from the Commissioner for Public Sector Standards. In advice from the commissioner to the Ministry of the Premier and Cabinet, it was suggested that the correspondence should be sent to the committee. It went to the committee last week for its consideration. Before the committee had considered the correspondence, the next day it was in the hands of the media.

Mr Kierath: I wonder how that happened. I would have thought it was a matter of privilege.

Mr COURT: Yes. We are trying to do the right thing and make all the information available. The committee could decide to make it public; that is its decision as the information was sent to it. Members of the committee can make it public. Therefore, I am mystified about the excitement about information which went to the committee before the report was released. Members try to beat it up months later saying new information was coming through.

The WA Tourism Commission advised that EventsCorp at all times was advised by the Solicitor General's officers of the development and ongoing review of the contract. From 22 December until many months later when the contracts were signed, it had to undertake a process of approvals and so on. That aspect was conveniently forgotten by members opposite. That time is forgotten. It is a matter of history.

I am not naive: If members opposite can pin something on me, it is pretty good going; however, members must deal with the facts. The ministerial response provided to the Public Accounts and Expenditure Review Committee did not reject any of the recommendations. As a member of Parliament, I can comment on the recommendations made by that committee.

Recommendations 1 and 4 are confusing. The flawed findings did not help with the interpretation of those recommendations. Recommendation 2 was accepted, and recommendation 3 was effectively agreed to in its reference to any conflict of interest with the Treasurer's material. I have formally written to the Under Treasurer asking him to put that recommendation in place. Recommendation 5 was addressed by the Minister for Fair Trading in his review of the Associations Incorporation Act. Even recommendation 4 has led to Treasury examining the most effective way to finalise the insertion of the Burt commission provision into remaining legislation. The committee's finding was that a ministerial direction was given.

Mr Graham: No, we did not.

Mr COURT: De facto. I will read it.

Several members interjected.

Mr COURT: The Crown Solicitor's office said -

> The Crown Solicitor's Office has advised that the evidence -

Dr Gallop: You used a royal commission against your chief opponent and used the Crown Solicitor's office to back up your grubby little deal!

Mr COURT: Am I stooping as low as using legal advice?

Dr Gallop: Legal advice - what a joke. You call that legal advice.

Mr COURT: It reads that the Crown Solicitor's office has advised -

Several members interjected.

The SPEAKER: Order!

Mr COURT: Members should listen to this finding of the Crown Solicitor. It reads-

> The Crown Solicitor's Office has advised that the evidence does not support a finding that "the WATC dealt with the matter as though it was a Ministerial Direction". Finding 3 states that the WATC dealt with it as a direction as a consequence of a letter from the Premier to Mr Reynolds dated 12 April 1994. This is clearly inadequate to support the finding that the WATC treated the Premier's actions as a Direction or that the actions of the Premier could reasonably be interpreted as a Direction. If the Committee concluded this from the actions of officers or Commissioners of the WATC, then it should have set out those actions in the Report. However, setting out of the actions would still be likely to be inadequate to support the findings . . .

Members should listen to this.

Dr Gallop: It is a load of nonsense.

Mr COURT: I am the one being critical. It continues -

> . . . the Committee did not ask any of the witnesses, neither officers nor Commissioners of the WATC, whether they treated -

Dr Gallop: Why did you not sack them?

Mr COURT: This is being critical of the Public Accounts and Expenditure Review Committee. The member for Pilbara understands that.

Dr Gallop: Logic does not apply. You do not want the facts.

Mr COURT: The Leader of the Opposition is shouting over what I have to say, and for good reason. The advice continues -

> . . . the Committee did not ask any of the witnesses, neither officers nor Commissioners of the WATC, whether they treated the referral as a Direction, although there was ample opportunity for the Committee to ask that question at the hearings or subsequently.

According to the Crown Solicitor's Office, as the findings are flawed, it brings into question recommendation 1. I think that even members of the committee would agree that if one makes a finding that the matter was treated as a ministerial direction, the committee had days and hours to ask witnesses whether they treated it as a ministerial direction. The question was never asked.

Mr Graham: We had all the documents which showed it clearly. The Crown Solicitor never once asked the Public Accounts and Expenditure Review Committee for the basis of its evidence.

Mr COURT: Is the member saying that my evidence to the committee was a waste of time? Why did I bother to give evidence if the committee had it all in writing?

Dr Gallop: That advice is not worth the paper it is written on. If that advice is true, you should have sacked the board of the WATC. This is a joke!

Mr Kierath: Did you sack the SGIO board?

Dr Gallop: We did, in fact.

The SPEAKER: Order! Again, too many members are interjecting. I am allowing considerable interjection from people who have spoken in this debate, and from people who have some knowledge of the matter.

Mr COURT: The views put forward by the Commissioner of Public Sector Standards were not ignored. The commissioner correctly examined the recommendations of the Public Accounts and Expenditure Review Committee from the point of view of his legislation and the public sector code of ethics. However, he did not examine the broader legislative framework. The ministerial response refers to the code of ethics as detailed by the Commissioner of Public Sector Standards and does not question its applicability. Therefore, the views of the Commissioner of Public Sector Standards were not ignored. His advice did not address the broader implementation of the recommendations.

The SPEAKER: Order! It would appear that two members on my right and, unfortunately, the member for Pilbara continue to have cross-Chamber interjections across the person trying to deliver his speech. It is not acceptable. If members cannot understand that point, I will have to formally call members, whether Ministers or not, to order.

Mr COURT: Other parts were conveniently ignored in the letter given to the Public Sector Standards Commission. I do not know whether to date the commission has examined that matter, but it has all been put out in the media. The

response reads that having considered the committee's report and the responses from the chairman and CEO respectively of WATC, the commission could see no justification in conducting any further inquiry into those matters with which he said some difficulties could have been involved. I reiterate that I have no difficulty at all in providing information and appearing before the committee in relation to this matter.

I have said on many occasions that no-one is more angry and disappointed than I that this event did not come off.

Dr Gallop: The Premier is not showing it. Where is the accountability? Who is taking the rap for what happened?

Mr COURT: For five and a half years I have been party to the risk involved in supporting a huge number of activities within government.

Dr Gallop: It was not a risk. It was a case of total irresponsibility.

Several members interjected.

The SPEAKER: I formally call the Minister for Labour Relations to order for the first time.

Mr COURT: The Leader of the Opposition himself said that no-one expects any Government to be perfect. Governments get things wrong. I do not mind the accountability and the Opposition wanting to get all the information but I cannot understand the Opposition's tactic of going through that process, coming out with a report and then wanting a second bite at re-interpreting that report.

Dr Gallop: There is a simple reason for that; the Premier has ignored the report.

Mr COURT: No; that is the Opposition's view now, but previously its view was that it had new information.

Dr Gallop: We have; the member outlined it very clearly.

Mr COURT: If the Leader of the Opposition wants to talk about misleading information, the only thing the Opposition has that it did not have previously is a letter I wrote to *The West Australian* asking for an apology. That is the only information. The Opposition has the rest of the documents. If the Opposition's tactic is to run and re-run this matter because it is the only issue it can find -

Dr Gallop: We want to make government in Western Australia better. It is obvious that the Premier does not.

Mr COURT: If, after five and a half years in Government, this is the only issue the Opposition can continue the attack on -

Several members interjected.

The SPEAKER: I formally call the Minister for Labour Relations to order for the second time.

Mr COURT: I feel sorry for the member for Pilbara who must bring up this matter repetitively. At a time when so much is happening politically in this nation - this is probably one of the more exciting times in politics - it surprises me that the Opposition keeps repeating this issue. Many of my colleagues are keen to speak on this matter and we do not mind having the opportunity to debate the issue further.

MR TRENORDEN (Avon) [8.22 pm]: Some days ago I approached the party Whip because I am meant to be meeting some prospective in-laws tonight.

Several members interjected.

Mr TRENORDEN: I had the mandatory glass of wine but I thought I should stay here and say something in this debate. I have made a very poor decision; there is nothing to defend in this debate.

Mrs Roberts: It is indefensible.

Mr TRENORDEN: The fact is, the Leader of the Opposition stood and made the same speech he made some weeks ago. When I opened my copy of the report of the Public Accounts and Expenditure Review Committee, I noticed the motion. The Leader of the Opposition moved a motion condemning the Premier for his role in the Global Dance fiasco. This is the third time we have debated this issue in the House.

Dr Gallop: That indicates how seriously we take accountability. We take it very seriously.

Mr TRENORDEN: Repetitive action -

Dr Gallop: Does the member for Avon know what Mick Malthouse calls this? The "one per cents". That is what we are doing, my friend, the one per cents that the Government is incapable of doing.

Mr Court: What do you call refusing advice to increase the premiums for third party insurance?

Dr Gallop interjected.

The SPEAKER: Order! The member for Avon had barely started his remarks when there were interjections of congratulations on his proposed situation. Apart from that, he really has not even started his speech. Give him a chance. Let the member for Avon start his speech.

Mr TRENORDEN: I must comment on the remarks of the Leader of the Opposition. There has been a Public Accounts and Expenditure Review Committee report on this matter. I am the chairman of that committee.

Several members interjected.

The SPEAKER: I formally call the member for Rockingham to order for the first time.

Mr TRENORDEN: I put it to the Leader of the Opposition, and he has to give some credence here -

Dr Gallop: Do you support the report?

Mr TRENORDEN: Of course I support the report! I am about to say that. Self praise is no praise at all, but the five members of that committee showed a fair bit of courage taking on this matter in a political atmosphere. The Leader of the Opposition held up the report and said it was good. I thank him for that.

Dr Gallop: That is right; I think it is a good report.

Mr TRENORDEN: The only question the Opposition raised in the debate was: Who made the decision? I can tell the Opposition who made the decision. When approached by *The West Australian,* the chairman of EventsCorps said that it messed it up. That is on record. Who made the decision? The chairman of EventsCorp said it messed it up; is that not good enough for the Opposition?

Mr Graham: It is not what he said to the Commissioner for Public Sector Standards. I will have a look at that.

Dr Gallop interjected.

Mr TRENORDEN: The member for Pilbara and the Leader of the Opposition only have to read *The West Australian*. If the chairman of EventsCorp did not believe that, then he should not have made the statement on record.

Some matters can be interpreted. Members have now heard three debates on the interpretation of the report. The member for Pilbara spoke at some length about Hall's evidence. I admit that during the inquiry he hung on like a terrier to Hall's evidence, but it is an interpretation.

On 22 December, the Premier, as Treasurer, definitely gave the go-ahead for $430 000 to be made available. Members opposite say that is the mechanism by which the Premier told everyone in the system that it must go ahead. Despite what the member for Pilbara says, there is no documented or anecdotal evidence of that, but that is what occurred. Obviously, in the meeting on 22 December the Premier instructed Hall. In his evidence Hall said the Premier, as Treasurer, instructed him to make $430 000 available to the WA Tourism Commission. That is the interpretation and that is what this whole noise is about. It is of substantial credit to the Premier that he is prepared to appear before the public accounts committee.

Mr Graham: How does the member for Avon balance that? The member for Avon has just agreed with me that the Premier made the decision on 22 December 1994. How does the member balance that with the Premier's statement in the House that he approved the funding on 1 June 1995? Both statements cannot be right; either the member for Avon and I are wrong or the Premier is wrong.

Mr TRENORDEN: With all due respect, the member for Pilbara indicates the nitpicking that has been going on.

Several members interjected

Mr TRENORDEN: I ask members what single new piece of information has arisen in today's debate.

Dr Gallop: I think the member for Avon's family party is looking like a better bet.

Mr TRENORDEN: I agree with the Leader of the Opposition. I have agreed with him all along. This debate is a waste of the House's time.

Dr Gallop: The member for Avon is adding some very interesting new interpretations and information.

Mr TRENORDEN: The whole argument has been set out in the report of the public accounts committee. It has been set out before the academics and the media. We have received letters on this report from as far away as New South

Wales. I happen to agree with the Leader of the Opposition. The report speaks for itself. The Opposition can interpret it. It can come in here and argue the issue as much as it likes, but all it is doing is putting its pitch - its blend - on an event that occurred on 22 December 1994.

Dr Gallop: I am using the English language; that is all I am doing.

Mr TRENORDEN: The rest of the argument is pretty mundane; pedestrian in fact. The Opposition's debate did not have a skerrick of new information.

Mrs Roberts: How would you know?

Mr TRENORDEN: How would I know? I heard it.

Mrs Roberts: I hope you are better at listening than you are at speaking.

Mr TRENORDEN: Is the member for Midland a full bottle on this report?

Mrs Roberts: You are the full bottle; that's obvious.

Mr TRENORDEN: Amazing. The member for Pilbara has one letter from *The West Australian.* The reports are available for everyone to read so people can make their own decision. I will take the advice of the Leader of the Opposition and attend the dinner I planned to attend. I am better off there because nothing of substance is happening in this House.

MR BAKER (Joondalup) [8.30 pm]: Mr Speaker -

Mr Carpenter: Is this an interjection?

Mr BAKER: No; the member for Willagee will get his opportunity shortly.

Mr Carpenter: What do you know about it?

Mr BAKER: I read the report which is more than the member for Willagee has done. I oppose the motion moved by the Leader of the Opposition. I will devote most of my brief remarks to the first paragraph of the motion, that alleges that funding of the event was approved by the Premier on the recommendation of departmental officials.

It is interesting to note that the Leader of the Opposition said at the outset he was not dealing with this motion on the basis of the general doctrine of ministerial responsibility; in other words he is not concerned with the notion of indirect responsibility. He said he moved the motion on the basis that the Premier was personally and directly responsible for the loss of those funds. He assumed, of course, that a loss of funds has occurred.

Mr Carpenter interjected.

The SPEAKER: Order! I formally call the member for Willagee to order for the first time.

Mr BAKER: He is not saying that he is running this motion on the issue of ministerial responsibility. He was referring to direct responsibility.

Dr Gallop: Yes, I was.

Mr BAKER: It is instructive in a debate of this kind that we should consider a broad overview of the powers of the Public Accounts and Expenditure Review Committee according to Standing Order No 412.

Ms MacTiernan: Is this the committee you tried to get on?

Mr BAKER: I did not try to get on it. Subparagraph (1) states that the functions of the committee are to inquire into, consider and report to the Parliament on any proposal, matter or thing connected with the receipt and expenditure of moneys, including moneys allocated under the annual appropriation Bills and the loan fund. The standing orders further provide that the committee can be asked to report to the Assembly on specific matters of interest and on any question which it deems necessary to investigate and to and consider whether the objectives of public expenditure are being achieved or whether they may be achieved more economically.

This examination by the Public Accounts and Expenditure Review Committee was triggered by a letter from the Leader of the Opposition who just happened to move this motion. He wrote a letter to the public accounts committee dated 25 March 1997 merely requesting that the committee inquire into the formation, execution and performance of the agreement between the Western Australian Tourism Commission and Global Dance Foundation. He referred to the date of the agreement as 26 May 1995. That appears to be the trigger for the PAERC in formulating its terms of reference.

Mr Graham: You are wrong. The trigger was the Auditor General.

Mr BAKER: On 14 May a majority of the committee members were present and formulated the PAERC terms of reference on that inquiry which required that the committee inquire into and report upon the sponsorship agreement between the WATC and the Global Dance Foundation and in particular the extent to which the feasibility of the project was determined. It does not say when. They also required that the State's financial interests were protected by proper legal scrutiny and contractual processes. In addition the terms of reference required that the likely effectiveness of the sponsorship was assessed by adequate consultation with key stakeholders in the arts community. I emphasise the words "proper legal scrutiny" and "contractual processes".

The report was the subject of its first motion on 11 March this year. It is clear that the two objects of the committee in examining this issue -

Mr Graham: What about the Auditor General's report?

Mr BAKER: The member for Pilbara will have plenty of time shortly. He should let me finish and he can interject at the end of my speech.

It is quite clear that two of the key objects of the committee were to "examine the processes by which public funds were committed to assist in the promotion of the World Dance Congress". I emphasise the word "committed". I am quoting from page 3, paragraph 1.14, of the report and secondly in paragraph 1.15, "whether there was a full assessment by the W.A.T.C. and Eventscorp of the proposed World Dance Congress prior to committing public funds." Judging by the powers of this committee and its functions under standing orders and the terms of reference, it is clear to me at least that the committee was fundamentally concerned with determining whether proper expenditure of government moneys by the WATC had occurred.

I am sure the member for Pilbara will agree that chapter 5 of the report, which is perhaps the most important chapter, purported to effect an analysis or legal scrutiny of the evidence presented to the committee concerning the meeting of 22 December 1994. That was an important meeting. Other speakers have revealed who was present.

Paragraph 5.1 of chapter 5 of the report which purports to introduce the analysis required by the committee's terms of reference states that the meeting of 22 December 1994 was a watershed, turning what had become a lengthy stalemate in negotiations into a proposal with $430 000 of government funds - or public moneys - committed to the project.

Once again members should note the use of the word "committed". I understand it was unanimous. I assume that paragraph of the report was drafted by the members of the committee after members had applied some legal scrutiny to the evidence they had heard at that time. It is also interesting to note that thereafter the committee could find no evidence whatsoever of any further meeting between the Premier and Mr Reynolds or the Premier and WATC staff prior to the signing or the execution of the agreement on 26 May 1995.

Surely one question integral to the analysis of the facts surrounding the projects inasmuch as they can possibly relate to the Premier's involvement and expenditure or commitment of public funds or moneys, is whether in fact and in law, the Premier committed public funds or moneys at that meeting of 22 December 1994. If the moneys were not committed then, when were they committed? Was it at a later, more obvious time; for example, when the agreement proper was signed? If so, by whom?

In making that determination we must unfortunately examine the law on this issue. Surely any reasonable analysis, using legal scrutiny, as the member for Pilbara acknowledges was important in this report, would conclude that the commitment arose only on 26 May 1995 when the agreement was signed. To indicate this is the case - there can be no dispute on this point - I will apply legal scrutiny to the evidence collected by the committee to see whether my finding holds up.

I will also refer to other statements made by the Leader of the Opposition and determine whether those statements were misleading or deliberately misleading. One statement of interest was made in this Chamber on Thursday of last week by the Leader of the Opposition when he said that the Premier gave a gift of $430 000 to Mr Reynolds.

Dr Gallop: That is right.

Mr BAKER: He knows that there is no evidence in support of that statement. That is the epitome of misleading statements.

Dr Gallop: How do you define it?

Mr BAKER: I will define it. There can be no issue on the point that prior to the meeting of 22 December 1994 frequent contractual negotiations had occurred. One may ask: What evidence is there in support of the conclusion

that prior to the meeting taking place no agreement was in place? It is a matter of reviewing all the evidence. All the witnesses indicated that prior to that meeting there was no agreement. I think the member for Pilbara is nodding in agreement.

Mr Graham: I am not nodding and you should not try to intimate that I am. I am disagreeing violently.

Mr BAKER: The position of the member for Pilbara is that there was a binding agreement before 22 December 1994.

Mr Graham: I am saying two things: First, you are going on the evidence that was given verbally to the committee. You have no idea what other documents the committee looked at, what files the committee went through or what correspondence the committee has seen. Second, in April 1994 the Premier wrote to Reynolds committing the State Government.

Mr BAKER: Subject to anything?

Mr Graham: He said that they would be happy to host the event. You are wrong on both counts.

Mr BAKER: That is not the full story. The member has presented a glossy overview. I am trying to analyse in some detail the facts of the matter. I am not contesting the evidence to which the member has referred but I am applying some legal scrutiny in interpreting it. The Premier said in evidence to the committee on 15 August 1997 with regard to the meeting of 22 December 1994 that the purpose of the meeting was to decide whether to go ahead and, if so, under what conditions. I emphasise the words "if" and "conditions". He gave further evidence that at that meeting the consensus was that they should proceed and go down the path of negotiating - I emphasise the word "negotiating" - a contract whereby they would pay funds.

It is quite clear from those words alone that the Premier saw the execution of the contract as the key contingency prior to the payment of funds. The Premier also said on that day when he gave evidence to the committee that a decision had been made to fund it but - note the use of the word "but". This is where the member for Pilbara does not want to refer to any other evidence. The Premier said "but" they had to get the approval of the WATC. Further, the Premier said that the WATC finally approved it; that it signed the agreement; that if it did not want to sign it, it would not have. He said that provided the things they agreed took place and there were safeguards included in the contract certain matters would eventuate. He said that after that particular meeting the WATC went on to complete those negotiations with Mr Reynolds.

Beyond that the Premier also gave evidence that once again clearly indicates the meeting was pre-contractual. He said that after the meeting of 22 December 1994 the Western Australian Tourism Commission would follow its normal practices and negotiate the contract. That is the Premier's perception of the status of that meeting. If members look at that evidence it is quite clear from the Premier's perception and the perspective of all the others who attended that meeting that the meeting did not result in a commitment to spend public money or sign a contract.

Mr Graham: Have a look at what Reynolds, the bloke who got the money, said.

Mr BAKER: If what the member for Pilbara is saying is correct, why was there a need for the Crown Solicitor's Office to get involved? There was no need for a written contract to be drafted, negotiated and signed. The member for Pilbara is saying that the Premier himself has been misled and the WATC has been misled into believing there was a need for a written contract. If there was already an agreement in place on 22 December 1994, why the hell was there a need for a written contract?

Mr Graham: That is fair comment.

Mr BAKER: There is a more obvious conclusion that must be arrived at; that is, there was no lawfully binding agreement as at 22 December 1994. The member for Pilbara could not offer an explanation for why the contract was signed some five months after that meeting.

Dr Gallop: You do not know very much about contract law, my friend.

Mr BAKER: I am getting to that. It may be that the Leader of the Opposition is right and the High Court is wrong. Even the committee noted on page 44 of the report at paragraph 5.18, and this conclusion was not criticised or contested by members of the committee -

> The Premier's assertion that the WATC still had to make its own -

I emphasise the word "own" -

> - decision whether or not, to sponsor the event, is supported by the supplementary information provided by the current WATC Chairman, Mr Kevin Carton.

I would have thought that is the end of the matter. We have the Premier's evidence on that day that what took place at that meeting was a general agreement in principle but subject to all these other things taking place. Then we have the evidence of the current chairman, Mr Kevin Carton, who corroborates in every material respect and particular the Premier's interpretation of the purpose and status of that particular agreement.

Mr Graham: Watch this space.

Mr BAKER: Not another one, please.

Mr Graham: If Carton is right, the Premier is wrong because their two arguments are mutually exclusive.

Mr BAKER: I would have thought that Mr Carton's evidence provided by way of supplementary information backs up the Premier's position.

Mr Graham: The Premier blamed the WATC in evidence before the committee.

Mr BAKER: There is also further evidence in the report, although this finding was not spelled out as a finding proper, so to speak; it reads that the contract negotiations were progressed to the point of signing five months later on 4 May 1995. What was being progressed and what negotiations were taking place after the December meeting if, according to the member for Pilbara, everything was committed and locked up as at that meeting? It does not make sense because there would have been nothing to negotiate.

Dr Gallop: You would not want to do a deal with this bloke. What he said about the contract is very interesting.

Mr BAKER: If the Leader of the Opposition bears with me, I will quote from some rather trite High Court case law which looks at the three possible factual scenarios which can arise prior to the formation or creation of a lawfully binding contract. This case is well known and well cited. I will refer to the citation. It is the case of Masters and Cameron reported in 1954-55, volume 91, Commonwealth Law Reports, page 353. At page 360 the majority decision of the court was delivered on this point. It sets out the test to be applied. I will quote from the joint decision of the then Chief Justice, Justice Dixon, and Justices MacTiernan and Kitto. The decision is very instructive and still a binding precedent on this issue. Where parties who have been in negotiation reach agreement in terms of a contractual nature and also agree that the matter of their negotiation should be dealt with by way of a formal contract, the case may belong to one of three classes.

First, it may be one in which the parties have reached finality in all of the terms of their bargain and intend to be immediately bound by the forms of those terms but, at the same time, they propose to have the terms restated in a form which will be much fuller and more precise but not different in effect. It is clear that the facts of this matter do not within that category. I think the member for Pilbara would agree with that.

Second, it may be a case in which the parties have completely agreed upon all the terms of their bargain and intend no departure from or addition to that which their agreed terms express or imply are in existence, but nevertheless have made the performance of one or more of the terms conditional on the execution of a formal document. It is clear that example does not apply here. Once again, there is evidence that negotiations were progressing beyond the 22 December 1994 meeting.

Third, the case may be one in which the intention of the parties is not to make a concluded bargain at all unless and until they execute a formal contract.

In the first two cases there is a binding contract; in the first case, a contract binding the parties at once to perform the agreed terms whether the contemplated formal document comes into existence or not, and they are also obliged to join in, agree and assist and cooperate in executing and settling the formal documents. In the second case there is a contract binding the parties to join in bringing the formal contract into existence and in carrying it into execution. Certainly the third class of so-called agreements is completely different. There the parties are not bound by any concluded agreement in any sense.

Listen to this analogy that the court is referring to because it is so comparable to the current issue. A situation like this might arise where a purchaser wishes to further investigate a property prior to executing the contract. It may be likened to the position in the United Kingdom where many preliminary searches or inquiries are carried out prior to the exchange or execution of a contract.

What transpired at the meeting of 22 December 1994 clearly fits within the third category.

Dr Gallop: It is people like you who give lawyers a bad name.

Mr BAKER: Not at all. The committee was charged with the responsibility of applying legal scrutiny to this agreement. It was initially asked by the Leader of the Opposition to review the formation, execution and performance of the agreement. The terms of reference were subsequently extended.

Ms MacTiernan: The member for Joondalup is taking an absurdly legalistic view of this.

Mr BAKER: It is important to take a legalistic view because the committee was required to determine whether proper contractual processes were applied and whether the agreement was subject to proper legal scrutiny.

Ms MacTiernan: The member for Joondalup does not understand the problem.

Mr BAKER: It is quite clear that these negotiations - and they were negotiations - of 22 December 1994 fall within the third category. To put it another way - to put it quite simply for the member for Pilbara - there was no contractual entitlement to provide public funds to sponsor the WA Dance Congress at that meeting.

Ms MacTiernan: That sponsorship had been made. The member for Joondalup is well aware that is what the Premier wanted and that is what the Premier directed. The member is missing the point.

Mr BAKER: There has been no evidence of contractual process effected at that meeting either. The member for Pilbara would agree with that.

Mr Graham: The member for Joondalup is saying I agree. I do not.

Mr BAKER: The member for Pilbara should stop nodding his head. He is misleading me if that is the case.

Mr Graham: I am shaking it.

Mr BAKER: No contract was formed, executed or performed, in part or in whole, at that meeting. Neither the WA Government nor the Premier committed any government funds at that meeting, and contrary to the article published in the *Sunday Times* on 6 July 1997, which I will modify to make a more accurate statement: Mr Court, who was also the tourism Minister, did not sign a deal with the Global Dance chief Peter Reynolds without any checks on the company.

Looking at it in summary on this particular issue, the events of that meeting of 22 December 1994 did not "cost $430 000 of government funds being committed to the project", as was asserted by the committee in its finding. In fact, it was the subsequent agreement of 26 May 1995 which committed those funds. The committee used the word "committed". That is when the commitment was made. That is when the binding commitment to provide expenditure was made.

That particular agreement was prepared by the Crown Solicitor's Office without any instructions or directions from the Premier. It was not seen by the Premier prior to it being signed; there is no evidence of that. I do not think that is being suggested. It was not signed by the Premier, it was not drafted by the Premier, it was not negotiated by the Premier beyond 22 December 1994. It was certainly not the subject of a ministerial direction by the Premier. That is the doctrine which affects the commitment of expenditure. The Premier had nothing at all to do with that

It was the Western Australian Tourism Commission's decision to proceed with the formation, execution and performance of the contract, not the Premier's decision. Looking at the doctrine of ministerial responsibility, the Premier is vicariously responsible for any stuff-ups, so to speak, down the line in the operations of any department under his control. However, once again, the Leader of the Opposition said at the outset when he moved this motion that he was not concerned with that broader notion, he was concerned with the Premier's direct and personal involvement. The Premier had no direct and personal involvement in the document which actually committed the funds as a matter of legal scrutiny.

Ms MacTiernan: That is a bizarre speech.

Mr BAKER: Not at all. As a matter of legal scrutiny, the Premier did not commit those funds at all.

Dr Gallop: Do you wear dark glasses in summer?

Mr BAKER: No. The other point is, since this issue has arisen and since this report was tabled, many statements have been made by members opposite, particularly the Leader of the Opposition and the member for Pilbara, which warrant some examination. Members will remember that they are so concerned about misleading Parliament -

Several members interjected.

Mr BAKER: In this place on Thursday last week, the Leader of the Opposition said that the Premier agreed to fund Global Dance. He did not mention any conditions subsequent or precedent. He said that the Premier agreed to fund it. He did not say it was subject to contract or subject to review or subject to negotiations.

Mr Graham: Because it wasn't.

Mr BAKER: I have just referred to the evidence which indicates quite clearly that there were further negotiations

to take place. This statement of itself is fundamentally misleading. Further, the Leader of the Opposition in this place on Thursday last week said that the Premier had given $430 000 as a gift to Mr Reynolds. What rot! Where is the evidence in support of that? Which particular witness uttered those words? That is a false and misleading statement.

Dr Gallop: To paraphrase a lot of the philosophies from the past, does the member for Joondalup actually exist?

Mr BAKER: It is a paraphrased statement, is it? That is the Leader of the Opposition's interpretation of the evidence. He has a very selective interpretation and that is his interpretation. It is from his perspective. He can interpret what he likes. He can summarise very complicated evidence in one sentence or statement. However, when another witness does that, when the Premier does that, that is not on, that is unfair, the Premier should not be allowed to do that. Only the Leader of the Opposition can make interpretive statements summarising the evidence.

The other point is, this was the classic misleading statement of them all; and this was a statement that was made prior to dinner this evening and after the Leader of the Opposition moved the motion. He made this statement during the course of his remarks: "They knew all along that this man was not going to deliver on his side of the bargain." Where is the evidence of that? There is no evidence of that at all. That is a false and misleading statement. Who did the Leader of the Opposition mean when he referred to they, the Premier? The Leader of the Opposition used the word "they". To whom was he referring? Was he referring to the Premier? Perhaps it is appropriate to ask that question. I assume he was trying to rope in the Premier. Who else was there? Who else is "they"? That is a false and misleading statement. In relation to this motion, it is the Leader of the Opposition who is misleading this Chamber. He misled the Chamber on Thursday last week; he has misled it again tonight.

Point of Order

Mr GRAHAM: Mr Speaker, I do not mean to be cute, because I am not, but we do have a substantive statement about the Premier misleading the House. The member for Joondalup is making quite improper allegations about the Leader of the Opposition misleading the House and there is no substantive motion of that nature before us. He has no right to do it and he should withdraw it.

The SPEAKER: I do not accede to the member's point of view. The substantive motion is as the member says. However, there is a lot of argument as to who has made the misleading statement. I accept and will allow that argument. Whether it be true or not, the member speaking is entitled to put his point of view.

Debate Resumed

Mr BAKER: Just to qualify that, as I can see where the member for Pilbara is coming from, I did say "a misleading statement". I did not say a deliberately misleading statement." The point is, we all come into this Chamber at times and make interpretative statements based upon facts that we perceive to exist at a particular time regarding a particular issue. Just because we make those statements does not mean that we are therefore misleading the Parliament when we make those statements. Looking at the words in the Leader of the Opposition's motion, the term "deliberately misleading" is going far too far.

This censure motion is a cheap political stunt. It has no foundation at all. It does not hold up to legal scrutiny, as I indicated, and perhaps other members in this Chamber should be the subject of this motion. This motion is just a time wasting exercise. We have better things to do with this Chamber's time than debate motions of this kind. Last week we had a debate on the goods and services tax and that was a waste of time. This is another time waster. We have better things to do.

MR BROWN (Bassendean) [8.59 pm]: In his response the Premier commenced by saying that this matter was not a top priority. It is interesting the Premier said that honesty was not a top priority for the Parliament of Western Australia. It was the Premier who committed $4m of taxpayers' money to a royal commission to investigate whether statements were true. I am interested that now it appears that the issue of honesty is no longer a top priority. Maybe we can get the $4m back. The Premier should not stand in this place and say that honesty is not a top priority when he committed a significant amount of taxpayers' funds to a royal commission on issues of honesty. That is an appropriate priority for the Parliament. If the chief executive officer of the State of Western Australia is not honest in his dealings in this Parliament, that is of the highest priority and should be examined in detail over and again. That is necessary if people seek to obfuscate, to confuse, and to be less than straight with this Parliament.

The SPEAKER: Order! The substantive motion uses the words "deliberately misleading"; it does not deal with honesty or dishonesty, so I caution the member for Bassendean in his use of those words.

Mr BROWN: I was responding to the Premier's view that honesty was not a priority. I wanted to emphasise that honesty is a key priority for this Parliament. If people come into this Parliament and do not tell the truth and are not open, this Parliament cannot function. It will become a laughing stock. This Parliament and its credibility will be diminished considerably by such events.

Let us consider the issue of the Premier misleading this Parliament and think about openness, accountability, and honesty. This matter first arose in this place on 13 March 1997 when a question was asked by the Leader of the Opposition. The first part of that question was -

> Was the Premier involved in the decision to provide government support for the Global Dance Foundation to stage a world dance congress in Perth?

That is a fairly simple question. The Premier's answer was -

> I was the Minister for Tourism at the time the decision was made and I was aware of the proposal. When the proposal was put to me, it was sent to the Tourism Commission which made its decision on the matter.

Let us consider the issue of misleading the Parliament. The Leader of the Opposition asked the Premier whether he was involved, and in his answer the Premier sought to create the impression that something came across his desk and he flick passed it to the Tourism Commission, and that was the degree of his involvement. When we talk about misleading the Parliament we should consider that statement. On that day the Premier either inadvertently or deliberately avoided answering the question.

Ms MacTiernan: A crime of omission.

Mr BROWN: That is right. He ignored the question. By saying that he flick passed it to the Tourism Commission the Premier misled the Parliament.

Let us consider some of the other statements that have been made in this Parliament and where they conflict with the report of the Public Accounts and Expenditure Review Committee. I asked a six part question of the Premier on 10 April 1997. Paragraph (5) asked -

> Did the Premier and the Premier alone make the decision to fund Global Dance?

The Premier answered -

> Does the member want me to answer the question? I am answering the questions in reverse.

That was novel. The Premier continued -

> I have said to the member that none of the decisions was made without getting the proper advice. The member knows that they recommended that it be approved.

What was that advice? That matter is referred to at page 38 of the Public Accounts and Expenditure Review Committee report and relates to advice that was sought from Mr Gary Hall, then the Assistant Director of General Finance at Treasury. The report of the committee states -

> He advised that he was unable to support provision of government financial assistance to a promoter whose budget showed a net profit of around $1.5 million.

The Premier has said in this Parliament that he took the advice. There is no equivocation on that: He has not said that he took some advice and not other advice. He says that he took the advice.

Mr Bloffwitch: If you are given it you would take it, wouldn't you?

Mr BROWN: The advice was given prior to the meeting of 22 December 1994 and the Premier did not take it.

Mr Bloffwitch: Do you take every bit of advice you get?

Mr BROWN: No, I do not. However, that is not the issue. The Premier said that he acted on advice. The issue here is ministerial responsibility, and the degree to which Ministers are responsible for every decision they make. Ministers must make decisions every day of the week and on many occasions Ministers are not au fait to the nth degree with all the complex issues in their portfolios and they rely on advice. If the Minister for Works acts upon the advice of an engineer that the construction details for a bridge proposed for the Swan River look sound, and it is a good bridge in every respect, and he makes the decision to go ahead and the bridge falls down, although the Minister ultimately must accept ministerial responsibility, he has acted correctly. He has taken the best possible advice from the people who have the expertise. However, that is not the case here.

Mr Bloffwitch: Are you sure?

Mr BROWN: According to the Public Accounts and Expenditure Review Committee it is not. The committee made it clear in its report that the advice to the Premier was that Treasury did not support the proposal. On that occasion the Premier did not accept the advice of his experts.

The Premier also said that there was a meeting and the consensus was that the funding should be provided. That is an interesting concept. The Premier of the State is telling us that, when dealing with bureaucrats, he says, "I will take off the mantle of the Premier and we will have a discussion and reach a consensus." The reality is that the Premier of the State makes the decision. I prefer Mr Hall's view to that of the Premier. Mr Hall is not involved in this process in terms of protecting his reputation. He was invited to the meeting, and, other than his professional involvement, he was disinterested. Mr Hall's comment on this matter is set out on page 42 of the Public Accounts and Expenditure Review Committee report. Mr Hall is reported as saying -

> It was arrived at on the basis of listening to Reynold's arguments for why it should occur. On hearing those arguments, the Premier found in favour of the event proceeding.

Mr Bloffwitch: He is allowed to do that?

Mr BROWN: It is not a question of his being allowed. First, the Premier has made a decision contrary to advice. Why did he do that? What is the motivating factor for that? Secondly, why did the Premier say, wrongly, that he acted on advice? I could go on and look at all the unusual occurrences in this proposal. Normally, funding would be sought for a proposal, and it would go to the Tourism Commission to be dealt with and it would make appropriate recommendations. Did that happen on this occasion? The report indicates that the Premier's principal adviser interfered in the process and involved himself to such an extent that he kept documents away from the Tourism Commission. He sent a memo to the Premier telling him not to put the proposition from the Tourism Commission to Cabinet because it would sink the proposal. In his evidence to the committee the Premier said he could not recall that memo. How convenient! The Premier also said he would not accept that advice. It is interesting that his principal adviser, his confidante, made recommendations to the Premier contrary to normal operations, kept documents from EventsCorp and the Tourism Commission, and recommended a course of action outside their mandate, but the Premier could not remember it. I wonder whether the Premier could not remember it because it is par for the course in the Premier's office. Perhaps this is the normal run of the mill.

Mr Osborne: You have never been in there. Do you know how busy it is?

Mr BROWN: I have been in a Premier's office and I know how busy it is. If any shonky deals were going on, they would be remembered, and this was a shonky deal. Mr Campbell was involved in this up to his eyeballs all the way through the process. I could go on and draw more and more conclusions about this report and the evidence given to the public accounts committee.

In trying to get out of his responsibilities, the Premier said the final decision was made by the Tourism Commission - this was the view of the member for Joondalup, in his bid to get into the Ministry - in May the following year. Prior to that, according to Mr Hall and the evidence given to the committee, the Premier made the decision to fund the event.

Mr Osborne: You are wrong.

Mr BROWN: Mr Hall's evidence to the committee, which the committee recorded in its report, was that the Premier made the decision to fund the event. Anyone who participates in negotiations knows what the process is. People go to a conference, reach agreement, and then draw up the documents afterwards and put the seal on them. The Premier made that decision on 22 December, and thereafter it was all a matter of form. I think it is a pretty low antic for the Tourism Commission to be given all the heat for this when, clearly, it was not put to the Tourism Commission on the basis that the Premier had no involvement, there had been no discussions at a senior level, and the Tourism Commission could make a decision in isolation. It was put on the basis that detailed discussions had been held with the Premier's principal adviser and the Premier, and the Premier, according to Mr Hall, had decided the event should be funded.

The way the Premier has dealt with this matter in the Parliament is appalling. It can be seen from the references I have quoted from *Hansard* - there are many others - that the Premier has misled the Parliament and the resolution should be carried if there is any honesty or integrity in this place.

MRS HOLMES (Southern River) [9.15 pm]: I shall speak to paragraph (a) of the motion that states -

> deliberately misleading the House over the Global Dance fiasco when he claimed that the funding for the event was approved by him on the recommendation of departmental officials;

Before dealing with that, I point out to the House we have just been told that Mr Campbell, the Premier's so-called right-hand man, was involved in all the processes in the Global Dance issue and had written memos to the Premier that he ignored. The committee made no finding whatsoever on whether the Premier had ever seen the memo from Mr Campbell. Also, Mr Campbell was not involved in all the processes because he did not attend the meeting on 22 December.

Ms MacTiernan: The Premier never denied he received that memo. It was addressed to him and submitted as part of the documentation. When the Premier was asked if he had seen the memo, he said "Well, you know it is in the documentation". He never denied seeing it.

The ACTING SPEAKER (Mr Barron-Sullivan): Order! Is that an interjection or a speech?

Ms MacTiernan: I did not want the member for Southern River -

Mrs HOLMES: I think it is a speech. Mr Acting Speaker -

Ms MacTiernan interjected.

The ACTING SPEAKER: Order! I am sure that if the member for Southern River is happy to take an interjection, she will indicate in the normal way.

Mrs HOLMES: Mr Campbell was not at the meeting on 22 December when this so-called decision was made. I will quote to the House the evidence received by the committee. On 22 December it was decided to call a meeting because there was an impasse between Mr Reynolds and the people he was dealing with in EventsCorp as to whether the event would go ahead. Because that stalemate was reached, a meeting was called to find a solution. That meeting was held on 22 December 1994. The people involved in that meeting were the Premier, Treasury officials, Shane Crockett who represented EventsCorp and Jane Longton. At this meeting a compromise position was developed, with all present at the meeting agreeing that it was the best possible course of action to take and, as such, a contract should be prepared for the WATC board to consider. It is important to note that they agreed a contract would be drawn up for the WATC board to consider. We have been told by other members that the WATC board and the contract are not worth anything, but I point out to members of this House that the board members are high profile business people. To suggest or imply that they are lackeys of the Government is a total insult to their integrity. In his evidence to the committee, Shane Crockett said at page 55 -

> It was agreed collectively that that would be the approach. My action from the meeting was to prepare a draft contract and to put that through the normal processes.

I emphasise "the normal processes". His evidence continued -

> The Treasury officials, the Premier, the Premier's office and I agreed that that was a potential way of meeting the stalemate. As I said, the action was for me to liaise with the Crown Solicitor's Office to develop a contract to that effect. I was to put that contract back to Treasury for its endorsement and, similarly, I was to put it through the normal WATC process for its approval.

I reiterate the word "normal". No decision was made at the meeting of 22 December. All of those present at the meeting provided validation in their evidence that a possible compromise position had been reached which would breach the stalemate position that existed between the proponent, Mr Reynolds, and the Western Australian Tourism Commission. It is very important to note that the decision was that a contract would be drawn up which would go through the normal processes. After the meeting on 22 December, Mr Shane Crockett stated in his evidence that it was a proposal and that, as a matter of record, the WATC endorsed that contract. That appears on page 56 of the evidence of the committee. In addition, when giving evidence to the committee on 15 August 1994, the Premier stated -

> . . . You would have to ask the WATC about its position. The position put to me was clear: They were all supportive of the proposal. I also understand they were supportive of the previous proposal . . .
>
> The commission has given evidence to this committee that it supported the project. The commission signed the agreement; I did not. If the WATC and the Treasury had told me not to go ahead with this project, I would have been the first person to say we should not go ahead.

That is extremely important because members must understand what happened after that. The contract was not received from the Crown Solicitor's Office, dealt with or signed before it went to the WATC board on 26 May 1995. In itself, that shows there was no rush on the part of either the Government or the Premier to push this through the processes. It went through the normal processes. In fact, it took a long time - six months - to get to the board after it had been through the due processes.

We are given to understand that one of the problems was that the Premier said that he had signed over the supplementary funding on 1 June. That statement is true. At the meeting on 22 December, it was agreed that the funding would be provided, subject to the normal processes being adhered to, but it had to go before the board of the WATC and be supported by EventsCorp. Those processes occurred. The contract was finally drawn up after a few hiccups within the Crown Law Department. It was agreed to at a meeting by the WATC on 26 May. The

supplementary funding was signed off in June 1995, after the decision had been made by the WATC board to support the proposal.

That scenario comes from the evidence of the people who appeared before the Public Accounts and Expenditure Review Committee. I cannot see anything in that evidence or any of the processes that have been adhered to in this matter that would lead anyone to say that this House has been misled, as the motion states. That is totally incorrect.

It has been claimed that the funding for the event was approved by the Premier on the recommendation of departmental officials. In his evidence the Premier said that he had done the appropriate thing and had sent it to the Tourism Commission. Mr Kevin Harrison gave evidence that the WATC believed the project had a lot of merit and, as a board of commissioners, it was keen to see EventsCorp move into the arts area. Mr Crockett told the committee that based on a submission put to the EventsCorp board, the judgment of the board was that it satisfactorily met the criteria and should be recommended as an event.

This matter has been regurgitated for far too long. I believe that when members raise these matters in the House, they must look at the evidence that was given to the committee from all persons involved, particularly those from EventsCorp and the WATC. When this debate concludes tonight, I hope we will put this matter to bed for the final time.

MR OSBORNE (Bunbury) [9.24 pm]: I want to be involved in this debate because of my knowledge of this issue. This Parliament is a pretty interesting place. We can tell from members' reactions what they think of debate on an issue when a member gets up to speak. Like the Premier and the member for Avon, my reaction when the Leader of the Opposition proposed this motion was initially some interest. There was talk about new evidence that had come forward. All the members came along to listen to the start of the comments of the Leader of the Opposition at about 5.30 this afternoon. I think those comments were made on the basis that he must try to dong someone before that member donged him, and a fair amount of interjecting was going on early in his speech.

After about 20 minutes, we lost interest because, as the Premier said, it became very clear that there was nothing new in the debate; nothing would be said today that had not already been said and comprehensively put away on previous occasions. The same may be said of the contribution of the member for Pilbara. He trundled through his material in the normal way, making sense to no-one but himself, and at the end of his presentation nothing further had been added to the material that this place has heard many times before. It was the same hopeless, raking over of old material in the hope that something would come out of it, anything; a forlorn hope that maybe, just maybe, some material or something would turn up that the Opposition could latch onto to give this tired, old subject some extra legs.

Sometimes members sitting on this side of the Chamber think of going out and doing something deliberate because, at least, it would give us something different to come in here and debate, instead of our being driven slowly mad by this Opposition talking about this subject again and again, so much so that it has been done to death. We live in hope and that is why we are on this side; we are hopeful and optimistic people. We live in hope that one day those opposite will come into this place and give us something to think about, that something they put up might make us break into a sweat or perhaps break into a trot.

Frankly, I do not hold out much hope of that. Members on this side say that we can lead a socialist to knowledge, but we cannot make that person think. That is the situation in this debate. We have been talking about the realities of this proposal for too long and it still has not sunk into those opposite that they are on a loser. Nothing new will come out of this debate.

In the spirit of speakers who have gone before me, I am prepared to go over this issue again in the hope that we might see an end to this topic of debate. I will talk about three issues, which I think are pertinent, that have been raised today. I will go over this rotten, little fib put out by the Opposition that the Premier, personally, overrode departmental advice and made $430 000 available to a friend of the Court family. I will go over the statement made by the Opposition that the Premier misled the House and ignored advice from the Western Australian Tourism Commission staff. I will also spend some time - too little time has been spent on this - attacking the line of argument the Opposition is proposing that the failure of this project means that the entire strategy in events tourism of the Tourism Commission has been a failure. That is not the case, and it is not accepted by this side of the House.

As the member for Southern River said, the brief chronology of this project is that Peter Reynolds approached the Minister for Tourism, the Premier, at a function at the Swanbourne Senior High School and told the Minister about his plan for a global dance festival to be held in Perth. The Premier, as an enthusiastic and positive individual responsible for growth in the tourism portfolio, believed that the project could be of benefit to Western Australia, and when one reflects on it, who would not be excited?

Dr Gallop: What made you think that he was a friend of the family?

Mr OSBORNE: This is what I am talking about. Hindsight is a fantastic thing, but if the Leader of the Opposition had been approached as Minister for Tourism with a proposal such as this, I would like to think that he would be interested because it had such great potential benefits for the people of Western Australia. It is only now, looking back on it, and seeing what an obvious failure it was that the Leader of the Opposition is in the luxurious position of being to able to say "See, I told you so". However, he was never in the position that the Government, the Premier and the Tourism Commission was in at that time when the obvious benefits of the project seemed so attractive. If members reflected on the benefits that the proposal could have brought to Western Australia, they would hardly fail to be excited, because dance is an international activity. Every country has a form of folk dance providing a great deal of interest for tourists particularly. The proposal was aimed at bringing dancers from every dance company in the world to Perth for a festival. If it was looked at in that way, members opposite could hardly fail to agree that it had an enormous amount of potential.

That is all the Premier agreed to at the time. He wrote back to Reynolds and said that the project had great potential benefits. He was interested in Western Australia hosting the event. He sent a copy of that correspondence to Kevin Harrison of the Tourism Commission and asked him to have a look at it and respond.

Dr Gallop: What did he say?

Mr OSBORNE: The Leader of the Opposition knows what the Tourism Commission and Kevin Harrison said. They were excited by the possibilities of the event. They said in evidence time and time again that they believed it was an area that EventsCorp and the Tourism Commission should get into, because they were locked into sports events, and the work they were doing in sports was becoming more and more competitive with States such as Victoria writing cheques and buying events. Many predatory activities were going on in the sports events field and new opportunities were drying up. The Tourism Commission and EventsCorp saw it as a new opportunity and they believed they should do everything they could to encourage the event. They testified to that time and time again. Nonetheless, progress was slow. Reynolds got back to the Premier and said they were a mob of donkeys at the Tourism Commission; they did not have the brains to assess his marvellous idea properly and he wanted a bit of action.

The Premier did the responsible thing; he got the people together in a room and told them there were problems. It seemed to be a great event; they kept telling him it was a great event; but it was not going anywhere. He suggested that they should solve the problem. The Tourism Commission was giving the Premier contradictory advice.

Dr Gallop: He said, "Let us do what Mr Reynolds wants".

Mr OSBORNE: No; the Leader of the Opposition is wrong. His role as the Minister for Tourism was to solve the impasse that had been reached when, on one hand, the Tourism Commission said it was a great event and, on the other, said it had a payment proposal which Reynolds would not accept, and he would take it elsewhere. This project was a great idea but it was not going anywhere. The Premier of Western Australia did what he should have done. He got the people together in a room and a new arrangement was arrived at which was a consensus arrangement. Gary Hall from the Treasury Department testified that he saw nothing untoward in the arrangement that was worked out. The arrangement was that the payment proposal originally favoured by the Tourism Commission would be replaced by a clawback provision in the contract which provided that if Reynolds' objectives for the events were not achieved, then repayment of the money would be made. That was agreed at the meeting.

The Opposition has come into this place today, and on previous occasions, and has tried to put forward the misconception that it was at that meeting that the Premier agreed personally that $430 000 would go out the door to Reynolds. That is patently untrue. No evidence for that exists anywhere, except in the minds of Opposition members. It was agreed at that meeting that a new arrangement would be written into the contract and the Tourism Commission was sent off to do its job, which was to pursue the project and see if it could write a contract. After several months, on 26 May, it did that. The Premier did not approve the payment; he was only making a pure statement of facts. As the Treasurer, it was his job to approve supplementary funding to go from the Treasury Department to lie in waiting as it were in the Tourism Commission until, and if, the Tourism Commission agreed that the contract should be signed, which is eventually what happened.

One of the grubby things that happens when one runs out of facts and argument, is that Opposition members play the man. That is what Opposition members are doing here. Not only are they raking up an old subject which got them nowhere previously; they are also desperate to sling a bit of the mud at the Premier, because they know that if they throw enough mud, some of it may stick. The proposition that $430 000 was made available to this project because Reynolds was a friend of the Court family is offensive.

It is an outrageous claim. Members opposite have gone back to the old tactic of playing the man, which has not worked in the past and it will not work in the future. They tried it for years in the last Parliament on the Wanneroo business and it did not get them anywhere then. This Parliament should be debating issues and not mounting personal

attacks of this kind. No suggestion was made in the public accounts committee report that the Premier gave personal favours to anybody, much less to this man they claim is a friend of the family. I remind members that it took 14 months of negotiations for the Tourism Commission to finally come to an agreement with Reynolds to execute that sponsorship contract. It was not quick and it was not because of any personal involvement by the Premier.

We heard in evidence that the member for Armadale was desperately trying to make a connection between the Premier and Reynolds. She asked Mr Reynolds -

> Before you had first approached the Premier in relation to the Swanbourne joint venture, was he personally known to you?

We can almost hear the pleading in her voice. She is pleading for him to say yes, that they knew each other, but Reynolds, sticking to the facts, disappointed her. He replied -

> No. I knew of him but I had never met him on any basis.

Kevin Reynolds had never met the Premier of Western Australia "on any basis". He said -

> I knew Ken Court from business, but only superficially.

Then the member for Armadale changed tack. She was trying to pin it on the old man or trying to get Sir Charles Court involved. She said -

> But you knew his father quite well.

Reynolds replied -

> I knew Sir Charles Court, Sir David Brand and John Tonkin.

Of course, a man in his position knows many people, but that is the best that members opposite could do. Reynolds knew Sir Charles Court; he had a letter from Sir Charles Court which said that Sir Charles Court was aware that the man was associated with the Graduate College of Dance, and that was it. That is the relationship that this man has boasted around town about, which the Opposition says proves this conclusive link between the Court family and Reynolds and is the prima facie evidence for the payment of $430 000 into his pocket. That was the most flimsy association one could possibly draw. It is preposterous to accuse the Premier of personally riding the project so that an old mate of his father could be given taxpayers' money. This is gratuitous advice, but my tip for the Leader of the Opposition is that if he wants to continue to pursue that line when it is so patently absurd, he will do neither himself nor this debate any good.

I conclude on a matter which is close to me: Before I came to this place I was a director in the WA Tourism Commission, and I believe it to be one of the best organisations that I have ever worked for. I am disturbed that as a result of this debate, the morale in the Tourism Commission - particularly in EventsCorp - has taken a severe blow, according to the conversations I have had with officers. That low morale has occurred on unfair and erroneous grounds.

Members will recall that EventsCorp was established in 1986 by the previous Government. Since that time, EventsCorp has supported 81 projects. In the last three years those projects have generated an average annual revenue of $22m to the State. This project is the single failure that the organisation has experienced. One failure in 81 projects is good going. Some people involved in risk ventures might say that it is too cautious and too conservative; that it is evidence that an organisation which is supposed to be at the leading edge and taking risks, is not taking enough risks. Everyone knows about the "Best on Earth" program, the World Swimming Championships -

Dr Gallop: This project failed because the Premier had his fingers in it.

Mr OSBORNE: That is not the case. The Leader of the Opposition should know - in all fairness, outside this place he would accept and acknowledge - that every now and again the wrong card will be drawn.

Dr Gallop: That did not happen. EventsCorp did not draw the card. The pack was held by the Premier, he shuffled it, and dealt the cards.

Mr OSBORNE: The member is wrong. The Premier did exactly what he was supposed to do - no more and no less. He heard about an idea which would have a potential benefit for Western Australia. He referred the idea to the Tourism Commission. It was scrutinised once, twice, thrice, many times, over 12 to 14 months. The Tourism Commission signed the contract on 26 May. The Leader of the Opposition knows that. It is accepted that once in a while the wrong card will be pulled, and a mistake will be made.

In all fairness, I put to the Leader of the Opposition that he cannot reasonably advance the line of argument that

because a person makes a mistake the entire process is wrong, and the entire strategy of encouraging events tourism, particularly new events in greenfield areas such as the arts and dance, should be dropped. The more the Leader of the Opposition pursues this matter, the more wrongheaded are the attacks on the issue, the more he will damage a worthwhile organisation and worthwhile people; and the more he will damage a worthwhile strategy which brings an enormous amount of economic benefit to the people of Western Australia.

The Tourism Commission was doing exactly what it was set up to do. It has worked very hard and effectively. In the last three years it has managed to bring in $22m on average each year; 81 events have been supported, and there has been one failure. That is fairly good batting. I do not think the Tourism Commission, the Government or the Premier should be criticised for having made - hindsight is a wonderful thing - a mistake that everyone regrets.

Earlier this afternoon the Leader of the Opposition said that four key facts underpinned this debate. The first was that the Premier was always the driving force behind the project. That is wrong. The Premier referred the project immediately to the Tourism Commission when he heard of it. It was left in the hands of the relevant authorities. The Leader of the Opposition said secondly that no-one else would ever have approved the project. The fact is that the Tourism Commission began and finished as an enthusiastic supporter of the project. Its expertise is recognised not only Australia-wide but also worldwide. The officers are expert in what they do. They were supportive of the project and they continued to be supportive until the unfortunate time when it became clear that the project would not be a success.

The Leader of the Opposition said thirdly that sound advice was never followed. That is not true. The relevant advice from the expert authority - the EventsCorp arm of the Tourism Commission - was followed. The authority continued to say that it believed the project was worthwhile.

The Leader of the Opposition's fourth "critical fact" which he believes underpins the debate is that everything that Mr Reynolds said, threatened or wanted, was achieved. It is true that the project was approved. Therefore, one could say that Reynolds got what he wanted. However, I put to all members that it was a mistake that everyone regrets. Hindsight is a great thing. If the Opposition cannot accept that we must look through the windscreen - we cannot do these things by looking through the rear mirror - no Government will be allowed to move on and do things for the benefit of the people of Western Australia. If any further proof were needed, it proves once again that this motion and everything that has been said deserve to be rejected and defeated.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [9.46 pm]: I cannot understand why the Opposition continues to bring up this matter, when the evidence has proved that the proper processes were followed. I do not want to dwell on that aspect of the motion. As the member for Bunbury said, it is very easy in hindsight to say that a different decision should have been made. I spent many years in the classroom, and in that environment I would tell the children many times every year that the only people who never make mistakes are those who never do anything. I encouraged children to have a go, so that they had the opportunity to succeed. In life we do not succeed with everything we do. Failure hurts no-one. The fear of failure, however, will cripple people. As a Government, indeed as a Parliament, we must be very careful that we do not continue to criticise and emphasise our mistakes -

Dr Gallop: Fair go! It is our role. That is what we are here for. It is the role of Her Majesty's Opposition!

Mrs van de KLASHORST: Ultimately, people will stop trying to do anything -

Dr Gallop: We would have a better Government.

Mrs van de KLASHORST: I am talking about the WA Tourism Commission and EventsCorp. Both organisations did what they thought was right at the time. If we continually criticise what was done, we will stop those organisations from being innovative and having good ideas, and we will stop them from moving forward. We should consider what EventsCorp does for Western Australia.

Several members interjected.

The ACTING SPEAKER (Mr Barron-Sullivan): Apart from the background noise, there are too many interjections from my left side. Members should keep the noise level down so we can hear the member for Swan Hills.

Mrs van de KLASHORST: Last year the Best on Earth in Perth program encompassed 12 major events which attracted millions of dollars to this State.

Dr Gallop: What does that have to do with Global Dance?

Mrs van de KLASHORST: I am talking about the morale of staff at the WA Tourism Commission and EventsCorp. It is important to remember that $88m was injected into the State's economy directly as a result of the activities of

EventsCorp. Many members attended those functions. A triathlon was a major event, as was the darts competition, and both raised a substantial amount of revenue for this State. I represented the Minister for Sport and Recreation at the darts function. My husband and his friends also attended those events. The Whitbread Round the World Race continues to attract revenue to this State. The World Swimming Championships held in Perth resulted in two billion people around the world watching this State. Members can imagine the potential for tourism generated by such events. The Hopman Cup is held here annually and has brought in $2.2m from Singapore. The estimated total revenue derived from that event is $100m.

The world cycling championships at Midland proved to be a benefit for the people in my electorate, and provided a financial spinoff. People in Japan were watching that. After the world swimming event I went to the Swan Valley with a group of people and venues were crowded. The Mundaring Tourist Association has been awarded one leg of Rally Australia and benefits directly from that event.

EventsCorp and WATC are staging major events for this State. If, as the member for Bunbury said, the WATC has made only one mistake, it is to be congratulated. If we keep harping about that one mistake we will stop it being innovative and -

Dr Gallop: I hope you do not coach any sporting teams with that philosophy.

Mrs van de KLASHORST: I have coached one sporting team. We won a primary school soccer cup. That is the only time I have coached a team. I would read a book about kicking a ball and watch soccer on television and then go out to coach.

Mr Johnson: You are a woman of many talents.

Mrs van de KLASHORST: Yes, I am. If we keep terrorising groups because they have made one mistake, we will hamper innovation. We must not keep harping about this. The Opposition is completely misguided and I oppose the motion.

DR GALLOP (Victoria Park - Leader of the Opposition) [9.51 pm]: In the world in which we live people can always see what they want to see or hear what they want to hear. However, in the end, certain things will get in the way, like the facts and reality. Members opposite appear to be working on the assumption that they can say anything or put forward any proposition - it does not matter that it bears no relationship to the facts - and that will be enough to prove the argument.

I refer members to the report on the Western Australian Tourism Commission Sponsorship Agreement with Global Dance Foundation Inc. of the Public Accounts and Expenditure Review Committee. It was very disappointing that members quoted bits and pieces of the evidence but not the findings.

The report found that the decision was made at the 22 December meeting and it states -

> **The formal decision by the Western Australian Tourism Commission was not made until May 1995.**
>
> **However, EventsCorp proceeded as if a formal determination by the Western Australian Tourism Commission had been made on the 22 December.**

It went on to criticise the WATC for its failure to review the contract properly.

Finding No 19 stated -

> **There is little evidence to support the Premier's assertion that the event had general support within government.**

I am interested in the conclusions of the Public Accounts and Expenditure Review Committee, not pieces of evidence plucked out to suit the argument. The considered conclusions prove that there is no doubt that what the Opposition says stands up to scrutiny.

First, it states that the Premier misled this Parliament. There is no question that he gave this Parliament the impression that he had very little to do with this project, that he had simply handballed it off and other people considered it. Inasmuch as he intervened, that intervention was on advice. There is no doubt that the Premier misled the Parliament in respect of those statements. It stands out for all to see when one reads the report and the evidence that has emerged about this fiasco. It is very disappointing that the Premier's credibility, which is a very important issue, is treated in such a cavalier manner by the Government.

The second issue the Opposition addressed was the Government's failure to respond to the committee's report. The House established the committee, and it conducted investigations and reached conclusions. Rather than face up to

those conclusions and improve the system of government in Western Australia, the Government has ignored them because it is not convenient for its political purposes. It is not convenient because, if it had accepted the committee's recommendations, by logic that would lead people to the conclusion that the Premier was up to his neck in this and was personally responsible for all the problems that emerged.

The Government cannot have it both ways: Either the WA Tourism Commission acted improperly and with scant regard for the proper processes of government and should be held to account, or the Premier of Western Australia acted improperly and with scant regard for the proper processes of government and should be held to account.

It is interesting that the Government now wants to have it both ways. In the first debate members of the Government were happy to criticise the WA Tourism Commission, but now there has been some correspondence from the Commissioner for Public Sector Standards and the WA Tourism Commission, they are changing their tune and saying it was just an honest mistake on the part of the Tourism Commission and it should not be held to account.

We are talking about the transfer of $430 000 to an individual who never gave anything in return to the taxpayers of Western Australia. Not a thing!

Mr Graham: There was the pamphlet.

Dr GALLOP: I stand corrected: A glossy pamphlet went across the world inviting people to send money.

Mr Graham: But the Premier wrote them and posted them.

Dr GALLOP: They went out with government endorsement. He wrote to the world inviting people to send money for an event for which no preparation had been done. The event was never going to happen.

Mr House: It sounds like the opening of the petrochemical plant.

Dr GALLOP: Will the Minister support the motion?

We spent $430 000 and got nothing in return. Now we have a Government that will not accept responsibility for that. First, it tried to blame the Tourism Commission and now it is absolving it of responsibility for what happened. It is a great whitewash.

I will clarify the Opposition's position. Members on this side will continue to pursue this issue and press the Government on issues like this because we want to perform our duties in a proper manner. We will not let the Government say anything in this Parliament and think that is enough to deal with accountability. We will not let the Premier think he can skate over the surface and not deal with reality. We want this Government and this Premier to be held to account for what they have done. This is an important matter; it concerns the responsibility of a Minister to the Parliament and to the public of Western Australia who provide the revenue for him to carry out his functions. The fact that in this case the Minister is the Premier makes no difference. The Opposition will continue to raise matters like this in the belief that by pressing hard we will improve the system of government in Western Australia.

The evidence we have before us tonight is that the Government of Western Australia is not interested in improving the system of government. It is not interested in accepting its responsibility to the Parliament and people of Western Australia. The arrogance it displays to this Parliament and the people of this State increases day by day. Eventually that arrogance will catch up with the Government and the Opposition will be there reminding the people of the role it played in trying to ensure that government in Western Australia is improved, that taxpayers' dollars are spent properly and that adequate checks and balances are in place.

The Opposition has again established very clearly that the Premier misled Parliament. The new material which arose from the freedom of information request adds to its argument. We can also say that the conclusions of the Commissioner for Public Sector Standards, backing up the findings of the Public Accounts and Expenditure Review Committee, have been treated with disregard by the Government. That is a poor reflection on the standards set for the Government of Western Australia.

Question put and a division taken with the following result -

Ayes (19)

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

Noes (28)

Mr Ainsworth	Mr Day	Mr Kierath	Mrs Parker
Mr Baker	Mrs Edwardes	Mr MacLean	Mr Prince
Mr Barnett	Dr Hames	Mr Marshall	Mr Sweetman
Mr Bloffwitch	Mrs Hodson-Thomas	Mr Masters	Dr Turnbull
Mr Board	Mrs Holmes	Mr McNee	Mrs van de Klashorst
Mr Bradshaw	Mr House	Mr Nicholls	Mr Wiese
Mr Court	Mr Johnson	Mr Omodei	Mr Osborne *(Teller)*

Pairs

Dr Edwards	Mr Tubby
Ms Anwyl	Mr Minson

Question thus negatived.

SCHOOL EDUCATION BILL

Committee

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

Clause 92: Chief executive officer may exclude from attendance at school -

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

Page 66, after line 22 - To insert the following -

(2) A recommendation under subsection (1) shall have no effect unless the principal has -

(a) satisfied the chief executive officer that all reasonable steps have been taken to overcome the detrimental impacts of the school environment on the child;

(b) given reasonable notice to the student and her or his parent or guardian of the recommendation; and

(c) provided the parent or guardian with copies of any information referred to the chief executive officer under subsection (1).

Amendment put and negatived.

Mr RIPPER: I move -

Page 66, line 23 - To insert after "officer is" the following -

within 7 days of the receipt of a principal's recommendation under subsection (1),

This clause deals with the chief executive officer's power to exclude a student from attendance at a school, and outlines the process which must be followed by the principal and chief executive officer when seeking to exclude a student. One of the notable omissions from the clause is the application of any time limit. I intend to move a series of amendments to install time limits to ensure that the process is conducted expeditiously.

The first process involves a principal making a recommendation to the chief executive officer, who then refers the recommendation to a panel. This amendment would provide that the CEO would make the referral to the panel within seven days of receipt of the recommendation from the principal. Later the panel must consider the matter and refer back to the chief executive officer. A subsequent amendment proposes that the panel report to the chief executive officer within 14 days. After the CEO has received the report, he must make a decision about the whole matter. I will move a further amendment that the chief executive officer must then make a decision within seven days. This amendment is part of a series of amendments designed to ensure that the serious matter of excluding a student from school is handled expeditiously.

Mr BARNETT: The Government does not agree with time limits in this instance. In previous debate, we agreed to the application of time limits in respect of the disabilities panel. In that case, a delay in a decision by the CEO could be unfair to the parents and the child. In matters of discipline, such circumstances do not apply: Logic dictates that the CEO will deal with a matter as quickly as possible. We need not include time limits which will be the subject of appeal. Therefore, the Government does not support the amendment.

Mr RIPPER: The Minister's rejection of time limits leaves the matter completely open. Theoretically, the chief executive officer could receive a recommendation from a principal to exclude a student and do nothing about it for months. A panel might receive a referral from the chief executive officer and treat the matter in a tardy fashion. In the meantime, the student's future is in limbo. He may be on suspension or back at school because his period of suspension has expired but no decision has been made on his exclusion. I expect good managers would progress these matters quickly, but it is deficient for the legislation not to have some time limits. If the Minister does not agree with these time limits, perhaps he will think about including some more generous limits.

Amendment put and negatived.

Mr RIPPER: I move -

Page 67, line 5 - To insert after "report" the following -

, within 14 days of the Panel's receipt of a principal's recommendation under this subsection,

Page 67, line 10 - To insert after "may," the following -

within 7 days,

The arguments have been put on both sides. The current drafting of the legislation is too loose. There should be some restrictions in the legislation to make it difficult for people administering these matters to deal with them in a tardy fashion. We are talking about the right of students to continue their education. Exclusion is a serious matter and it should be handled in an exemplary fashion. Unfortunately, the legislation does not send that message to the administrators.

Ms McHALE: I support these amendments. This Bill tries to regulate the administration of education. The Minister has suggested in previous speeches that the Bill is trying to introduce certainty to the education system. Therefore, he could accede to these amendments because, in a way, that is what these amendments do. They clarify the administrative process. It is in the interests of students, schools and parents to have a degree of certainty as to the time frame for an answer and a decision on such an important issue as exclusion. I ask the Minister to reconsider his position. I do not believe the amendments detract in any way from the Bill. They support the intent of the Bill and would only improve the overall system.

Amendments put and negatived.

Mr RIPPER: I move -

Page 67, after line 16 - To insert the following -

(5) The chief executive officer must ensure that a copy of an order made under subsection (4) is forwarded within 7 days of the making of such order to -

(a) the relevant Panel;

(b) the principal;

(c) the student and the parent of the student;

(d) in the case of a prescribed child, the student's chosen advocate, if there is one; and

(e) in the case of a child enrolled under section 16(1)(b)(ii)(II), the adult person, not being a parent, who is responsible for the child.

(6) Where a student is aggrieved by an order under subsection (4) -

(a) the student;

(b) a parent of the student;

(c) in the case of a prescribed child, the student's chosen advocate; or

(d) a person whose details have been provided under section 16(1)(b)(ii)(II),

may apply in writing to the relevant Panel for a review of the order.

This clause does not provide for the chief executive officer to supply copies of the order which he or she makes about the student's exclusion to the people who are dealing with it; that is, the panel, the principal, the student and the

student's parents. There is no provision for a student, or a student's parent, who disagrees with an order, to appeal the order to any body or person. These orders will, in many cases, effectively terminate a student's education. That is why I have moved to insert these provisions into this clause. This amendment would provide for the chief executive officer to forward copies of the orders made to all of the people who have been dealing with the issue. The amendment would allow the student or his parents to appeal to the panel if they are aggrieved with the order made by the chief executive officer.

Mr BARNETT: This amendment would present a bizarre position. The chief executive officer authorises the formation of a panel to review a case and provide advice. On the basis of that advice, the chief executive officer makes the decision. Under this amendment, the decision could go back to the panel, which could override the chief executive's decision. It would be a circular process and quite inappropriate. The Government does not support it at all.

Mr Ripper: Is the first part of the amendment - that is, providing copies of the order to all of the people concerned - provided for in any other part of the legislation?

Mr BARNETT: In the case of the disabilities panel, the parents of the student receive the advice through the disabilities advisory panel. We do not believe the provision is necessary in this case. I am prepared to have a look at this in terms of regulations. I accept the point. It is reasonable that advice of the decision be provided to those who have participated in the decision. I am prepared to look at this but I do not accept the amendment.

Mr Ripper: I appreciate that assurance. Does any other mechanism in the legislation deal with a student who is aggrieved by an exclusion decision made by the chief executive officer?

Mr BARNETT: If students or their parents are aggrieved the independent review under clause 211 is available. That is the final process; it is effectively at ministerial level.

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

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 93: School Discipline Advisory Panels -

Mr RIPPER: I move -

Page 67, lines 21 to 26 - To delete the lines and substitute the following -

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

(a) who has such experience, skills, attributes and qualifications as prescribed by regulation;

(b) who is not an employee within the class referred to in section 223(1).

This is the same amendment I have moved with regard to the composition of other panels. The qualifications of members of the panels should be prescribed by regulation. This will give people an understanding of the way the panel will be constructed. It will enable people to lobby the Minister, as he develops the regulations, for panels to be comprised in particular ways. When the case of an Aboriginal student is being dealt with an Aboriginal person should be on the relevant panel. I think the Minister will respond that there is discretion in the legislation for a panel to be comprised in that way. However, people in the community do not want to rely on discretion for the right thing to be done. They want to see a regulation which provides for the composition of panels and for Aboriginal representation where Aboriginal students' cases are being considered. I do not want a long debate on this as it is the third occasion this issue has arisen.

Mr BARNETT: With respect to, for example, disciplinary matters relating to an Aboriginal child, it may be appropriate to have more than three members on the panel to reflect the Aboriginal community concerned. Perhaps the inclusion of elders and the like can be accommodated in this. Under current practice such panels have always contained a parent representative. I am prepared to commit that we will continue with that policy to ensure the panel has a parent representative.

Amendment put and negatived.

Mr BARNETT: I move -

Page 68, line 5 - To insert after "procedure" the following -

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

Amendment put and passed.

Mr BARNETT: I move -

Page 68, after line 6 - To insert the following subclause -

(5) Subject to the Minister's directions, the child and parents referred to in subsection (4) are not to be represented by another person before the Panel unless the Panel otherwise determines on the ground that the process will not work effectively without that representation.

Mr RIPPER: I appreciate the Minister's moving this amendment. As has been made clear regarding the operation of other panels, the Opposition would like it to go further to provide for a right to representation, rather than a discretion for the panel to give representation if the panel thinks that should be the case. The Opposition thinks the applicants should be able to make that decision. They are the best judges of their own competence and skills in handling these matters.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 94: Orders that may be made -

Ms McHALE: Subclause (1)(c) refers to educational program, and subclause (1)(d) refers to educational instructions. What is the difference between the terms? What is the intent of articulating that difference?

Mr BARNETT: It specifies the teaching educational program that may be appropriate because of a requirement to attend a special program on behaviour to try to improve conduct. A child may be excluded or have a provisional exclusion subject to attending such a program. Given that much effort is going into children at risk and behaviour management programs I believe that will become more prevalent in future.

Clause put and passed.

Clause 95: Principal may exclude students above compulsory age -

Mr RIPPER: This is a much shorter clause than that dealing with exclusion powers for students of compulsory education age. In other words, if we supported this clause we would be supporting much restricted rights for students once they were above the compulsory education age.

The Opposition's argument is that an increasing number of students will be undertaking post-compulsory education. It is important to the future of most students that they have access to post-compulsory education. We are moving well away from a stage when post-compulsory education was a privilege for a few, to a time when it will be a right for all. The exclusion provisions for children in years 11 and 12 should not be as loose as they are in this clause.

I will oppose the clause because, on my reading of the legislation, it would leave the exclusion provisions for children above compulsory age the same as those for children of compulsory school age. I am doing that because of the growing importance of post-compulsory education and the trend for it ultimately to become something to which virtually all students have access.

Students could be excluded under this clause for quite minor matters; for example, failure to comply with a requirement of any applicable code of conduct. If wearing the school uniform was part of the applicable code of conduct, a principal could exclude a student from year 11 or 12 with a detrimental effect on his or her future because that student had been rebellious enough not to wear a school jumper. I do not think that is right. The education of students is more important than a code of conduct regarding dress. There might be other ways to deal with a breach of that code of conduct other than exclusion.

I have exaggerated the possible impact of this clause to make a point. However, that is the way it has been drafted. Students do not have enough rights given the detrimental impact that exclusion from post-compulsory education will have on their future.

Mr BARNETT: The code of conduct lies with the school council, so that is a decision of the school to be made at a local level. This matter involves a point of principle. The philosophy of the Bill is that in the non-compulsory years, by definition, schooling is not compulsory, although it is to be encouraged, and students in those years have an entitlement, not an obligation, to go to school. We will provide a place and an appropriate program. Principals of schools have pushed strongly to have the power to exclude a student of non-compulsory age who is not participating and is disrupting the program.

The matter becomes particularly relevant with the proposed changes to the common youth allowance. Irrespective of whether members agree, the Commonwealth has introduced that policy. We may get a group of disaffected students who, to claim the equivalent of unemployment benefits, re-enrol in a school and make no genuine attempt at education. We will not tolerate their disrupting school programs or other students. In part, this clause is included to give the principal some authority over non-compulsory years. We are treating students as mature and accountable and we expect a performance and sense of responsibility from those mature students.

Ms McHALE: I understand the comments of the Minister about the impact of the Federal Government's changes to the youth allowance program and the possible imposition that might put on our high schools. However, it is a sorry state that a punitive clause is in the Bill.

We certainly see some major inconsistencies in this clause compared with the ones with which we have just dealt. I accept that the Minister is treating compulsory students somewhat differently. Notwithstanding that, we are concerned that no provision is made for due process or representation. Unlike the previous clauses, as I read it, there is no provision for partial exclusion from educational instruction but not an education program and no provision for the referral of that exclusion to another body or the advisory panel.

Like the member for Belmont, I express great concern at the somewhat arbitrary grounds for exclusion and perhaps also the subjective interpretation of those grounds or criteria, which could quite easily vary from school to school and principal to principal, depending on the principal's relationship with the student, for example. An inconsistency might well apply with the application of the criteria in this clause. The grounds on which the exclusion could occur would be lack of school attendance or not participating in the education program. That might again be open to interpretation. The teachers might not think that the child was participating to the satisfaction of the teachers but the student might think that he or she was participating very satisfactorily. How would the Minister deal with that dissonant viewpoint? We urge the Minister to look again at this clause. It should be deleted and the provisions for the management of post-compulsory students should be the same process as applies elsewhere in the Bill.

Mr RIPPER: The Opposition is not arguing that exclusion provisions should not apply to students above compulsory age. However, we regard the provisions in the clause as arbitrary, as the member for Thornlie has just argued. There might well be a halfway house between these provisions and the provisions applying to other students of a compulsory age, which the Minister might consider. The important point is that in a de facto sense, through various social pressures and decisions, the school leaving age is being extended. The Federal Government has made a decision which financially virtually forces people to stay on at school if they cannot get work. More and more of our students will be at school in the post-compulsory years. It is more and more important for all of them, if possible, to be there and get that education.

This clause allows a principal, entirely on his or her judgment, to kick a student out, without reference to the district director, chief executive officer or anybody else, and without the student having a right of appeal. This clause is quite at odds with the rest of the Bill, which has made quite significant provisions for due process and the rights of people, even if on occasions we have disagreed with the extent to which those rights have been granted. Given the trends of education, it is quite unfair to a lot of students and their families.

Mr BARNETT: The point of this clause is that it applies to post-compulsory and not compulsory years.

Mr Ripper: I am arguing that the term "post-compulsory" is tending to lose its significance as a result of social pressures and the decisions of the Federal Government.

Mr BARNETT: I wish the member were right. We still have a 65 per cent retention rate, regrettably down to as low as 30 per cent in some schools. If the compulsory age were raised, this clause would then apply to what would remain of the post-compulsory years. The decisions are made in this case by the school principal. Again, the principal is accountable for his or her decisions. A review process under clause 211 is always available to a student or parent who feels aggrieved.

Clause put and passed.

Clause 96: Review of decisions under section 95 -

Mr RIPPER: I intended to oppose this clause because I hoped that my opposition to clause 95 would be successful. The proposed amendment on the Notice Paper was consequential to the success of my opposition to clause 95.

Clause put and passed.

Clause 97 put and passed.

Clause 98: Charges for provision of certain materials and services -

Mr BARNETT: I move -

Page 70, line 19 - To insert after "**services**" the following -

and fees for instruction

This amendment enables the principal to charge fees for instruction if an external teacher is brought in for, say, archery, ballroom dancing or whatever it may be. Apart from those types of activities, no fees for instruction may be charged for instruction provided by any government school. We are saying that there is no fee for instruction unless it is for some extra curricular activity which may be available through the school.

Amendment put and passed.

Mr RIPPER: I move -

Page 70, line 20 - To insert after the designation "(1)" the following -

Subject to subsections (7), (8), (9) and (10),

This is the first of a series of amendments designed to protect children attending the state school system from the imposition of onerous fees. We regard the Minister's scheme in this Bill as opening the way for greatly increased fees and charges at primary and secondary schools. At the moment in primary schools, for example, there is a voluntary charge of $9. The Minister's Bill will make that charge compulsory and allow it to increase up to a limit set by regulation. We understand from his discussions regarding the report of the school charges panel that the limit will be $60. If this Bill is carried in its present form, we will move from a voluntary charge of $9 to a compulsory charge of $60. That compulsory charge will be a collectable debt. The principal under this Bill will have the power to take action to enforce the payment of that debt. The Government is very clearly seeking to increase the fees and charges which the families of children attending government primary schools must pay.

There will be increases also for secondary school students. Currently, secondary school students pay $225 in school fees. The school charges panel recommended an increase in that fee, not as sharp as the increase in the fee charged to primary students but nevertheless an increase. If this Bill is carried in its present form, parents can expect to pay more for enrolling their children in government primary and government secondary schools. The equivalent of a state government education levy will be applied right across the State. That is problem one.

Problem two is what the schools charge beyond the official fees. I know of cases where people have had to pay up to $700 for fees and other requirements to enrol their children at high school. When I attended the school to enrol my son, I wrote a cheque for $481 to pay his fees and book requirements. Later on, I was required to pay $150 for a graphics calculator. The amounts charged by schools to parents for fees and other matters are not insignificant. It is easy for a member of Parliament to pay those fees. However, many people living in my electorate who send their children to the same high school find that payment to be quite an imposition. It is no coincidence that I was approached by the local financial counselling service in Belmont at the time that school fees were being paid and told that it was experiencing a rush of clients who were having financial difficulties because of the requirement to pay these excessive charges for educating their children at government schools. The financial counselling service, in fact, was overloaded with these cases.

There are two problems then: The official fees which government schools can charge - and the Minister proposes to increase those official fees - and all the other charges which government schools make. Typically, primary schools provide parents with big lists to provide tissues, paper, and all sorts of other things so that the school can get around the official limitation on fees and charges. In other words, the school makes an "in kind" charge on parents by asking them to provide those things for their children in the classrooms.

We propose a scheme of amendments which will require the Minister to include all of the necessary educational essentials in the school grant which will prevent schools from charging for anything which is covered by the school grant and will further impose a limit on the charges which schools can make. In this way we will reduce the financial burden on parents seeking to educate their children at government schools.

Mr BARNETT: This is an interesting point and one that has attracted the attention of the media; and no doubt will continue to do so. There have always been charges - fees if one likes - of one sort or another within government schools, whether they be compulsory, which they used to be, or whether they be voluntary. The current level of charges - fees if one likes - is $225 for secondary and $9 for primary schools. The non-government charge for primary schools has been in place since 1972 and has not been adjusted. If one analyses that, to try to collect $9 per year per student is barely worth the trouble. Indeed, had that $9 been adjusted in line with inflation and the consumer price index since that time, it would equate to around $58 today. To restore the status quo of 1972 would be to impose a charge of $58.

When this issue first arose in the draft Green Bill, I commented that a figure of around $30 or so would be appropriate. We set up a fees and charges panel to assess that figure, to talk to schools and to find out exactly what was happening. To my surprise, the average level of charge was around $50 to $60. If we do what the Opposition is suggesting, we would deny schools a significant amount of funding for those extra materials and resources that students might consume.

The other point is that if we were to go to the level of $30, as suggested before, it would mean that many schools would be receiving from parents less support than they currently receive. It is reasonable that we have a charge and that parents contribute to what is specified in clause 198(1)(a) for the materials and consumable items that children might use in their education. There are two issues. When parents are well able to pay, equity demands that all of those parents should pay. One of the things on which principals in schools agree is that some parents do pay, and other parents who are quite capable of paying do not pay and simply take a free ride. That is unfair. I think it is un-Australian.

Many people in our society who fit into the category of parents in poorer families and home situations cannot afford to pay. As I foreshadowed, clause 100 contains special provisions relating to financial hardship. Many people need special assistance schemes and the like. The regulations will specify the maximum charge. A decision has not yet been made; however, it will be about $50 or $60 for primary schools. That is approximately $1 a week for materials and consumable items. I do not think that is onerous. I think the great majority of parents are happy to contribute that much for physical materials, services and perhaps excursions - whatever it is that schools participate in. It gives schools a level of parental support which allows schools to have access to things which are available.

It is easy to get up in this place and say that the Government should provide these things. One can stand on the front steps of Parliament and say that and people will cheer. However, as is implicit in the philosophy of this Bill, government school education is free but there is a shared responsibility for parents to assist in the education of their children. I do not think asking parents to contribute up to $60 a year for primary school for the services that their children consume is onerous, so long as we look after those families who are in a poor financial state. Why deny schools and parents the opportunity of directly contributing and supporting their own children's education? I want all schools to be good and if parents are happy to contribute, why not? The reality is that most parents contribute and most schools already charge a fee. I reiterate that if we had reinstated the status quo of 1972 the $9 a year would be $58 a year today.

Ms McHALE: My response to the Minister is on a number of levels. Does the Minister not believe that parents pay taxes and contribute to the education of their children? Does the Minister not accept also that parents raise significant amounts of money per annum for real and necessary additions to the school assets such as computers, mathematical materials and new additions to libraries? Parents contribute to the education of their children all the time. The Minister talks about parents paying another $60 a year for excursions; parents pay for excursions at least once a month and probably every couple of weeks, particularly in primary schools - it is not much per excursion or incursion, but over the year the number of incursions or excursions would add up to quite a sum of money.

If this clause is passed, will the Minister accept that no further charges for incursions and excursions will be imposed? Parents are already paying for them in the charges that the Minister will establish by regulations. Many parents are concerned that this clause makes it clear that charges will be made for materials provided in an educational program, yet one would assume that the materials that are provided are required for that educational program. They could be significant items like reading books, and mathematical or society study materials, which could be costly. When we talk about materials, parents are concerned that a charge will be imposed for something that is not charged for currently. The Minister knows the Opposition's position on ensuring that, in particular, primary education is free. I know that the Minister says there are no fees. However, the charges that will be imposed will cause financial difficulties for a number of families, even those who might be middle income earners. The concern for many parents is that language such as "materials provided" opens up a new ball game and also that they already contribute significantly to the educational costs involved in sending their children to school.

Mr KOBELKE: The member for Thornlie made an important point that I will dwell on briefly: We are changing the whole approach to fees in schools. Although that might be a small step, it could lead to a gallop towards higher and higher fees. I appreciate the Minister's statement that that is not his intention. However, the Bill is changing the basis upon which fees will be levied for education in our primary and secondary schools.

We are all aware that so-called free education has incurred a fee. However, the formulation of that fee has kept it at a minimal level and there has always been an element of doubt about whether there should be fees. We are moving to where the Bill states that fees can be levied for a range of reasons.

Mr Barnett: The Bill distinguishes between fees and charges. There are no fees for education programs but there can be charges, albeit compulsory charges, for materials. It is not a fee for education; it is a charge for materials used.

Mr KOBELKE: While I accept that clause 97 imposes that limitation, that limitation could be overcome by many ways and means and that is my concern. We are in this transition of saying that the fees will rise only slightly, but when we change the legal basis for the collection of the fees to what is contained in clause 98, we will open the gates to a situation where those fees could approach fees that are currently paid in private schools.

Under clause 98 those fees can be charged on the basis of regulations for materials provided in educational programs for government schools. A materials fee will be established by regulation; then fees for services - for instance, a fee to consult the school nurse and a range of other services; and then fees for facilities. A student in the physical education class who uses the school swimming pool will pay a fee. Those regulations will allow schools to charge fees for materials, services and facilities; and then there are the fees that the principal is allowed to set. Within another set of regulations, and having gone through the school decision making group, the principal could also set fees. Clause 98 is almost a Pandora's box of fees that will be available to schools.

I accept that the Minister says that initially it will be only a minor increase and we can have that philosophical argument about whether we should do that. However, clause 98 provides that fees - it is not just one fee - are something which parents must expect to pay in a government school. That may not be the intention of the Bill; it may be to have one fee and it may be for different purposes in different schools.

Mr Barnett: That will be subject to a maximum cap which will be laid down in regulation for all charges as defined in the Bill.

Mr KOBELKE: Yes, that is by regulation. However, I am talking about what that clause will open up. I accept the Minister's current intention for a sliding increase in fees and to have one fee; and could talk about whether that is good or bad. However, that is not what the Bill enables. The Bill will enable schools, in time, through these mechanisms to levy fees for materials, services and facilities, and those fees will be set by the school principal. If this clause is used to its full extent there will be a range of fees, which is of real concern.

Mr BARNETT: That is misrepresenting the clause. This clause outlines the basis on which charges may be set. It defines it in more detail than the regulations. Under the regulations a maximum level of charge will be set, so, no matter what components there might be, the maximum will not exceed that level. Members must bear in mind that this is a decision for a school council. The school council could decide to impose no charge, and that is perfectly proper. However, it could also impose a charge up to the maximum set by regulation. The council could choose to have a general charge or a specific charge - $10 to cover library materials, $5 for art supplies, or whatever it might be. The council might choose to be accountable in that way to the parents. I expect that the final regulation would specify a maximum charge for primary school in the range of $50 to $60. For the sake of the argument let us assume that $60 is the upper limit. That would also be capped by regulation which would be indexed, so that would automatically increase in line with inflation. We would avoid the problem of a fee being set in 1972 at $9 and simply leave it at that. If a Government of the future wanted to dramatically increase that charge it would have to change the regulation and the Parliament could disallow that. I notice that South Australian primary school charges were increased to $150, and high fees or charges apply in other States. We are thinking of $60 maximum in primary and $235 maximum in secondary. Those charges will be indexed and subject to change by parliamentary approval.

Ms McHALE: Will this be a once only and an all inclusive charge? Will charges for incursions and excursions throughout the year, or charges, for example, for swimming instruction be included in that fee? I am interested in the process of determining the upper limit. The Minister has already indicated a figure between $50 and $60 for primary schools and $230 for secondary schools.

Mr Barnett: It will be $235 for secondary schools and $60 for primary schools.

Ms McHALE: How will those figures be shored up to arrive at the final determination? If $235 is the determination for high schools, I invite the Minister's comment on the following. The member for Belmont indicated earlier that his son's fees and charges were $430. My son's fees and charges were about $380. If the limit is to be $235, will there be a net cost to the Education Department and how will that be dealt with? Many parents will welcome an upper limit of $235.

Mr BARNETT: This would be the maximum compulsory and enforceable charge. Total fees and charges may run ahead of that figure, for bookshop items and uniforms. They are the personal property of the child and the parents. This will be the maximum enforceable charge for materials used in the school. It is up to every school council to justify the level of charges up to a maximum figure. That figure is set in advance for the ensuing year. The collection process is up to the school. It may decide that instalments shall be paid each term or semester, or whatever.

Ms McHALE: Is it an all inclusive fee and will parents not be expected to pay for incursions or excursions during the year?

Mr BARNETT: It will depend on the school but this is the fee the school can require as part of the ongoing contribution. School camps and the like are additional.

Mr RIPPER: School fees will increase every year because under the regulations they will be indexed. The Minister may say it is not a fee but is a charge. I regard the distinction as completely useless. People must pay these amounts to enrol their child at a government school. The Minister said parents should pay for their children's education because that is the Australian way. Let it be absolutely clear that parents already make significant financial allocations for the upbringing of their children. The Australian Institute of Family Studies estimates that it costs about $150 000 to raise a child from birth to the age of 18 years. It is not exactly a cheap matter to be a parent. Anyone who is aware of the way in which calculations are made under the child support scheme, will doubly realise the cost of raising children. Parents are already making significant commitments to raising their children. The Government is proposing to increase the charges they will pay to enrol their children at government schools. Those are not the only commitments they must make for their children's education. The subject of incursions and excursions has been raised. In addition, there will be uniforms.

Mr Barnett: Do you not think parents should pay for the clothes their children wear at school?

Mr RIPPER: Also, there are all the fundraising requests made to parents and citizens associations. The government school system is funded to the extent of $42.5m a year from private sources of funding. Those sources include fees, sponsorship, donations and P & C association fundraising. I draw that information from an answer to a question on notice in this place. Forward estimates show that school fees are expected to contribute approximately $27m to the school budget. If this Bill goes through, that figure of $27m will increase.

One of the Minister's defences is to say that the school council can make a determination to reduce the fee level if parents in the district find it difficult to pay the fees. If the council reduces the fee, the school budget will be reduced, and the educational facilities will be the poorer because the school has decided the parents cannot pay the maximum fee set by regulation. Schools in affluent suburbs will charge the maximum fees, and have the benefit of the revenue. Schools in the poorer suburbs will have a difficult choice. Should they push parents to pay the maximum fee and enjoy the facilities, or should they make a concession to parents' financial circumstances and accept that their school will have less than schools in affluent middle class suburbs?

It brings me to the question of the role of the state school system in promoting equality of opportunity. It was supposed to be free from the start for a very good reason; that is, so that children from families on lower incomes had the same access to education as children from more affluent families. It is an important role of the state school system and it has been compromised because, on the one hand, there are fees and charges and, on the other hand, there are tendencies within the system which will make some schools favoured, well resourced and able to provide good quality education, while other schools will struggle. The Minister wants to open the system to competition, but the losers will be the schools which already provide educational services to the more disadvantaged sections of the community. Promoting equality of opportunity, which is a major role of the state school system, will be compromised by the Minister's vision for the future of the educational system and his proposal to increase the fees parents must pay when they enrol their children at government schools.

Mr BARNETT: This is quite a clear distinction between the Opposition and the Government. Again, my understanding of the history of government education in this State is that many decades ago there were compulsory fees for education. It may have been in the inter-war period, but I will check that.

School charges have been in place, albeit on a voluntary basis, and specified in regulation, of $9 for primary schools since 1972. If that figure is indexed to the consumer price index, it comes to $58 today. A survey was done of schools, and to my surprise it was found that most schools were charging between $50 and $60. Under the Opposition's proposal, schools would be told they could not charge that and parents could not contribute. The member has spoken about children and educational entitlements.

It is made clear in clause 101 that no child can be excluded from a government school if this charge, albeit compulsory, is not paid. The recovery of that charge can be directed at the parents, but the child is not charged for attending school and participating in the educational program. For the first time, it is laid down as free. Parents are required to pay a charge for materials and services.

Mr Ripper: They will have a debt collector if they do not pay.

Mr BARNETT: Yes, and the principal will be given the ability to collect the fees.

Mr Ripper: Parents will have debt collectors at their door.

Mr BARNETT: No, do not be ridiculous. The principal can recover money from the parents who can well afford to pay but who choose not to. Where is the equity in that. Australians do not like bludgers, and we will not have

them in the school system. Those parents who can pay, must pay a modest amount along with everybody else. Those parents in genuine financial hardship will not be penalised and nor will their children. They will receive concessions or assistance.

The member makes the point about schools that may be in a lower socioeconomic area. I accept that comment. Maybe those schools will set a lower level of charges and maybe their ability to collect will be reduced, even with compulsion. That is why both the State and Federal Governments provide additional assistance to so-called poorer schools to compensate for that. That has always been the case, and it will continue. Why would the Opposition not move to delete all this? Those opposite should bowl up to schools in their electorates and knock on the door of the principal and say that they want to abolish charges for schools. They will be counting the seconds until they are thrown out the back door of the school by the principal. School councils and principals want this power to levy charges evenly for all parents, and to have some powers to collect them. That is a fair thing, an Australian thing, and those opposite should support it.

Mr RIPPER: Let us get this on the record. The Minister sounds more and more like the member for Alfred Cove every day. The Minister is saying, I think, that those people who believe our education system should be free, those who do not want to pay school fees are bludgers. We are glad to have that on the record! We will circulate far and wide the Minister's view that people who oppose his increases in school fees are bludgers.

Mr Barnett: No; you can quote what *Hansard* says I said.

Mr RIPPER: We will certainly quote what is in *Hansard*. I do not think the Minister has said anything that parents will regard in a positive light. The reason the principals and school councils want to charge school fees is that the Government is not providing the school system with the resources needed for the facilities parents now expect in their communities.

Mr Barnett: By how much did we cut spending this year?

Mr RIPPER: I think the productivity dividend is $27m.

Mr Barnett: How much are we spending on education? By how much did we cut spending?

Mr RIPPER: If the Premier was not proposing a productivity dividend of $27m, the Minister for Education would not have to collect that much in fees. It is coincidental that the figure is the same; the school fee income is the same as the productivity dividend. That is why principals want to charge fees. They want to provide a decent education for the students in their schools and the school grant is not sufficient. In this clause we propose a very broad definition of the school grant; and we require the Government to put into the grant all the educational essentials and to prohibit schools from charging for those because they are provided for in the school grant. That is the scheme we are proposing. We have consulted about it with the representatives of the parents' organisations. They agree that that is the way in which we should proceed. Apparently the Minister does not. He wants to increase the fees, and he wants to do so every year.

Mr BARNETT: Just for the record we should note that while this Labor Party has been taking a position in support of so-called free education, a Labor Government in 1972 introduced the $9 charge by regulation. We should not forget that.

Mr Ripper: Voluntary.

Mr BARNETT: Yes, but it was introduced by a Labor Government. We are regularising it, making it fair so that all who can afford to pay, do so - and why should they not? It is a philosophy of this Bill that education is a shared responsibility. That is one of the four tenets in this Bill, which I strongly support. The Opposition says that the Government should provide everything - that is terrific; great stuff -

Mr Ripper: Why do we have a state government if it cannot provide an education service?

Mr BARNETT: The Deputy Leader of the Opposition can stand on the front steps of Parliament House and say that the Government should provide this. However, he did not answer my question when I asked where were the cuts. The reality is that this year government spending in education went up 6 per cent - about $80m - and it has gone up by about $400m in the past four years; that is, over 40 per cent in the past five years. There has never been such a large and sustained increase in education funding as has been provided in the past five years under this Government.

It does not matter where those opposite look - at buildings, the numbers of teachers, early childhood education, computers in schools, curriculum development or professional development of teachers - they will find huge expenditure on schools. I can stand here quite confidently and I can stand on the front steps of Parliament House and tell people that education funding is increasing. It does not matter; schools will always be innovative. They will

always think of new activities, new materials and new exciting programs. Why not let them do that, and why not let them ask parents to contribute towards those things? The parents can pay for the consumable products, items and services that they use directly. That is not unreasonable. Most schools levy charges of between $50 and $60 and most parents pay them. That shows that the community accepts them.

Mr KOBELKE: This is a very interesting philosophical debate regarding fees, but I will not continue with that. I will go back to the effect of the word "contained" within clause 98 and I will try not to repeat my earlier comments. Regulations under proposed subsection (1) can be made for fees for instruction, provided at a government school by persons other than the teaching staff of the school. I will make a few points about that: First, the fees for instruction are to be determined by the normal meaning of the words, not defined anywhere. Therefore, it will be open to a fair bit of variation. If people must pay the salary of the teacher, that could be seen as fees for instruction. When it comes to a package in taking a course, clearly the fees for instruction can be tied up with the material fees. There will be some grey areas, although on the whole, fees for instruction will be reasonably clear, if taken in its normal English usage.

The second point is that as we see changes taking place in our schools - for example, the introduction in post-compulsory years of vocational educational training programs - we also see an element of contracting out for these programs which were always considered to be core educational programs. These fees for instruction could apply to students in years 11 and 12 who are taking VET courses. They may now be in a position where these regulations will allow the imposition of quite considerable fees.

Mr Barnett: Not at all.

Mr KOBELKE: I am not saying that that is the intention.

Mr Barnett: It is prevented by clause 97. This is a total red herring. If VET is part of a government program, there can be no fee or charge for it.

Mr KOBELKE: I am suggesting that this Minister, or a Minister in the future, might be overcome by a fit of rational economic fervour and decide that all people should pay for what they want. My suggestion is that this clause is worded in such a way as will enable a Minister to do that. These people are opting for a VET program. They could be going off the school campus to undertake the course. Is the Minister suggesting that they could not be charged fees under this clause? If so, what do those last two lines of subclause (1) cover?

Mr Barnett: They might cover, for example, a ballet class that is provided privately that the school decides to take on. An extreme may be flying courses, such as those offered at Kent Street Senior High School, which are very expensive options.

Mr KOBELKE: Surely those are standard educational programs provided at a school.

Mr Barnett: No. Learning to fly a Cessna is not a standard educational program.

Mr KOBELKE: The aviation courses are standard in special schools that have opted to do those courses.

Mr Barnett: Learning to fly is not a standard educational course.

Mr KOBELKE: Getting the licence might not be, but the aviation program, which does the preparatory work, is a standard part of the education process.

Mr Barnett: To the extent to which the mass curriculum and so on might reflect navigation, that is part of the educational program; however, extra flying lessons clearly are separate. Frankly, this is a nonsense. The member knows that parents who enrol their students in something like the Kent Street High School flying program know exactly what they are doing. It is a great program and they quite happily pay for it.

Mr KOBELKE: I agree wholeheartedly.

Mr Barnett: The member would be the first to scream if the Government were funding flying lessons for some students, and not all students. He must get serious.

Mr KOBELKE: I am. I am asking the Minister to address the wording in this clause. I am suggesting that it is not the intention to do this.

Mr Barnett: You cannot do it under clause 97.

Mr KOBELKE: At some time in the future the Minister of the day, or the present Minister, in a fit of economic rationalist fervour may decide to establish a much greater degree of the user pays principle. I am concerned that the wording in the regulations leaves the door pretty wide open to some fairly extreme interpretations.

The next point on which I seek information is whether subclauses (1) and (2) can be applied - I am not saying the Minister wants to do that at the moment - to quite different sets of fees. That being the case, the limit which will be prescribed by regulation will apply to only the principal's fees and not to fees that might be set as standard fees across the whole system.

Mr BARNETT: It is simply outlining the sorts of things that might come into the charges. There is no fee for the education program. Even if someone tried to be a bit grey around the edges in the interpretation, they are still subject to the cap. It does not matter how inventive a principal or school council might be, a cap still exists of, say, $60 for primary and $235 for secondary schools.

Mr KOBELKE: Can the Minister answer my last question regarding the cap in subclause (2)? Does the cap legally apply to subclause (1) as well?

Mr BARNETT: It is a collective cap, so no matter how the charges might be specified, the total cannot exceed the cap.

Mr KOBELKE: I know that is the Minister's intention but is he telling me the legal advice is that that is the only way in which this clause can be interpreted?

Mr BARNETT: That is my understanding and the regulations will enforce that. There will be one charge subject to a maximum cap. Within that charge, the school might decide to itemise it.

Amendment put and a division taken with the following result -

Ayes (14)

Mr Carpenter	Mr McGinty	Mr Riebeling	Mr Thomas
Mr Graham	Mr McGowan	Mr Ripper	Ms Warnock
Mr Grill	Ms McHale	Mrs Roberts	Mr Cunningham *(Teller)*
Mr Kobelke	Mr Marlborough		

Noes (29)

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

Pairs

Dr Edwards	Mr Cowan
Ms Anwyl	Mr Shave
Mr Gallop	Mr Minson
Ms MacTiernan	Mr Tubby
Mr Brown	Mr Trenorden

Amendment thus negatived.

The CHAIRMAN: I point out to members that there are further amendments to clause 98. I ask the Minister for Education to move his amendments. If he is successful, I point out to the member for Belmont that his amendment would lapse.

Mr BARNETT: I move -

Page 71, line 5 - To delete "the teaching staff of the school" and substitute the following -

any member of the teaching staff

Amendment put and passed.

Mr RIPPER: I move -

Page 71, line 6 - To insert after the designation "(2)" the following -

Subject to subsections (7), (8), (9) and (10),

Proposed subsections (7), (8), (9) and (10) are not yet in the Bill, but will be if a subsequent amendment which I will move is successful. This again is part of the scheme which we are seeking to insert in the Bill to restrict the payment of fees and charges by parents. We have had some of the debate and I will not repeat what was said. When we come to those proposed subsections, I hope to say a little more. This is an important amendment which, if it is accepted, will limit the ability of the Minister to impose his new education tax on the community.

Amendment put and a division taken with the following result -

Ayes (14)

Mr Carpenter	Mr Marlborough	Mr Riebeling	Mr Thomas
Mr Graham	Mr McGinty	Mr Ripper	Ms Warnock
Mr Grill	Mr McGowan	Mrs Roberts	Mr Cunningham *(Teller)*
Mr Kobelke	Ms McHale		

Noes (27)

Mr Ainsworth	Mr Day	Mr Kierath	Mrs Parker
Mr Baker	Mrs Edwardes	Mr MacLean	
Mr Barnett	Dr Hames	Mr Marshall	Mr Sweetman
Mr Barron-Sullivan	Mrs Hodson-Thomas	Mr Masters	Dr Turnbull
Mr Board	Mrs Holmes	Mr McNee	Mrs van de Klashorst
Mr Bradshaw	Mr House	Mr Nicholls	Mr Wiese
Dr Constable	Mr Johnson	Mr Omodei	Mr Osborne *(Teller)*

Pairs

Dr Edwardes	Mr Court
Ms Anwyl	Mr Cowan
Mr Gallop	Mr Shave
Ms MacTiernan	Mr Minson
Mr Brown	Mr Tubby

Amendment thus negatived.

Mr BARNETT: I move -

Page 71, lines 18 to 23 - To delete the lines and substitute the following subclauses -

(5) The principal is to take reasonable steps to notify the persons from whom may be recovered under section 102 the charges that are payable under this section for a school year, of those charges.

(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 under this section for the school year in respect of the child; or

(b) of the scale of charges for each component of the school's educational programme that will be available to the child in the school year.

The intent of the amendment is to ensure that the principal makes the charges known to all persons who may be liable, and to provide the issuing of a scale of charges rather than individual accounts.

Amendment put and passed.

Mr BARNETT: I move -

Page 71, line 24 - To insert after "under" the following -

, and fees provided for by,

This is an editorial change to ensure the fees for specialist outside teachers are managed locally.

Amendment put and passed.

Mr RIPPER: I move -

Page 71, after line 26 - To insert the following -

(7) A parent shall not be charged for any item that is provided for in the school grant.

(8) The Minister shall ensure that school grants for primary schools and secondary schools are calculated to include -

(a) the supply of curriculum materials including dictionaries, atlases, reading books, maths and social studies materials;

(b) library usage; and

(c) resources and school consumables such as photocopying costs and paper.

(9) Any charge for -

(a) ancillary costs such as transport or admission in relation to excursions and school camps; or

(b) extra-curricular activities,

in relation to a child enrolled at a primary school, shall be voluntary and any voluntary levy requested of parents shall not exceed the limit prescribed by regulation.

(10) Any regulation that provides for a charge for the purchase or hire of textbooks in relation to a child or student enrolled at a secondary school must prescribe a limit for that charge which must not be exceeded.

The amendment proposes that a parent shall not be charged for any item that is provided for in the school grant. The proposed subsection defines broadly what should be in the school grant. It provides that the Minister shall ensure that the school grant is sufficient to cover all those educational essentials. The proposed subsection allows for parents to be charged for traditional ancillary costs, such as excursions, school camps and extracurricular activities. It states that for children enrolled at a primary school the charges shall be voluntary, and any voluntary levy shall not exceed the limit prescribed by the regulation. For secondary schools, the proposed subsection will allow the continuation of charges for the hire of textbooks, which is again a traditional charge.

The scheme is to define the school grant broadly, to require the Minister to put sufficient money into the grant to meet those essential educational requirements, and to prevent parents from being charged for what schools already provide in the grant. The purpose of the scheme is to keep fees and charges in education low, to not allow the Government to expand them - as the Minister intends; but not to prevent schools from providing excursions, school camps or extracurricular activities.

Parents are already under enough financial pressure. It is very costly to raise children. Our society does not provide enough assistance to parents. There should be more tax deductions and concessions and more direct transfer payments to parents. The Minister's scheme for fees makes arrangements for financial hardship, but as is usual with such arrangements, a number of people on low incomes will not be eligible for assistance under the financial hardship scheme. The group that earns between $20 000 and $30 000 a year is not very wealthy but those people do not have access to the hardship provisions provided for in this legislation. People on pensions and on health care cards will receive concessions provided by the Minister's scheme to assist people on very low incomes. However, people not earning very low incomes, those earning just above low incomes, will not receive assistance. If the Minister has his way, it will be an imposition on parents who may have two or three children enrolled at high school. They will find that the costs they bear will be large. We should be preserving the essentially free nature of government school education by supporting this amendment.

Mr BARNETT: Like most areas of education, again this Government has increased school grants, and has put in a program of progressive increases over successive years. However, the Opposition hopes with this amendment to specify in great detail what should be included in the school grant. Presumably this is to replace the charges we have already debated. It is inappropriate to specify this level of detail in legislation. It would become dated very quickly. For example, the categories do not refer to the Internet, Internet charges or use or whatever may be more applicable in the future. That is one example of how quickly this can become outdated. It is outdated before it starts. These are the sorts of things that will be covered in regulations. That is where they should be because they can be updated as school practice changes.

Mr RIPPER: We have tried to limit the fees that schools can charge. However, schools that want to provide better education for their students find ways around the limits. A school might have a fee or charge within the limit set by the legislation or as a direction from the Education Department, but it then might charge for Internet usage, replacement and restocking of the library and so on. The Opposition is trying to cut off these fee limitation avoidance measures. The schools have the best interests of the students at heart. However, the end result is a financial imposition on parents that I hope is not intended by the Government.

We must limit fees and prevent schools from charging for all sorts of incidental items beyond the ostensible fees they charge. We must rein in the financial impositions placed on parents when they seek to educate their children. If members were to ask any parent about the cost of educating their children the parent would say that they are never ending. It is not just the fees, it is also the book lists, the weekly and sometimes daily requests for additional money and the donations and fundraising activities. It is very expensive. Although the Government spends a lot on education, as do all Governments -

Mr Barnett: We spent far more than your Government did.

Mr RIPPER: We will debate the figures later.

Mr Barnett: We do not have to debate them; it is a matter of fact. The coalition Government has spent far more per capita and in real terms on education than the Labor Government ever did.

Mr RIPPER: Although the Government spends a substantial amount on education, the level of private commitment is also high. I was surprised by the Minister's answer that private commitment to education in this State is about $42.5m. I do not think that figure was widely known or understood before I received that answer. I will endeavour to give it more publicity. It is a surprisingly large figure and it indicates the commitment that parents make.

Mr Barnett: I am proud of them.

Mr RIPPER: The difficulty is that many parents find that financially burdensome. Many are visiting financial counselling centres in my electorate after they have paid the school fees because they cannot then afford to pay their electricity bill or they are running short of food. These circumstances occur with real families with real children enrolled at real schools and paying real fees.

Mr Barnett: We have clause 100.

Mr RIPPER: But many people on low incomes will not fall within that clause. It is essentially aimed at people on pensions and benefits. A group of people on low wages - courtesy of the Minister's colleague the Minister for Labour Relations - will find they are still facing financial difficulty. When they turn to the Government for assistance they will not meet the eligibility criteria. It is the group of people who are always just above the cutoff point. The Opposition wants to protect them from this financial imposition. There is nothing wrong -

Mr Barnett: That is why schools have differential funding.

Mr RIPPER: How much differential funding do they get? The Commonwealth Government abolished the disadvantaged schools program, which was aimed at providing assistance to those schools serving the most socioeconomically disadvantaged areas.

Mr Barnett: The State Government provides support for schools in financial difficulties.

Mr RIPPER: Does an element in the school grant formula relate to socioeconomic disadvantage?

Mr Barnett: No. The school grant is a relatively modest part of discretionary funding. We have all sorts of programs to provide additional resources to schools in need of assistance. Some schools in the member's electorate get more funding on a per capita basis than do schools in my electorate. That is proper.

Mr KOBELKE: The member for Belmont has raised a very important issue. The mechanisms do not cover some people. It is a real concern when we start imposing fees of the level envisaged by the Minister.

Mr Barnett: That is the current level.

Mr KOBELKE: The Minister is suggesting they will be higher and this opens the gate to make them much higher.

Mr Barnett: They are currently $50 to $60. That is what the survey showed.

Mr KOBELKE: People are suffering considerable hardship in meeting those fees. The member for Belmont pointed out that the financial hardship provision will not apply to many people who will be genuinely facing financial hardship.

The staffing formula makes allowance for areas that have special socioeconomic needs. However, that relates only to the provision of staff; it does not flow to the costs of participating in courses. If the Minister intends to make allowance in the school grants for schools that have many students who cannot pay the fees, that is another matter. However, I have not heard any undertaking that that will happen. There would be a financial cost in providing those additional funds to take account of those areas in which parents may not be able to pay the fees. The Government will have difficulty in making this system work. The member for Belmont is trying to address those issues so that we can avoid imposing real hardship on some sections of our community.

Mr BARNETT: This is nonsense. The report of the school charges panel of March 1998 included a survey of charges applying across 237 government schools. The current average fee for year 1 students is $53; for year 4 in 233 schools the average is $57 and in year 7 it is $64. That is happening now. It does not matter how members carry on about their philosophy and free education and how dreadful this Government is, the reality is that schools across the State are charging between $50 and $60 now. If members were to ask principals what is happening they would tell them that and say that it has been going on for years. Members should not be ridiculous; that is the reality.

Mr RIPPER: It is a matter of equality of opportunity. Schools in my electorate do not charge the amounts the Minister has suggested. Some schools, particularly schools in the areas that I and other Labor members represent, will make a decision not to charge the maximum fee. They do that to avoid placing unnecessary financial pressures on parents. However, the school income will be reduced. On a previous occasion I asked the Minister whether he would make up the budget shortfall for those schools. I regret to say he declined. Has the Minister changed his mind, or will those schools have to make do with the smaller amount of revenue?

Mr BARNETT: The member has a crazy philosophy. I can see why the Labor Party is bereft of ideas and innovation. The whole principle is that a school can set a level of charges and the Government will impose a cap. A school can decide to provide extensive materials and set a charge accordingly, or it can provide a few materials and charge a correspondingly lower fee. That is up to the school council to determine. It is a school and parental decision. The Government will simply set the cap.

The Deputy Leader of the Opposition hates giving people choice. He hated the concept last night of giving parents a choice about which school their children attend, and for school communities to determine the level of the charge. If a school is disadvantaged because of the nature of its clientele, its student population and the socioeconomic basis of the area, the Government will provide assistance. Our philosophy is not so devoid of intellect or choice for people -

Mr Ripper: And justice and equity.

Mr BARNETT: The member is foolish; he suggests by implication that the maximum should be set for all schools. Therefore, if schools do not charge that amount, the Government will pay the difference. Why have a charge system at all in that case? It will provide no discretion, choice or responsibility for decision making at the school council level. We are about choice and local decision making. The Opposition wants to deny choice and local decision making. Frankly, the member is crazy.

Mr RIPPER: Does the Minister expect Jigalong, Roebourne and Wiluna to set the maximum fee? What will he do about reduced operation funds for those schools? Yes, the staffing formula has a socioeconomic factor, so some recognition is given to school staffing. However, we are talking about operational funds for special local activities.

The Minister will not provide any additional money in school grants for disadvantaged schools. He will let them stew in their juices. They must make a financial decision because of the circumstances of their parents, but the schools cannot obtain the revenue from parents. It will be difficult for them to collect fees if they go beyond a limit. As far as the Minister is concerned, those schools will have to make do with their reduced budget.

Ms McHALE: If the school council or the school parental body in one of my schools in a low socioeconomic area decides it cannot charge the fee the principal recommends for materials because they are concerned that parents cannot afford it, what assurances will the Minister give that the schools will not be disadvantaged in any way, and that the level and quality of education and opportunity for those children will be the same as though the fees to be charged were imposed?

Mr BARNETT: Does the member have a school in her electorate which does not have a school charge?

Ms McHale: I am thinking of one of the schools in the lowest socioeconomic areas -

Mr BARNETT: Before one raises a hypothetical question, it is good to do a modicum of research.

Ms McHale: It is not a hypothetical question.

Mr BARNETT: The school grant which is provided as discretionary funding is always adequate to maintain the program. The Government has a responsibility to maintain quality education in all government schools - it will do that.

The Deputy Leader of the Opposition argued about comparability between Jigalong and other such places with, say, North Cottesloe Primary School. Without looking at the figures, I imagine that the per capita spending at Jigalong is well in excess of the per capita spending at North Cottesloe.

Amendment put and a division taken with the following result -

Ayes (14)

Mr Carpenter	Mr Marlborough	Mr Riebeling	Mr Thomas
Mr Graham	Mr McGinty	Mr Ripper	Ms Warnock
Mr Grill	Mr McGowan	Mrs Roberts	Mr Cunningham *(Teller)*
Mr Kobelke	Ms McHale		

Noes (25)

Mr Ainsworth	Mrs Edwardes	Mr MacLean	Mrs Parker
Mr Baker	Dr Hames	Mr Marshall	Mr Sweetman
Mr Barnett	Mrs Hodson-Thomas	Mr Masters	Dr Turnbull
Mr Barron-Sullivan	Mrs Holmes	Mr McNee	Mrs van de Klashorst
Mr Board	Mr House	Mr Nicholls	Mr Wiese
Mr Bradshaw	Mr Johnson	Mr Omodei	Mr Osborne *(Teller)*
Mr Day			

Pairs

Ms Anwyl	Mr Court
Dr Edwards	Mr Cowan
Mr Brown	Mr Shave
Dr Gallop	Mr Minson
Ms MacTiernan	Mr Tubby

Amendment thus negatived

Clause, as amended, put and passed.

Clauses 99 to 101 put and passed.

Clause 102: Recovery -

Mr RIPPER: This clause provides the power for the recovery of fees or charges payable under the subdivision which have not been paid. I am concerned that the principal of the school will be required to collect the debt. It has been put to me, and I agree with the argument, that it will be detrimental to the principal's relationship with the local school community if he or she is required to institute the action for the collection of the debt. It is proposed that the collection of the debt, as it is to be applied - we have debated that issue - should be collected by people outside the school; for example, collected by people associated with the district office. The Minister shook his head as I spoke. Perhaps an explanation can be provided for such persons not collecting the debt. If the principal's name is on the summons, and the court action is taken in the name of the principal, it will be deleterious to the principal's educational functions at the school.

Mr BARNETT: The member is correct. However he was working on his amendments from the Green Bill and subsequent changes mean the person recovering any debt will be the chief executive officer, as set out in clause 231. The amendment is no longer necessary because it has been attended to.

Mr RIPPER: I note that under clause 231 any proceedings for an offence under this Act and any proceedings under section 102 may be taken in the name of the chief executive officer. I accept the Minister's assurance.

Clause put and passed.

Clause 103: Optional costs not affected -

Mr KOBELKE: I am concerned about the wording of this clause. Although the heading states that it refers to optional costs, the wording does not indicate that. The wording allows clause 103 to override most of the subdivision. It is stated in clause 97 that except as provided by clauses 98 or 99 no fee or charge may be imposed

or collected for the cost of providing an educational program of a government school. Nothing in clause 103 prevents a person agreeing to pay money for or towards the cost of providing an educational program for a student. A problem could arise if core and optional programs were redefined. For example, the Minister for Employment and Training recently made a decision that the State Training Board should take functions from a set of organisations that had been running for 10 or more years and totally redefined them. It redefined the core and non-core functions of those organisations. The change in definition can easily be made. I know that is not the Minister's intention.

Mr Johnson: They could be learning to play the violin and that would be optional.

Mr KOBELKE: Yes, but they could be doing mathematics and it might be decided that it was no longer a core subject. I am not saying the Minister will do that, but neither did I think the Minister for Employment and Training would scrap the industry training councils and redefine their core objective as non-core.

The issue comes down to the meaning of the words and not the current intention. I accept the current intention, as stated in the clause notes, that it should be applicable only to optional costs. However, I am concerned that at some future time this clause could be interpreted in a way that puts to nought the earlier assurances given. A statement from the Minister about the intent of the clause cannot change the interpretation by a court, but if there were any doubt or ambiguity, the Minister's statement of intent could influence a court decision.

Mr BARNETT: This clause is to cover those instances in which a student is undertaking an exotic and expensive course, such as maritime studies or flying lessons. The school may enter into the contract as the provider, and this clause will enable the school to recover the cost if the student pulls out of the course. It cannot apply to a normal education program, because clause 97 excepts clauses 98 and 99, and that limits the extent to which these additional charges might apply. It must be read in context with clause 97, and the member's concern is met by that clause.

Clause put and passed.

Clause 104: General Purposes Fund -

Mr RIPPER: I move -

Page 73, line 9 - To insert after "Fund" the following -

for the day to day operation of the school

This amendment has been moved because concern has been expressed that in some schools there is a problem that is analogous to generational equity; that is, the moneys in the school funds for the education of children attending school that year may not be expended by the school but may be saved for a long term project. Effectively, those at the school miss out on the expenditure of school funds and several years down the track some other children may benefit when the accumulated funds are spent. It was put to me that the general purposes fund should be for the day to day operation of the school, rather than for de facto capital works which might restrict expenditure in some years for the purpose of providing benefits in later years. It was felt by the people who suggested this amendment that it would be unfair to those students who did not enjoy the education they might otherwise have enjoyed because the school was saving for some purchase down the track. Does the Minister think this amendment is required?

Mr BARNETT: Schools may have a particular capital program which they wish to work towards, and they are able through the banking system to hold an investment account, pay into it and maintain it in that way. This is a general purpose fund and it limits schools to one fund, which is important for accountability. The Government does not want schools to have all sorts of accounts all over the place.

Mr Kobelke: Are you saying they cannot have other different accounts?

Mr BARNETT: They have one general fund but within that they may hold any assets in different forms within the banking system.

Mr Kobelke: Is the fund for accounting purposes?

Mr BARNETT: If they have a surplus they can keep some in a current deposit, and some in investment accounts or term deposits. It will allow schools to achieve a capital purchase if they have one. At any stage they may have a mix of current programs, and they may have a capital program because they want to create something at the school.

Mr Kobelke: Clause 105 refers to the establishment of funds. I assume that, while there is the general purpose fund, it is possible for the school to establish and maintain funds other than that.

Mr RIPPER: We have in mind a general purposes fund for the day-to-day operation of the school. We expect that school fees and charges and all the fundraising for that year should go into that fund. We do not want income from fees and charges for one year not to be spent on the education of those children in the year because they have been

put towards a long term project. For new capital works for school premises, restocking of the library or putting in an amphitheatre, separate funds could be established for donations from specific fund raising. It is not a hugely significant issue; it is to avoid the circumstance where revenue is not spent on current educational purposes but is put off for the education of other children after the children who paid the fees have left the school.

Mr BARNETT: The member for Nollamara is correct. There will be a general purposes fund and additional funds can be established; but there must be the general purposes fund. I also acknowledge the point made by the member for Belmont. I will undertake to ensure that the regulations cover that point. This is required to be covered by regulation and we will make sure the funds are so structured.

Mr RIPPER: In the light of the Minister's assurance that this matter will be covered in regulations where it is probably better covered, I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 105: Funds for special purposes -

Mr RIPPER: I had proposed to move an amendment that where a school is authorised to establish a fund under this section the school shall maintain a separate account for such fund. That is to ensure schools keep the moneys separate for the different purposes. In the light of the Minister's assurances that that will be covered by regulation, perhaps this matter will also be covered by regulation and I do not have to move the amendment.

Mr BARNETT: Clause 108(2) covers the point.

Mr Ripper: I think that says the Government is to have only one such bank account. Can they have two funds in the one bank account?

Mr BARNETT: I do not think that would be desirable.

Mr Ripper: Nor do I. My amendment seeks to provide that where there is a separate fund there should be a separate bank account.

Mr BARNETT: The Bill provides for only one such bank account for each school fund. The intent is clear.

Mr Ripper: It covers one possibility but not the other.

Mr BARNETT: It is clear enough and can be supported by regulation. I will have counsel examine it. If there is confusion we will reword it in the upper House if necessary.

Clause put and passed.

Clauses 106 to 111 put and passed.

Progress reported.

House adjourned at 12.15 am (Thursday)

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

FAMILY AND CHILDREN'S SERVICES - PROGRAMS

3166. Mr BROWN to the Minister for Housing:

(1) Since 1 January 1996, has the Government proposed any changes to the supported accommodation assistance program, the home and community care program, and the crisis accommodation program?

(2) What was or is the nature of the changes the Government would like to see made to each or any of these programs?

Dr HAMES replied:

Of the three programs referred to, only the Crisis Accommodation Program (CAP) is a Homeswest program. The Supported Accommodation Assistance Program operates under the control of the Department for Family and Children's Services and the Home and Community Care Program comes under the control of the Commonwealth.

(1) No changes have been made to CAP since 1 January 1996.

(2) A review of the Commonwealth Guidelines.

SCOTT RIVER NATIONAL PARK - WATER PIPE INSTALLATION

3269. Dr EDWARDS to the Minister for Water Resources:

With respect to the pipe placed in the Scott River National Park transporting water from the Scott River to Beenyup -

(a) when was permission given for this pipe;

(b) when was the pipe installed;

(c) when was it removed;

(d) what volume of water was transported;

(e) what conditions were associated with use of this water; and

(f) is similar piping planned to occur again?

Dr HAMES replied:

(1) (a) 21 November 1997.

(b) Approximately 23 November 1997.

(c) End of November 1997 (exact date unknown).

(d) None.

(e) The following conditions were imposed by the Water and Rivers Commission approval:

Ecosystem maintenance.

Riparian Rights maintained.

Baseline stream flow not diminished.

Minimum discharge past the pump, was to be 20 litres per second.

Pump to be located in pool downstream of Riparian users, pump site requiring approval from Department of Conservation and Land Management and Department of Environmental Protection.

A discharge measurement to be calculated daily, and tabulated and presented to the Water and Rivers Commission at the end of the diversion period.

At no stage was the discharge from the pools to stop flowing due to the pumping activities. Pumping to cease once the discharge flow rate was less than 20 litres per second.

(f) No.

WOMEN'S PROGRAMS

3275. Ms WARNOCK to the Minister for Women's Interests:

In relation to the Government two year plan for women -

(a) has the Government developed awards to recognise public, private and community sector organisations which demonstrate a commitment to family friendly work practices;

(b) has the Government continued the Graduate Scheme to assist women into industrial relations positions;

(c) has the Government ensured that gender analysis underpins all its work and that gender-sensitive strategies are developed for the long-term eradication of poverty;

(d) has the Government reviewed short-term strategies to ensure they address gender issues and do not reinforce stereotypes of work to prevent women from moving out of poverty;

(e) what is the Department of Family and Children's Services doing about providing for the needs of women in poverty;

(f) is the Government providing financial counselling on an on-going basis to women and families in need;

(g) what is the Government doing to improve women's employment opportunities by developing strategies to promote women in senior management;

(h) what has the Government done to development and implement an educational program for women members of state public sector superannuation schemes;

(i) has the Government Employees Superannuation Board surveyed women members to identify key concerns and issues;

(j) has the Women's Advisory Council emphasised consultation with regional women through its regional consultations and forums;

(k) has the Government examined the representation of women on Regional Development Commissions and Local Government with a view to increasing women's participation;

(l) what has the Government done to ensure Aboriginal women's membership of and participation in the Commission of Elders and Aboriginal Justice Council;

(m) has the Government established regional women's forums;

(n) has the Government reviewed and evaluated the Aboriginal Women's Taskforce; and

(o) what is the Government doing to foster diverse models of leadership in education?

Mrs PARKER replied:

The questions asked by the Member in the main refer to commitments made in the Government Two Year Plan for Women 1996-98 which was developed by government agencies and coordinated by the Women's Policy Development Office. A recent publication Action for Women: Highlights summarises some of the achievements of agencies in implementing the Plan. Other information is contained in agency annual reports. In accordance with the main streaming policy of this government, responsibility for the implementation of the Two Year Plan lies with the individual agencies and inquiries on specific matters should be directed to the relevant Minister. The following responses are provided in respect of my own responsibilities and some supplementary information in relation to line agencies.

(a) Yes.

(b) The Department of Productivity and Labour Relations Graduate Scheme continued through 1996 and 1997. Intakes from each of these years have had equal representation of females and males.

(c)-(d) Yes.

(e) Family and Children's Services is providing for the needs of women in poverty in the following ways:

Through the Department's family crisis program, bill paying service and parenting initiatives including the family support program, parent information centres, home visiting service and Parent Help Centre.

Funding provision for 52 non government financial counselling services at a cost of $2.1 million in 1998/99 has been made.

Allocation of $62,050 to the Financial Counsellors Resource Project in 1998/99 for the provision of professional advice and resources to the staff employed in these services has been made.

Support is provided to women escaping domestic violence through the Supported Accommodation Assistance Program and other services targeting domestic violence, including victim support and advocacy services.

The Government is responding to the recommendations of the Poverty Taskforce Report which identifies women, particularly in sole parent families, as one of its target groups.

(f) Yes.

(g) The Government has taken a range of initiatives. These include:

Selection criteria for all executive positions in the Western Australia Public Sector are now based on competencies that are inclusive of an understanding and regard for diversity in the workplace;

The 1997/98 Guidelines for Chief Executive Officer Performance Agreements require Chief Executive Officers to provide leadership to the workforce through the achievement of "a more diverse workforce at all levels of the organisation";

The Director of Equal Opportunity in Public Employment has undertaken 'glass ceiling audits' in over 40 public sector agencies. Positive outcomes of these audits have included the development of a training package to enable agencies to undertake their own audits and to work towards improving their gender profiles;

The Director of Equal Opportunity in Public Employment continues to report annually to agencies on how their gender profile in senior management compares with other agencies;

Equal Employment Opportunity Recognition Awards have been incorporated into the Premier's Awards in Public Sector Management to ensure that the importance of valuing diversity is accorded the highest recognition;

The release of publications which assist agencies to improve their gender profile. These include Diversity Planning; Searching for Public Sector Executives; Equity Principles; Mentoring (Guidelines and Case Studies); and a regular newsletter, The Key;

The Public Sector Management Office has released a good practice guide, Getting on Board, to the recruitment and induction of members of government boards and committees to encourage equal opportunity for merit based selection of women;

The Public Sector Management Office has conducted a Women in Leadership seminar series to provide women with the opportunities to network and receive information and support.

(h) As a result of the Women Member's Survey the Government Employees Superannuation Board developed a brochure for female public sector employees which focussed on the importance of saving for retirement and the merits of superannuation as a way of doing so.

(i)-(j) Yes.

(k) The Women's Advisory Council has examined the representation of women on Regional Development Commissions and Local Government with a view to increasing women's participation. During 1995/96 Council met with Regional Development Commission Boards. The number of women appointed to those Boards increased from 10 (12.4%) to 17 (21%) from 1995/96 to 1996/97. There are currently 16 women on these Boards.

(l)-(n) These commitments in the Two Year Plan are the responsibility of the Minister for Aboriginal Affairs. However, in the Action for Women: Highlights the Department of Aboriginal Affairs indicated that following a review 4 of the 9 members of the State Aboriginal Justice Council are female.

(o) This information can be obtained from the Minister for Education.

HEINEKEN CLASSIC AND HOPMAN

Cost/Benefit Analyses

3287. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Does the Western Australian Tourism Commission carry out a cost/benefit analysis of the following events:

(a) Heineken Classic; and

(b) Hopman Cup?

(2) If yes to (1) above, will the Minister table this analysis for each of the above events over the past three years?

(3) If no to (1) above, why not?

Mr BRADSHAW replied:

(1) (a)-(b) Yes. The WATC commissions research for its events, and receives a range of information including economic impact generated by the event, the cost benefit ratio, additional tourism information related to the participants pre and post event activities, customer satisfaction and attitudes to a future holiday in Western Australia. The two major assessments relate to the economic impact generated by the event and the amount of media impact achieved.

Both the Hopman Cup and the Heineken Classic are principally supported by the WATC because they generate enormous exposure for Western Australia as an attractive tourism destination, hence assisting the development of tourism in this State. The media exposure was the major consideration when the WATC considered its support of the event and was subsequently made a requirement of the event management. Research was commissioned for the 1998 Heineken Classic and will be commissioned for the 1999 Hopman Cup.

(2)-(3) As the primary benefit for each of these events is the resultant media exposure, EventsCorp assesses the exposure each year. The exposure for each of the events for the past three years is as follows:

The 1997 Hopman Cup received 2520 minutes of live national television coverage on ABC Network to 3 million households. The international coverage reached 100 million households throughout Brazil, South Africa, Thailand, USA, Asia and Dubai.

The 1996 Hopman Cup received 2520 minutes of live national television coverage on ABC. Foxsports and Galaxy Television acted as the international pay television network. International coverage included South Africa, Great Britain, Spain, Ukraine and other parts of Europe.

The 1995 Hopman Cup received 2700 minutes of live national television coverage on the ABC. Eurosport took 1200 minutes of television into continental Europe.

1998 Heineken Classics received 1200 minutes of national coverage on Foxtel. The international coverage included 4,530 minutes in Asia including Indonesia, Japan, Korea, Malaysia, Philippines, Singapore, Taiwan and Thailand. In addition, 10,260 minutes was recorded in Europe, Africa, USA, Canada and South America.

The 1997 Heineken Classic received 120 minutes of national television coverage on the Channel 7 Network and 1200 minutes on Foxsport. The international coverage reached 280 million households throughout Asia, Indonesia, Japan, Korea, Malaysia, USA, Latin America, Canada, Africa, Spain, Philippines, Singapore, Taiwan and New Zealand.

The 1996 Heineken Classic received 1200 minutes of national coverage on the Channel 7 network. The international coverage included 2070 minutes on Prime Sports/Star throughout Asia, 1080 minutes on Prime Sports throughout the USA and 1080 minutes on Sky Sports throughout the UK.

The economic impact generated by the Hopman Cup is estimated at $1 million and, based on the amount of national television coverage, the event is significant in the context of media impact.

The economic impact for the 1998 Heineken Classic was measured at $7.1 million, and the cost benefit ratio was 6.10:1.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Allocation and Guidelines

3345. Mr RIPPER to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

(1) How many staff in the departments and agencies under the Premier's control have been allocated Corporate Credit Cards?

(2) Is there a policy in place to guide staff in the use of these credit cards?

(3) If yes to (2) above, where is this policy published?

(4) If no to (2) above, why not?

Mr COURT replied:

Ministry of the Premier and Cabinet

(1) 154.

(2) Credit card use is governed by the Financial Administration and Audit Act.

(3) Treasurer's Instruction 321 details the policy in respect of card use.

(4) Not applicable.

Under Treasurer

(1) 27.

(2) Yes.

(3) Treasury's guidelines form part of an internal policy compendium.

(4) Not applicable.

Anti-Corruption Commission

(1) As at 25/3/98, 17 corporate credit cards have been issued.

(2) Yes.

(3) A copy of the policy is signed by each officer before they are issued with a card.

(4) Not applicable.

Governor's Establishment

(1) Eight (8).

(2) Yes.

(3) In the Agency Accounting Manual and Staff Procedure & Policy Manual.

(4) Not applicable.

Office of the Public Sector Standards Commissioner

(1) Twelve (12) members of staff in the Office of the Public Sector Standards Commissioner have been allocated corporate credit cards.

(2) Yes. [See paper No 1459], and reference to the Financial Administration and Audit Act.

(3) The policy is available in hard copy in the staff induction manual and on the Office shared network computer file which details all office policies.

(4) Not applicable.

Gold Corporation

(1) 18.

(2) Yes.

(3) The policy is published in the form of a memorandum to credit-card holders.

(4) Not applicable.

Office of the Auditor General

(1) 18 cardholders.

(2) Yes.

(3) Administrative and Accounting Manual and other internal procedures especially declarations signed on the issue of corporate cards to relevant staff.

(4) Not applicable.

SALE OF GOVERNMENT ASSETS OVER $1 MILLION

3426. Dr GALLOP to the Minister for Police; Emergency Services:

Will the Minister provide the following details for all Government owned assets sold since January 1993 (excluding land and building sales undertaken in the ordinary course of business, for example land sales undertaken by the Department of Land Administration), in both the general government and government trading enterprise sector of their portfolio areas, which had a sale value of $1 million or more -

(a) name and nature of the asset;

(b) date sold;

(c) nature of sale and name of buyer;

(d) proceeds received from the asset;

(e) associated revenue from the sale, such as stamp duty;

(f) the application of the funds received; and

(g) any associated costs incurred in the sale process?

Mr DAY replied:

Western Australia Police Service

Property 1

(a) Police Driver Training and Licensing Centre.

(b) April 30, 1998.

(c) Public Auction to Carcione Nominees Pty Ltd.

(d) $1,360,000 (Department of Transport - 45% and Western Australia Police Service - 55%).

(e) Stamp Duty $53,325.

(f) The proceeds were transferred into Consolidated Fund Revenue to off-set agreed commitments to the Western Australia Police Service Government Budget Correction Strategy.

(g) $160,000.

Property 2

(a) Belmont Police Station.

(b) June 3, 1998.

(c) Sold by Public Auction to Swan Beach Nominees Pty Ltd.

(d) $1,625,000.

(e) Stamp Duty $64,587.

(f) The proceeds will be transferred into Consolidated Fund Revenue to off-set agreed commitments to the Western Australia Police Service Government Budget Correction Strategy.

(g) $105,000.

Bush Fires Service

(a)-(g) Nil.

Fire & Rescue Service

(a) Belmont Training Academy.

(b) 30 May 1997.

(c) Auction. Total Design and Development Pty Ltd.

(d) $2,105,000.

(e) Nil.

(f) Transferred to Land & Building Reserves in accordance with Section 46A of the Fire Brigades Act 1942, to be applied towards future purchase, construction, renewal, maintenance or replacement of land, buildings, machinery or plant as determined by the Board.

(g)

Sales Commission	$27,062.50
Disposal Cost	
Advertising, etc.	$28,845.54
	$55,908.04

Western Australian State Emergency Service

(a)-(g) Nil.

COLLIE FAMILY CENTRE

3644. Dr GALLOP to the Minister for Health:

(1) What was the total budget allocation for the provision of mental health services at the Collie Family Centre for the financial years -

(a) 1995-96;
(b) 1996-97; and
(c) 1997-98?

(2) What was the total expenditure for the Collie Family Centre for the financial years -

(a) 1995-96; and
(b) 1996-97?

(3) What is Collie Family Centre's total expenditure to date for this financial year?

(4) What is the budget allocation to the Collie Family Centre for the 1998-99 financial year?

Mr PRINCE replied:

(1) (a) $26,000.
(b) $27,600.
(c) $37,600 plus $5,000 non-recurrent for infrastructure support.

(2) (a) $28,650.
(b) $29,444.

(3) $30,900.

(4) $37,600.

SENIORS, NORTH WEST

Airconditioning of Homes

3814. Mr GRAHAM to the Minister for Disability Services:

(1) Did the Advisory Council for Disability Services commission a report into the expense of airconditioning homes for seniors in the North West of the State?

(2) If the answer to (1) above is yes -

(a) will the Minister provide a copy of the report; and

(b) from where can a copy of the report be obtained?

(3) If the answer to (1) above is no, why not?

Mr OMODEI replied:

(1) The former Minister for Disability Services commissioned a report "Subsidies and Entitlements" through the Advisory Council for Disability Services. The subsequent pilot study included the issue of the cost of air conditioning for people with disabilities.

(2) (a) The pilot study is not publicly available.

(b) Not applicable.

(3) The pilot study was forwarded by the Minister for Disability Services to the Department of Treasury, which is undertaking a wider study into subsidies and entitlements. The pilot study will inform this larger Department of Treasury undertaking.

SOLAR POWER IN EXMOUTH

3894. Mr BROWN to the Minister for the Environment:

(1) Has any department or agency under the Minister's control given serious consideration to the use or potential use of solar power in Exmouth?

(2) If so, what work has been done on this proposal?

(3) If not, will the Minister ensure this option is thoroughly investigated?

(4) If not, why not?

Mrs EDWARDES replied:

(1)-(4) The Department of Environmental Protection supports the response provided by Western Power to the Minister for Energy and does not have any further information to provide on the potential use of solar power in Exmouth.

NARROGIN SHIRE, STRUCTURAL REFORM

3926. Dr GALLOP to the Minister for Local Government:

With regard to structural reform proposed for the Town and Shire of Narrogin, when does the Minister expect to make a decision on this issue?

Mr OMODEI replied:

In accordance with the provisions of the Local Government Act 1995 the Minister is only able to accept a recommendation of the Local Government Advisory Board after -

(1) 1 month of it determining such a recommendation and if no poll of electors is requested or

(2) a poll of electors which has not vetoed the recommendation.

AIDS, BREAST AND PROSTATE CANCER AND ASBESTOS DISEASES RESEARCH FUNDING

3937. Mr BROWN to the Minister for Health:

(1) Is the Minister aware of the amount of Commonwealth funds allocated to research into AIDS, breast cancer and prostate cancer?

(2) If so, what is the approximate of funds allocated for such research?

(3) Is the Minister aware of how much the Commonwealth allocates into asbestos diseases research?

(4) If so, what is that amount?

(5) Would the Minister make representations to the Commonwealth Government to make research funds available for asbestos diseases research?

(6) If not, why not?

(7) Is the Minister aware of how many asbestos caused deaths there are in Australia per annum?

(8) Will the Minister convey that information to the Commonwealth Government in an endeavour to extract some research funds?

(9) If not, why not?

Mr PRINCE replied:

(1) The National Health and Medical Research Council (NHMRC) as the Commonwealth agency responsible for medical research funding distributes $165 million for research per annum. However, allocations for specific disease related groups is not readily identifiable.

(2) Not applicable.

(3) As previously indicated funding allocations for specific diseases related groups such as asbestos diseases is not readily available.

(4) Not applicable.

(5) I am willing to support Western Australian submissions to the NHMRC for funding, including research into asbestos diseases. However, I should point out that previous representations by Western Australia have met with limited success, except for the establishment of the National Asbestos Disease Foundation.

(6) Not applicable.

(7) I am not aware of any comprehensive information which details asbestos caused deaths in Australia. In Western Australia asbestos related disease is not notifiable to the Health Department. With lung cancer it is difficult to differentiate the cause of the disease between factors such as smoking and asbestos. The deaths per annum in Western Australia for malignant mesothelioma are:

	Year	Males	Females
	1992	29	5
	1993	50	8
	1994	51	4
	1995	50	5
	1996	54	6
TOTAL		234	28
GRAND TOTAL 262			

(8) Not applicable.

(9) The members of the NHMRC are aware of the importance of the need for research into asbestos related deaths.

LOCAL GOVERNMENT EMPLOYEES' SUPERANNUATION

3948. Mr McGOWAN to the Minister for Local Government:

(1) What plans does the Government have in relation to local government employee superannuation?

(2) Will the Government be enabling local government employees to have choice in relation to the superannuation fund their contributions go into?

(3) If not, why not?

(4) Does the Local Government Act provide some restrictions in this matter?

(5) If so, where, and how?

Mr OMODEI replied:

(1) New Local Government Superannuation Regulations are currently being considered in conjunction with a range of other matters.

(2) It is intended that the changes to the regulations will provide choice in relation to superannuation funds.

(3) Not applicable.

(4) Yes.

(5) Section 170B of the 1960 Local Government Act continues to apply by virtue of Clause 16, Schedule 9.3 of the Local Government Act 1995. This states that local governments shall participate in and comply with the current deed of trust industry scheme.

MIDWIVES' PRIVATE PRACTICE RIGHTS IN HOSPITALS

3968. Dr CONSTABLE to the Minister for Health:

(1) In each of the last five years, and for the current year, how may midwives were/are accredited to attend private clients in the following hospitals -

(a) Woodside;
(b) Armadale;
(c) Swan Districts; and
(d) King Edward Family Birth Centre?

(2) How many midwives in private practice are registered with the Health Department?

(3) For how many years did private midwives have the power to admit clients to the hospitals noted in (1) above?

(4) Why do midwives no longer have private practice rights in those hospitals?

(5) Will the Minister use his powers under section 5 (3) of the Hospitals and Health Services Act 1927 to declare private midwives 'practitioners' within the meaning of that Act?

(6) If no to (5) above, why not?

(7) If yes to (5) above, when?

Mr PRINCE replied:

(1)	(a)	Woodside Hospital	1993 to 1998 - 5 current - nil
	(b)	Armadale Health Services	2 midwives since 1996. Current - 2 on casual employment contracts
	(c)	Swan Health Services	1993 to 1997 - 3 1997 to 1998 - 2
		Current	Nil
	(d)	KEMH -	1993 to 1998 - 6 Current - 1 on a casual employment contract

(2) Over 200 midwives are registered with the Health Department pursuant to Section 355 of the Health Act 1911. However only 21 private midwives currently practising.

(3) Since 1992 private midwives have been eligible to apply for clinical privileges under the Guidelines for Hospital Accreditation and Clinical Privileges for Independent Practising Midwives in Western Australia.

(4) Midwives no longer enjoy clinical privileges following the provision of legal advice on this issue.

(5) I am considering this issue at present.

(6)-(7) Not applicable.

MIDWIVES IN PRIVATE PRACTICE, SURVEYS

3970. Dr CONSTABLE to the Minister for Health:

(1) Have any consumer surveys or other evaluations been conducted on the standard, quality or cost-effectiveness of care by midwives in private practice?

(2) If yes, what are the key results of these surveys?

Mr PRINCE replied:

(1) Yes, the Evaluation Study of the Community Based Midwifery Program project 1998.

(2) The project achieved its main objectives and demonstrated that community based midwifery-led care is safe, satisfying and provides a viable alternative model of maternity care, whether the birth is at home or in hospital.

FREMANTLE COMMUNITY MIDWIVES PROGRAM

3971. Dr CONSTABLE to the Minister for Health:

(1) Will funding be provided in the 1998-99 Budget to expand the Fremantle Community Midwives Program?

(2) If yes to (1) above, how many additional families will have access to the service?

(3) In each of the last three years, including the current year, in relation to the Fremantle Community Midwifery Scheme funded by the Commonwealth Government Alternative Birthing Service -

(a) how many babies were born; and
(b) what was the total cost each year?

Mr PRINCE replied:

(1) Funding for the Fremantle Community Midwives Program will be continued in 1998/99 at $220,000 under the Alternative Birthing Services Program.

(2) Not applicable.

(3) (a)

1996	-	70
1997	-	67
to 30.5.98	-	30

(b) The annual allocations for the Fremantle Community Midwives Program since its establishment in January 1996 are as follows:

1995/96	$180,000
1996/97	$260,000
1997/98	$220,000

QUESTIONS WITHOUT NOTICE

GOVERNMENT SPENDING CUTS

1266. Dr GALLOP to the Premier:

I refer to the Government's decision to slash $20m from next year's Health budget, $27m from next year's Education budget and $9m from the Police budget under the guise of productivity dividends and ask -

(1) Did the Government not give a commitment during the 1996 election campaign that Health and Education would be exempt from such productivity dividends?

(2) Has the Premier not broken an election promise by imposing these spending cuts on basic areas of government service delivery?

(3) How does he justify taking $20m out the health system, which is already in crisis, taking $27m from schools, which are being forced to sell assets to make ends meet, and taking $9m out of policing when crime rates in Western Australia have gone through the roof?

Mr COURT replied:

(1)-(3) I do not want to upset the Leader of the Opposition but expenditure is going up in all those areas. It would be an irresponsible Government that was not working constantly across the board to bring about productivity improvements and that is what this Government is doing. In the agreement by the States to assist the Federal Government with its deficit problem, we isolated some areas of expenditure. However, in the normal processes of government for this four years and the next four years, it would be irresponsible if we were not constantly driving for those efficiencies.

Mr Ripper: So you have not exempted health, education and policing.

Mr COURT: The Opposition gave the impression that there have been cuts in expenditure. Nothing could be further from the truth. At a time of very low inflation, increases have flowed through. It is difficult for us to negotiate wage increases along the lines we are currently negotiating and to maintain our budget. This Government will continue to be financially responsible by pursuing that drive to bring about productivity improvements across the board.

FORFEITURE OF ASSETS OF ILLICIT DRUG DEALERS LEGISLATION

1267. Mr BAKER to the Minister representing the Attorney General:

I refer to the recent call of the Director of Public Prosecutions' for additional legislative powers empowering the courts to require the forfeiture of the assets of illicit drug dealers and the recommendation of the Select Committee on the Misuse of Drugs Act 1981 supporting the need for such powers. Will the Minister provide the House with a progress report concerning the drafting of the much needed non-conviction based forfeiture legislation demanded by the DPP and the select committee?

Mr PRINCE replied:

(1)-(2) I thank the member for some notice of this question. The Attorney General has provided the following reply -

Currently, provisions for the forfeiture of assets are contained in two Western Australian Acts, namely the Misuse of Drugs Act and the Crimes (Confiscation of Profits) Act. The Misuse of Drugs Act is restricted to forfeiture of property derived from, or used in, a drug offence. A conviction for an offence is not required before an application for forfeiture can be made and it does not matter whether the drug offence to which the property is related is an indictable or summary offence. The Crimes (Confiscation of Profits) Act provides that property derived from, or used in, an unlawful act may be forfeited to the Crown. It also provides that a person may be ordered to pay to the Crown a pecuniary penalty in the amount of any benefit derived from an unlawful act. Before an application can be made, the person must have been convicted of an indictable offence against the laws of Western Australia. In addition, the relevant conviction must be within six months of the date of the application. The Acts have been in operation for a considerable time and significant problems have been experienced with both of them. A new forfeiture Bill will address these concerns as well as the recommendations contained in the interim report of the Misuse of Drugs Act 1981 Select Committee. Detailed drafting instructions have been provided and detailed drafting will commence shortly.

The Bill has two main objectives: First, to ensure that no person receives a commercial benefit from criminal activity; and secondly, to forfeit property used in offences or the equivalent value of the property. The proposals are founded on the premise that eliminating the profit from crime is an essential element of deterring criminal activity, and seeks to provide a simple streamlined procedure by which the tainted property can be forfeited to the State.

The new forfeiture Bill seeks to not only consolidate the effective measures that currently exist, but also expand the scope of measures available to ensure that crime in Western Australia does not pay. In so doing, the proposals can draw on local national and international experience to prevent commercial benefit being derived from criminal activity.

Forfeiture of the proceeds of crime is intended to be made a civil process, in order to simplify and streamline the confiscation procedure.

Dr Gallop: This is a ministerial statement.

Mr PRINCE: On this basis, once the Crown has a reasonable suspicion that the asset is liable to forfeiture, the asset may be seized -

Ms MacTiernan: Are you giving your second reading speech a dry run?

Mr PRINCE: - and the onus is on the owner to establish the legitimate origin of the asset. This reflects the practical reality that the owner of the asset is in the best position to establish origin.

Under the proposed streamlined procedures, where a person does not object to the forfeiture of an asset, such forfeiture will be automatic thereby saving the time and expense of forfeiture proceedings. Even when an objection is lodged, the process will be expedited.

Several members interjected.

Mr PRINCE: In order to facilitate investigation and identification of illegal assets, powers of examination of suspected racketeers will be included in the Bill.

The SPEAKER: Order! Before I give the Deputy Leader of the Opposition the call I think that the comments that were made during the answer to that question reflect my view on it. Perhaps Ministers will consider carefully their opportunities for brief ministerial statements and then we can have more questions.

Opposition members: Hear, hear!

EDUCATION AND HEALTH PRODUCTIVITY DIVIDENDS

1268. Mr RIPPER to the Minister for Education:

(1) Given that the Premier has just confirmed that Education and Health are subject to productivity dividends, did the Minister mislead the Parliament on 28 May when he told an Estimates Committee hearing in this place words to the effect that comments made in the 1996 election campaign did not include Education and Health in the productivity dividends?

(2) How does the Education Department intend to achieve the $27m productivity dividend set by the Premier for 1998-1999?

(3) What services does the Minister intend to cut to achieve this target?

Mr BARNETT replied:

(1)-(3) The difficulty with an across government notion such as productivity dividends in an area such as Education - I will not comment on Health - is that it is a labour intensive area with the ratio of teachers to students and the number of schools. It is difficult to achieve those sorts of global targets without having a direct impact on staffing numbers within schools. The policy of this Government has been to increase the number of schools with the increasing student population and to increase very strongly the expenditure on investment on education. Over the past five years education spending has increased by 40 per cent or around $400m. It must be seen in that context. Treasury has a policy across government of achieving a productivity dividend. In a strict sense, I do not think that can achieved in Education as it can in a normal public service department. Nevertheless, despite strong increases in education spending, it is incumbent on Education, like any other area of government, to minimise expenditure and to ensure the taxpayer dollar is used as efficiently as possible.

Dr Gallop: How will you achieve the target? By cutting services.

Mr BARNETT: No. Hang on. Education will not achieve a productivity dividend in that strict sense as it is not a normal public service department. However, we will achieve significant savings and will not be cutting back programs. We will continue to assess the programs in the context of a strongly growing Education budget, which increased this year by some 6 per cent.

EDUCATION PRODUCTIVITY DIVIDEND

1269. Mr RIPPER to the Minister for Education:

Who is right - the Premier when he says there will be a productivity dividend in Education, or the Minister when he says the Education Department will not achieve the figure the Premier set?

Mr BARNETT replied:

The Premier has said that a productivity dividend applies across government; that is it - end of story.

Mr Ripper: That is not what you told the Estimates Committee. You said it did not apply -

Mr BARNETT: Yes. It was my understanding during the election campaign when this issue was raised, that it would not apply to education.

Mr Ripper: A lot of water has gone under the bridge since then.

Mr BARNETT: It has. However, at the end of the day, it does not matter a lot. The Government has a broad policy of saving that productivity dividend. That does not translate so neatly in education, as one is talking about student-staff ratios, isolated schools and so on. We accept in Education that we have a responsibility to be efficient in the use of taxpayers' money, and we are doing that. Yes, we recognise that this year we have run over the budget.

Mr Ripper: By $25m.

Mr BARNETT: Yes, but we will bring it in tighter. We will do that in the context of strong growth in education spending.

Mr Ripper: So the Premier is wrong.

Mr BARNETT: No. This State has never seen a boost in education spending such as that which has taken place over the last five years. The Government is pretty happy about that.

Mr Carpenter: What a load of rubbish!

Mr BARNETT: Does the member dispute the figures?

Mr Carpenter: Go through the figures throughout the history of the State as they will prove that what you say is absolute rubbish!

Mr BARNETT: A 40 per cent increase has occurred over five years, with more changes made and new programs provided in education than ever before.

The SPEAKER: Order! I am sure the member for Willagee will get his opportunity to ask his question shortly.

JOYCE, MR GREG

Housing Industry Award

1270. Mrs HODSON-THOMAS to the Minister for Housing:

I understand that Homeswest Chief Executive Officer, Greg Joyce, has won a major housing industry award. Can the Minister provide any detail on this award?

Ms MacTiernan: This is a good time for this question!

Dr HAMES replied:

Despite the snide comments, I am sure members on both sides will be pleased to know that the chief executive officer won the major Real Estate Institute of Western Australia award last week.

Several members interjected.

Dr HAMES: Mr Speaker, this matter deserves a little silence from the other side because all members, not only those in government, rely on Homeswest, and particularly on Greg Joyce, for many things. I am sure no member in this House is not grateful for assistance provided by Greg Joyce at some time. Perhaps, members can pay attention to the great honour in his winning this REIWA award.

This is the first time since the award's inauguration in 1989 in honour of the late Kevin Sullivan that it has been awarded to someone not directly connected to REIWA, and certainly the first time it has been awarded to a public servant. This award is presented annually to someone who has "demonstrated excellence, professionalism and meaningful achievement in an area related to the property sector". During the ceremony in awarding the prize, REIWA President, Kareena Ballard, said that Mr Joyce had demonstrated outstanding competence and commitment in his management of an organisation which primarily benefits underprivileged Western Australians.

I am sure all members recognise that Greg Joyce is one of the leading executive officers in government. He has a tremendous dedication to Homeswest and government, and a tremendous compassion for the people with whom he deals. I pass on the congratulations, I am sure, of all members of Parliament for his tremendous achievement.

NORTHERN REALTY PTY LTD

Kununurra Property

1271. Ms MacTIERNAN to the Minister for Housing:

(1) Will the Minister confirm that he received a written complaint from a member of the public on 3 August 1997, alerting him to alleged improper dealings between Northern Realty Pty Ltd and the Government Employees Housing Authority, with respect to a property in Kununurra and to the fact that the matter was being investigated by the Ministry of Fair Trading?

(2) What action did the Minister take to ensure that the matter was being properly dealt with by his department, including ensuring that it assisted the inquiry by the Ministry of Fair Trading?

(3) Will the Minister now explain why the chief executive officer of Homeswest failed to provide documents to the Ministry of Fair Trading relating to the sale of GEHA housing in Kununurra by Northern Realty?

(4) Since the formal demand was issued, has all documentation requested now been provided to the Ministry of Fair Trading and, if not, why not?

Dr HAMES replied:

(1)-(2) Yes, I can confirm that a complaint was received regarding the auction of a GEHA property in Kununurra by Northern Realty. The complaint was lodged with Homeswest and with the Ministry of Fair Trading, which I understand is carrying out that investigation. I understand it will be completed very soon.

(3) With regard to the provision of information, the details are being managed between GEHA and the Ministry of Fair Trading. The Executive Director of Homeswest, Mr Joyce, did not refuse to provide any documents to the Ministry of Fair Trading. The Executive Director of Homeswest received a request on 6 April 1998 from the public sector investigations unit of the Western Australia Police Force for the files, and they were made available that same day.

(4) As far as I know, all the documentation has been provided.

NORTHERN REALTY PTY LTD

Kununurra Property

1272. Ms MacTIERNAN to the Minister for Housing:

Will the Minister table in Parliament all the documents relating to the Homeswest investigation of this particular complaint, which has been on foot since 1996?

Dr HAMES replied:

Homeswest is not investigating this matter, and is not in a position to provide those documents.

VICTORIA QUAY REDEVELOPMENT

Member for Fremantle's Comments

1273. Mr OSBORNE to the Premier:

Is the Premier aware of comments at the weekend by the member for Fremantle, in which he expressed fears that the proposed redevelopment of Victoria Quay would sacrifice jobs and result in the area being turned into a manicured museum piece? Do these comments accurately reflect the plans for the area?

Mr COURT replied:

I am aware of the comments. I think the comments, unfortunately, were made before the project details were launched. I certainly hope the member for Fremantle does not still hold those views. The development the Government will embark upon started from a plan to develop a new museum for *Australia II*, but it was realised that consideration had to be given to a broader conceptual plan. That has now been developed and is available for public comment. The plan incorporates not only the rich maritime heritage, but also the concept of a new ferry terminal, enhanced education facilities and a revision of traffic flows in that area.

In relation to the heritage matters, the person who was engaged is one of Australia's pre-eminent heritage architects, Ian Stapleton, and he concluded that the proposal is outstanding and combines conservation and urban design with the potential for financial viability. The member for Fremantle said he did not want the area to become a manicured museum piece, as a result of which the real jobs for workers in heavy industry were replaced by museum attendants. I hope he has nothing against museum attendants.

Mr McGinty: I represented them for a number of years.

Mr COURT: They would not take his comments too kindly. The member also said that dozens of jobs would be sacrificed to make way for the museum. Nothing could be further from the truth.

Mr McGinty: Tell us about Swandocks.

Mr COURT: Swandock Pty Ltd went into liquidation before these plans were announced.

Mr McGinty: Because you refused to renew its lease.

Mr COURT: No. The financial problems of Swandock had absolutely nothing to do with these proposals.

Mr McGinty: Only by coincidence.

Mr COURT: No. There is no coincidence at all. In all our preliminary work, we made it clear that we had one main priority which overrode everything else; that is, the concept of a working port in Fremantle always had to have priority. Right from day one we said that those people involved in Swandock could stay there for as long as their leases were current.

Mr McGinty: They expired this year, and you won't renew them.

Mr COURT: No. Some of the leases continue for many years. I believe the people involved in the liquidation are very pleased with what has been negotiated for Swandock.

Mr McGinty: Not the former employees who lost their jobs.

Mr COURT: Here we go. All the member can see is the negative side, the critical side of things. The advice to the Fremantle council - not the Government - from the strategic planning and economic development group states -

> The proposed Waterfront Development will represent the most important State Government investment in Fremantle since of establishment of the Inner Harbour at the Port of Fremantle. It will have a greater economic impact than the America's Cup in 1987. This will be primarily because it represents a sustainable and long term economic impact rather than a once off rush of investment.
>
> It will act as the catalyst for a range of other developments both of a private and public sector nature, that will strengthen the employment opportunities and the future of the City of Fremantle as a Cultural and Economic centre . . .
>
> Certainly the Waterfront Development embodies the Vision and many of the strategies set out in the Fremantle communities strategic plan - the City Plan.

We have a long way to go with this project. We accept that. We know the final design of the museum building will be of great interest to people. It will be a large building on a very significant heritage precinct. In relation to these heritage matters, we have committed to the council to provide the majority of funds for the restoration of the Round House. That group of buildings is among the most significant, if not the most significant, in this State. I know it is easy to make negative comments; however, I hope the Opposition realises this is a genuine attempt to do a major development in Fremantle that will have long term benefits for all of us.

WESTRAIL SALE

Robertson-Hill and Knowlton

1274. Ms MacTIERNAN to the Premier:

(1) Can the Premier confirm that the Government has employed the public relations firm, Robertson-Hill and Knowlton, to handle the release of the scoping study into the sale of Westrail?

(2) Is this appointment a recognition that the Premier has no mandate for the sale of Westrail and will need all the spin taxpayers' money can buy to sell this privatisation to the public?

Mr COURT replied:

(1)-(2) I will answer the question; however, I remind the member that I am not the Minister for Transport.

Ms MacTiernan: You are the Treasurer and the Premier.

Mr COURT: In recent times the member has asked me questions about how many nuts there are on a carburettor unit of a fuel injection system or something or other. There is a Minister in this House representing the Minister for Transport. I suggest that in future -

Mr Ripper: You want to put some distance between you and the Minister for Transport.

Mr COURT: No. I am just suggesting that these questions be asked of the right person.

The answer is that Westrail has engaged Robertson-Hill and Knowlton, public relations consultants, to handle internal and external issues associated with the scoping study into the possible sale of Westrail.

MANDURAH ESTUARINE FISHERY VOLUNTARY FISHERIES ADJUSTMENT SCHEME

1275. Mr MARSHALL to the Minister for Fisheries:

I refer to the recent Mandurah estuarine fishery voluntary fisheries adjustment scheme.

(1) How has this adjustment scheme operated?

(2) How successful is the Mandurah scheme?

(3) How successful were the estuarine adjustment schemes overall?

Mr HOUSE replied:

(1)-(3) I thank the member for Dawesville for his continued interest in this matter. We began this scheme in January this year as one of the arms of a number of adjustment schemes established over the past five years. In Mandurah 26 applications were sent in, all of a voluntary nature, in cooperation with the recreational and professional fishing people. Of the 26 licences, approximately five have been bought and another 10 are under negotiation.

Approximately 52 offers have come in from the south coast generally. They have closed and are being negotiated with the people who made offers to surrender their licences. The scheme has surrendered just over 200 licences in total in areas where in the past some conflict has occurred between professional and recreational fishermen. As I said, the scheme has operated on previous occasions in full cooperation with the professional fishing industry and has made more of the natural resource available for recreational fishermen.

STAMP DUTY ON THE SALE OF MINING PLANT AND EQUIPMENT

1276. Mr GRILL to the Minister for Resources Development:

I refer to the proposed new stamp duty on the sale of mining plant and equipment accompanying the sale of mining tenements and real estate.

(1) Is the Minister aware that this new tax represents a significant financial barrier to the orderly rationalisation of the troubled gold mining sector?

(2) Why did the Minister not advise and consult with the industry before approving a new tax.

(3) As this is the third new state tax on top of two new federal taxes on the mining sector, how much more does the Minister consider this important, export industry can bear?

(4) On the basis of equity, why can the miners not be given the same exemption as farmers, as occurs in other States?

Mr BARNETT replied:

The member for Eyre may have a point about the total tax impost on the goldmining industry. However, his question is not in my portfolio.

Mr Ripper: You are Minister for Resources Development; don't you have cross government communications?

Mr BARNETT: Mining tenements are within the portfolio of the Minister for Mines. If the member for Eyre puts his question on notice, I will provide an answer.

MINISTER FOR LABOUR RELATIONS

Canning Vale Rotary Commitment

1277. Mr MASTERS to the Minister for Labor Relations:

Yesterday the member for Willagee insinuated that the Minister decided to go to Canning Vale on the morning of Saturday 13 June because of a summons to be served on him.

(1) What was the nature of his commitment in Canning Vale?

(2) How did those commitments affect his attendance at the Industrial Relations Commission?

Point of Order

Mr RIPPER: I doubt that question relates to anything that falls within the Minister's portfolio, and therefore suggest it is out of order.

Several members interjected.

The SPEAKER: Order! We had a debate in this House yesterday which focussed on the Minister for Labour Relations being served a summons. The issue has everything to do with his portfolio.

Questions without Notice Resumed

Mr KIERATH replied:

(1)-(2) I was disturbed and offended by the comments of the member for Willagee. The issue of community work outside parliamentary duties is interesting. I have never used it. Many members on this side of the House are involved in community duties but not for political purposes. I am disappointed that anyone in this House would accuse any member of dragging community services into the political scene.

I started my community service before I was a member of Parliament. I joined Rotary in 1986. For the past 10 years every five or six weeks I have been at Canning Vale markets collecting money from vehicle owners. We charge $2 a car and our Rotary club gets a percentage of the takings which we spend on charitable and community works. It is my turn every six weeks. Regardless of whether I am a member of Parliament, I have kept up my full membership.

On Saturday it was my turn to be on duty from 6.00 to 10.00 am. It was not a pleasant time. I was out in the open when the skies opened up and I was saturated on three separate occasions.

The member for Willagee also accused me of trying to hide. When I stand at the entrance to the markets on Saturday mornings, approximately 800 cars and 2 000 people go past me. It is the last place in Western Australia I would go if I wanted to hide. The comments yesterday were disgusting and below the dignity of the member for Willagee. He accused me of being a bit arrogant. I say this to the member, that to sit on this side -

Several members interjected.

The SPEAKER: Order! Far too much interjecting is occurring. I understand the reasons for the interjections and perhaps the Minister will bring his answer to a very sharp close.

Mr KIERATH: I was saying that when one looks at this group opposite, it is difficult not to be a little arrogant.

NEW LIVING PROGRAM, LANGFORD AND COOLBELLUP

1278. Ms McHALE to the Minister for Housing:

I refer to the Minister's statement in this place on Tuesday, 9 June when he said that the Government is strongly committed to the new living programs in Langford and Coolbellup.

(1) How is this supposed strong commitment demonstrated by sending the promotional material on Coolbellup to residents of Langford?

(2) In view of this insulting mistake, why should the Langford community have any faith that the mismanagement of this program will cease and that they will enjoy the benefits of this program for which they have waited four years?

(3) What is the cost of this mistake, and what will it cost to rectify?

Dr HAMES replied:

This Government is very strongly committed to the redevelopment of Coolbellup and Langford as the member well knows. I remind the member that I recently brought to her attention the fact that negotiations between the company and Homeswest over the development of this area fell through. There is no contract with the responsibility of doing those developments. We are in the process of calling for tenders to find a new group interested in doing that. I am not aware of the pamphlet that the member raised. I presume it must be from Homeswest, but I am not aware of Homeswest sending out pamphlets. The member needs to show me that pamphlet. If she could table that pamphlet, I would be happy to find out how the error was made.

I cannot walk away from the fact that an error has obviously occurred, but I can say to the member that the Government is still strongly committed to those redevelopments. I hope that the members for Thornlie and Willagee will provide every possible support as other members have provided with the developments occurring in their electorates.

DANGEROUS WEAPONS

1279. Mr MARSHALL to the Minister for Police:

A desperate need exists for legislation to be introduced prohibiting dangerous weapons, especially knives. Can the Minister tell the House what is being done about this serious issue?

Mr DAY replied:

I thank the member for some notice of this question.

The Government has a great deal of concern at the proliferation of non-firearm weapons in the community; for example, a significant increase has occurred in recent years in the use of such weapons in armed robberies. In the first 11 months of the financial year, from July 1997 to May 1998, 866 such offences were reported. That compares with the previous financial year, 1996-97, of 773 offences. For the two previous years, 607 and 411 offences were reported. In addition, a great deal of concern has been expressed about the carriage of such offensive weapons and articles on the streets in Western Australia. Those weapons represent a danger to the community generally, and they also represent a significant danger to police officers who are operating on the front line. All members will be aware of the tragic killing of Constable Peter Forsyth on the streets of New South Wales earlier this year in such circumstances.

Legislation is presently being drafted to control the sale and carriage of non-firearm weapons in the community. This legislation will prohibit the ownership of some offensive items such as butterfly knives, knuckledusters and a range of other items, and control the carriage of other weapons such as marshall arts weapons and imitation firearms to ensure they are carried only in appropriated circumstances. It will authorise police to search without a warrant in appropriate circumstances where somebody is reasonably suspected of carrying a dangerous article or a prohibited weapon. This legislation is close to being drafted and I hope to introduce it into this House next week.

MEDICARE AGREEMENT

Minimum Additional Funding

1280. Mr McGINTY to the Minister for Health:

What is the minimum amount of additional funding the State Government will accept from the Commonwealth before it signs off on the new Medicare agreement? Will the Minister guarantee it will not accept anything less from the Commonwealth?

Mr PRINCE replied:

Since mid-November last year when the State Health Ministers of Australia assembled in Canberra and the Federal Minister did not turn up, the Ministers put forward a figure that they require across the whole of Australia of approximately $1.1b. On the basis that Western Australia's share is approximately 10 per cent, that is just over $100m. However, if one uses the Commonwealth algorithm for the connection between the drop in private health insurance and the increasing cost of operating state public hospitals, the drop in private health insurance in the first three months of this year reported about two weeks ago was 70 000-plus people, which equates to an increase in cost to public hospitals around Australia of a further $80m. I have written on a number of occasions to the Commonwealth Minister and in recent times have again pointed out that connection; in other words, the amount that the States need is increasing almost daily because of the continuing slide in private health cover. That amount is what the Health Ministers put on the table.

The Premiers and Prime Minister met at the end of March with the same request and the same response was received; that is, it is not negotiable and we will not get any more funding. There are undoubtedly negotiations and conversations going on at the level of Prime Minister and Premier. I met with the Commonwealth Health Minister last Wednesday. He made it plain to me that as far as he is concerned, within his budgetary allocation there is no more funding. We are waiting to see what, if anything, the Commonwealth will come up with by way of an offer. It has currently not said anything more than the offer which it made last November and made public in December, and was in the budget papers delivered a few months ago. Without trying to say one thing or the other, I cannot answer the member explicitly other than to say the costs continue to go up. The ask is there and no offer has been made. No doubt I have the member's unequivocal support to continue to press the Federal Treasury to increase the amount of the Medicare offer.
