WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE COUNCIL

Wednesday, 11 November 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

SELECT COMMITTEE OF PRIVILEGE

Failure to Produce Documents under Summons - Extension of Time

Hon B.K. Donaldson presented a report from the Select Committee of Privilege seeking to have the time in which it must report extended from 11 November to 17 December 1998, and on his motion it was resolved -

> That the report do lie upon the Table and be adopted and agreed to.

[See paper No 400.]

OFFICE FOR CHILDREN - ESTABLISHMENT

Motion

Resumed from 29 October on the following motion -

> That an office dedicated to the wellbeing and interests of children be established and report directly to the Premier. This office to study all government initiatives, legislation and actions by government agencies and report on the way in which such action could impact on children. That this office studies issues across agencies and portfolios to provide a coordinated, holistic approach to all matters which affect the interests and wellbeing of children.

HON SIMON O'BRIEN (South Metropolitan) [4.04 pm]: I will conclude my remarks fairly soon.

Hon Tom Stephens: Hear, hear.

Hon SIMON O'BRIEN: I am glad it meets with the approval of members opposite. When I was speaking to this matter on the first occasion, I acknowledged the commitment that my colleague Hon Barbara Scott has shown on this issue over a period of time. I was prevented by the effluxion of time from acknowledging that Hon Cheryl Davenport also has shown a great deal of commitment to this issue. It is important to acknowledge that. The other day I was able to concede that I am not well across all these issues. This motion appears to be a positive initiative to safeguard the wellbeing and interests of children in all the things that we do by being careful of the impact that actions can have upon them, especially in ways which are not imagined when arrangements are made, legislation is passed, or regulations are promulgated. I was interested to hear the comments of Hon Cheryl Davenport which added to the mover's comments on child impact statements. Reference was made to the New Zealand experience. I recall that the member was able to advise the House that from a population of some 3.5 million people, 57 juveniles are in custody.

Hon Cheryl Davenport: That was reported in 1992, so it has probably increased since then.

Hon SIMON O'BRIEN: However, in the vicinity of 57 juveniles are in custody. When one considers the situation in Western Australia, bearing in mind that Australia and New Zealand have many similarities in their societies, including what is seen as socially disadvantaged indigenous people of one group or another, we cannot use that as a cop-out. The fact that about 57 juveniles are in custody in a country with a population of 3.5 million people should make us sit up and take notice. I do not want to encroach on another matter which will be reported in due course, but I think the House would be aware that our Standing Committee on Estimates and Financial Operations is looking at matters related to prisons, such as prison population and recidivism. As part of that inquiry, it is also looking at options other than prison. That struck a chord with me which makes me think this idea requires further examination. In fairly short time I hope we can receive some feedback from the Government as to what it might be able to do towards implementing the motion's recommendations. Whether such an office should exist I will not comment on today, but I look forward to comment from the Government about what it might propose to do and what it might add to the debate. I will conclude my remarks there.

I am generally supportive of the thrust of the motion. Some of the detail is yet to be fleshed out, but I understand Hon Derrick Tomlinson wishes to make a contribution. I will listen to his words with interest.

HON DERRICK TOMLINSON (East Metropolitan) [4.10 pm]: I support the motion moved by Hon Barbara Scott. In doing so, I focus on the intention of the motion. Hon Barbara Scott has suggested that an office dedicated to the wellbeing and interests of children be established to report directly to the Premier on all government initiatives, legislation and actions by government agencies that impact on children. I emphasise the word "all" - all government initiatives, all government legislation and all government actions; in other words, a body which has a responsibility for a comprehensive overview of the functions of government, its programs, policies, and legislative initiatives.

In making that observation I am conscious that the Minister for Family and Children's Services, Rhonda Parker, has already taken two initiatives which focus upon the needs of children. The first is the establishment of the child protection services register. The purpose of that register is to meet the needs of children who have been abused and are receiving or require service from a number of different government agencies. It focuses on a particular group of children - children who have been abused, and receive or require services from a number of agencies. It is heading in the direction that Hon Barbara Scott has proposed. It is a body for the coordination of government initiatives and government actions for children. However, it is for a particular group of children. I hope it is a small group of children, but I am not confident of that. However, it focuses on a particular group of children as opposed to what Hon Barbara Scott is proposing - all government initiatives, legislation and programs for children generally, and not a specific group. I commend the proposal for a child protection services register. It is highly desirable to coordinate the functions of agencies providing services for that group of children, and I commend the minister on that. However, I emphasise that it focuses on a single group of children - abused children - whom I sincerely hope are a minority group.

The other initiative that the Minister for Family and Children's Services announced in the other place on 25 June is the family and children 's policy office. This office has a much more comprehensive responsibility than the child protection services register. One is a register and the other is an office. One is a register of abused children for the coordination of services; the other is a policy office promoting the policies which support and strengthen family life, which promote the interests of families and children with other government and non-government agencies in the community and facilitate initiatives which impact on families and children. Again, that is commendable. We have two initiatives by the Minister for Family and Children's Services: One is a much needed and highly desirable focus upon a needy group of children in our community - abused children. The other initiative looks at policies aimed at promoting the family, the wellbeing and welfare of the child within the family, and the family within the community. I hope that is a fair summary of the situation - if it is not, no doubt I will be advised accordingly.

Both of those initiatives are desirable and I will put them in the context of an address by the Chief Justice of the Family Court of Australia, Alastair Nicholson. He has had some controversial publicity recently. He presented the Sir Ronald Wilson lecture in Perth on 13 November 1996. The address was published in the *Law Review* of the University of Western Australia, volume 26, No 2, December 1996. In opening his address Alastair Nicholson focused on the responsibilities which arise from the ratification of the United Nations Convention on the Rights of the Child. I do not want to discuss that. I want to focus on the kernel of his presentation. Having introduced the report of the Human Rights and Equal Opportunity Commission looking at the stolen children inquiry in the introduction to his presentation, Alastair Nicholson said this -

> I see a disturbing tendency among governments to sheet home responsibility for the needs and deeds of children to the children themselves and their families, rather than to the social and economic forces which shape the stresses upon families. The singularly unfair habit of portraying single mothers as an irresponsible cause of delinquency is a characteristic example of this.
>
> Families and their relationships can only do so much. They are just one but, of course, a significant part of the much larger infrastructure around children. Few families, even with the best will in the world can meet the otherwise overwhelming tide of the social and economic circumstances around them.
>
> Their strengths are necessarily restricted in how they can tolerate poor housing conditions, deal with poverty, withstand unemployment and stem the increasing alienation of young people from shared community goals.
>
> What concerns me particularly is that for some time now the language of family-focused policy talk has inadequately translated into actions. Support is not reaching where the needs are great, and for those whose social power is weak or limited the mechanisms for achieving the observance of rights are so frail or inaccessible as to be theoretical rather than real.

I want to put that proposition into the context of legislation which deals directly with children. I do so because Hon Barbara Scott's motion indicates, among other things, that the office is to study all government legislation. I cannot think of any legislation which impacts more directly upon children than the Education Act. I will refer to the Education Act 1928. I am aware that a Bill before this House proposes a new Education Act which will supersede the Education Act 1928. I do not think it would be proper in the context of this debate to deal with something which may or may not be debated in this place at some future time. I want to deal with the Act as it is now; the Act which has governed education in this State since 1928. I ask one question: Where is the child in this Act? What do I find? Section 13 states that attendance at school is compulsory. Section 13(1) reads -

> Unless some reasonable excuse for non-attendance is shown -
>
> (a) the parent of every child of not less than 6 or more than 9 years of age shall, if there is a Government or efficient school within 3 kilometres of such child's residence, measured by the nearest road or other reasonable means of access, cause such child to attend such school on such days as the school is open;

Do away with the verbiage and what do we see? The parent of every child shall cause such child to attend school on such days as the school is open. What will be done to the child in that school while the child attends school? The next paragraph reads -

> (b) the parent of every child of not less than 9 years of age nor more than leaving age shall, if there is a Government or efficient school within 5 kilometres of such child's residence measured by the nearest road or other reasonable means of access, cause such child to attend such school on the days on which the school is open.

The only obligation on the parent is to ensure the child attends school. I asked: Where was the child? The child is the thing delivered, the thing which is caused to attend the school. I asked: What will be done with that child while that child is at the school? The parent will cause the child to attend the school on the days on which the school is open. The compulsion - and attendance at school is compulsory - relates to the attendance at school. It says nothing about education; nothing about what the child shall do; nothing about the services which will be provided for the child; nothing about the opportunities that are supposed to be provided for the child; just a compulsion. Thou shalt do this, full stop.

We then asked about Hon Barbara Scott's motion, which reads -

> This office to study all Government . . . legislation and . . . report on the way in which such action could impact on children.

If one were to take a bald look at the 1928 Education Act, all that one could report is that children were to be enrolled and attend school on the days on which the school was open. They get there at 9.00 am, leave at 3.30 pm. They have been there, they have done nothing but they have met the requirements of the Act. The principal of the school asks, "What have you done?" The answer is: "I have met the obligations of the Act. I have made sure that young Kim Chance arrived at school and he attended until 3.30 pm."

Hon Kim Chance: There were not many people who could say that!

Hon DERRICK TOMLINSON: Then young Kim Chance left the school. What was the impact on the young Kim Chance being at school? There is nothing at all in the Act that says there must be an impact on him. Then we have a look at this young Kim Chance because he boasts of the fact that very few people could say that he was attending school. Under section 15 of the Education Act, we find that young Kim Chance could have been lawfully accosted in a public place by welfare officers. Section 15 reads -

> (1) The Minister may from time to time appoint persons as welfare officers whose duty it shall be to secure the attendance of children at school as required by this Act, and the officers so appointed shall be empowered to accost in any place to which the public resort or are admitted whether on payment of a fee for admission or not, and obtain the names and addresses of children who are apparently of school age, and who are apparently not in attendance at school, -

Got you Kim! It continues -

> - and to escort any such child to the parent, or to one of the parents, of the child at his home, but if no such parent is then at that home, to escort the child to the school at which he should be in attendance.

A bald reading of the Act shows that it is not intended to have much impact on the child at all. Clearly, that is not the way the system works because we have an educational structure where the lawful requirements are converted into an educational program; and we have confidence in the professionals who have the care of that educational program. We listen to policies, statements and words which say the relationship between child, school and family is paramount; because education is not merely centred in the school. The education which is child centred must be centred in the school and the home. Therefore, there must be a close relationship between the home and the school. Parents are encouraged to have a cooperative role in guiding their children's education. We have established, under the Act, parents and citizens' associations. Under section 23, parents may form an association. Section 23 reads -

> The objects of an association shall be to promote the interests of the Government school or group of Government schools in relation to which it is formed, by endeavouring to bring about closer co-operation between the parents or guardians of the pupils attending the school or the group, other citizens, the teachers at the school or the group, and those pupils and by providing facilities and amenities for the school or group, including buildings, swimming pools and any type of recreational or educational facilities and amenities, and generally to endeavour to foster community interest in educational matters.

In brief, that means to form a close relationship between the school and the community in which the school functions through a parent association.

Then when we look at what the parents and citizens' association shall or shall not do, we find the Act says that they shall not

have any role in the policy or the program of the school. They may provide things, they may provide financial resources, but they may not have any function in the educational decision-making process of the school. What then of the policy words which say there must be a relationship between the school and the community to promote the educational program for the benefit of the child? The child does not exist. The child's educational program does not exist. The P & C association, the association of parents, exists solely to provide things for the school - not the educational program of the school, and not a three-way relationship of teacher-school-parents in promoting the social and intellectual progress of the child.

That bald reading of the Act must be looked at in the context of the infrastructure of the Education Department, whose function it is to convert policy into practice. The Education Department has a hierarchical structure in which teachers, professionals and bureaucrats interact to maintain a system from which parents are largely prohibited or eliminated - they do not exist. We have a policy which says education is about the interaction of a school and its community for the benefit of the child's education, yet we have a structure and an Act which deliberately function to exclude the parents. I return to my initial question: Where is the child in all of this? The child does not exist in this process, other than as the object upon which certain functions are performed. What rights does the child have? I will be asking at some future date when we look at a Bill before this House: Where is the child in this Bill? I think we will find in that Bill also that the child is mentioned only as the object upon which certain functions are performed. We rely solely on the professional competence and integrity of the system to ensure that the child benefits from those functions and processes. We trust and have confidence in those functions and processes. The Government, which enacts the legislation to make those processes compulsory by saying that children shall attend school, provides the resources to ensure the attendance of children at school, and provides the resources which are converted, we sincerely hope, into a meaningful educational program for children at school. However, who ensures that that government policy and program is implemented? I will tell members who: The senior officer or bureaucrat of that hierarchical structure from which the parents and the community are quite deliberately, by the organisational structure and process of the department, excluded. If the parents are excluded, and if the parents are truly the spokespersons or guardians of the educational, social and intellectual welfare of their children, and if we are talking about developing a responsible child into a responsible citizen, through a responsible family, why do we have a policy, program and structure, and why do we have legislation, which excludes children?

All that Hon Barbara Scott's motion is asking is that an office for children be created, whose responsibility it shall be to look at how the policy, program and legislation will impact on the child; or, in other words, to say to government, "Be in this instance child-focused, because the focus of the child is the focus of the community's aspirations for itself." How many times have members of Parliament gone to a school graduation ceremony - they will go to at least 50 in the next couple of months, and they will have been to a few already - and mouthed the following platitude," You are the citizens of the future. Your education is important, because the future of our community will be yours"? That is a platitude, I know, but analyse it. The hopes and aspirations of parents are focused largely on their children. The hopes and aspirations of the community are focused on its children. We put a great deal of public financial resources into the education of children, because that is regarded as the nation's investment in the nation's future. We have policies and programs which are future directed but which are translated into programs now for the education of children. Children are quite clearly the focus of our future. They are the focus of our aspirations for ourselves. I ask sincerely: Where is the child in the Education Act? The child is not there. The aspirations of the child for his or her future are not there. That Act, which is about establishing an organisational structure to which children will be compelled to be delivered daily, does not provide anything to ensure that the impact upon the child will be conducive to the sort of future to which we aspire through our children.

Hon Barbara Scott has just passed me a note that states that Sweden has turned around the school attendance debate by getting schools to meet the needs of the children. For three days a week in Swedish schools, the children have no structured program. Perhaps a good way of describing it is to say it is a smorgasbord. The children are required to pursue projects, assignments or tasks - call it what we will - and those educational activities are chosen, developed and managed by the child, and are spread across, quite deliberately, what we would call the learning areas of the curriculum. They could include some aspects of reading, research and science, but the child would pursue that according to his or her own interests, and in his or her own time. We, who are accustomed to a very structured learning program, would look at that and say, "Ho-hum; without careful management, children will do nothing." The educational achievements of Swedish children are superior to those of our children. Sweden has a child-focused school system and a child-focused educational system where the child is a meaningful entity, not a thing manipulated according to time and space and put through a program like a sausage in a sausage machine; it has a system where a child is meaningfully engaged in his or her learning program, such that the child wants to be there because the child has learning activities which he or she chooses for himself or herself.

What is the truancy rate in Sweden? It is low. Let us compare it with the truancy rate in Western Australia. On any one day our truancy rate is 20 per cent. This rate does not include the children who bring a note from mum or dad saying, "Dexter was sick. Please excuse his non-attendance. He had a sore throat." That is an excused absence. We are talking about the one child in five in our schools who, on any day, does not attend without any lawful excuse; who, in effect, breaks the law; who, under the law, could be declared a neglected child and whose parents could be taken before the Children's Court and have their child declared a ward of the state. I repeat: This applies to one in five children. Why? The office for children would have to answer that question. Why is the educational system, which compels a child to attend school, failing

to capture the attendance of those children willingly through a meaningful educational program? Sweden has turned around not only the attendance debate, but also the educational program, simply by making the school child focused, by saying the school is not there for the benefit of the teachers, it is not a place at which attendance is compulsory, but it is there for the child.

Let me turn to the Child Welfare Act 1947, wherein we will find the general powers of the director general, who is under the direct responsibility of the Minister for Family and Children's Services. Section 10(1) states -

> Subject to the regulations and the direction of the Minister, the Director-General shall -
>
> (a) be the guardian and have the care, management and control of the persons and property of all wards;
>
> (b) have the supervision and control of all children placed under the control of the Department; and
>
> (c) have the supervision of all children to whom a licence granted under section 111 or 112 applies.

Let us look at the operational words; that is, that the guardian shall have care, management and control. I stress the words "management" and "control". The guardian shall also have the supervision and control of all children to whom a licence is granted. The focus is about supervision, management and control of children who, according to the Act, for a variety of reasons are in need of care, management and control. Because time is short, I will not go through this Act. I simply ask members to read it and answer these questions: Where is the child? What is the impact of this legislation upon the child? Who has the responsibility for ensuring that the impacts on the child are beneficial? We find the person with the responsibility for that is the one who has the responsibility for care, management and supervision. There is no structure in government for ensuring that this department operates in a manner beneficial to the child.

Finally, I turn to a piece of commonwealth legislation, the Family Law Act 1975, which also applies in Western Australia. In 1975 this was purported to be an enlightened piece of legislation. I turn to part VII dealing with children. Under part VII, dealing with children, section 60B states -

> **Object of Part and principles underlying it**
>
> (1) The object of this Part is to ensure that children receive adequate and proper parenting to help them fulfil their full potential, and to ensure their parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children.

Hon N.D. Griffiths: Those words are more recent than 1975.

Hon DERRICK TOMLINSON: I will take that guidance of Hon Nick Griffiths. It is a very enlightened approach to legislation. It goes on -

> (2) The principles underlying these objects are that, except when it is or would be contrary to a child's best interests:
>
> (a) children have the right to know and be cared for by both their parents, regardless of whether their parents are married, separated, have never been married or have never lived together; and
>
> (b) children have a right of contact, on a regular basis, with both their parents and with other people significant to their care, welfare and development; and
>
> (c) parents share duties and responsibilities concerning the care, welfare and development of their children; and
>
> (d) parents should agree about the future parenting of their children.

The focus of the object of part VII of this Act is quite clearly the child or children. I go back to the words of the Chief Justice. What concerns me particularly is that for some time the language of family-focused policy has translated inadequately into action. I am particularly interested in the interjection of Hon Nick Griffiths that the words I read out are more recent than 1975. One finds that those guidelines and objects of the Act are not translated into legislative direction.

Hon N.D. Griffiths: We enacted similar words in the Family Court Act in 1997.

Hon DERRICK TOMLINSON: I seriously hope that in doing that we did not commit the error we have made in this legislation. We have policies or objectives which are directed at the rights of children, ensuring that they are met, ensuring that the opportunities are provided for children to grow and development in comfort and security. Those objects are not in the Act. The Act is about a structure of courts, a judicial structure, where laws apportion responsibility for children among the parents, where children are dealt with pretty much as goods and chattels.

Hon N.D. Griffiths: That is a reading of it.

Hon DERRICK TOMLINSON: Yes. If there is another reading of it, who is to ensure that that reading, or an alternative reading, truly does translate the objectives into practice?

It is nothing more than a judicial process. All Hon Barbara Scott is asking for in this motion is that under the office of the Premier, the first minister, an office be established which will have the oversight of all legislation and programs and in oversighting those programs will apply the test: What is the impact of this legislation or this government program on the child? It would be a coordination of effort. I do not believe government has anything to fear from this because government itself, or this Government at least, has already initiated a program designed to integrate programs and policies. It exists. All that Hon Barbara Scott in her motion asks is that the philosophy that the focus of our programs relating to children is for the benefit of the children truly meets those objectives. I commend the motion to the House.

Debate adjourned, on motion by Hon B.K. Donaldson.

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Direction to Inquire Into Privatisation and Contracting Out of Public Services - Motion

HON LJILJANNA RAVLICH (East Metropolitan) [4.51 pm]: I move -

> That the House direct the Standing Committee on Public Administration to inquire into the processes and outcomes of privatisation and the outcome of contracting out public services in the following terms -
>
> (1) The extent to which state government enterprises have been privatised since February 1993.
>
> (2) The economic and social impact of transferring state owned enterprises to the private sector.
>
> (3) The cost and quality outcomes of privatisation in terms of the level of savings or additional costs that have resulted from the provision of services by private contractors instead of by government.
>
> (4) The extent to which state government contracts or tenders have since February 1993 been awarded to -
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> (a) Western Australian companies or businesses;
>
> (b) other Australian companies or businesses;
>
> (c) foreign owned or controlled companies or businesses; and
>
> (d) regionally based businesses.
>
> (5) The extent to which risk is transferred from the public sector to the private sector and to which government companies or businesses are given government guarantees before agreeing to invest in large scale public sector projects.
>
> (6) The extent to which policies have been introduced to guarantee the Western Australian public against financial default by private contractors.
>
> (7) The extent to which "contracting out" of state public services has resulted in greater competition.
>
> (8) The extent to which initiatives have been introduced to prohibit the practice of private companies acting as cartels, rather than competitors, and thereby combining resources to tackle large scale projects.
>
> (9) The extent to which current tendering practices ensure that -
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> (a) the process is open and fair;
>
> (b) proper procedures are being followed; and
>
> (c) mechanisms are in place to check the qualifications, credentials and financial backgrounds of those seeking contracts.
>
> (10) The extent to which appropriate checking mechanisms are in place to allow regular monitoring of the performance of contractors and that the Government has in place a set of procedures to deal with breaches of contracts.
>
> (11) A set of criteria or conditions which would allow the Parliament to make judgment on what constitutes "confidentiality" when referring to government contracts.
>
> (12) The extent to which the competitive nature of contracting out has led to employees of contractors being paid below usual rates of pay and conditions.
>
> (13) The extent to which government departments and agencies are prejudiced in the contracting arrangements when private contractors are able to legally pay their employees lower wages and conditions.

(14) The extent to which the Government should specify certain minimum requirements of contracting, including the requirement to -

(a) pay to employees a wage not less than that of an employee of the Government doing comparable work might be paid;

(b) subject the work under contract to the same level of public and parliamentary scrutiny as applies in the public sector; and

(c) the same level or nature of good corporate citizenship as that expected of government departments or agencies.

(15) Any other matters relating to privatisation and contracting out of government services as the committee deems necessary.

You might be aware, Mr President, that this motion has been moved in this place previously, but I was advised that because the Parliament was prorogued in the meantime it must be moved again. In view of the fact that I spent a considerable amount of time dealing with this issue when the motion was moved previously, I will limit my comments to three key areas: The privatisation of Westrail and Western Power, some comments recently made by Dr Jim Gill from the Western Australian Water Corporation and, briefly, the privatisation of the prison system and the core functions project. They relate specifically to terms of reference (1) to (3) of the motion. I will also refer to tendering out practices, particularly in respect of the State Training Board and some of the allegations made vis-a-vis the contracting out of training functions. Finally, under the last paragraph, "Any other matters relating to privatisation and contracting out of government services as the committee deems necessary", I will raise the issue of redeployees.

As a result of privatisation many people have been forced into becoming redeployees. It is fundamental that the consequence to human resources as a result of privatisation and contracting out be examined under that last term of reference. I hope the committee will spend some time dealing with that matter. One of the things that alarms me and many Western Australians and which became apparent during the last federal election, and which becomes increasingly apparent to me as I go to functions within my own East Metropolitan electorate, is the sense of despair felt by Western Australians about what is happening to government instrumentalities and why it is happening to what they see as their own resources. The general public sees privatisation as the sale of assets that belong to the State which were bought by the Government on their behalf with their tax dollars. All of a sudden a Government is in power that is intent on selling them. In some cases they are sold off in their entirety. In other cases they are sold off piece by piece. We see evidence of parts of organisations being privatised, a bit here and a bit there, and before we know it the whole agency is privatised. For many people that is very alarming. They are asking the same questions as I am asking; that is: Why are we going down this path? Where is the cost-benefit analysis that suggests that the State will be better off? What analysis has been done to determine cost benefit in the short term versus the long term? What checks and balances are in place to protect the public interest? Fundamental to that whole matter is: What happened to our social dividend?

The people who communicate with me make no bones about the fact that they do not feel they have gained any benefit as a result of the Government's ideologically driven privatisation and contracting-out agenda. In fact they feel that they have lost government instrumentalities that have been sold to the private sector and they can see very little direct reward for them as a result of that. As members will appreciate, this is not my portfolio; and in examining this matter one must cut across many portfolios. It is fair to ask some fundamental questions about the future of Westrail and the scoping study that I understand has been completed. One of the questions that seems apparent to me after seeing Westrail's annual report of 1998 is: Why is the Government intent on privatising a government facility which belongs to the people of this State, and which last year generated a profit of $46.2m, a $3.7m increase on the previous year's result? Clearly, no information has been provided to this place to demonstrate to the Western Australian public how they will be better off as a result of the sale of this asset. The Government may have done its sums and taken a minute to Cabinet with the details of this information; however, Western Australians are getting sick and tired of not receiving any of the detail of the Government's privatisation agenda. We want to know the checks and balances and how much profit is projected to come from privatisation. Over what time will that profit level be maintained? What are the inherent risks of privatising government assets? What will be the benefits of privatising government assets? These are fundamental questions. I can say with confidence that this Government has never thought it owed Western Australian taxpayers the courtesy of providing this information so that they are not kept in the dark and treated like mushrooms about what is happening to their assets. It upsets me that on occasions when assets or parts of assets are privatised there is very little consultation with the public.

This Government has adopted a view that it has a mandate to privatise and contract out to whatever extent it wants. However, I assure members that the people with whom I communicate are certainly not of the view that this Government has a mandate to go down that path.

Debate adjourned, pursuant to standing orders.

[Questions without notice taken.]

ROAD TRAFFIC AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Hon M.J. Criddle (Minister for Transport), and transmitted to the Assembly.

BOTANIC GARDENS AND PARKS AUTHORITY BILL

Report

Report of Committee adopted.

TAXI AMENDMENT BILL

Second Reading

Resumed from 13 October.

HON N.D. GRIFFITHS (East Metropolitan) [5.37 pm]: The Australian Labor Party supports the Bill. We think it is a very worthwhile measure and we want it to proceed with appropriate expedition. It deals with two areas of policy: First, the issue of fare evasion, which has preyed on our hardworking taxi drivers for far too long, and second, a matter pertaining to the taxi industry development fund. The area of fare evasion has two aspects to it, each of which deals with the power to make regulations; in fact, the operative part of the Bill deals with an amendment to that section of the Act which deals with power to make regulations. The first part of the proposed set of regulations requires the hirer of a taxi on termination of a journey and on demand of the driver to pay the appropriate fare for the hire. The second includes the fare evaded as part of the penalty and for that portion of the penalty when collected as part of a fines enforcement process to be paid to the driver. That second part is due to the initiative of my colleague in another place, the member for Armadale. I note that the minister in his second reading speech was generous enough to acknowledge that. His words are in these terms -

> Government was pleased to support the amendment moved by the Opposition in the other place, which will lead to the offender being required to also pay the unpaid portion of the fare as part of the penalty.

When the Opposition is constructive and it offers something to the Government to improve the State of Western Australia, it is very pleasing to have the Government acknowledge that. The second aspect deals with the taxi industry development fund. Essentially, moneys standing to the credit of that fund which earn interest can be accrued to the fund. These are very worthwhile measures. Many would say that they are overdue, particularly with respect to the issue of fare evasion. It will no longer, I trust, be necessary for those who deal with offenders to have to grapple with the issues of intent to defraud. The Australian Labor Party's wish is that the Bill be dealt with as speedily as possible because it is very necessary that the taxi drivers, upon whom we depend for reliable transport, particularly at this time of year - although members of Parliament regularly rely on them, as do the general community - have the benefits of this legislation as soon as that can be done.

HON NORM KELLY (East Metropolitan) [5.40 pm]: The Australian Democrats applaud the Government for introducing this Bill, a major aspect of which is to provide regulation-making powers to allow for a crackdown on fare evasion. This problem was probably exacerbated by the introduction of the Taxi Act in 1994 which made it extremely difficult to prosecute fare evaders or impose any penalty on them. Irrespective of whether this Bill succeeds, there are avenues in the Criminal Code through which fare evaders can be charged with fraud if intent to defraud can be proved. That has been the problem in obtaining successful convictions because it has been difficult to prove that intent. The other aspect of this Bill relates to the taxi industry development fund. At the moment the Act does not allow interest on the taxi industry development fund to be credited to the fund. The Australian Democrats support the provision that will correct that anomaly in the Act.

Fare evasion is one of the major aggravations for taxi drivers, along with fear for their security which is an ongoing threat to drivers. Members may recall that my colleague Hon Helen Hodgson had the opportunity to speak about her past work experience at Curtin University when debating a Bill before the House. Tonight, I also have the opportunity to talk about my past work experience, because I was a taxi driver in Perth for a number of years - one year as a full-time driver and four or five years in a part-time capacity while I was studying. During that time I can recall only two incidents when I was caught by fare evaders. I did not pursue one in any way because it was an obvious case of taking someone at face value and being proved wrong. Also, it was for a reasonably short fare from the city to North Perth and it was not worth my while to take it further.

The second case with which I dealt involved a more substantial fare of about $25, and that was in the late 1980s. I had driven a young couple in their mid to late teens to an address they had given. When we arrived, the guy said that the money was inside and he would get it. There were no lights on in the house and I felt suspicious, but I hoped for the best. When they jumped over the side fence of the house, I was even more concerned, and when no-one came back out, I realised they had done a runner. I could not do very much at that stage. I did not know where they were or who else might be around. I wrote it off and, in those circumstances, I hoped for some good fares later in the evening or the next morning to make up

for the lost fare. It turned out to be a slow night and I was left stewing on the rank for quite a while without any more fares. Therefore, I decided to go back to where I had dropped them off. I noticed a street running parallel to the street in which I had dropped them, and, on intuition, I drove along that street. I noticed lights in one house which was in line with the spot where I had dropped them in the parallel street. I went to the front door. A middle-aged lady answered and I asked if someone had telephoned for a taxi. She yelled out some guy's name, told him his taxi was there, and he appeared from around the side of the house. I recognised him as the person who had done a runner. He said he had not yet called for a taxi. Obviously, he had no money and he had used my taxi to take his girlfriend home, and he probably intended to do the same thing to another taxi driver later that night to get back to his own place. Having nabbed the guy, I drove him to his house. His mother was there and, although she did not have the money at the time, I had an address and an irate mother who would deal with the lad. I eventually got my money back, more through good luck and intuition than effective laws which enabled me to do that. The main point of that story is that it took me some considerable time to get that money. It is one of my major concerns that this Bill does not allow for sufficient restitution for the driver when recovering lost fares.

I now speak briefly on general matters in the taxi industry which relate to the viability of drivers, particularly lease drivers as opposed to owner drivers. Lease drivers usually work a 12-hour shift and they must pay a set fee to the owner plus fuel costs. They need to drive for a number of hours before making any money for themselves. My shifts usually ran from 6.00 pm to 6.00 am, and on a slow night I would work until the early hours of the morning before I started to make any money for myself. At the moment a partial form of deregulation is occurring with the influx of special charter vehicles which are eating into the traditional taxi industry's work. The owners of these vehicles have far lower overheads than taxi owners. The charter operators can take the lucrative side of the taxi business, such as transporting the workers of mining companies to and from the airport. In my driving days, I remember that I knew when certain workers would be finishing their shifts and where to position my vehicle to pick up the fares for the regular jobs. Those jobs are increasingly going to these special charter vehicles and that is cutting out some of the viability of the taxi industry. As taxi owners pay close to $250 000 for a set of plates, they make a huge investment in the industry. Any changes the Government makes to the regulations, even with good intentions, can easily cut into that investment and their viability. Any movement to deregulate the industry must be done after careful consideration because although it could benefit the industry and the public, it could also be to the detriment of people who have invested considerable time and money in the industry. As it becomes more difficult for drivers to make a living, fare evasion becomes a bigger problem. Of course, some shifts are lucrative but on a tough shift one fare evader could wipe out much of the earnings of the driver. The drivers do not make a profit, they earn money on their shift.

That is why the Australian Democrats welcome the amendment moved by the Australian Labor Party in the other place, which has been supported by the Government. It is recognition of the need for drivers to be recompensed for lost fares. However, it is only partial restitution because of the extra time and trouble the driver incurs in recovering that money. As I have said, lease drivers have a set number of hours, and down time on such a shift is lost money. If a driver must spend time having the infringement notice issued, whether it be by reporting to a police station, making a statement or dealing with a Department of Transport inspector, that down time should be recompensed by the culprit. If we want to crack down on fare evaders, they must be reported. If drivers believe that their only benefit will be the eventual return of a fare, there might not be a reasonable incentive to pursue a fare evader. Fines for fare evading are proposed to be up to $1 000. If drivers simply have, say, a $10 fare reimbursed, there will still be a slight imbalance and they will not be adequately provided for under the legislation.

We must remember that we are not being overly specific as to how fines are to be paid. We are simply expanding the parameters in which regulations relating to fare evasion can be made. The real guts of the legislation will be in the regulations. Unfortunately, the regulations are not ready for us to consider while we debate the Bill, and we must make sure that we have the mix right when it comes to the preparation of the regulations. For that reason, I foreshadow that I will move an amendment in committee so that we can improve on the already valid and worthwhile amendment which was moved by the member for Armadale in the other place. My amendment would allow the Department of Transport to finetune the legislation when it comes to drafting the regulations. We might find that it is opportune to allow for the repayment of a fare only without time and trouble and consider whether it is sufficient incentive to ensure that fare evaders will be pursued and that drivers feel that it is worthwhile taking the trouble to pursue them. If that does not work, perhaps we could allow the department the flexibility to put in new regulations which extend repayment to drivers to include the time and trouble that they incur when they pursue fare evaders. That is my only small concern about the Bill.

We fully support the Government in assisting drivers who are providing a very good service and who in recent years have raised their standards and become more professional in their approach and presentation to the public. The recent murders emanating from Claremont have caused a marked decline in taxi work. It is reassuring to note how taxi drivers responded to the request that they assist the police in their investigations and provide DNA samples. It showed a very professional approach by the taxi industry. The industry is under threat by, for example, special charter vehicles and possible deregulation. The industry needs our support. For all those reasons, we support the Bill.

The PRESIDENT: Hon Norm Kelly indicated that he would move an amendment. Is that the amendment to clause 4, which is listed on the Supplementary Notice Paper and which has been distributed?

Hon NORM KELLY: It is No 10-2.

The PRESIDENT: I just wanted to know that it had been distributed and was available to members.

HON J.A. SCOTT (South Metropolitan) [5.55 pm]: The Greens (WA) entirely support the Bill. Taxi drivers who work late hours and in remote locations certainly cannot always afford to accost their passengers because of the inherent dangers in doing so. Also, they are likely to get into severe trouble if they do so. The Bill is a positive move and I look forward to more proactive moves by the Government. Young people often are disadvantaged by staying out at night, and there are not very good services to the suburbs after 7.00 pm, so it is important to put a system in place. For example, it was suggested that there be a flexible route for minibuses. That could solve much of the problem. In many areas, bus services are completely stopped at 7.00 pm. Even in Fremantle, where I live, there are no bus services after 7.00 pm. Of course, young people like to go out at night and sometimes are not wise enough to retain sufficient money for taxis. The options are to have a very long walk in sometimes dangerous situations or to ask a taxi driver to take them home and expect to be paid at a later time if they cannot raise their parents or even if they have left home and are living elsewhere. We must back up punitive measures with proactive measures to ensure that people can have access to the suburbs after 7.00 pm. With the proactive measures in the Bill, we will keep out of the picture honest people who are caught out in such situations.

Hon N.D. Griffiths: We will use infringement notices rather than adopt the heavier action of going through the courts.

Hon J.A. SCOTT: Yes. We need to consider that problem because it is the significant youth problem that social workers put to me. Young people consistently complain about their lack of mobility in Perth. That is partly as a result of the design of the city and of our having allowed urban sprawl to occur. Of course, there is the interrelationship with the transport system and whether it can operate profitably in that sprawl. We must consider measures to ensure that people who would rather be honest but do not have money for taxi fares do not end up being fined. If we do that, we will support the proactive and punitive aspects of the Bill. I support the Bill and wish it a quick passage.

Sitting suspended from 6.00 to 7.30 pm

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [7.30 pm]: I thank the Australian Labor Party, the Greens and the Democrats for their support of the Bill. As I said, it is very widely accepted. I am sure it will be of great benefit to the industry, which is keen to see the Bill implemented. Hon Nick Griffiths mentioned that fare evasion legislation is a good thing. The Government is pleased to support the amendment moved by the Opposition in the other place which will lead to offenders being required to pay the unpaid portion of the fare as part of the penalty. The fare will be collected as part of the fare enforcement process and paid directly to the driver. It will enable interest obtained from industry funds to be credited to the taxi industry development fund and will allow the calculation of the interest to be applied retrospectively to the date of the commencement of the fund. I am pleased that all members are happy with that development.

Hon Norm Kelly pointed out some of his experiences in the taxi industry, including the fare evaders who managed to get away from him at times. He gave us a clear indication of some of his experiences and they give further justification for this Bill. He pointed out that lease drivers were under some difficulty. However, that has nothing to do with this Bill. He also referred to competition from the special charter vehicles. Special plates are being used by them and a different fare regime is in place, so variation is developing between the two forms of transport.

The Government is not supportive of the amendments to clause 4 on the Supplementary Notice Paper to be moved by Hon Norm Kelly. The Bill meets industry and community concerns by providing a substantial deterrent to would-be offenders and a single mechanism for drivers to recover unpaid fares. Similar provisions do not exist for offenders throughout the community and to include them would create a dangerous precedent. The proposal goes against the basic tenets of sentencing, which require that offences of a similar nature should be dealt with even-handedly and with compensation for any consequential loss being left as a matter for civil jurisdiction. As the value of the modified penalty increases so does the likelihood of the offender seeking to have the matter dealt with in the court. This could result in inconvenience for drivers who might have to attend court. Notwithstanding that the amendment would not oblige the Government to make regulations that provide for some form of recompense to drivers, the inclusion of the amendment in the Act would create an industry perception that such a regulation would be provided. For those reasons the Government will not support the amendment.

Hon Norm Kelly also pointed out that the industry had raised its standards. There is no doubt about that. The Government has been working on that for a few years. I met with the taxi industry recently. It is keen to see those improvements made throughout the industry, and the Government is pleased to see the way the industry is developing. It should be seen as the first resort rather than the last resort for public transport. People coming into the airport should see a favourable taxi industry which they are happy to use. We are keen to see the industry performing well.

Hon Jim Scott also supported the Bill. He referred to youths being caught out at night. This is one of the industries that will be a service to young people out at night. I am sure they will benefit greatly from it. I cannot see that this Bill will be any impediment to those youngsters who may be caught out at night without a form of transport.

I am pleased with the support all parties in the House have given this Bill and I look forward to its quick passage.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon M.J. Criddle (Minister for Transport) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 40 amended -

Hon NORM KELLY: In his second reading speech the Minister said that this Bill does not affect lease drivers. There are some disadvantages for lease drivers compared with owner drivers; that is, an owner driver can work his own hours - from 20 hours to two hours. He can pick the busiest times and lay off during quiet times. A lease driver pays a lease fee for usually a 12-hour shift and tries to maximise the money he or she earns during that shift. Any down time is money lost. Meal breaks are taken during slow-moving time on a taxi rank when there is time to read the paper, have a meal or whatever. However, time like that is time not earning money. Although I support the amendment moved in the other place, as this Bill is to restore a better working environment for drivers, we must ensure that drivers who are the victims of fare evaders receive restitution for that which they have lost.

By acknowledging the need to reimburse the fare to the driver, the Government is recognising that the driver has a right to the money that he lost through the illegal action of the fare evader. The Government can go one step further and entitle the driver to be compensated for the additional time that he has lost during the limited lease time that he has the vehicle, in ensuring that an infringement notice is served. As I mentioned in my second reading speech, we are not strictly prescribing what will happen, but simply allowing for the prescribing of regulations to enable better enforcement against fare evaders. For that reason, I move -

> Page 3, line 4 - Insert after the word "pay" the following words -
>
> > , with or without an additional amount prescribed by the regulations as recompense for inconvenience resulting from the failure to pay

Hon M.J. CRIDDLE: I reiterate what I said in my response to the second reading debate about the issues that are raised in this amendment, and also that similar provisions do not exist for offenders throughout the general community. It would create a dangerous precedent. The Government does not support this amendment.

Hon N.D. GRIFFITHS: The Australian Labor Party also opposes this amendment. In addition to the reasons expressed by the minister on behalf of the Government, we are concerned to have this legislation passed as quickly as possible. If the Bill is amended at this stage and goes back to the other place, noting what is on the Notice Paper in the other place, we are concerned that the taxi industry will not have the benefit of this good legislation until some time next year.

Hon NORM KELLY: I appreciate the minister's comments and I respect the position that the Government may want to take on this amendment. I refer to Hon Nick Griffiths' comments about ensuring speedy passage of this Bill. The Australian Democrats are also keen to see this legislation passed as quickly as possible, but I point out that regulations still need to be drafted at this stage. It will be some time before they are available and ready to be gazetted. If this Bill were to go to the other place with an amendment, I am sure the Government would be able to facilitate its speedy passage, and in the meantime have those necessary regulations drafted. I do not see that this amendment will delay the legislation. As I also pointed out in my contribution to the second reading debate, this amendment would facilitate the making of regulations, either through the reimbursement of fare only, or by extending that reimbursement to fare plus time and trouble. It is then up to the Department of Transport to decide to what extent it wants to make use of those regulation-making powers.

Hon M.J. CRIDDLE: I indicate that the regulations will be drafted by the middle of next month.

Amendment put and negatived.

Hon NORM KELLY: There is no need for me to move my further amendments.

The CHAIRMAN: Is the member not proceeding with them?

Hon NORM KELLY: No.

Clause put and passed.

Clause 5 put and passed.

Title put and passed.

Bill reported, without amendment.

Leave granted to proceed through remaining stages.

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Hon M.J. Criddle (Minister for Transport), and passed.

CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND) REPEAL BILL

Second Reading

Resumed from 14 October.

HON KIM CHANCE (Agricultural) [7.47 pm]: The Opposition supports the Carnarvon Banana Industry (Compensation Trust Fund) Repeal Bill.

HON HELEN HODGSON (North Metropolitan) [7.48 pm]: I have had the opportunity to look at the provisions in this Bill and the Australian Democrats have no difficulties with them. I wanted to inform myself on a couple of issues prior to making a decision, and I found that most of my questions were answered from the previous couple of annual reports that have been lodged. My main query was the extent to which this measure has been resorted to over the past few years. The annual report for the year ended 30 June 1997 indicated that from 1964 to 1997 there has been regular recourse to the compensation provisions under this Bill. A significant claim was lodged in 1988 as a result of Cyclone Herbie and a further significant claim of $95 939 was made in 1995 because of Cyclone Bobby. It seems that although it is still in use, other forms of compensation are now available. Given that the industry has raised the repeal of the Act as being desirable, it has been referred to in the last two annual reports, and we have been assured that banana producers will not be left to deal with damage that is likely to be caused, because insurance is now available for these sorts of natural disasters, the Australian Democrats support the Bill.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [7.50 pm]: The Government welcomes the support it has received from the other parties, and hopes for a quick passage of the Bill.

Question put and passed.

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

SOIL AND LAND CONSERVATION AMENDMENT BILL

Second Reading

Resumed from 14 October.

HON KIM CHANCE (Agricultural) [7.52 pm]: The Opposition supports the Bill, and is also prepared to deal with it expeditiously. It is an interesting Bill. At first sight the Bill may generate some nervousness on the basis that it introduces a fee-for-service concept into a conservation program. As a result of that, and notwithstanding our support of the Bill, I will say a few words about it.

In an ideal world our commitment to conserving our resources should be such that we do not have to raise fees against people who are performing conservation tasks. I suppose the Bill is a recognition that we do not live in an ideal world. Our resources which are dedicated to the conservation role are limited, and the only way that new services can be provided in some circumstances is by raising a fee. This Bill facilitates that capacity.

I will refer briefly to the global funding arrangements which cover soil and land conservation. It is necessary to do that in the context of this Bill because, if it were not for some of the deficiencies which I will identify, there would be no need for this Bill. The current arrangements fit under the umbrella of the state salinity plan, which is a visionary concept that the Opposition shares with the Government. However, while the vision of the plan is first class, it is, and has been from its inception, based on completely unrealistic financial outcomes. The Government spent hundreds of thousands of dollars during an election campaign to promote the plan as a billion-dollar scheme, whereas the level of state commitment in the scheme on a real additional dollar basis was next to nothing. To the extent that the State's financial contribution did appear at first sight to increase, the bulk of that apparent increase arose from a retitling of currently committed funds. The vast bulk of the billion-dollar scheme came from two other sources: First, a guess about the level of private funds that would be spent on conservation by farmers, local government, conservation volunteers etc; and, second, a completely unrealistic estimation of commonwealth funds that would flow through to Western Australia from the sale of Telstra. In the second instance at least, these funds were never even remotely achieved. The much vaunted billion-dollar scheme, while a visionary concept, was a fraud from the beginning and its failure has led to bitter disappointment in country areas about the outcome of the state salinity plan. On the other hand, the Bill comes out of the real world. It recognises that the fairyland of the billion-dollar scheme is not and was never achievable. It recognises that we need to impose some level of fee for service if we are to see any new conservation initiatives in the land care program. On that basis the Opposition is pleased to support it.

It is a good Bill. It is ambitious and shows initiative. It provides for sound guarantees of consultation with stakeholders about whether a fee should be raised. It provides for the purpose for which the fee might be raised and when that rise should occur. If a fee is raised, the Bill provides guarantees about how those funds are to be acquitted; it provides that they shall be acquitted for the specific purpose only, and the purpose shall be such that approval has been granted for that. I know that sounds like a double statement, but if members analyse what I have said they will see what I am getting at. In other words, funds cannot be raised for a specific purpose and then transferred into another specific purpose project.

Hon M.J. Criddle: They are directed funds.

Hon KIM CHANCE: Yes. The provisions for a special levy that may be rated within the purposes of the Bill contain an apparently more equitable process of the sharing of cost benefit. The responsibility among the whole community for conservation work is recognised in a real way in the Bill. I must be a little guarded in this, because I feel I am taking something on faith. It is apparently equitable, and I cannot find reason to criticise the equity arrangements within the Bill. However, whether it is in practice more equitable is still to be demonstrated. However, the Opposition is happy to take the Government on faith.

The Bill enables the land conservation district committees to do much more than is currently possible under their present arrangements. In the second reading speech the minister indicated that a number of additional services that will be funded as a result of this Bill might include the provision of soil conservation information within a catchment area, support for and implementation of tree-planting programs, the management of appropriate resource centres, catchment planning projects, and the implementation of catchment conservation strategies at landholder level. A quick analysis of those examples will reveal that among those purportedly new functions some are currently carried out by LCDCs at a certain level and some are entirely new functions. Where those functions are of that first group - those which seem to be carried out at the current level; for example, in the tree-planting programs - they are simply an extension into a catchment-wide program.

There is certainly a need for conservation agencies and LCDCs, in particular, to have the capacity to carry out planning and implementation of planning on a catchment scale. These are long-term and massively expensive projects which will show no immediate outcomes from the planning, at least on the ground. However, if that planning is not right, mistakes in how that land care work is carried out could be made for the next 20 to 25 years. It is important that, before a single tree is planted or a single litre of water is diverted, the groups know what they are doing when they set out to do it. For that reason, catchment-scale planning is probably the most worthy of those incentives laid out in the Bill.

Hon M.J. Criddle: Many of those things have been done. A lot of plans have been done.

Hon KIM CHANCE: Absolutely, but sometimes those plans must be linked together. I have a question which I would like the minister to address in his response to the second reading debate. I have noted the frequent reference to local government authorities and the Local Government Act and it seemed from that reading and also the briefing I had from the officers - for which I was grateful - that there will be strong links between the function of this Act and the local government authorities. I understand that these powers have been vested in the short term in the Local Government Act. Can this Bill have statewide application? Can a levy be imposed statewide for a statewide purpose? If, as I suspect, that is not possible, can it have regional application? I may or may not be talking about a whole catchment in a region.

Hon M.J. Criddle: You mean does this go outside each individual shire?

Hon KIM CHANCE: Yes; can we link shires? To bring it into the micro scale of that multiple local government area concept, if it cannot have full catchment operation - for example, the Avon-Swan system might involve 20 or 30 local government authorities - can the Bill have multiple local government application in a catchment of only two local government authorities? Where do we draw the line? If the Shire of Lake Grace wants to carry out work and can convince the neighbouring shire which shares the same catchment that it ought to come into the scheme, is that achievable? It is a three-level question; can it have multiple shire application, statewide, region-wide and covering just two shires?

HON B.K. DONALDSON (Agricultural) [8.02 pm]: I welcome this Bill because a number of rural councils have been lobbying for some time for the Parliament to consider a service levy or charge. Much activity has taken place in looking at where best to fit that requirement. We must remember that it has been clearly identified that some rural towns in Western Australia which were sited along railway lines or in hollows for a number of reasons are now subject to severe salinity potential which affects the recreational and sporting facilities and the residences in the townships. The Local Government Act was first seen by those councils as possibly being the best piece of legislation under which to operate this service charge. I was pleased to accommodate those councils which had been leading the field. The Shires of Cunderdin and Katanning come readily to mind. It was pleasing to see that the Minister for Local Government was able to accommodate this aspect of the service charge for the coming 12 months by way of regulation.

I was also pleased that in a briefing we ensured that this proposal would not be abused by requiring the formal approval of the council. The minister will be advised of the approval or otherwise. If a local council says no, there will be little likelihood of the minister continuing down that path. It has been a long haul and at the end of the day the charge probably

best fits into this amendment to the Soil and Land Conservation Act. Enough checks and balances are in place to ensure that projects put forward for consultation are laid out clearly for the landowners, which is important. The council must give formal approval before the minister allows a charge in a local authority area. A number of catchment decisions have been made over the years and funding has not been readily available for some of those projects. Where a group of landowners in a shire feel that this charge would be in the long-term interest of not only their own properties but also the township itself, it is important for that decision to be made locally. If a community wishes to go down this path, we should not stand in its way from a legislative point of view. I am delighted that the Government has moved in this area. I am sure the measure will be appreciated by many rural local councils in Western Australia. The process has been made available; whether councils avail themselves of this opportunity or need to do so is another story, but a framework is in place. I support the Bill.

HON CHRISTINE SHARP (South West) [8.06 pm]: The Greens (WA) welcome and support this legislation. It will enable land conservation district committees to work more effectively by adding service charges to their current ability to raise rates under section 25 of the Soil and Land Conservation Act. At the end of the day, that should mean that we see more soil and land conservation work occurring on the ground. All members would like to see that. Another welcome aspect of this legislation is the spreading of the financial burden of any conservation work rated under the Bill further than the individual landowners. The Greens (WA) welcome the beginning of this process of spreading the burden from individual farm owners across ratepayers throughout local government areas.

In supporting the Bill, I looked at the terms of the legislation and imagined a time when it is successful and its use is prevalent. At present, although the Soil and Land Conservation Act allows for the raising of rates and the Local Government Act provides some similar powers, they are used only to a limited extent. I understand that the Kalannie-Goodlands and Mingenew LCDCs have raised rates under the Soil and Land Conservation Act but, as far as I know, these are the only operating examples of the Act being used in this way. The Shires of Narembeen and Katanning have raised rates for soil and land conservation work under the Local Government Act. We, and I imagine all members, hope that through this enabling legislation a lot more of this kind of activity will occur and be effectively funded. If the Bill is as successful as I hope it will be and it becomes a more prevalent practice than we see presently, it raises three important issues.

I emphasise that I am raising these issues in a different notion to last night. I was speaking on a different Bill in a tone of "yes, but" when I was pulled up by the Attorney General who said that we are really saying no, so we should say no. As an inexperienced member, I thank the Attorney General for the lesson he gave me last night, that when one is really thinking no, one must learn to say no. This is not a "yes, but"; this is a "yes, and" because yes, if this does take off, what are the issues if it is happening here, there and everywhere? The first issue, and a serious inadequacy of this Bill, is that it does not bind the Crown. This means that the Bill fails to share the burden beyond the private ratepayers in any local government area and spread it to government agencies which are also landowners and land managers within the same district. I refer to government agencies such as Westrail and the Department of Conservation and Land Management which are significant landowners throughout the agricultural areas. There are smaller land managers and landowners such as the Government Employees' Housing Authority and Homeswest. These government agencies have no responsibilities under this Bill. That is disappointing and will seriously limit the scope of the Bill.

Last year when the Shire of Katanning applied a rate - not a service charge - under the Local Government Act to support the activities of the local land conservation district committee officer in that shire, everybody chipped in, including those who are not rateable under the Local Government Act. I believe Homeswest and GEHA put into the till. One notable absence was the Department of Conservation and Land Management. It is not good enough, when we expect private members of regional communities to find the money to finance these very important works, that the government agencies cannot come to the party too and add their share as good community members in this case, if we think about it on a local level. As Hon Kim Chance emphasised, this Bill relates to the local level. He also raised some interesting questions about whether the Bill can be expanded to encompass catchment and regional terms, or even statewide terms. The Greens (WA) would welcome mechanisms such as this, however, not using the local government system, which could address inequities in the burden rural people carry. Perhaps people in the metropolitan region may be rated in some way to share the burden of the enormous work that confronts us all. I regret that this amendment Bill lets the Crown off. It was very disappointing last year when everybody in the community in Katanning, except CALM, dipped into their pockets and put money into the coffers.

The second issue is that when this becomes a more prevalent activity, some kind of independent review may be required for land management plans, for which service charges are to be rated. Basically this Bill provides for a system whereby LCDCs establish a scheme to raise a levy or a service charge for certain plans and those plans are then approved by the relevant local shire. We are assuming that all such plans are environmentally friendly and are appropriate activities to be carried on under the Soil and Land Conservation Act. However, we should not necessarily assume that. When I looked at the Bill, I was concerned to see it does not have a mechanism to assess that such works meet genuine ecologically sustainable criteria for improving land management in the wheatbelt and for ensuring that they do not turn into schemes to improve a group of ratepayers' property; or, worse, that we do not get the situation in which a group of ratepayers or farmers organise a drainage scheme whereby water is drained off one property or group of properties and put further down in the catchment thus creating

environmental impacts there. In such a case, who would decide whether the proposal should go ahead and whether it conforms to the provisions of the Soil and Land Conservation Act? That is the question I have in mind, because this amendment Bill does not provide for any review. Could the minister clarify that matter for me? It may be that such a review mechanism is not necessary under this amendment or under the Soil and Land Conservation Act because any plans that are to be supported by such a levy are covered by the Environmental Protection Act and under section 38 may be referred to the Environmental Protection Authority for assessment.

Hon M.J. Criddle: Would you agree that the LCDC, the local government, the commissioner and then the minister are already looking at those issues?

Hon CHRISTINE SHARP: Yes, I agree. I imagine that by and large this would not be expected to happen. Drainage is an example that I just used; however, there is certainly divided opinion on whether in all cases drainage is necessarily beneficial to ecologically sustainable farming practices. In those cases, it is useful to have the ability to go to an independent arbiter. The Environmental Protection Act, of course, is a very powerful piece of legislation. I believe that almost every other statute in the State is subject to the provisions of that Act. However, a complex legal argument has been raised in the Supreme Court which suggests that plans alone may not necessarily be bespoken under the Environmental Protection Act. Therefore, I am concerned as to whether at the end of the day plans that would be financially supported by service charges and levies under this amendment Bill would be subject to that kind of independent environmental assessment. I would appreciate it if the minister would clarify the legal situation with regard to the Environmental Protection Act.

The third matter that is not an issue at the moment but could become so if the practice outlined in this Bill becomes prevalent and part of the rural way of life for the next few years, is that it appears significant potential exists for a conflict of interest under the Bill because the two groups that must approve service charge levies are the LCDCs and the local shire councils. Frequently the same people are active in those two groups in the same area. Therefore, I am concerned that, if we take a hypothetical situation, under this legislation landowners, for their own personal financial benefit, may be enabled to use the system in order to promote their own land management requirements on their own properties. I do not believe anyone thinks that is happening at the moment, nor would they desire that to happen. However, it is very important that the measures that the minister has suggested be put in place, and that there is proper notification of all the landowners in the area, so that everyone is aware of what is proposed, there are duly constituted public meetings, and everyone who wants to have a say about these issues has the opportunity to have a say. The potential for a conflict of interest is sufficiently serious that in committee I will propose an amendment to require that these procedural matters be specified in the Bill and not left totally to the regulations. I congratulate the Government for taking this step forward. We would like to see many more steps like this. We hope that these measures will take off and become as successful as I have envisaged.

HON HELEN HODGSON (North Metropolitan) [8.21 pm]: The members who have spoken on the Soil and Land Conservation Amendment Bill this evening have indicated the seriousness with which we all regard the environmental issues facing Western Australia. The problem of salinity in our agricultural areas is particularly significant. We may have divided opinions about some of the other environmental issues that we are facing, such as those in the south west and in our forests, but everyone has seen the damage that has been done to our environment through the excessive clearing of our agricultural areas and agrees that we need to take this issue seriously. Salinity and erosion affect about 9 per cent of Western Australia's agricultural land, and we need to deal with that problem through soil and land conservation measures. This Bill is a way of ensuring that communities have an input into the decisions that are made with regard to conservation. Communities know what they need in their area. Many of our farmers are probably the original conservationists, because they work with the land and can see when their land is unhealthy, and they have an interest in ensuring that their land recovers. This Bill will enable communities to assist with soil and land conservation measures.

At the moment, the funding arrangements for soil and land conservation are a bit of a mishmash. Some of the funding comes from the Federal Government through specific programs, and other funding comes from the State. Some tree planting is funded by the State through the state land care program. Farmers generally do tree planting out of their own resources. The Commonwealth provides a large amount of the funding that is available, although I would not like to have that read as meaning that the Commonwealth provides a large amount of funding, because that is one of the fundamental issues that we are facing. Funding is provided through the National Heritage Trust programs, the bush care program, the national land care program, and the state revegetation protection scheme. The reality is that the amount of funding that is available through the State and Federal Governments is only a small proportion of what is required to help solve some of the problems. This is an area in which society as a whole should take some responsibility. It is also an area in which the current direction of economic rationalism has affected the amount of federal and state funding that is available for these programs. Basically, we have a problem, and we need to spend money on redressing the problem.

The measures that are proposed in this Bill will expand the existing arrangements, facilitate the ability of the community to have a say, and allow funds to be raised for the programs that are required. Under the existing legislation, as Hon Bruce Donaldson has pointed out, the ability of local government to fund these projects is fairly limited. Hon Christine Sharp has indicated a number of situations where shires have implemented these sorts of programs through either the Local Government Act or the existing provisions of the Soil and Land Conservation Act. It is clear that local governments need

to ensure that the community has input to the way these programs are designed, and also assists in raising the funding. That is not to say that I approve of this user-pays system, because I believe that the more we move down the path where the users have to pay for everything, the more society as a whole will abrogate its responsibility to maintain the quality of the society in which we live. Communities do not want to be totally dependent on government grants, however, and this system will give communities some flexibility to raise funds and to prioritise where those funds will be spent. One of the problems is that when communities obtain a grant, they are very restricted in how they can use that grant. A community may believe that a particular project is necessary but be unable to fit it into one of the pigeonholes currently available. This Bill will allow a community to prioritise the work that it is doing and raise the funds appropriately.

We have spoken to people who work in the area of soil and land conservation, and I understand that the land conservation district committees are very supportive of these amendments because they recognise that this is the only way they will be able to achieve their objectives at this stage. The communities are also very supportive. Farmers also need to be exempted from paying rates on areas of land on their property that are classified as remnant bushland, and that will provide an added incentive to the way these programs will be set up.

The consultation process is very important. Originally, I was concerned about that matter, but I have accepted assurances that because the community councils are already involved in these measures, they have procedures in place to deal with it; and I indicate my support for the amendments that Hon Christine Sharp has placed on the Notice Paper, which will ensure that the LCDCs must comply with certain guidelines when setting up one of these plans. The accountability measures in the Bill already provide for consultation. The funds that are raised must be used for the purpose which is specified. The funds will have separate accounts for each project, and the funds will be returned to the contributors if not all of the funds that have been raised are required for that project. I believe that if we do need to move to a user-pays system, those accountability measures will protect the people who contribute to these funds.

Some areas are experiencing particular problems, such as the semi-rural or peri-urban areas, and are not pursuing the land care projects that are needed. These measures will assist in raising funds in those areas and in developing land care programs. All of the people who will benefit from the conservation will be expected to contribute. This Bill provides a good balance between ensuring that the local community has a say about what is occurring and also ensuring that it has real power over the way in which the money that has been raised is applied. At the same time, I stress that the funding that is provided from both federal and state government sources is not adequate, and that we are approaching the funding of land care projects in a very piecemeal way, which we will need to address in the long term to make sure that we achieve the goal of redressing some of the problems in our agricultural and rural areas. The Democrats support the Bill and will be pleased to see it in practice.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [8.29 pm]: I thank members for their support, which seems to be widespread. I will pick up a couple of issues that were raised by members. Hon Kim Chance mentioned the salinity plan. This State should be given some credit for the plan. It is visionary, very well structured and has been widely accepted by the community.

Hon Kim Chance: It just hasn't been funded.

Hon M.J. CRIDDLE: It will need a lot of support to put it in place, but it is a very good initiative. Hon Kim Chance made the point that the Bill looks at the real world, and it is recognised by everybody in the community that this legislation will work at the local government and local conservation district committee levels, and that it is specific to the LCDCs and local government. If an adjoining LCDC and local government authority agree, there is no reason that a project cannot be achieved. The Bill is self-explanatory in that regard.

Hon Kim Chance: What if there are 10?

Hon M.J. CRIDDLE: They could make an arrangement under those circumstances, I imagine. The legislation says that that sort of arrangement could be made. Hon Bruce Donaldson was quite clear that the shires welcomed this Bill, and that local decisions and the framework proposed to be put in place were good initiatives. Hon Christine Sharp raised three issues. The first related to the binding of the Crown. All rateable properties pay a service charge. Irrespective of whether the owner is the Government or a private person, the property must come under the provisions of the Local Government Act. The second issue related to an independent review. As I have said, the local government authority, the LCDC, the commissioner and the minister will be involved in this process. Further, the provisions of the Environmental Protection Act support the referral of proposals that may impact on environmental concerns. Those issues would be covered under those provisions. Thirdly, the member mentioned accountability with public meetings and so forth. She has an amendment on the Notice Paper, which the Government is quite happy to accept. That should cover all the issues the member referred to.

Hon Helen Hodgson also gave her support to the legislation and pointed out that this is a whole-of-society problem, and everyone recognises that. It is a matter of the people on the ground doing the work. I can assure members that country people right across the State well and truly recognise the salinity problem. People in all communities are trying to address the problem of salt, by tree planting, drainage or whatever. It is quite a large problem in some areas of the wheatbelt, but

not everywhere. Where I live, it is not a big problem. All the initiatives being carried out by farmers nowadays, with minimum tillage and so forth, are helping to address the problem.

Many of the points raised will be covered in the regulations. Plans for all projects are to be funded by way of the service charge. Reasonable steps will be taken towards ensuring that all potentially affected local government authorities and property owners are given adequate written details of a proposed project. Those bodies will ensure that the affected parties are consulted by way of a public meeting. Hon Christine Sharp mentioned that. Formal approval for a project must be sought from a local government authority, and in that regard, a soil conservation fee-for-service proposal will have an effect. There will be an obligation to keep the minister fully informed on various issues, including the degree of support for a project before and during its life, in accordance with the agreed time schedules. The money allocated will be used in the time specified for the supply of the service, and any surplus will be dealt with in accordance with the Act. I think that covers the accountability that is required. All of those points will be taken up in the regulations. I am pleased to receive the support of all the parties with regard to this Bill, and I look forward to its speedy passage through the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon M.J. Criddle (Minister for Transport) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 25A amended -

Hon CHRISTINE SHARP: I move -

Page 4, after line 18 - To insert the following subsections -

(9) The steps that are prescribed for the purposes of subsection (8) in relation to a proposed service charge are to include —

(a) the holding of one or more public meetings for the consideration of the service charge by persons who would be required to pay it and who attend such a meeting;

(b) the placing of prescribed information before any such public meeting; and

(c) the giving of an opportunity to persons referred to in paragraph (a) to vote at a public meeting for or against the service charge or otherwise to express their views.

(10) Regulations made as mentioned in subsection (9) (a) in relation to public meetings are to include -

(a) requirements to be observed in connection with the calling of any public meeting, including a requirement to give public notice of the meeting;

(b) provision as to the chairperson; and

(c) provision for the procedures to be followed, including provisions for a quorum and in respect of voting.

(11) The imposition of a service charge is of no effect if any prescribed step is not taken or is not taken in accordance with the regulations but a service charge may be imposed even if a public meeting does not vote for it or votes against it. .

This amendment outlines in more detail the information that will be prescribed fully under the regulations in order to meet any possible conflict of interest that may arise in the execution of the service charge levies. I understand that the minister has been very understanding of my concerns, and I thank him for that. He has advised that the Government will be supporting this amendment.

Hon M.J. CRIDDLE: The Government is happy to support this amendment. The Minister for Primary Industry has made that clear.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 10 put and passed.

Clause 11: Section 48 amended -

Hon CHRISTINE SHARP: I move -

Page 7, line 23 - To insert immediately before the words "the procedure" the following words -

subject to section 25A (9) and (10),

This amendment is simply a flow-on which results from the previous amendment.

Hon M.J. CRIDDLE: The Government accepts this amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported, with amendments.

Leave granted to proceed through remaining stages.

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Hon M.J. Criddle (Minister for Transport), and returned to the Assembly with amendments.

WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY AMENDMENT BILL

Second Reading

Resumed from 14 October.

HON KIM CHANCE (Agricultural) [8.40 pm]: The Opposition supports the Western Australian Meat Industry Authority Amendment Bill. The Bill is a relatively simple instrument that makes necessary legislative changes to the MIA Act resulting from a substantial change in the authority's role. The authority was initially a regulator; indeed, it remains a regulator. However, progressively it has also adopted the role of service provider, most notably by becoming the manager of the Midland saleyard in 1993-94 as a result of legislative changes. It also has become a service provider in a potential sense in that it is now the most likely vehicle to be charged with the management of other facilities that may be acquired or devolved in the future.

I note in the minister 's second reading speech that a further role is envisaged for the authority. The speech states in part that in its business arrangements the MIA's powers are limited to functions relating to the management of the Midland saleyard, to other facilities in the meat industry as directed by the minister and to the encouragement and promotion of improved efficiency in the meat industry. I read "encouragement" and "promotion" to imply an advisory role for the authority. If that is so, the authority will combine all three functions that it is possible for a government agency to carry out. First, it is a regulator in its continuing role as the abattoir regulator and policeman; secondly, it is operational in its functional role as the Midland saleyard business manager; and, thirdly, it is an advisory body in its promotional role. I completely understand the logic of this small agency's combining the full spectrum of agency functions, due largely to the highly specialised nature of its field and also in part to the fact that when the Western Australian Meat Commission was dissolved in 1993-94 the MIA was the only agency that could reasonably have inherited the managerial role at the Midland saleyard.

Notwithstanding the logic of what we are contemplating in this Bill, I must point out that the combination of regulatory, operational and advisory functions is a complete contradiction of the prescription of the thirty-sixth report of the Standing Committee on Government Agencies. This is something of a departure from the nature of the legislation that we have come to expect from the Minister for Primary Industry. Those of us with long memories might recall that it was this minister who distinguished himself by introducing the first piece of legislation that fully conformed to the recommendations in the thirty-sixth report. That happened within six weeks of the report's tabling.

Hon M.J. Criddle: Which we remember well.

Hon KIM CHANCE: Yes. It was a very significant achievement and it stands as model legislation - I just wish I could remember which piece of legislation it was. This is a radical departure from that precedent. It might seem to be trivial to note this departure, but it is trivial only because the current circumstances mean that the MIA is the only candidate to take on these functions. However, it is such a spectacular departure from the intent of the thirty-sixth report and the provisions of the report are so significant that it cannot go unnoticed by the House. I have said that these changes are necessary. They are necessary because in its operational role as the saleyard manager, the MIA is obliged to be a body corporate. The Midland saleyard is an important commercial undertaking. Accordingly, it needs the legal competence to do all of those things a business manager must do. In fact, the absence of the MIA's legal competence was not noticed until it had to investigate its own capacity to borrow, in this case to carry out ongoing capital works.

I note that the Bill also provides for the delegation of functions in the management of the saleyard. In dealing with the issue, the minister stated in the second reading speech that this delegation will permit functions such as the day-to-day running of the saleyard to be carried out by the most appropriate persons. Of course, no-one could complain about that. However, the practice of delegating functions by an agency charged with a specific function is something we have seen in this place previously and most notably within this portfolio in respect of the Canning Vale markets. About three years ago we dealt with legislation that provided for very significant delegation of responsibility at the markets that ultimately led to the private operation, in a very functional sense, of the markets at Market City. I register my objection to that because I believe I should do so. Notwithstanding the fact that the State, through the proper agency - the MIA - maintains responsibility for operating the saleyard, its privatisation should at the very least be noted by the House.

In spite of that, I am happy to support the Bill. It performs a necessary function and I hope it will pass through this House without delay.

HON HELEN HODGSON (North Metropolitan) [8.50 pm]: The Australian Democrats also support this Bill. I substantially agree with the comments of Hon Kim Chance, except that there are basically two phases in a privatisation program: The first is the corporatisation, which is followed by the subsequent sale. There is an inevitable move towards corporatising most of the bodies which have previously been operating as statutory authorities, both at the federal and state levels. I do not always agree with this. It is a case-by-case issue. However, whether I agree or not, the point is that the privatisation process is not inevitable, and I would like some assurances from the minister handling the Bill that this will not in fact lead inevitably to a privatisation of the Western Australian Meat Industry Authority. However, given that corporatisation is considered necessary in today's commercial environment, and given the separation that is currently occurring between departmental responsibilities and agencies, as well as the fact that we are generally moving towards a system of corporations rather than the traditional form of statutory authorities, it is amazing that it has not been discovered before now that the Meat Industry Authority lacks the ability to manage its own affairs, when it seems to have been managing effectively and to have been going through the right processes. However, it has just been discovered that these processes are probably not sufficient and establishing an incorporated authority is now necessary to ensure it can function efficiently.

I will make some comments about the meat industry in this State. The Democrats strongly support the operation of the meat industry inasmuch as it is providing butchered meat, and meat which is generally marketed as such. That in no way suggests that at some stage I will not be developing this theme further in respect of the live sheep export industry and the live animal trade, which definitely needs significant reform at some time in the future. However, that is not the subject of this Bill. I am sure we will have significant debates on this in the near future. However, it is important to say that we support the meat industry in Western Australia to the extent that it is not exporting our jobs overseas by way of the live animal export trade.

The way in which this corporatisation and incorporation have been structured under this Bill has not caused me any concerns. I would be concerned to hear that it might subsequently lead to privatisation. This is often the first step down that path. Therefore, I would like some assurances on that. With those comments, the Democrats support the Bill.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [8.52 pm]: I thank members for their support of the Bill. Hon Kim Chance mentioned the thirty-sixth report of the Standing Committee on Government Agencies, with which we are both very familiar, having both served on the committee when that report was presented to the House. Members will understand the three roles that are played by the Western Australian Meat Industry Authority. I do not think Hon Kim Chance raised any specific issues, apart from making his points on the Bill and giving it his support.

Hon Helen Hodgson also supported the Bill. The Government is thankful for that. Hon Helen Hodgson raised two issues, one being whether privatisation was inevitable following corporatisation. The delegation of functions is not intended to be used for privatisation. The Minister for Primary Industry has made that clear. The body corporate status is required to enable the authority to operate effectively and to enter into contracts. I am pleased to see the support for this Bill, and I look forward to its speedy passage.

Question put and passed.

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

SCHOOL EDUCATION BILL

Statement by President

THE PRESIDENT (Hon George Cash): I indicate to members that a matter has been raised with me which involves the presentation of an annexure to the report of the Standing Committee on Public Administration on the School Education Bill. Members will be aware that Standing Order No 335 reads -

> In the case of Bills, a copy of the Bill showing amendments recommended by the committee may be annexed to a narrative report.

I was somewhat intrigued by the rather elastic interpretation of the rule with respect to the Standing Committee on Public Administration's report on the School Education Bill. The committee tabled a narrative report of its findings and recommendations on the Bill. That report indicates that the statutory form of the committee's recommendations - that is, the committee's recommendations drafted as amendments to the Bill - will follow under a separate package. While sympathising with the effect of time constraints that are imposed on committees, the rule is unambiguous. "Annexed to" means something physically attached to something else for an ancillary purpose. I am not about to rule out of order what the committee has done. However, I indicate for the guidance of committee members and officers for the future that I propose to apply the rule such that any time lapse between the tabling of a narrative report and the annexed statutory amendments cannot be more than three sitting days. Furthermore, if it becomes necessary to table a report before the annexure, the member tabling the annexure must inform the House that such is the case.

Second Reading

Resumed from 30 June.

HON LJILJANNA RAVLICH (East Metropolitan) [8.57 pm]: The Australian Labor Party believes that education should be one of the highest priorities for Governments. People are this country's greatest resource, and they should be developed to their greatest potential. Children represent the future of this country. Therefore, it is absolutely critical that we get this piece of legislation right. An investment in our children is an investment in the future. There are many examples in the world where the investment in developing the full human potential has not been made, with the result that the potential of those countries is limited. One thing we can be assured of is that when that investment is made in those developing countries, they will become formidable economic forces.

We need to consider this legislation at a macro level when considering how it will best serve the interests of this State. We must balance that with what is in the best interests of the individuals concerned at the micro level and come up with a situation which will be a positive outcome for both. I am sure we are all aware of the power of education, through the curriculum, in determining the type of society we end up with, and the types of individuals and the value systems we end up with.

I often remember, having arrived in this country in 1963 as a five-year-old, the vilification of people from different ethnic groups, those deemed to be different and those, like me, who could not speak English. I remember having to put up with all sorts of taunts at school, particularly in the earlier years until I decided it was time to assert myself. The first three or four years following my arrival to this country was not a very pleasant time. One thing sticks in my mind: During the 1980s the Government poured a lot of money into multicultural education, and this indicates the positive outcomes for society as a whole that our education system can achieve: That investment in multicultural education has resulted in subsequent generations of Western Australians not being so preoccupied with people's differences in nationalities, languages and physical features. My niece mixes with children with backgrounds from many parts of the globe, and she sees no difference in her Vietnamese or Chinese friends, or those from wherever. The power of education is very important and should not be underestimated. It can define the type of society we have in the future.

Citizens of the future will clearly need to be equipped for an increasingly complex society and world. They will need higher skills than required of people in the past. Things are moving fast. Technology is upon us. Students of today, and certainly of the future, will need a much broader range of skills than was the case in the past. Therefore, schools have a crucial role in helping students to be successful learners and good citizens equipped with the necessary skills to succeed in a rapidly changing world. We must look at globalisation and its impact on our nation and our State. Students will need an acceptance of people from different backgrounds, beliefs and lifestyles. People will also require a community responsibility for the law and the rights of others.

This State has a complex education system. The vast majority, about 73 per cent, of WA students are enrolled in Western Australian government schools; about 17 per cent of all students are enrolled in catholic schools; 9 per cent are enrolled in non-government schools; and approximately 1 per cent in community and independent schools. It is important that this legislation be acceptable to each of those respective components of the state school system. The state school system was once the primary domain of government, but this is no longer the case. We increasingly see the resources diverted by the

State Government into the private school sector. That is a fact of life. Moneys will increasingly flow in that direction. However, this State Government's priority should be with the state school system, and that priority should be maintained. We want a state school system of the highest order. We do not want people who can afford private education to attend private schools subsidised by the Government, and those who cannot afford that education left in a second-tier state school system. It is important that we aim for a state school education system of the highest quality.

The Education Department has a very comprehensive education plan. I am a little disappointed that the plan does not bear much resemblance to the Education Act. Curriculum responsiveness, for example, is to be one of the key objectives. Certainly, the School Education Bill does not deal with curriculum responsiveness. That falls under the Curriculum Council Act. We need to ensure that the curriculum is responsive to the changing needs of society and what is happening elsewhere in the world. We need flexibility in the education system to facilitate change. We need to ensure that a positive relationship exists between staff and the community. The entire education system requires a professional and motivated staff committed to the objectives of the Act and the department. However, I am concerned that a teacher's lot has not been particularly good for a number of years. When I meet teachers, it is generally under the circumstance of their chewing off my ear with complaints about working conditions and the rate of change within Western Australian schools.

Hon N.F. Moore: I think they have been doing that for a long time. I used to do it when I was one of them!

Hon LJILJANNA RAVLICH: Those complaints are a sad reflection on the entire education system. Unfortunately, many of the gripes come from the state school sector. It is a concern, given the promises of this Government, that an improvement in the lot of teachers has not occurred.

Certainly, resources management is another key area which the Government must get right. I despair at the rate at which responsibility is being devolved to the local school level, and the fact that this is virtually thrust upon schools without any consideration of their preparedness for it. Interestingly, the Auditor General released a report a couple of years ago which was damning of resources management in the school sector. It outlined that principals, as the people responsible for managing schools, did not have the level of skills one would expect of managers of such organisations. I wonder whether the Government has done anything to address that problem, or whether it has taken the usual course of action - namely, to let the fuss die down and then say, "She'll be right mate."

Hon N.F. Moore: That is a silly statement.

Hon LJILJANNA RAVLICH: It is not a silly statement. The Government has not undertaken professional development in resources management to the necessary extent.

Hon N.F. Moore: Principals will be especially upset about your comments.

Hon LJILJANNA RAVLICH: The bottom line is that principals are not financial managers, but school educators. The two are different.

Hon N.F. Moore: You're offending a very large number of people tonight.

Hon LJILJANNA RAVLICH: It alarms me that more responsibility is thrust upon schools whether they like it or not. No-one is asking whether these people have the skills necessary to manage the additional responsibilities placed upon them. That is a very fundamental point in the entire question of devolution.

From what I have heard and as the Auditor General found, resources management is not a strong point among many school administrators. I hope the Government will look at that issue in all seriousness and attempt to do something about it.

There are many different groups of students within our school system and they all need to be catered for. There are students with disabilities and learning difficulties and their needs must be addressed. It is of concern to me that services are not being delivered by this Government in key areas, such as students with learning difficulties. On 6 March 1998 I received a letter from Joh Bjorg Jonsson, who is President of the Lynwood Senior High School Parents and Citizens Association. He sent me a copy of a letter that he wrote to the Minister for Education on the question of school psychology services. As members would be aware, students with learning difficulties are often the same students who have additional problems and often require the services of the school psychologist. Mr Jonsson was writing to seek my support for an improvement in the services for students at educational risk and, in particular, the restoration of school psychology services to their former level. He had sent a letter to the Minister for Education following a letter which he had received from the member for Murdoch, who had replied on behalf of the Minister for Education. After receiving the letter from the member for Murdoch, he stated -

> I attempted to gather some information about what effects the changes in the district are having on the provision of psychology services to schools. What I have discovered is certainly not an improvement on the previous service. In fact, one could think that an attempt is being made at providing such a poor service that an alternative of contracting psychologists privately could appear more attractive to schools. School psychologists provide a vital service to schools attempting to better meet the needs of students at educational risk.

> Before being amalgamated, the schools in the three districts of Melville, Willetton and Cockburn had the equivalent of 24 full time psychologists available to schools. This number has now been reduced to 19 FTE. The Lynwood cell has 1.8 FTE to care for the needs of Lynwood SHS and its feeder primary schools and Education Support Centres. Considering that this service is provided by three psychologists, two of whom work only 2 days per week and each psychologist spends half a day in a district office meetings, the time available to service the needs of the 3000 odd students in this cell is being reduced to 1.5 FTE.

Quite clearly, 1.5 full-time equivalents for 3 000-odd students is hardly providing a great level of service. He goes on to say -

> To give you an idea of how these changes are affecting our school, I will try to provide you with a picture of what we had and compare it to what we now have. Last year Lynwood SHS had one psychologist working full time in the school, except for the one afternoon per week when he had to attend a District Office meeting. This year the same psychologist also looks after the needs of two primary schools, Ferndale and Kinlock, where he spends the most part of a day in each. Hence the actual time he spends at our school has been reduced by a third, from .9 FTE to about .6 FTE.

That is simply not good enough. It indicates that there has been a reduction of resources in that area. We expect better than what is currently being provided.

The other groups of students we should not overlook are the geographically isolated students and Aboriginal students in country areas. We must ensure that the curriculum for these students is culturally relevant and appropriate. I have mentioned in this place previously my experience as an Aboriginal education teacher when I first left Curtin University and went into the wide world of teaching. I was employed as a project teacher and one of the things that strikes me when I look back at that experience is how totally irrelevant most of that education was. We were involved in a project class which had students aged about 11 through to 17 years, boys and girls together. Three teachers were in charge of that class and we provided a very basic curriculum. In the mornings and in the afternoons the group would split and the boys would go off and continually do rotary hoeing until they just about hoed up the whole oval; and the girls would go off and do their cooking and sewing. One of the things of which I have vivid memories is that we were cooking in fairly modern ovens and sewing on Bernina sewing machines. When we took these students back to Cundeelee, Warburton and Yallata, particularly when we went back to Cundeelee, there were no Bernina sewing machines, no ovens and no rotary hoes. The whole project was absolutely and totally irrelevant. It is very important that the education that students receive is relevant to the environment in which they live. I have been out of the education system for quite a number of years now, but I suspect that if there has been any improvement in that area, it would be only a very marginal improvement.

We should also not overlook the gifted and talented students and students from non-English speaking backgrounds. I make this comment on gifted and talented students: The education system always seems to be a little preoccupied with students at the other end of the scale - the troubled student who cannot pick up and trails behind the group. Unfortunately, often it is the gifted and talented students who do not maximise their full potential. Therefore, it is important that we consider also the needs of those children; and children from non-English speaking backgrounds. Certainly, that is one issue that is dear to my heart because one of the difficulties I had with the education system when I went to school was the fact that there was no special provision for children from non-English speaking countries. We were put into a class of 40-odd children and we either sank or swam. If the teacher could get around to us in the course of the lesson, that was a bonus. However, there were certainly no special provisions where we were taken out of the class and given any additional instruction. One of the difficulties in those circumstances was that we did not get the instruction that we required to understand sufficiently what was going on. That was compounded by the fact that many people did not realise that we were returning to a home environment in which there was nobody who could help, because mum and dad did not speak English; our brothers and sisters were in much the same situation because we arrived on the same boat at the same time. It is estimated that 20 per cent of government school students are migrants from non-English speaking countries and from families in which English is rarely spoken at home, or are Aboriginal students for whom English is a second language or dialect. Therefore, it is important that we address the needs of those students. Things have improved since the 1960s - I have to admit that. There has certainly been a vast improvement since I arrived in Australia. There is still much more to be done in that regard.

Another area to which people do not give enough consideration is the difficulty that may be experienced by students from lower socioeconomic backgrounds in keeping up at school and in coping with the environments in which they are expected to do their homework. It is very important that we do not overlook their needs. The priority schools program in 1996 was a very good program for students who were experiencing educational disadvantage as a result of coming from lower socioeconomic backgrounds. The schools that had these students were identified through the use of what was known as the Ross H index. In 1996, $6.013m was expended on the administration and operation of the PSP in 187 schools, with a total of 50 060 enrolled students. A total of 81.2 per cent was distributed to schools, 9.1 per cent was distributed to districts to provide support services to schools, and 4 per cent was retained for central program support. However, between 1993 and 1996, there was a major cut in the per capita funding for the PSP, which reduced from $128.06m in 1993 to $115.04m in 1996. That program has now been abolished and repackaged as a new literacy program, and schools now need to apply for

that money. Therefore, the focus of the program has shifted from providing additional resources for students from lower socioeconomic backgrounds to the area of literacy. It is important that none of these categories of students is overlooked.

It is also important that teachers in the education system are not overlooked. I have said earlier that the level of morale within the education system appears to be very low. I believe that is a direct result of the rate of change of curriculum and the rate of devolution to schools. The possibility of local merit-based selection has led to anxiety and competition between teachers. That is not necessarily conducive to positive working relationships at a school level, because teachers fear for their positions, and colleagues feel that they are pitched against each other, so they become competitors rather than collaborators. I understand that the Government has introduced a country incentives package, whereby teachers who go to the country for three years will be granted permanency, together with some other financial incentives. I am not totally au fait with the full content of that package, but it seems to me to be a step backwards to reward teachers after three years of country service rather than two years, as was the case when I went to the country. It is a bit disappointing that the question of permanency has been linked to a willingness to go to the country for three years. I question the issue of linking country service to permanency and possibly even promotional opportunities.

The promotional opportunities for teachers are shrinking. It is clear that the end result of the local area educational planning, which proposes three or four schools with one administrative team, will be some attrition of educational administrators. That matter concerns me. Where will we put the surplus principals and deputies? I am not sure whether the Government has addressed that matter, but that must be one of the logical outcomes of that program. I would like the Minister for Education to explain to me, to the Western Australian public and to the many teachers who see their promotional opportunities diminishing before their eyes how that program will operate and what will be the future of the many school administrators who have given many years of loyal service to the education system. I would be interested in getting some feedback about the future of these administrators, and about the contingency plans the Government may have in place to address this matter.

Teachers are very frustrated that promotional opportunities will no longer exist because of the reduction in staff at senior levels. Teachers once had a fairly clear promotional path, where they progressed to become a senior teacher, and from there to become a senior master in a high school, and then a deputy principal, and so on. It is most unfair to expect people to be enthusiastic when they feel that they are locked into a system and cannot see any potential for promotion or reward for hard effort. Over time that must be detrimental not only to those teachers, but also to the system as a whole.

The School Education Bill aims to reflect four key principles: The right of every child to access school education; the right of the child and parents to choose the form of education that best suits them; the need for government schools to be sufficiently comprehensive to meet the educational needs of all children who select this option; and the need for schools and parents to work in partnership for successful schooling. The fundamental concern of the Australian Labor Party is that this is an administrative Bill and has very little to do with the quality of education or issues of equity. We want to see a strong state school system. However, unfortunately the trend is that government schools are under threat. The statistics bear that out. The federal government funding over the past few years has tended to favour private schools. One of the things that this Bill should do is reinforce the primary importance of the state school system in Western Australia.

There has been much debate about the passage of this legislation. It has been alleged that the Labor Party, together with the minor parties, has sought in some way to thwart the passage of this Bill, and that we are not interested in a speedy resolution. I assure the Government that is not the case. I do not think anybody could have pre-empted that the abortion debate would emerge out of nowhere after the charging of the two doctors. That took about a month out of the legislative program. The committee was given a reporting date, and the committee met that reporting date. This is our second week back in the Parliament after the recess, and this legislation has now come to this place. In defence of the Australian Labor Party and the minor parties, if the passage of this legislation was such an urgent priority, I argue that it should have been the first cab off the rank when we returned for this session.

Hon N.F. Moore: We were waiting for the addendum to the report.

Hon LJILJANNA RAVLICH: Yes, but the addendum has been ready for four or five sitting days. I have had it for that long. It is not a valid argument. If I have had the addendum to the report for longer than a week, I am sure the Leader of the House would have had it. The Leader of the House is grasping at straws.

Hon N.F. Moore: I am not grasping at straws. Other legislation on the Notice Paper is ahead of this.

Hon LJILJANNA RAVLICH: The Leader of the House could have changed the order of items on the Notice Paper. If the Bill was so urgent that the Leader of the House carps about wanting to ram it through -

Hon N.F. Moore: Ram it through? It has been around as a Green Bill for two years.

Hon LJILJANNA RAVLICH: I remind the Leader of the House that even had this Bill been passed a month ago, the Government made a commitment to consult on the regulations. I do not know to what extent the Government intends to do that. It is a catch-22 as we have not seen any of the regulations and the Government argues that we cannot see them until we determine the final version of the Bill.

Hon N.F. Moore: That has always been the case.

Hon LJILJANNA RAVLICH: It has always been the case but the bottom line is that a clear commitment was made by the Government to consult on the regulations.

Hon N.F. Moore: If you keep going the way you are going, I will make sure it is not introduced next year, which is what you want.

Hon LJILJANNA RAVLICH: I am here to have my say and I will continue to have my say.

Hon N.F. Moore: That is the problem - you will continue forever.

Hon LJILJANNA RAVLICH: If the Leader of the House stops interjecting, we will get on better. One of the key concerns we have with the legislation is the area of local intake schools. We are concerned that the minister of the day can determine the direction of school traffic by defining local intake areas. We do not want to see a situation of boundaries being abolished and schools closed with students being directed to the other side of town to access their education. That is not in the interests of students, parents or local communities. Schools play a key part in a local community in both the metropolitan areas and the country towns. I have worked in country towns and if the school is taken out of them, the heart of the community is removed.

Hon Derrick Tomlinson: You must had read the article I wrote.

Hon LJILJANNA RAVLICH: No. I have had some experience in working in country towns where the schools were the focus point of the community. The ALP supports the notion of choice but its first priority is for the Government to establish schools as community institutions with a priority for enrolment of students from local intake areas. We dealt with this issue in the Standing Committee on Public Administration and the amendments which have been proposed will ensure that students have access to their local school. We want students to have equal choice; we do not want a situation in which academically able students are given more choice than others by being encouraged to go to a school at which poor performing students are discouraged. The ALP believes that every local school should be a local intake school. It wants to see every government school become a community school and be constituted as a local intake school. We have some concerns about clauses 60 and 77 to 80.

Another alarming feature of the Bill with which many people expressed their dissatisfaction when the Green Bill was released is the penalty provisions. We believed they were excessive. They have been trimmed down and reduced in the other place but they are still excessive in some places. They will hit those people with the least ability to pay. The non-payment of penalties could involve courts and extra fines with possible custodial consequences resulting in much greater problems than the payment of the fine itself. We should be about keeping people out of the court system rather than putting the disadvantaged into it and having them face the consequential problems of that. The Standing Committee on Public Administration has made a number of recommendations in that area.

One of the greatest lobby groups of this Bill was the home educators. If other members have received the amount of correspondence that I have from these people then they have been very busy. It is a complex issue. We need to recognise the right of people to home-school. However, a concern about home education put to me by the State School Teachers Union of Western Australia was the need for greater accountability of home educators. The home educators would argue that they should be able to do what they like with the education of their children but other people argue that children can be educated at home providing it is done in accordance with a curriculum and certain outcomes are achieved. A problem identified by the teachers union was the problems which arise when home-schooling does not go quite the way it should and students return to the education system. When home education has not been effective, students often come in at a lower academic level than one might expect. The state and private school systems have the difficulty of picking up the pieces when home-schooling does not go the way it should. The committee made some recommendations for home-schooling but the accountability provisions remain.

Another issue of concern is school fees. There is a trend to increase the costs, which is a cost creep into education. Parents are being asked to pick up more of the costs of education. The definition of what is covered in the school grant and what is not is less clear. It is fair to say that sending children to school hits parents hard financially. Many parents thought they would not be asked to pay more than the current maximum fee of $9 in primary school and $225 in secondary schools but many schools are charging for text books and consumable items. Some schools appear to be getting parents to stock their shelves with essential equipment. I know of primary schools to which students provide tissues and may contribute toilet paper.

Hon N.F. Moore: When you have a chance, please give me an example of a school to which the toilet paper is provided by the parents. If tissues are being used to wipe people's noses, perhaps they should provide them. Do you think the Government should provide people with tissues?

Hon LJILJANNA RAVLICH: Why not?

Hon N.F. Moore: What else would you like it to do? Perhaps we can provide them with school uniforms.

Hon LJILJANNA RAVLICH: I just think -

Hon N.F. Moore: You think everything should be free and nobody should pay for anything.

Hon LJILJANNA RAVLICH: I do not think a policy of school fee increases in accordance with the consumer price index is logical when wages do not increase in accordance with CPI. That was the argument. Most parents will accept responsibility for paying school fees and for extracurricular activities. However, those things which are in the school grant should be more clearly defined for parents. They should know what they are paying for. They should receive some sort of an itemised account to show exactly what is being paid, rather than some global figure, with the school saying to the parents that they owe, say, $300. There have been enormous discrepancies between schools in what has been charged and how parents have been billed. Those issues must be resolved. It is long overdue that some of those issues be tided up.

Hon Derrick Tomlinson: Is that simply a matter of a parent asking for an itemised account?

Hon LJILJANNA RAVLICH: I am not sure how receptive schools would be to a request for itemised accounts.

Hon Derrick Tomlinson: When my son commenced high school, I was presented with an account for, say, $240. Before I paid it, I asked the school what the $240 was for. The school presented me with an itemised account because I had asked for it. I wonder how many people would ask for it.

Hon LJILJANNA RAVLICH: I suspect very few. We must bear in mind that schools are not always an inviting environment for some parents. Many parents in our community - Hon Derrick Tomlinson will be aware of this - find a school environment to be quite hostile, particularly an Aboriginal parent or the parent from a non-English speaking country. They would be less likely to go to a school administrator and ask for an itemised account. Hon Derrick Tomlinson might because -

Hon Derrick Tomlinson: I am a tough bloke!

Hon LJILJANNA RAVLICH: That is right. He also has the skills and he is not intimidated by that environment. However, I suggest that at least 30 per cent of the population, and perhaps even more, would not be in that category. Schools should do the honourable thing and present parents with an itemised account. It is reasonable to show parents what they are paying for. If there is a problem with the amount, at least they would have some guidance about what they were paying the money for, what should be supplied free and what was an extra. I do not think that distinction is made as clear as it should be. People have raised this issue with me time and time again.

The Opposition will seek to move amendments in relation to school fees. Linked to school fees is the issue of their recovery. Under the provisions of this Bill, the principal has the power to take action for the recovery for unpaid fees. The Standing Committee on Public Administration has proposed some amendments in this regard. I note that the Minister for Education argued that government school education is free, but there is a shared responsibility for parents to assist in the education of their children. The question is to what extent. That is fundamental to how much parents should be paying over and above their contribution through taxes. In addition to that contribution, many parents support the school in a variety of ways, including school fundraising activities and the hours of labour donated to canteen work. They make an enormous contribution. I do not think many parents will argue that they should not make some contribution. We must ensure that the amount that is paid is fair and reasonable.

The minister also argued that fees and charges will be subject to a maximum cap which will be laid down in the regulations. Again I say that it is fair enough for the minister to ask us to trust him. The bottom line is that we have not seen the regulations. We have no idea of what the cap might be. It may be $300 or $400. How often will those regulations be reviewed to shift that cap? I must admit that I have little faith in leaving that decision entirely to the discretion of the minister. The minister also said that, under the regulations, the school fees will increase every year in line with the consumer price index. I made this point earlier: I do not know how the minister can argue that, because obviously wages are not indexed according to the CPI across the board for all people. The old notion of indexing wages to the CPI seems to be a thing of the past.

Hon Bob Thomas: It went out 10 years ago.

Hon LJILJANNA RAVLICH: I did not know that. It seems to me that this is an odd way of determining the extent to which these fees can be increased each year, through regulation.

Hon Derrick Tomlinson: That being the case, would you accept the argument that fees should be increased according to wage increases?

Hon LJILJANNA RAVLICH: How do we equitably determine that across the board? At the end of the day, wage increases for some -

Hon Derrick Tomlinson: We do it on the basis of average wages.

Hon LJILJANNA RAVLICH: To me the bottom line is that if school fees are to be increased using the CPI as a measure, we can almost state that all parents will be worse off. I do not know to what extent, but I am fairly confident that wage increases are very much trailing behind the CPI.

Hon N.F. Moore: I do not think you are right.

Hon LJILJANNA RAVLICH: If the Leader of the House checks the figures and comes back to me, that will be good. This is a dangerous scenario to put in the regulations. Schools will be under pressure to increase fees. We have seen a reduction in the support for schools, particularly government schools, from the public purse. Increasingly we see that schools must take additional responsibility for their financial management. They are seeking that support through a range of means, including sponsorship. It worries me that the pressure will be maintained and schools will have to work out the best way in which they can subsidise any shortfall in government expenditure.

Hon Derrick Tomlinson: Would that be answered by each parent receiving an itemised account? In that way parents could see what the costs are and fees would be directly related to costs.

Hon LJILJANNA RAVLICH: We do not know how high those fees will be. The Government is saying, "Trust us; we will put the fee structure into the regulations and we will do it in line with the CPI."

Hon Derrick Tomlinson: That is the maximum. Let's say that the children go to school X and at the beginning of the year the parents get an itemised account for Y dollars so the costs equal the fees. Whether it is the maximum fee or less, the parents will know that the fee is directly related to the costs. By the member's argument, every parent should be entitled to an itemised account.

Hon LJILJANNA RAVLICH: They are two separate arguments. I am talking about an itemised account and saying that people should know what they are paying for. Another question is the level at which maximum fees are set.

Hon Derrick Tomlinson: That is the maximum by regulation. A school's fees will be directly related to its costs.

Hon LJILJANNA RAVLICH: I will not trust the Government on this.

The PRESIDENT: Order! Hon Derrick Tomlinson is using up Hon Ljiljanna Ravlich's time.

Hon N.F. Moore: Which is unlimited!

The PRESIDENT: Order! That is what I am worried about. If Hon Ljiljanna Ravlich addresses the Chair, I will not interject.

Hon LJILJANNA RAVLICH: I think the Government might well have drafted some regulations in this key area. I would like to see some draft regulations provided by the minister so that we can make a judgment. I do not think that is too much to ask. In the interests of all parties concerned it would be of some interest for parents to know what that maximum fee could be.

Hon Bob Thomas: Doesn't the school fee supplement the school bank? How could they be itemised? They are not dedicated to one purpose; they could be anything.

Hon LJILJANNA RAVLICH: Parents pay additional costs to those on the itemised account. At the moment no accounting is done. Different levels of information are provided to parents on exactly what they pay for. We are saying that in providing parents with the information, there should be a breakdown of any additional costs. I understand some schools are tardy about this matter and give a fairly vague account of how the final cost of education is determined for their child.

Hon Bob Thomas interjected.

The PRESIDENT: Order! We should get on with the second reading. The member should address me.

Hon LJILJANNA RAVLICH: Thank you, Mr President. The area of school fees is of concern to us. There is gross potential for inequity. We would like to see the regulations so we can have some faith in the Government's proposal. The situation as outlined by the minister in the other place is not satisfactory. The minister also said that the principal will have the power to recover fees through a debt collection agent and that Australians do not like bludgers and we will not have them in the school system.

The reality is that not everyone has the same ability to pay. Those people with fewer economic resources and means are not bludgers. We will ensure that provisions are in place within the Act to allow for them. The other issue - I am feeling very faint; I do not know why.

The PRESIDENT: Order! If the member feels unwell she can seek leave to continue her remarks at a later stage and someone else can take the floor.

Sitting suspended from 9.54 to 10.00 pm

The PRESIDENT: I was indicating to Hon Ljiljanna Ravlich that if she was not feeling well, she was entitled to seek the leave of the House to continue her remarks at a later stage of the School Education Bill. Hon Ljiljanna Ravlich was clearly seeking the leave of the House. With the indulgence of the House, I will assume that that leave is granted. It is 10 o'clock and the debate has been interrupted. Hon Ljiljanna Ravlich will either be the first speaker on the next occasion the Bill is called, or she can attend to the balance of her speech at a later stage during the debate.

I indicate to those who were not in the House earlier that Hon Ljiljanna Ravlich has been attended by two of our medical practitioners and she is recovering outside the Chamber.

Debate thus adjourned.

LOCAL GOVERNMENT AMENDMENT BILL (No 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon M.J. Criddle (Minister for Transport), read a first time.

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [10.10 pm]: I move -

> That the Bill be now read a second time.

This is the first comprehensive amendment Bill to be brought to the Parliament to make significant improvements to the Local Government Act since it commenced its operation in 1996. The Act has now been in operation for over two years and it is important that it be amended to reflect new policy decisions by the Government and to rectify various issues which have been identified by local governments and the Department of Local Government. The Bill contains four broad areas of amendments which may be categorised as election matters, constitution boundary issues, local government accountability and various miscellaneous matters affecting the powers of councils. The Bill includes a number of changes which are necessary for the next ordinary elections to be held in 1999. Members will be aware that local government elections are now held every two years with the previous elections being in 1997. The experiences of those elections have resulted in a review of the electoral principles and requests for practical changes from the WA Electoral Commission and local governments.

A key matter is the need to improve the enrolment arrangements for owners of rateable property. At present their enrolment entitlement lasts for only two ordinary elections, requiring a new application every four years. It is now proposed that enrolment for owners shall be indefinite and shall continue for as long as the person remains the owner. It is intended that the re-enrolment arrangements for occupiers - who are not owners - will be retained; however, to assist with the practicalities of re-enrolment it is proposed that a further six months be added to the enrolment period to provide a reasonable time after the second election for people to renew their entitlement.

Other electoral amendments deal with -

> giving the electoral commission at least 80 days' notice of the various elections that it is to conduct;
>
> providing for the close of enrolments to be at 5.00 pm instead of 6.00 pm;
>
> allowing the chief executive officer or returning officer to make late corrections to the rolls without having to get Electoral Commission approval every time;
>
> providing that certain personal details of candidates do not have to be exhibited for public information;
>
> giving the CEO a longer period to deal with applications for enrolment before making a decision on approval or rejection;
>
> allowing the number of votes a successful candidate receives to determine the length of term of office rather than the matter being determined by the drawing of lots in one specific circumstance; and
>
> providing presiding officers at polling booths with some flexibility to allow persons who are canvassing for votes to come closer than the traditional six metre limit.

The matters in this Bill affecting the constitution of local governments are principally related to the process for creating new local governments. A significant proposed change is to provide greater flexibility for commissioners to govern a new local government when it is first constituted. The current legislation requires that inaugural elections must be held within one year of a new local government being established. However, the Perth City Council and Wanneroo experiences show that this period is not long enough and should be changed to two years. This would be consistent with other parts of the Act which provide for two-year periods where a council has been dismissed or suspended.

A related matter is to provide for commissioners to be appointed to run a local government from the time when a Governor's order is made to abolish a local government and create a new local government at some future date. This will enable

commissioners to achieve an orderly transition of operations from the old local government to the new local government. Under the existing provisions, commissioners could be appointed only when the new local government is created, not from the date of the order.

The Local Government Advisory Board is required to assess proposals for district boundary changes and several amendments in this Bill relate to the functioning of the board. A new power is added for the board to determine that some proposals may be considered frivolous or otherwise not in the interest of good local government. In such circumstances, the board may recommend to the minister that the proposal be refused and not subject to the full review process. The addition of this provision is considered necessary to deal with possibly frivolous competing territorial claims and counterclaims between neighbouring local governments.

On another matter, the Bill contains a power for the board to make recommendations to the minister about wards and councillor representation where those issues are directly affected by its determination on district boundary changes. These matters are closely linked where part of one local government is to be transferred to another.

Also, a further technical amendment is necessary to make it clear that where a poll is requested in relation to a proposed amalgamation of two or more local governments the poll applies only to the local government which has received the request.

In the area of local government accountability to both the electors and the State Government, the Bill has several amendments. Following the completion of the Royal Commission into the City of Wanneroo, a departmental working party was formed to assess the recommendations of the royal commission and other issues identified by the department. The working party, which included representation from the WA Municipal Association and the Institute of Municipal Management, made various recommendations for possible changes to the Act. Those recommendations, and other suggestions associated with these, which are included in this Bill are -

> where a council member has received an election-related gift from a person and that person has a matter before a council meeting then the member shall declare that interest in the same way as a traditional financial interest. This disclosure will preclude councillors from voting on matters involving donors to their election campaigns and addresses concerns about the perception of donations influencing councillors in their voting patterns;
>
> where a matter affecting any land adjoining a property owned by a council member is under consideration at a council meeting then the member shall be deemed to automatically have a financial interest. People widely believe that councillors have an interest in such land and this will specifically address that situation;
>
> the inclusion of a new power for the Minister for Local Government to order that a local government shall comply with a Local Government Act statutory duty. It will be an offence for the local government - or relevant person - not to comply with the terms of such an order. This will strengthen the minister's ability to enforce compliance with administrative or procedural provisions of the Act where no penalty is currently attached;
>
> the financial interest provisions of the Act have been modified to more clearly explain the basic principles of what constitutes a financial interest. Also, there are some further refinements to the drafting of various exempt interests; and
>
> when, under the inquiry powers of the Act, a departmental inquiry results in adverse findings about a local government, the minister may order that the local government shall pay the costs of the inquiry. When a local government has caused these problems it is appropriate that there should be a mechanism for it to pay the resulting costs.

The Bill contains a variety of other improvements which have been identified as part of the department's ongoing review of the Act. The more significant of these are -

> including the power to make transitional regulations in circumstances when a local government local law is being amended or repealed by the Governor - this amendment was identified during the drafting of laws to stop the Cottesloe Town Council from enforcing paid parking near the beach;
>
> reducing the amount of statutory advertising required by local governments when they are making new local laws or advertising business plans - this was included at the request of the Western Australia Municipal Association to principally overcome concerns about inordinate costs;
>
> increasing the power of local governments to demand that impounding-related fees are paid before goods are returned to the offenders;
>
> including the impounding of animals in the powers dealing with the impounding of goods - it is anticipated that this will assist councils with the enforcement of any local cat laws that they may wish to make under the Act;
>
> repealing the power in the Act for councils to convert private thoroughfares to public thoroughfares - the Land

Administration Act now has more comprehensive provisions for councils to use and the power in the Local Government Act should be removed so that there is one consistent method;

changing the concept of an annual mayoral entertainment allowance to become a general allowance for local government expenses and including a mechanism for regulations to enable the deputy mayor to receive a portion of that allowance; also, a head of power is provided for regulations to enable payment of various allowances for council members and to set limits for such payments - in particular it is proposed that councils should have the discretion to provide a telecommunications allowance;

giving local governments more authority to act on notices requiring landholders to rectify problems on land which may be a safety hazard or serious nuisance for the public - examples include situations in which sand is blowing from properties onto roads and in which people are not complying with cyclone notices to remove or tie down dangerous or loose materials;

providing businesses with the option of taking appeals against local government decisions to either the minister or the local court - at present they are denied the option of low cost and quick appeals to the minister. As a result of an amendment to the Bill in the other place appeals against the notice in relation to cyclones can only be determined by the minister to ensure expeditious consideration and determination of the appeal;

removing the requirement for local governments to give public notice in situations in which they need to implement partial temporary road closures for the purposes of repair and maintenance and to alter road levels or drain water when there are no adverse effects on adjoining properties;

including a power for regulations to prescribe the procedures for council or committee meetings to be conducted by telephone, video conference or other electronic means - this meets a request from local governments in remote areas which may experience logistical problems in convening meetings;

providing that when a council is required to have a policy on the payment of gratuities for retiring staff, the policy should also include any gifts of property or any other types of benefits;

the inclusion of a power for the minister to exempt certain special committees of council from the financial interest provisions of the Act - this is included to cover circumstances in which the nature of the functions of the committee may mean that all members of the committee will have an interest and the committee would otherwise not be capable of operating efficiently;

removing the requirement for an absolute majority of councils to grant concessions or write off debts - this will then allow such decisions to be delegated to employees when councils choose to take that action;

enabling an inquiry panel investigating the conduct of a local government to comprise either one or three persons - at present it must be a three-person panel; however, there may be circumstances when one person will be sufficient and a major, costly inquiry involving three persons is not warranted; and

there are various other minor additions and amendments to the Act.

The election and constitution amendments in this Bill are urgent and they must be in place prior to the local government election formalities commencing early next year. Accordingly, the Bill must complete its passage this session. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

STATE FORESTS - REVOCATION OF DEDICATION

Assembly's Message

Message from the Assembly received and read requesting concurrence in the revocation and partial revocation of certain state forests.

House adjourned at 10.15 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

ALINTAGAS AND WESTERN POWER

Insurance Policies for Members

198. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:

In relation to appointments to each of the governing boards of AlintaGas and Western Power Corporation -

(1) Are members of the board the subject of any policies of insurance arranged by the board including indemnity insurance?

(2) If yes -

(a) what is the nature of the policy and the liabilities covered by the policy;

(b) who is the insurer;

(c) what is the maximum liability of the insurer under the policy;

(d) what is the annual premium for the policy;

(e) who is responsible for disclosing any material matters to the insurer which might affect the obligations of the insurer to meet its liability under the policy; and

(f) has the board or any of its members made any such disclosures during the currency of any insurance policy?

(3) Has the Government or the board provided any of its members with any indemnity other than through a policy of insurance?

(4) If yes, when was the indemnity provided and why?

(5) Who are the board's solicitors?

(6) How does the board choose its solicitors?

(7) What payment for legal advice and representation were made by the board in the last financial year?

(8) Is the board or organisation required to publish an annual report?

(9) When was its last report due?

(10) When was its last report published?

(11) When will its next report be published?

Hon N.F. MOORE replied:

AlintaGas

(1) Yes.

(2) (a) Within the terms of clause 15 of Schedule 2 of the Gas Corporation Act 1994.

(b) AlintaGas liability insurance (of which the Directors and Officers insurance forms are part) is placed with the R J Wallace Syndicated (00683) at Lloyds of London.

(c) The maximum Directors and Officers indemnity insurance liability of the insurer under the policy is $50 million.

(d) The Directors and Officers indemnity insurance is a part of AlintaGas' total liability insurance policy (which includes other cover such as third party liability insurance and business interruption insurance) and one annual premium is charged. It is not possible to separately identify the annual premium for the indemnity insurance component.

(e) General Manager Business Service, General Counsel/Secretary and the Manager Treasury and Risk Management.

(f) Yes.

(3) Yes.

(4) Indemnities were provided by the State to Directors in respect of the sale of the Dampier to Bunbury Natural Gas Pipeline (DBNGP) on 3 March 1998.

(5) The Corporation currently uses a panel of firms for base load work and will then use firms with relevant expertise for particular matters. Panel firms are Jackson McDonald and Clayton Utz.

(6) This is done by General Counsel, employed by AlintaGas.

(7) $34 236.55.

(8) Yes.

(9)-(10) August 1998.

(11) August 1999.

Western Power Corporation

(1) Yes.

(2) (a) The insurance cover is a Director and Officers liability policy. The cover will:

(i) Pay on behalf of the Directors or Officers of the Corporation any loss arising from any claim or claims made against them jointly or severally during the period of insurance by reason of any wrongful act in the capacity of Director or Officer of the Corporation.

(ii) Pay on behalf of the Corporation loss arising from any claim or claims made against the Directors or Officers jointly or severally during the period of insurance by reason of any wrongful act in the capacity of Director or Officer of the Corporation but only when the Corporation shall be required or permitted to indemnify the Directors or Officers pursuant to the law, common or statutory, or the Memorandum and Articles of Association.

(b) The insurers for the Directors and Officers liability policy are:

(i) For the primary cover - R J Wallace Syndicate at Lloyds of London as lead underwriter.
(ii) For the excess cover - CIGNA Insurance Company.

(c) (i) Primary Cover - $20 million.
(ii) Excess cover - $30 million.

(d) Annual premium for the Directors and Officers cover is part of the total Third Party Liability program.

(e) Disclosure is made by all Directors and Officers and details are forwarded via Western Power's insurance brokers to the insurer.

(f) No.

(3) No.

(4) Not applicable.

(5) The Board when it is necessary, uses a range of firms with relevant expertise for a particular matter.

(6) This is done by Western Power's General Counsel, in consultation with the Board.

(7) Nil for 1997/98.

(8) Yes.

(9)-(10) August 1998.

(11) August 1999.

HILLIGER FOREST BLOCK

315. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

Will the Minister table -

(a) the flora survey conducted in Hilliger Forest block;

(b) any fauna survey conducted in Hilliger Forest block;

(c) a copy of the “silvicultural guidelines which retain resistant species”;

(d) where these practices been used; and

(e) maps showing all forest in existing and proposed reserves no longer identified as old growth due to being affected by dieback?

Hon MAX EVANS replied:

(a)-(c) I seek leave to table the following 3 documents -

Flora surveys conducted over those areas of Hilliger Block subject to harvesting and roading operations during 1997/98.

A Fauna assessment conducted over Hilliger Block.

Copy of the Department of Conservation and Land Management's Silviculture Specification 3/89 titled "Treemarking in Jarrah Forest affected by Phytophthora cinnamomi in the Central and Northern Forest Regions".

(d) Silviculture Specification 3/89 has been used as standard practice for dieback affected areas in the Central and Swan (previously Northern) Forest Regions since 1989.

(e) I seek leave to table a map showing virgin jarrah forest in existing and proposed reserves affected by Phytophthora cinnamomi.

[See paper No 402.]

REGIONAL FOREST AGREEMENT - CALM'S ASSESSMENT OF OLD GROWTH FOREST, REVIEW

446. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

Will the Minister for the Environment table a copy of the consultancy report by Dr Libby Matiske which reviewed the Department of Conservation and Land Management’s assessment of old growth forest for the Regional Forest Assessment?

The answer was tabled. [See paper No 403.]

WESTERN POWER - POLYCHLORINATED BIPHENYLS

487. Hon J.A. SCOTT to the Leader of the House representing the Minister for Energy:

(1) How much of the 450 tonnes of polychlorinated biphenyls (“PCBs”) stored by Western Power in three locations in Wattleup, Hope Valley and Welshpool are scheduled for destruction this year?

(2) If none, when and how much is scheduled for destruction?

(3) Who will destroy these PCBs and where?

Hon N.F. MOORE replied:

(1) A nationwide tender was called by Western Power on 26 September 1998 for the destruction of its estimated 450 tonnes of PCB wastes which are currently stored at its storage facilities in Wattleup, Hope Valley and Welshpool. The closing date for the tender is 5 November 1998. It is Western Power's intention to commence disposing of all these wastes some time in early 1999 if acceptable offers are received in response to the tender and complete the destruction by the end of 1999.

(2) It is Western Power's intention to destroy the total estimated 450 tonnes of the PCB wastes collectively and under a single contract. However, if no conforming offers are received, Western Power would have to review its position on the matter.

(3) It is not possible to identify the successful contractor/tenderer until the tender closes on 5 November 1998 and Western Power has the opportunity to assess all the offers submitted. Companies in Western Australia, Victoria, New South Wales and Queensland have all expressed interest in the tender.

QUESTIONS WITHOUT NOTICE

POINT JAMES, NEW PORT

453. Hon TOM STEPHENS to the Minister for Transport:

Some notice of this question has been given. In April this year, selected proponents were invited to tender for the construction and operation of the controversial new port at Point James. The minister should be able to answer the question without notice if he cannot find the prepared answer.

(1) Has a preferred proponent been selected?

(2) If yes, who is it?

(3) If no, when is a decision expected?

Hon M.J. CRIDDLE replied:

(1)-(3) My understanding is that we are looking into this matter and at making some announcements about that facility early in the new year.

SEATBELTS IN BUSES

454. Hon TOM STEPHENS to the Minister for Transport:

In the light of the horror smash in Queensland in which seatbelts saved the lives of all but one passenger on a tourist bus which collided with a truck -

(1) Does the minister support protecting the lives and safety of school children by taking preventative measures such as fitting seatbelts in school buses?

(2) If yes, will the minister support a trial of seatbelts in school buses?

(3) What steps have been take to introduce seatbelts into school buses in Western Australia since the minister has been a minister of the Crown?

Hon M.J. CRIDDLE replied:

(1)-(3) I am aware of that tragic event in the eastern States and the fact that seatbelts were fitted in the bus. The member would be aware that the report on school buses and the school education transport situation will be released shortly. I understand that the report contains a recommendation for such a trial. The Government will take that recommendation on board.

SPEED CAMERA REVENUE

455. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) Is the minister aware of the view that the proportion of revenue raised from speed cameras provided to the road trauma trust fund should be increased from one-third to at least two-thirds?

(2) What steps is the minister taking to increase the proportion provided?

(3) If the minister is not taking any steps, why is that?

Hon M.J. CRIDDLE replied:

(1)-(3) I am aware of the view that there should be an increase in the funding for road safety. That is a policy which may develop but the Government has not developed it yet. Road safety is a crucial matter. Today I followed up on a report which recognised that fatigue is a great problem on the roads. It identified the fact that if one travels early in the day, one alleviates some of the fatigue experienced by drivers travelling later in the day. If one leaves after work at perhaps 7.00 pm to travel to Geraldton or Esperance, one can experience fatigue that is three or four times worse than if one travelled earlier in the day. That is a real problem. I take the member's point about further funding over and above the one-third recognised at this point. The Government will look at the issue.

ENVIRONMENTAL PROTECTION AUTHORITY'S REPORT ON CALM'S FOREST MANAGEMENT PROCEDURES

456. Hon NORM KELLY to the minister representing the Minister for the Environment:

(1) Has the Minister for the Environment received the Environmental Protection Authority's compliance report on the Department of Conservation and Land Management's forest management procedures?

(2) If yes, will the minister table the report?

(3) If the report is not tabled, can the minister explain when the document will be publicly available?

(4) Why has the release of this report been delayed?

(5) Does the EPA require ministerial approval or other forms of approval to publicly release the report?

Hon MAX EVANS replied:

(1)-(5) I thank the member for some notice of this question. The minister expects to receive the report from the Environmental Protection Authority shortly and it will be released publicly.

MINISTRY OF THE PREMIER AND CABINET, SENIOR PUBLIC SERVANTS

457. Hon LJILJANNA RAVLICH to the minister representing the Minister for Public Sector Management:

(1) How many senior public servants are employed in the Ministry of the Premier and Cabinet?

(2) Of these, how many received pay rises in the past two years?

(3) How many received bonuses in the past two years?

(4) Will the minister identify those who received bonuses and the amounts they received?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) "Senior public servant" is not a defined term. Seven public servants currently employed in the Ministry of the Premier and Cabinet are eligible for membership of the senior executive service.

(2) Pay rises in accordance with Salaries and Allowances Tribunal declarations or workplace agreements salary scales have been provided to each of the employees. Of the seven officers, one received a pay rise through promotion and two through reclassification.

(3) None.

(4) Not applicable.

I regret that I cannot give the statistics for when Carmen Lawrence was Premier.

ALBANY FORESHORE DEVELOPMENT

458. Hon MURIEL PATTERSON to the minister representing the Minister for Lands:

(1) How is the $6m currently directed towards the Albany foreshore development to be spent?

(2) When will the project be completed?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Money identified for the redevelopment of the Albany foreshore is proposed to be spent on the construction of seawalls, bulk earthworks, public open spaces and the provision of services and roads for the initial land subdivision of the area.

(2) The Government is considering the timing of the project, hence it is not possible to advise a completion date.

CREERY WETLANDS

459. Hon J.A. SCOTT to the Leader of the House representing the Minister for Planning:

(1) Is the minister aware that the Mandurah City Council conducted a referendum to decide whether the Creery wetlands should be developed as a canal estate and that the community overwhelmingly rejected the development?

(2) If so, why is the minister overriding the wishes of the community and the council, which was elected on the basis of its protection of the Creery wetlands, by ordering the council to rezone this area to allow urban development?

(3) Which good planning principles has the minister followed in making this decision to override the democratic process and the planning decision of the council?

(4) Has the minister investigated whether his decision will void the Ramsar Convention, the Japan Australia Migratory Bird Agreement and the China Australia Migratory Bird Agreement covering the Creery wetlands for the protection of this habitat?

(a) If so, what has his investigation revealed?

(b) If not, why not?

(5) Is the developer of the Creery wetlands, Cedar Woods, the same company which will be building the Premier's proposed bell tower?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Yes.

(2) The original plan which was the subject of the referendum proposed that an area of 68 hectares be set aside for protection of the Creery wetlands. The revised plan shown in the Inner Peel Region Structure Plan and the area of land directed to be included in Mandurah town planning scheme No 3 as "canal" zone proposes 98 ha of land be set aside to protect the Creery wetlands. The Inner Peel Region Structure Plan was subjected to a rigorous public participation period. During that time, 110 submissions were received requesting the whole of lot 3 Leslie Street be included in the open space-conservation area and 119 submissions were received supporting the canal development. Some 149 submissions were received objecting on the basis that too much land generally has been proposed as open space-conservation in the structure plan.

(3) The decision to agree to the Creery wetlands being included in the canal zone follows the Minister for the Environment's decision to conditionally support the proposed development on the basis that 98 ha of land - approximately 50 per cent of the site - be ceded to the Crown without compensation to protect the Creery wetlands. The current proposal presents a balanced outcome for development and conservation.

(4) A proposal to develop an area of land greater than that to be permitted under the Mandurah town planning scheme adjacent to the Creery wetlands has been assessed by the Environmental Protection Authority and approved by the Minister for the Environment. The relationship of the proposed development to the Ramsar Convention and the Japan Australia Migratory Bird Agreement and China Australia Migratory Bird Agreement was fully considered at the time of assessment by the Environmental Protection Authority and approval by the Minister for the Environment. The proposed development is not within the Ramsar-listed area. The decision by the Minister for Planning on the Mandurah town planning scheme provides for an even greater area for conservation than that currently approved under the Environmental Protection Act and is fully consistent with the Ramsar Convention and the JAMBA and CAMBA. The approval does not void these international agreements.

(5) This question should be referred to the Premier.

DENMARK-WALPOLE SHIRE, CREATION

460. Hon J.A. COWDELL to the minister representing the Minister for Local Government:

(1) Has consideration been given to the creation of a Denmark-Walpole shire?

(2) What is the Government's policy on any such alteration of local government boundaries?

(3) Will the Government release any reports it has received on a proposed Denmark-Walpole shire?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) No.

(2) All submissions concerning the alteration of local government boundaries are considered by the Local Government Advisory Board as required under the Local Government Act 1995.

(3) Not applicable.

BREASTSCREEN WA

461. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:

(1) Have tenders now closed for the contracting out of BreastScreen WA clinics in Perth city, Cannington, Mirrabooka, Fremantle, Midland, Joondalup, as well as of the outer metropolitan and regional mobile unit?

(2) If so, how many tenders were received?

(3) If not, when will tenders close?

(4) When will an announcement be made in relation to the successful tenderers?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) No.

(2) Not applicable.

(3) The request for proposal closes on 27 November 1998, and evaluation is expected to commence the following week.

(4) It is anticipated that the announcement of the successful contractor will be made in late December or early in the new year. This will depend on the complexity of the evaluation which has to be carried out in relation to responses received.

SUBIACO RESIDENTIAL REDEVELOPMENT

462. Hon GIZ WATSON to the minister representing the Minister for Housing:

(1) Is the minister aware that the current redevelopment of land in Subiaco for residential purposes is the last remaining substantial block of government-owned land that is zoned residential in the inner or middle areas in the metropolitan area of Perth?

(2) Will the minister reveal the measures being taken to ensure that adequate provision is made for people on low incomes to access affordable accommodation in the inner and middle areas of Perth?

(3) Will the minister confirm that the Subiaco Redevelopment Authority is not willing to allocate any land for low-income people, despite a number of approaches from people with a clearly demonstrated need to live close to services that exist only in the western suburbs of Perth?

(4) Will the minister explain how the restructuring of Homeswest into a ministry of housing delivers better outcomes for the wide range of people who have strong needs to live in the inner or middle areas of Perth, or does this Government consider forcing all low-income people out in the fringes of the greater metropolitan area successful social planning?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The member's assertion is not correct. There are a number of parcels of residential land or land redevelopment opportunities within close proximity to the city which are available for public housing, including Karawara, East Perth, Mt Claremont, Maylands, East Victoria Park, Bentley, Glendalough and Bedford.

(2) Homeswest is currently negotiating with both the Subiaco Redevelopment Authority and the City of Subiaco to secure land within the redevelopment areas for public housing. To ensure it is able to adequately meet the needs of low to moderate income earners in Western Australia, Homeswest is committed to maintaining its presence in the middle and inner areas of Perth. Indeed, Homeswest has accommodation in Subiaco, West Perth, Daglish, Glendalough, Wembley, Jolimont, Shenton Park, East Perth, Perth city, Highgate, Como, South Perth, Doubleview, Mt Hawthorn, Mt Lawley, Leederville, Yokine, Maylands, Bedford, Inglewood, Joondanna, Victoria Park, East Victoria Park, Lathlain, Rivervale, Belmont, Carlisle, St James, Kensington, Fremantle, North Fremantle, Mt Claremont, Cottesloe, Mosman Park, and most other suburbs within close proximity to the central city.

(3) No, the Subiaco Redevelopment Authority has not indicated to Homeswest that it is not willing to make land available within the project boundaries for low-income earners.

(4) The ministry of housing is still only in the initial stages. The introduction of the ministry will see a greater level of liaison, cooperation and strategic planning between the public housing authority and private industry to ensure the housing needs of all Western Australians are adequately met. To this end, a task force has been established to make recommendations on the implementation of the ministry. The task force called for public submissions which closed on 17 September 1998 and also conducted a consultation process with key stakeholders. The task force is considering the issues raised in the consultation process and is currently drafting its report and recommendations which will be provided to the Minister for Housing within the next two weeks.

The Government is not forcing low-income earners to the fringes of the metropolitan area. As outlined, Homeswest has stock in the inner and middle suburbs of Perth which is made available to all Homeswest applicants. Additionally, Homeswest has a number of purchase schemes which can assist low to moderate income earners, including special needs clients such as those with disabilities, to purchase properties in these areas.

BARTHOLOMAEUS, MR NEIL, INQUIRY INTO CONDUCT

463. Hon HELEN HODGSON to the minister representing the Minister for Public Sector Management:

Given the announcement yesterday of the retirement of Mr Neil Bartholomaeus, will the inquiry being carried out by Wayne Martin, QC, under the provisions of the Public Sector Management Act into Mr Bartholomaeus' conduct continue? If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question. Mr Wayne Martin, QC, did not carry out an inquiry under the provisions of the Public Sector Management Act. Mr Martin was briefed to provide written advice as to the extent, if any, to which the Premier should further proceed in relation to the disciplinary matter pending against Mr Bartholomaeus. Following receipt of Mr Martin's advice, it was made very clear that neither the disciplinary proceeding which had already commenced nor those which, on the basis of the advice from Mr Martin, might be implemented would result in the dismissal of Mr Bartholomaeus. Advice indicated that the most likely outcome would be a reprimand. As Mr Bartholomaeus retired from the public sector on 10 November 1998, there will be no further disciplinary action.

GERALDTON PORT AUTHORITY, CORRESPONDENCE WITH FORMER MINISTER FOR TRANSPORT

464. Hon KIM CHANCE to the Minister for Transport:

(1) Has the official correspondence between the former Minister for Transport and the Geraldton Port Authority and consultant Tony Clark this year been shredded?

(2) If yes, why?

(3) If not, can the minister confirm that this correspondence dealt with the influence of the Maritime Union of Australia on the Geraldton port and will the minister table that correspondence?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1)-(3) Our investigations reveal that there has never been official correspondence between the former Minister for Transport and Tony Clark.

OSBORNE PARK HOSPITAL, RECURRENT AND CAPITAL SPENDING

465. Hon E.R.J. DERMER to the minister representing the Minister for Health:

I refer to the minister's answer to question on notice 299 in which the minister stated that the respective budget allocations for recurrent and capital spending at Osborne Park Hospital in the 1998-99 fiscal year were not known at that stage. I now ask -

(1) Does the Minister for Health now know what the 1998-99 allocations are for Osborne Park Hospital?

(2) If yes, what are the allocations?

(3) If no, when can we expect to know these allocations?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Yes.

(2) 1998-99 Osborne Park Hospital - Recurrent Budget $23 374 300
- Capital Budget Nil

(3) Not applicable.

WATER CORPORATION, PROFIT AND PRIVATISATION

466. Hon KEN TRAVERS to the minister representing the Minister for Water Resources:

I refer to the article in yesterday's *The West Australian* in which the Western Australian Water Corporation's Managing

Director, Dr Jim Gill, warned that continued government control and ownership of public utilities, such as water suppliers, could cause them to wither at the hands of overseas competitors, and ask -

(1) What was the total profit generated by the Water Corporation last year?

(2) Is the State Government looking at the privatisation of the Water Corporation or any part of its operations?

(3) Have any consultancies been commissioned by the Government to investigate the privatisation of the Water Corporation or any part of its operations?

(4) If so, when were these commissioned and when are the consultants due to report?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The operating profit after income tax was $254.3m. The member can look up - I will not provide it - the community service obligations in the annual report, to which a large part of that profit was directed.

(2) Privatisation of the Water Corporation is not under consideration.

(3) No.

(4) Not applicable.

REGIONAL FOREST AGREEMENT - TABLING OF DRAFT

467. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

(1) Could the minister please table the draft Regional Forest Agreement document if it has been prepared?

(2) If not, can the minister please table the draft RFA when it becomes available?

(3) If no to (2), can the minister please table the final RFA before it is signed?

(4) If no to (3), why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1)-(4) There will not be a draft RFA document. The public consultation stage has been completed, and negotiation of the final agreement is being conducted by state and commonwealth ministers, and ultimately by the Premier and Prime Minister.

AUSTRALIND SENIOR HIGH SCHOOL - CROSS-BOUNDARY ENROLMENTS

468. Hon BOB THOMAS to the Leader of the House representing the Minister for Education:

(1) Is the minister aware that a number of parents from the town of Harvey wish to enrol their children at the Australind Senior High School because of the uncertainty of TEE courses being offered in the future at Harvey Senior High School?

(2) Can the minister confirm that the district director of education in Bunbury told parents at a public meeting in Harvey that he would not oppose any cross-boundary applications?

(3) If yes to (2), can he explain why these parents are now told that they cannot enrol their children at Australind?

Hon N.F. MOORE replied:

(1) Eleven families representing 12 students who live in the Harvey catchment area have requested permission for their children to attend the Australind Senior High School in 1999. Of the 12 students applying to attend Australind Senior High School, one was entering year 11 and not able to study the subjects of her choice at Harvey Senior High School due to the limited TEE subject choice offered at small schools such as Harvey Senior High School. She was given approval to attend Australind Senior High School for 1999. The remaining students were entering years 8, 9 or 10. As there is some discussion about the future of TEE classes at Harvey Senior High School, there is no educational reason for students in years 8, 9 or 10 to attend another school.

(2) The district director has said at a number of meetings that when a student is entering year 11 or 12, and cannot access the subjects of his choice at Harvey Senior High School, a cross-boundary application will be approved. The statement by the district director did not refer to students entering years 8, 9 or 10.

(3) Not applicable.

BREASTSCREEN WA - STAFF CONTRACTS

469. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:

(1) What is the duration of the current contracts for BreastScreen WA radiographers and other support staff?

(2) Are those persons who staff the regional mobile units public servants?

(3) What is the average employment duration for those working on regional mobile units?

Hon MAX EVANS replied:

(1) The majority of BreastScreen WA radiographers and support staff who are on contract are on three-month contracts. However, radiographers who are on contract and work in the regional mobile units are on 12-month contracts.

(2) Yes. They are both permanent and contract public servants.

(3) Employment duration varies. The average employment duration for current permanent staff who work on regional mobile units is four years. The employment duration for contract staff who work the regional mobile units varies according to the length of their contracts. However, the majority of contracts are for 12 months.

GERALDTON PORT AUTHORITY - MR TONY CLARK

470. Hon KIM CHANCE to the Minister for Transport:

Some notice of this question has been given. I refer to the Geraldton Port Authority's engagement of consultant Mr Tony Clark.

(1) What sum so far has been paid to Mr Clark?

(2) When did his engagement commence and when will it finish?

(3) Who is funding the engagement?

(4) What other consultants have been engaged for the Geraldton Port Authority this year?

Hon M.J. CRIDDLE replied:

(1) Mr Clark has not been engaged by the Geraldton Port Authority. Mr Clark's services are provided by Strategic Human Resources Pty Ltd, charges for which currently total $96 823.70 for all purposes.

(2) Strategic Human Resources Pty Ltd provided Mr Clark from 16 February 1998, and the engagement is ongoing.

(3) Geraldton Port Authority engages and pays Strategic Human Resources Pty Ltd

(4) Detail of consultants engaged by government agencies are provided to the House on a half-yearly basis.

RAILWAYS - KALGOORLIE-KWINANA AND KALGOORLIE-ESPERANCE

471. Hon NORM KELLY to the Minister for Transport:

(1) What is the total length of the standard gauge railway line from -

    (a) Kalgoorlie to Kwinana; and

    (b) Kalgoorlie to Esperance?

(2) What length of each of these lines currently have temporary speed restrictions placed on them?

(3) What are the reasons for the temporary speed restrictions?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) (a) There are 690 standard gauge railway kilometres between Kwinana and Kalgoorlie; the railway between Cockburn and Avon, 138 kilometres, is double line, making a total of 828 km of standard gauge railway track.

    (b) 388 km

(2) Kalgoorlie-Kwinana: 27.91 kilometres.

Kalgoorlie-Esperance: 37.953 kilometres.

(3) Temporary speed restrictions are currently imposed for the following reasons: Irregularities in track formations and crossings; derailment sites; general maintenance work being carried out, including bridge restoration and re-sleepering; level crossing visibility; and revised approach speeds within town limits.

KARRINYUP PRIMARY SCHOOL - COMMERCIAL ARRANGEMENT FOR PARKING ON OVAL

472. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

(1) Can the minister confirm that the Karrinyup Primary School has entered, or is about to enter, into a commercial arrangement with the Karrinyup Shopping Centre for the use of the school's oval for car parking?

(2) If yes to (1), who made this decision?

(3) Were parents of students at the school consulted prior to the decision being made?

(4) If yes to (3), when; and if not, why not?

Hon N.F. MOORE replied:

(1) Yes. Karrinyup Shopping Centre approached the principal -

Hon Ljiljanna Ravlich: What a disgrace! Fancy selling that off.

The PRESIDENT: Order! If the member does not want the answer, the Leader of the House may as well sit down.

Hon N.F. MOORE: I wonder why the member asked the question. I will make another attempt to answer the question, Mr President; I am sorry that so much of question time is being wasted.

Karrinyup Shopping Centre approached the principal of Karrinyup Primary School in order to establish an arrangement to provide secure staff parking facilities during school holidays in the peak Christmas shopping period from 17 to 31 December. The school was happy to accept the terms of the agreement. Hon Ljiljanna Ravlich should have waited for the answer before she shot her mouth off.

(2) The principal, Mr Ian Lonnie.

(3) No.

(4) It is within the school principal's authority to enter into such an arrangement. However the matter was discussed with staff and at the subsequent parents and citizens' meeting attended by approximately 30 parents, who he advised of the arrangement. Scarborough Senior High School has had the same arrangement with Karrinyup Shopping Centre for a number of years. As well as a $1 500 payment and the establishment of good relations between the school and the shopping centre, the centre will provide security guards, security lighting and make good any damage to the grounds. This arrangement will also provide valuable protection from potential vandalism during this period.

It sounds like a very good deal to me.

DYER, MR KEITH - WARDEN'S COURT HEARING

473. Hon GIZ WATSON to the Minister for Mines:

Some notice of this question has been given. I refer to the minister's response to my question without notice 422 and his response to my adjournment debate speech of Thursday, 29 October 1998, and the tabling of the transcript of the Warden's Court hearing for prospecting licence 26/2458.

(1) Did Mr Keith Dyer give evidence at the Warden's Court hearing for prospecting licence 26/2458?

(2) If no, why has the minister repeatedly stated that Mr Keith Dyer gave evidence?

(3) Will the minister investigate why the magistrate Mr Kieran Boothman stated that he based his decision in this case on the evidence of a witness who never attended that hearing?

(4) If no to (3), will the minister please explain why?

(5) Will the minister call for the magistrate's decision to be set aside and referred back to the Warden's Court for re-hearing?

The PRESIDENT: I am not sure if the last part of that question is in order. I do not think that the minister has the power.

Hon N.F. MOORE replied:

I was about to tell the member that. I thank the member for some notice of this question. I appreciate the chance to answer it because it will save me making a ministerial statement as a result of her comments the other day in the adjournment debate.

(1) Mr Keith Dyer gave evidence at the Warden's Court hearing on 20 September 1994 of applications for prospecting licences 26/2458, 26/2471, 26/2483 and 26/2510. I am informed that these four applications were listed and heard together on 20 September 1994 because two of the applications were over the same ground and the other two affected ground already held by Homestake Gold of Australia Ltd and Gold Resources Pty Ltd. The face sheet of the transcript of proceedings for the hearing on 20 September 1994, which I table, lists for hearing these four applications and the cross-objections.

[See paper No 401.]

The nature of Mr Dyer's evidence - contained in pages 174 to 207 of the transcript of proceedings - related to the survey of general purpose lease 26/15, located in the immediate vicinity of application for prospecting licence 26/2458, and the position of former miscellaneous licence 26/20, which comprised part of the ground included in application for prospecting licence 26/2458. The Warden delivered his reserved decision to dismiss Mr Ray Kean's objection and grant application for prospecting licence 26/2458 on 24 February 1995, after hearing all the evidence given at the hearing on 20 September 1994 and at an earlier hearing of these four applications on 2 September 1994. While the substance of Mr Kean's objection against application for prospecting licence 26/2458 may have been tested in the earlier part of the hearing on 20 September 1994, all evidence given at that hearing could logically and reasonably be considered to relate to all of the four applications listed for hearing in the presence of legal counsel appearing for the opposing parties.

It is apparent that the Warden found Mr Dyer's evidence to be relevant to his consideration of the merits of application for prospecting licence 26/2458 because, in his reserved decision to grant this application, he stated: Essentially this issue came down to the evidence given by the two experts, Mr Scanlon for the objector Kean, and Mr Keith Dyer, the licensed surveyor who originally made the plan which was subsequently submitted to the then Mines Department, accepted by the department and worked upon for a considerable number of years.

(2) Not applicable.

(3)-(4) No. As outlined in answer (1) Mr Dyer attended and gave evidence at the hearing of applications for prospecting licences 26/2458, 26/2471, 26/2483 and 26/2510 on 20 September 1994.

(5) No. I have no authority under the Mining Act 1978 to call for the Warden's decision to grant application for prospecting licence 26/2458 to be set aside and referred back to the Warden's Court for rehearing.

ALBANY HOSPITAL BUDGET ALLOCATION

474. Hon BOB THOMAS to the Minister for Finance representing the Minister for Health:

In relation to the Albany Hospital -

(1) What was the budget allocation for the hospital in 1997-98?

(2) What was the allocation in 1998-99?

(3) Can the minister confirm that current levels of spending indicate the hospital will go over budget this financial year?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1)-(2) The Health Department of Western Australia has a memorandum of understanding with the Lower Great Southern Health Service. In 1997-98 the value was $23.286m. In 1998-99 this is valued at $25.563m in total. The Lower Great Southern Health Service is responsible for constructing and allocating operating budgets to its hospitals and health services, incorporating all sources of revenue. The Lower Great Southern Health Service advises its allocation to Albany Regional Hospital was -

1997-98	$16 586 200
1998-99	$16 192 900

(3) The health service has reported that strategies have been put in place to manage the expenditure within the allocation provided. Current expenditure is in line with the cashflow determined by the health service.