

Legislative Council

Tuesday, 17 December 2002

THE PRESIDENT (Hon John Cowdell) took the Chair at 3.00 pm, and read prayers.

UNITED STATES WARSHIPS, SEA SWAP

Petition

Hon Dee Margetts presented the following petition bearing the signatures of 283 persons -

To the President and Members of the Legislative Council of the Parliament of Western Australia assembled.

We, the undersigned residents of Western Australia object to arrangements that are being made with the U.S. Navy whereby crews of U.S. warships will be changed over in Western Australia.

'Sea Swap' will enable the U.S. Navy to save much time, fuel and cost, giving it greater accessibility to Afghanistan and Iraq, and possibly lead to the establishment of a permanent U.S. Navy maintenance base in Cockburn Sound and use of the Lancelin Defence Training Area for U.S. aerial and naval target practice. There are few advantages to our community.

Through its Nuclear Posture Review, the U.S. had reiterated its reliance on nuclear weapons. It has stated it is prepared to use them against seven listed countries, among which is Iraq. By resorting to military force in its war on terrorism, the U.S. has vastly added to the resentment harboured against it in some quarters.

We are concerned that Sea Swap will associate us more closely with the U.S. and its methods, and expose us further to threats of retaliation.

We advocate diplomacy and development as peaceful means of responding to the global security crisis, and oppose providing support, via Sea Swap or by other means, for the militaristic strategies of the U.S.

Your petitioners respectfully ask that the Legislative Council

1. consult with the electorate on this issue
2. urgently inquire into all aspects of the Sea Swap program

And your petitioners, as in duty bound, will forever pray.

[See paper No 671.]

GOVERNMENT FUNDING FOR SCHOOLS

Petition

Hon Bill Stretch presented the following petition bearing the signatures of 20 persons -

To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia, respectfully commend to the attention of the House that:

- Successive State Governments have promised to fund non-government school students at a minimum of 25% of total real government school per pupil average cost.
- The 2002/3 State Budget shows that the total cost of educating 256947 government school students this year will be \$2257m. (\$8 784 each, on average).
- The 108624 students in non-government schools will be allocated only \$170m. by the State in 2002/3 (\$1565 each, on average - i.e., only 17.8% of the average government school per pupil cost).
- The additional cost in 2002/3 to provide these students with an amount at least equivalent to last year's allocation, which was 18.3% of government school per pupil cost, would be \$4.9m., or an extra \$45 each.

Your Petitioners therefore humbly pray that the Western Australian Parliament will demand that the State urgently provides an additional \$4.9m. to the non-government sector in 2002/3, and urgently works towards allocating a further \$64m. per year which is needed to meet the long-standing State commitments to provide non-government school students with an average level of State funding equivalent to at least 25% of the average real government school per pupil operating cost (i.e., \$2196 in 2002/3 - 25% of \$8784).

And your petitioners, as in duty bound, will ever pray.

Similar petitions were presented, by delivery to the Clerk, by Hon Simon O'Brien (28 signatures), Hon Murray Criddle (22 signatures) and Hon Bruce Donaldson (27 signatures).

[See papers Nos 668 to 670 and 672.]

AGRICULTURAL PRACTICES (DISPUTES) ACT 1995, REPORT

Statement by Minister for Agriculture, Forestry and Fisheries

HON KIM CHANCE (Agricultural - Minister for Agriculture, Forestry and Fisheries) [3.06 pm]: I will table a report prepared by the Department of Agriculture on the Agricultural Practices (Disputes) Act 1995 and the Agricultural Practices Board established under that Act. The report is the result of the review of the Act that was required after five years of its operation. The review is also part of the machinery of government process to ascertain whether statutory bodies within portfolios are required or whether their tasks can be adequately fulfilled by departments.

The Agricultural Practices Board was established under the Act to make provisions for the resolution of disputes related to the carrying on or management of agriculture. In essence, disputes relating to agricultural practices could be referred to the board and, through mediation, it could resolve them in a fair, just, economical, informal and quick manner. This meant that disputes between farmers and other land users would not necessarily have to proceed to the courts with all the time and cost that involves.

In summary, the report on the review recommends that the Agricultural Practices (Disputes) Act be repealed, and states that there is no need for the continuation of the functions of the Agricultural Practices Board. The three main reasons for this recommendation are as follows: First, even though the Agricultural Practices Board and its function have been promoted, only eight disputes have been mediated by the board in five years and the numbers have been in decline. The small number of complaints referred to the board is a compelling indication that there is no flood of litigation waiting to happen as a result of urban expansion into rural areas. Secondly, the reviewers believe the Government's statement of planning policy No 11 will facilitate the continued use of agricultural land for agricultural purposes and minimise the potential for land use conflicts to arise. This planning policy ensures that local governments must have as a general objective the protection of such land when preparing or amending town planning schemes, strategies and policies and when providing comment and advice on planning applications that deal with rural land. Finally, the reviewers found that it is appropriate, and within its existing functions, for the Department of Agriculture to facilitate the mediation of disputes, participate in research into the causes of disputes arising from the carrying out or management of agricultural practices, and assist in the prevention or minimising of such disputes. The review therefore found that, to the extent that it is necessary, the functions of the board could be exercised by the Department of Agriculture.

I intend to introduce a Bill to repeal the Agricultural Practices (Disputes) Act 1995 as early as possible in the new year. The Bill will include consequential amendments to the provisions of the Environmental Protection Amendment Bill that are now before the House and which refer to the Agricultural Practices (Disputes) Act. These amendments will delete reference to the Act, but ensure that agricultural practices are protected from charges of causing serious or material environmental harm just as effectively as they would be under the provisions of the Environmental Protection Amendment Bill as drafted. I table the report for the information of the House.

[See paper No 673.]

Consideration of the statement made an order of the day for the next sitting, on motion by Hon Bruce Donaldson.

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Sewage Pumping Station in Heseltine Park, Glenleigh Road, Busselton - Establishment - Petition, Fourth Report

Hon Kate Doust presented the fourth report of the Standing Committee on Environment and Public Affairs, in relation to the petition objecting to the proposal to establish a sewage pumping station in Heseltine Park, Glenleigh Road, Busselton, and on her motion it was resolved -

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

[See paper No 674.]

Swimming Pool Fencing, Sixth Report

Hon Kate Doust presented the sixth report of the Standing Committee on Environment and Public Affairs, in relation to swimming pool fencing, and on her motion it was resolved -

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

[See paper No 675.]

LEGISLATIVE COUNCIL, ATTORNEY GENERAL'S REMARKS

Urgency Motion

The PRESIDENT (Hon John Cowdell): I received the following letter this morning -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency the disparaging remarks made by the Attorney General in respect to the Legislative Council and the defence of the Chamber by the Leader of the House.

Yours sincerely,

Hon Norman Moore MLC

Leader of the Opposition in the Legislative Council

The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [3.15 pm]: I move the motion.

Early last week a reporter from *The Australian Financial Review* telephoned me to say that Mr McGinty, in an interview about his portfolio, had spent some time being highly critical of the Legislative Council and its administration. I went on the defensive, as I usually do, by saying that the Liberal Party has only 12 members in the upper House, and it does not control the Legislative Council. It is actually run by the Government, and the Leader of the House is in charge of the Government's legislative program. The reporter then said that the Attorney General criticised not only the Opposition, but also the Government's administration of the Legislative Council. I said that was extraordinary, and that I could not believe that the Attorney General would get stuck into Hon Kim Chance publicly as Leader of the House. I could imagine him criticising him privately, but certainly not in public. The reporter said that in the story, which would come out later in the week, I would see exactly what the Attorney General said and the reporter was hoping to get a response from Hon Kim Chance. The article came out on Friday, 13 December - perhaps that is a fortuitous day - on page 18 of the *The Australian Financial Review*. It stated -

Western Australia's Attorney-General, Jim McGinty, has ruffled some of his cabinet colleagues by launching a stinging attack on the state parliament's upper house, describing it as a disgrace, an embarrassment and wallowing in inefficiency.

Mr McGinty did not spare his own party's Legislative Council members from criticism, claiming a non-productive culture seemed to attack "everybody who sits in it".

He goes on with a number of other comments which I found quite outrageous and despicable.

Hon Peter Foss: They were unparliamentary.

Hon NORMAN MOORE: That is exactly right. If he had said them in Parliament, it would have breached the standing orders.

Interestingly, further on the article states -

The Labor leader in the council, Agriculture Minister Kim Chance, said Mr McGinty was effectively criticising himself as he was a member of the cabinet committee that determined the timing and presentation of legislation.

"It's an intemperate statement," Mr Chance said. "I am a little bit surprised to hear Jim speaking in those terms. I think he was just expressing his frustrations, and it is a frustrating business, but if you can't take it look for another job."

Several opposition members: Hear, hear!

Hon NORMAN MOORE: Hear, hear! When I read that I thought it was just fantastic. Therein lies a significant split in the Labor Party over the management of the parliamentary process. Here we have the Attorney General, on behalf, I presume, of his colleagues in the Legislative Assembly, pouring a significant bucket on the leader of the Government in the Legislative Council and the rest of us here as well, and then the Leader of the House in the Legislative Council, Hon Kim Chance, giving the Attorney General one back. I thought the one sent back was better than the one that came forward. That is a matter of opinion, and I am biased in my views on these things. However, the bottom line is that there is serious disagreement within the Government over the progress of the legislative program. On this occasion, I am one of those supporting the views of the Leader of the House, assuming he continues to stand by the comments he made in this article. He mentioned later in the article that the rate of progress of legislation was affected by the lack of sitting time available for government business. I agree with that, and I have already taken action to do something about it, by the process of setting up a select committee.

However, the Leader of the House must understand that if the Government goes about it in the right way, there are other ways and means of making more time available to deal with government legislation in this House. Two weeks ago, I put forward a proposition to the Leader of the House that would have reallocated a lot of time. For a long time it has been the practice of the House at the end of the session to reallocate time so that extra time is spent on government

business rather than on motions, urgency motions and things of that nature. That could have been done and more time could have been made up. Mr McGinty's argument is that somehow or other the Parliament is supposed to be like a sausage machine; that is, the legislation is supposed to be shoved in at one end and the Government hopes that it will come out of the other end in about three minutes. As Mark Twain said, those who love sausages and respect the law should never watch how either is made. I agree with that. I do not want this Parliament to become a simple parody that acts as a rubber stamp for whichever Government of the day is in power.

In my view, Jim McGinty's comments are outrageous. They are grossly insulting to all of us. We know how much work, energy and effort we put into our work. We also know how important this Chamber is as a House of Review. I remind government members that when they sat on this side of the House and they had the numbers, in conjunction with the Greens (WA) and the Democrats, they saw the place in a slightly different light. They used their numbers to make sure that every piece of legislation that went through this Chamber was properly scrutinised. I remember the then Leader of the Opposition's speeches about just how important it was for the Legislative Council to properly review and scrutinise the Government's legislation, which it did.

Hon Tom Stephens: What did the then Leader of the House say?

Hon NORMAN MOORE: I took a deep breath and expressed my frustration; however, did I ever call the member a bloody disgrace?

Hon Tom Stephens: No.

Hon NORMAN MOORE: That is right. That is what the Attorney General has called members opposite. Every Government wants to get its legislative program through Parliament. All ministers want their Bills passed in 30 seconds because they think that the world depends for its salvation on a piece of legislation being passed. We all know that is rubbish. Our lives would probably be a whole lot better if we passed half as much legislation as we do and did not seek to pass twice as much.

In the past few weeks I did some research to find out whether this Parliament is passing legislation at roughly the same rate as it has in the past, and it is. The best measure is not to look at each session of Parliament and count the number of Bills that have been passed, because the sessions last for different periods. The duration of the parliamentary sessions since 1991 were 12 months, nine months, 11 months, 10 months, 12 months, nine months, five months, four months and 13 months. Counting the number of Bills passed in a session is not productive because it does not give a fair and reasonable comparison. The average number of Bills passed per month provides a better understanding. Recently, the average number of Bills passed each month by the Parliament has been, 5.6, 5.1, 5.1, 8.8, 4.7 and 7.8. The least number of Bills passed in a month - 4.7, which is the lowest figure in the past 10 years - occurred last year, even though the Leader of the House told me that this Government had made better progress than the previous Government had. The reason that was the lowest figure is that of the 61 Bills that were passed, members debated the electoral reform Bill, the lesbian and gay law reform Bill and the industrial relations Bill, which were significant pieces of legislation. The highest number of Bills passed per month in recent times was during the fourth parliamentary session in 1996, which lasted for nine months and was a pre-election year. In that time, 82 Bills were passed at a rate of 9.1 Bills per month. History shows that a greater number of Bills are passed during pre-election years. This year, up until now, the average number of Bills passed per month has been 7.8. In the four months of this session, which started on 13 August, to date this Parliament has passed 31 Bills at an average of 7.8 Bills per month. That takes the average almost to the top of the average number of Bills passed each month over the past 10 years. It is a very good record.

Hon Graham Giffard interjected.

Hon NORMAN MOORE: I hope the member is not trying to argue with me. Good.

This House has passed 31 Bills and I suspect it will pass more this week. The rest of this session will continue until prorogation some time in the middle of next year. That means another three or four months of sitting. That means we could pass 70 or 80 Bills in this session, which is a lot more than we could normally expect. One of the major changes in the passage of legislation has been the change to the nature of this House. Six years ago, when the previous Government did not have a majority in this House, the rate of business slowed down except for the pre-election year. That was brought about for a number of reasons, and not necessarily due to the intransigence of the Opposition. It was because of significant changes taking place. This House has more parties than it used to. I made that point in my comments in *The Australian Financial Review* and in this House on a number of occasions. When five political parties want to make a speech on any issue, or most issues, it takes two and a half times as long to get through an issue as when there are only two sides to an argument. That has been a significant change to this House over the past 10 years. We now have a different House; it now has different points of view reflecting the proportionally representative nature of our electoral system. Those different points of view need to be expressed, and are being expressed. We are now hearing three or four points of view instead of two. Often in the past the Labor and Liberal Parties would agree on an issue because they were the major parties and had a particular constituency to look after. Instead of Bills being passed with a wink and a nod, they are facing Independents or minor parties with a totally different point of view. All of a sudden, we have a debate with the major parties against the minor parties. That would never have occurred in the past. This place has changed.

Another change for the worse is the nature of the legislation coming from the Legislative Assembly. Far too often we receive Bills that are faulty in their construction and need amending because they are a mess. Legislation is often guillotined through the Assembly; therefore, half of it is not even debated, as was the case with the industrial relations Bill. This House has an obligation and duty to ensure that Bills are scrutinised, particularly those that are guillotined through the Assembly. There are lots of reasons that this House's role is becoming even more important as time goes on, particularly with our present electoral system in which people are voting on the same day for the major parties in the lower House and minor parties in the upper House. For some reason or another, people do not want a Government to have total control over both Houses. As much as I would like to achieve that, that is not what the people seem to want at present.

Mr McGinty should be told in no uncertain terms by his colleagues to butt out and look after his own interests. I might add that he is doing pretty well at that. Since this Government has been in office, 170 Bills had been introduced, 37 by the Attorney General. Nearly one-quarter of the Government's legislation comes from the Attorney General. He is the man who says this place is not working as efficiently and quickly as he would like but he is in charge of one-quarter of the legislative program! He is one minister out of 14 controlling one-quarter of the Government's business. He is riding roughshod over the Cabinet and the Legislative Assembly and he now wants to ride roughshod over the leadership of the Government in the Legislative Council. He needs to be told to get lost. The Labor Party needs to get its act together on this matter. The Government must understand that if it wants the Legislative Council to pass its legislation it must be good legislation. It should be well drafted so that the Legislative Council can debate it sensibly and properly without spending a lot of time fixing it up or getting the community's views on it because the Government has not consulted properly.

By way of conclusion, the Leader of the House should take notice and advice on this, as was provided by Hon George Cash the other day. It is also advice that I have given to him privately in the past. He should tell Assembly members to look after their own interests because the Legislative Council is quite capable of looking after itself. During questions without notice today, I will ask the Leader of the House, representing the Premier, whether the Premier has reprimanded Mr McGinty. If he has not, he should be ashamed of himself because Mr McGinty has brought nothing but disrepute to this Parliament. His comments are outrageous. They are way over the top of anything I have heard before. He deserves to be reprimanded and, if he is not, the Premier will be giving tacit approval to what he has said. I will be interested to hear the Premier's answer to that question because this is just not acceptable. I look forward to the Leader of the House telling us that he does not find it acceptable and that, as far as he is concerned, Mr McGinty should look for another job; and the quicker the better.

HON KIM CHANCE (Agricultural - Leader of the House) [3.30 pm]: I begin by thanking the Leader of the Opposition for moving this motion; it was no great surprise that he did that. However, on the last opportunity to move an urgency motion in 2002 he has injected some humour into this place in what will be a pretty tough and tiring week. It will be hot in the Chamber this week and there will not be too many laughs.

Hon Norman Moore: It's not even funny.

Hon KIM CHANCE: I think this motion is. I feel sure that the Leader of the Opposition deep down would concede that this issue has provided an opportunity for some humour. I will give an example of that. The normal mechanism of Parliament when the Government receives notice of an urgency motion is that if the issue relates to a minister in the other House, a request for a "red" goes to the relevant minister for that minister to prepare a comment for the minister representing him or her in this House to use in the debate. Hon Peter Foss and the Leader of the Opposition have worked out already that the request went to the Attorney General, but I am still waiting for my red!

Hon Peter Foss: He's probably still writing it.

Hon KIM CHANCE: He probably is. The Leader of the Opposition, in his normal, adequate and eloquent way, has expressed his outrage at what was said. I was undisciplined in responding in the way I did, although I think part of my response was justified. In some of my comments I think I was somewhat intemperate and I will not compound that error by carrying them through.

However, I must say in respect of all my colleagues on both sides of the House, and on reflection of my 10-odd years in this place, that I have the highest regard for the work this Chamber carries out. If ever I had doubts about the benefits of a bicameral system - in my case those doubts were not that strong in any case - those doubts would have been dispelled by my observation of the workings of this House. It provides an extremely valuable role in the process of legislation in the State of Western Australia. I have always had a great awe of and respect for Parliament generally and I certainly hold true that view both of this place and of my colleagues in this place. To the extent that I felt inclined to defend my colleagues, I do not retract a single word. There are issues though and I believe my friend and colleague the Attorney General was responding out of a sense of frustration, both personally and on behalf of the Government.

The passage of legislation through both Houses of Parliament is a frustrating process. If we find that frustration too great, in the interest of our own health perhaps we should look for another job. I am quite happy for any member of the Parliament to hear that advice. As much as we might respect this job, we should not allow it to kill us. Too much frustration is not good for our health.

Since a multitude of parties has been represented in this place, by any process of assessment it is clearly demonstrable that the rate of the passage of legislation has slowed down. We cannot judge a place of this nature by the amount of legislation it churns through. I do not believe that the work effort in this place has altered over the years, except to the extent that it has increased. That is a view I hold very genuinely. The difficulty for us is that our task has become more difficult.

Fifteen years ago - albeit I was not a member of the Legislative Council then - nowhere near the number of committees operated as operate now.

Hon Norman Moore: When Mr Berinson was running the place, he would not let us have any committees.

Hon KIM CHANCE: Like me, Hon Joe Berinson was concerned for the occupational health and safety of his colleagues. He was trying to spare his colleagues from work overload just as I try to do. That is why I have tended to discourage late sittings on many occasions. Our workload has increased and our legislation has become immensely more difficult. We are now dealing with a greater amount of uniform legislation, which involves the extraordinary complexity of trying to blend commonwealth and state legislation.

Hon Peter Foss: Commonwealth legislation is inherently complicated.

Hon KIM CHANCE: Indeed. We are dealing with concepts such as national competition policy and trade issues that were foreign to us 15 years ago. We are also dealing with the issue of terrorism, which, thankfully, was also not an issue 15 years ago. All of those issues have increased the workload in this place. However, the simple fact of having five parties represented in this place means that we put a finer comb through legislation than we were required to do 15 years ago. In a sense, the Leader of the Opposition referred to that. It is a good thing that our legislation is undergoing a more harrowing process of analysis than has occurred historically. That is what we should do; it is our job. The issue is as simple as the fact that the job is bigger than it was. The number of Bills passed in this place, whether it be 80 or 50, is virtually irrelevant. Last week this House passed 10 Bills on one day. Does that mean that that legislation was 10 times easier to deal with than legislation that might have taken a full day to debate? I do not believe that is the case.

However, while we are in this process of, frankly, struggling to deal with the number of Bills that are presented, given the detail in the legislation that we must analyse, there is only one answer; namely, to increase the number of hours devoted to debating government business. The Leader of the Opposition has also clearly indicated that. An analysis of the number of hours in which government business in this place has been debated, has revealed that, in normal hours, it is only about five and a half hours a week.

Hon Norman Moore: You can do better than that.

Hon KIM CHANCE: We can do better than that, and I genuinely appreciate the comment the Leader of the Opposition has made. We can fix it. I certainly would not take away from members the opportunity to have a bit of a laugh over the Government's embarrassment about this matter. That is fine. That is one of the things that happens. The important thing is that we try to learn something from it and that we focus on making this place more able to carry out the work that it does as well as the increasing workload that will be imposed on us.

HON PETER FOSS (East Metropolitan) [3.40 pm]: I think -

Several members interjected.

The PRESIDENT: Order, members! Hon Peter Foss has the call.

Hon PETER FOSS: I think -

Several members interjected.

The PRESIDENT: Order, members. Hon Simon O'Brien might have sought the call, but he did not receive the call.

Hon PETER FOSS: I think there is a serious matter in this whole debate. I hope that people do not treat it as a joke, because this is the time that we should learn about this matter. The Attorney General is wrong and the Leader of the House is right. I hoped that he would have been expressing his views quite strongly to the Attorney General for some significant period so that the Attorney General would pay some attention to it. This Government has done a number of things which are possibly shared with previous Governments, but which are certainly aggravated in the way that they have been applied by this Government. I will read to members what the Attorney General is reported as saying -

What the community expects from the parliament is they will properly debate and expeditiously deal with things . . .

I agree with that, and who would not? It is not for me to criticise the other place, but I would have thought that an independent observer of the two Houses would come to a different view. I have gone down to the other House and listened to the debates. Perhaps members in that place need to come here and listen to our debates. I think part of the problem is a result of the failure to understand the workings of this House. We spend a lot of time debating legislation. People need only read *Hansard* to find how little time is spent debating in the other place. It is just a different

approach. The Government will always have a majority in the other House. It follows that if it did not have the majority it would not be the Government. That does not follow in this House. Often the true democratic process takes place in this Chamber.

I am worried about this attack by the Attorney General because I suspect, knowing his zest for publicity, that he might be preparing the ground for that old Labor Party policy - the abolition of the upper House. One never knows when old policies will be pulled out of the bag and we will be told that it has been the policy for 100 years. I sincerely hope that the majority of people in this House will always resist that. However, I would not put it past the Attorney General to take his attitude that far and say that somewhere in the old Labor Party platform was the abolition of the upper House. It may well be that by his constant attacks he is softening us up for that.

Hon Derrick Tomlinson: And he will invent a mandate to do that!

Hon PETER FOSS: He will invent a mandate. It is interesting to read the Notice Paper. It consists of two sorts of items. The first is a large number of Bills that arrived in the past week. Are they the ones that we are holding up? Obviously not. If they have been held up - I do not know whether they have - they have been held up in the other place. I am sure that the Attorney General would not expect us to deal hurriedly with Bills that arrived only after the House had intended to rise. The other lot are Bills that have been around for months; in fact, some were on the Notice Paper prior to prorogation. We would like to debate these Bills, but we have not been called on to debate them. I hardly think that we should be called on to debate these Bills at the very end of the session when some of them have been around since May this year.

Hon George Cash: The period for the grant in the First Home Owner Grant Amendment Bill has expired.

Hon PETER FOSS: The whole Bill has expired. I understand that Hon Jim Scott has about three minutes left in which to finish his speech on the second reading stage of the whistleblowers legislation, which has been renamed, but he has never been given the opportunity to do so. Why are there so many very old Bills and so many very new Bills on the Notice Paper? The reason for this, and it is a matter that I have raised with the Leader of the House before, is the stupid mismanagement of items on the Notice Paper. I suspect that the person who is stupidly mismanaging the Notice Paper is not even in this House, because any person who had the slightest understanding of human nature, let alone of this House, would know that indigestible legislation must be mixed with digestible legislation. However, the digestible legislation has been sitting on the bottom of the Notice Paper and has never been dealt with. Why? It is because an impatient Attorney General will not let this House deal with ordinary, proper government business. Instead, we have had to deal with his legislation, which falls into three categories.

The first category is window-dressing - legislation that the Attorney General wants passed not because it does anything but because it looks as though he is doing something. The second is legislation that he wants to get through quickly, because the Labor Party did not tell anybody before the last election that it intended to introduce this legislation; for example, the gay and lesbian legislation. We remember the half-hearted attempt to put that information on the Internet on the night before the election. Even then the Labor Party did not state its intention. Another example was the one vote, one value legislation. Bunbury and Kalgoorlie will always have two members! Do members remember that? That is the sort of legislation that the Attorney General wants this House to get through. Of course he wants this legislation passed early, because he knows that the further he can keep its passage from the next election, the better. The third category contains some very good legislation, which I drafted. I notice that the Attorney General is now claiming credit for that legislation. Another article in the same edition of *The Australian Financial Review* quoted the Attorney General as saying that he had done many wonderful things and that he would do some more. He even claimed credit for the reference to the Law Reform Commission on Aboriginal law. What a wonderful Attorney General he is! He did that before he was Attorney General, and he got me to sign it in my name, just so that he could do it.

Hon Derrick Tomlinson: Don't tell me he controlled you as well as the Government!

Hon PETER FOSS: He must have done. I thought I was doing it myself. I did not realise that it was actually Hon Jim McGinty who was doing it. He is a megalomaniac. He seems to think that he can control this House. That is the problem. The Leader of the House and upper House members need to meet separately and tell him where he can go. That is about the only way to run this place properly. Otherwise, the Attorney General must sit for election to this House and find out what it is like to be a member of it, because we take our job seriously.

When we were in government we would agree something with the Opposition. Hon Kim Chance would then rise to say that the Opposition supported the legislation, but that he had a few words to say. I would settle in for the next two hours. We did not complain about that, because I always found that Hon Kim Chance addressed the legislation and had some useful points to make which, I must say, I am glad are in *Hansard* and on the record. I hope that we act in a similar way; that is, what we say is relevant. I remember that as a lawyer I would go to *Hansard* to read the debate on some important legislation to try to understand a particular matter. I would read the second reading speech, but it would not be mentioned. I would go to the Committee stage and the Bill would have gone right through without debate on the matter. The vital change in the law that I wanted to know about would not have been considered.

We must do another thing. We need not more time, but fewer words. I have told the Leader of the House this before and I will follow it up. There is too much legislative chaff and not enough legislative wheat. The problem is that Bills

are getting bigger and bigger. It is not that we are being presented with more Bills - that may be happening too - but that the Bills are huge. Members should look at The Partnership Act 1895. It is a brilliant piece of succinct legislation that covers the whole law of partnership in about 12 pages. We seem to have lost the capacity to do that. From my reading of legislation, I know that most of it is total nonsense and is not necessary. We seem to gallop along, and the departments love it. Everybody seems to be caught up in it. It is time that the Government took control of the legislative program and made what we get here useful. I suggest that reference should be made to the Standing Committee on Legislation to help the Government with that. Frankly, Western Australia would be better served if we cut out all the rubbish that we must currently deal with - the chaff - and instead dealt only with the wheat. If we did that, we might achieve a lot for Western Australia. Mr McGinty had better learn that he should look at his own House and his own behaviour. It is about time that government members in this place got on their hind legs and told him to go somewhere else. In that way we will get good legislation. This House would not be sitting here waiting to pass Bills; it would have passed most of the Bills. When he butts out, he might find that legislation gets through. He needs to learn that his union thuggery does not work in here.

Hon Kim Chance: Or skulduggery.

Hon PETER FOSS: Yes, buggery, skulduggery and thuggery. He is the leader on all of them as far as I can tell. The reality of the matter is that thuggery does not work here.

HON ROBIN CHAPPLE (Mining and Pastoral) [3.52 pm]: The Greens (WA) wish to add their voice to this important debate. We were also extremely concerned about the attack on the Legislative Council by a member of the other place. It is important that we make sure that we place on record that in our view this House works well. This House has looked at many deficient pieces of legislation that have been received from the other place. The way in which legislation is passed in the other place gives this House cause for concern. I commend the committee system and the staff who work very hard and diligently to ensure that legislation is carefully reviewed in the best interests of the community.

Mr McGinty should spend some time reading the *Western Australian Business News* of 12 December 2002 in which Joe Poprzeczny commented about the Legislative Council. The article headed "Independence has its day" reads -

Calendar year 2002 will be remembered as the year Western Australians finally saw what having an independent legislature means . . .

Although conservatives believed the Greens to be another variant of Labor, Greens MPs disproved this and in the process showed that the upper house was the chamber that decided the fate of legislation, the law in WA.

These are his words -

Although the Legislative Assembly, the lower house, is where governments are formed, it's generally little better than a vacuous talking shop. Its so-called debates don't affect legislation that's ostensibly under discussion. The lower house is where two gladiatorial tribes called the government and opposition shake their clubs and spears, beat their war drums and exchange insults, trying to prove their mettle.

But all that ballyhoo has nothing to do with legislation, for when crunch time comes the whips come out and governments always win, because they've got the numbers in that chamber. Like those old wild west movies, the cowboys always win . . .

MPs always back government legislation, making the lower house a legislative non-entity. It has no influence on legislation, which is always decided upon in a party room or cabinet, with all government MPs toeing the party line. The upper house, while it was under conservative control, generally did likewise.

When conservative governments ruled it tended to be accommodating and when Labor governments emerged it could be devastatingly obstructionist.

The situation today, with the Greens holding the balance of power, is that the upper house is no longer a creature of either . . .

Joe Poprzeczny goes on to say that although the Greens supported one vote, one value, they would not support the legislative provision that gave the President the vote. He goes on to quote McGinty as saying -

He would now amend WA's constitution to permit the upper house's president to vote on all legislation, thereby giving Labor that much-needed 18th vote.

Joe Poprzeczny continues in his article -

But to everyone's amazement the Greens wouldn't back altering of the constitution for so blatant a political motive, meaning Mr McGinty remains one tantalising vote short of victory.

The Greens' decision was made a more bitter pill to swallow for McGinty because conservatives believe an informal Labor-Green alliance exists.

I hope that decision has enabled us to disprove that.

Joe Poprzeczny then goes on to quote statistics on what had happened in the Parliament over that period. He states -

As at November 13 there were 227 upper house divisions, with the Greens voting with Labor 191 times, so a huge 84 per cent.

This high figure means it's fair to say WA, since May 2001, when the newly elected upper house members took their seats, has been governed by a de facto left-of-centre Labor-Green alliance.

In 17 of the 227 divisions, 7 per cent, they voted against all the parties, so were on their own.

However, there were 15 divisions, 6 per cent, when they backed the conservatives . . .

And there were four times when they voted in a non-partisan manner . . .

But what it also showed is that WA's upper house, which the conservatives controlled for nearly 110 years, has entered a new era, one in which governments - Labor or Liberal - won't be able to predict the fate of their legislative packages . . .

Western Australians no longer live under cabinet and pliant unrepresentative lower house rule, but under a proportionally elected upper house.

I believe the operation of this House has been effective, and its committees have been bipartisan and have worked exceptionally well. The Attorney General has made the comment that this place seems to be doing other business rather than getting on with his legislative program. In the current session three private members' Bills are on the Notice Paper: the Voluntary Euthanasia Bill 2002 from me, the Nuclear Activities (Prohibition) Bill 2002 from Hon Giz Watson, and the Wildlife Conservation (Fauna Protection) Amendment Bill 2002 from Hon Dr Christine Sharp. In the last session of the Parliament we had four private members' Bills: the Nuclear Activities (Prohibition) Bill 2001 from Hon Giz Watson, the Environmental Protection (Land Clearance) Amendment Bill 2001 from Hon Dr Christine Sharp, the Workers' Rights Reinstatement and Protection Bill 2001 from Hon Dee Margetts, and the Young Offenders (Mandatory Sentencing) Amendment Bill 2002 from Hon John Fischer. None of those private members' Bills ever gets up the Notice Paper and is dealt with, because we are so busy dealing with government legislation. I would like at some future stage to have some provision for private members' Bills to be dealt with in this place, as is the case in the Legislative Assembly. It is important from our perspective that we do not become a parody of the other place. The other place certainly does not evaluate critically much of the legislation that goes through it. This House has made some serious amendments to the Trans-Tasman Mutual Recognition (Western Australia) Bill 2002 with regard to fire blight. There was a huge gaffe with the fire and emergency services legislation recently that we found and managed to solve in this House.

Another issue that causes the Greens (WA) a degree of concern is the manipulation from time to time by the other Chamber of the legislative program in this place. The Greens (WA) are very poorly resourced and we literally have to deal with legislation as it comes up. The presence of a pre-determined legislative program on the Notice Paper is important to the Greens (WA) being able to deal with the legislative program. It is of great concern when sudden changes are implemented at the direction or will of the other House, because it puts the Greens under a great deal of stress.

HON GEORGE CASH (North Metropolitan) [4.01 pm]: I rise to speak to the motion moved by the Leader of the Opposition. I accept the comment by the Leader of the House that he, and no doubt his colleagues in this Chamber, were embarrassed by the comments of the Attorney General. I understand that the Leader of the House and his members are embarrassed by an attack from a person who claims to be a senior member of the Gallop Government. That embarrassment should be sustained not only by members of the Labor Party in the Legislative Council but also by members of the Labor Party in the Legislative Assembly. Clearly, the Attorney General's comments are an indication that he lacks any knowledge of the practice, procedures and requirements of the Legislative Council. What is even worse is that it is obvious that he does not understand the opening words of the Western Australian Constitution. Section 2(2) of the Western Australian Constitution Act 1889 states -

The Parliament of Western Australia consists of the Queen and the Legislative Council and the Legislative Assembly.

It does not say that the Parliament of Western Australia consists of Mr McGinty, the Legislative Assembly and Mr McGinty. It does not say that at all, even though in his wildest dreams the Attorney General may think that is the case. The Attorney General's intemperate outburst has demonstrated that he has little understanding of the Parliament in Western Australia.

In the time that I have been a member of this place, and in the time that I have known senior Liberal members who were members before me, it has always been clear that the Liberal leader in this place - whether he be the Leader of the Opposition or the Leader of the House - never takes instructions from the lower House. However, on one occasion there was an attempt by a member of the Liberal party in the lower House to direct a leader of the Liberal Party in this House. The leader of the Liberal Party in the Legislative Assembly soon learnt his lesson. The Legislative Council is a separate House of Parliament from the Legislative Assembly. Although it has similar functions, it must deal with

separate issues, some of which have been outlined this afternoon by Hon Robin Chapple. Whether or not the Attorney General likes it, there are now five parties in this House and each party is entitled to state its view on the Government's legislation and other government matters. It is not for Mr McGinty to decide from his ivory tower - which is not in the Legislative Assembly; it must be in a place separate from Parliament - who in this House will speak and what they will say. It has already been said that his comments are the act of a thug. Indeed, reference has been made to thuggery, buggery and skulduggery. I do not need to go into that because it has already been dealt with. However, it is a fair description of what we have seen in this place in recent times. If an analysis were carried out on the amount of time spent on individual Bills as they have passed through this place, we would find that the Attorney General's Bills have taken up the most time in both the House and the Legislative Council's various committees. The gay and lesbian legislation quite correctly took a considerable amount of time to progress through the House. Members who had an interest in that area were entitled to speak on behalf of their constituents. Mr McGinty did not want the one vote, one value legislation sent to a committee to be properly discussed - gone are the days of accountability and transparency. Fortunately, with the support of the Greens (WA) and other parties in this House - with the exception of Labor - that legislation was sent to a committee, which did a proper job in exposing its problems. When that legislation was referred by the Clerk of the House to the Supreme Court of Western Australia on a question of law, Mr McGinty again became upset. Now, because the Supreme Court has decided 4-1 that Mr McGinty was wrong in the propositions he advanced and in his earlier statement to the Legislative Assembly that "everything was okay, she will be right, there is no problem with respect to constitutional issues", Mr McGinty has now decided to take the issue to the High Court. His outburst the other day is part of that package of payback that Mr McGinty sees as necessary to justify his position. Members on this side of the House talk from time to time with members on the other side of the House and know that in some areas there is open revolt in the Australian Labor Party because of the way the business of the Government is being handled. The good news for members of this House is that it will only get worse. People like Mr McGinty and others are calling the shots and, as a result, it is reflected in the polls in the community. Some members who have won their seats by a limited margin can see those seats going down the drain at the next election.

One reason that this House must spend so much time on legislation is that the legislation is deficient when it arrives from the Legislative Assembly. Take, for instance, the recent taxation Bills. There were 10 Bills and, again, the Government did not want to refer them to a committee. However, in the end it conceded that three of those 10 Bills could go to the Standing Committee on Legislation. That committee considered those Bills, found that they were totally inequitable and made some amendments to them. Quite clearly, Mr McGinty does not like this House making amendments to the Government's legislation, notwithstanding that they were deficient when they arrived in the Legislative Council.

Prior to the last election we heard a lot about accountability and transparency from Dr Gallop and Mr McGinty. One of the issues raised by the Commission on Government and mentioned during the WA Inc royal commission was the importance of the upper House when it came to maintaining accountability and transparency, no matter what the colour of the Government in the Legislative Assembly. Is it not interesting that just 18 months into this Government's term, accountability and transparency have now gone out the door?

Hon Kim Chance: Why do you say that?

Hon GEORGE CASH: Only the other day I asked the minister responsible in this House to table a contract with regard to David Eiszele from Western Power. I was told that the contract contained confidentiality provisions and, as such, could not be tabled. Members opposite should have no fear because I will follow that up -

Hon Kim Chance: Surely that was not a government document?

Hon GEORGE CASH: Excuse me! Who does the member think is the main shareholder of Western Power? It is the Treasurer of Western Australia or the Minister for Energy.

Hon Kim Chance: Your Government so separated it from public ownership that it's now basically a private monopoly.

Hon GEORGE CASH: However, it did not separate it sufficiently to ever avoid the scrutiny of the Parliament. I raised that point because transparency and accountability is going out the door.

Hon Peter Foss: It is all related to WA Inc.

Hon GEORGE CASH: Again, that notion of WA Inc is creeping in. Today we were told that there would be private-public partnerships. However, the public may not be able to find out much about them because they might also have to contain commercial confidentiality clauses.

Hon Kim Chance: But your Government made an art form of that.

Hon GEORGE CASH: Two wrongs do not make a right. I say this to the Leader of the House as a friend: when he was the Leader of the Opposition he could negotiate; when he became the Leader of the Government in this House under the spell of Mr McGinty all notion of negotiation was destroyed, and it is not helping this House.

HON SIMON O'BRIEN (South Metropolitan) [4.10 pm]: I take exception to the Government's attitude to this House of Parliament. It is not only intemperate - a word that has been used in the article referred to by the Leader of the

Opposition - but also juvenile and it is not becoming of ministers of the Crown. I also place on record my dissatisfaction with the responses received from representatives and supporters of this Government in this place to the pressures being exerted upon them by members of the Government and its party from outside this House. That has been demonstrated just now by the response of the Leader of the House to the comments reported in *The Australian Financial Review* of Friday, 13 December. They were good, responsible and balanced comments given the severity of the allegations to which he was responding - but his effort today in addressing this motion was pathetic. The closest the Leader of the House came to supporting this House and its members from all sides was to say, "It is nice at this time of the year to have something we can laugh about, but I guess the Government must be a little embarrassed that this has been made public." That was absolutely pathetic. The Leader of the House then spent most of his time placing on the record how this House of Parliament deals with legislation and does things that are not done by the Assembly. He referred to committee work, the processes of review and many other things that are now on the record - all contrived to throw the Attorney General's attitude back in his face - but he spoke in an apologetic tone as if, now that this matter has been embarrassingly raised in the public arena, he had better not say anything to upset his colleagues in the Cabinet. That shows who in this Government is pulling the strings. We do not have any government heavyweights in this House who are prepared to stand up to the obnoxious comments that are being directed at them publicly through a national journal. That was the reason for my earlier interjection when I described the response by the Leader of the House as weak. It was contemptible to hear such a weak response from the Leader of the House following this attack by the Attorney General. What next? This is the Attorney General who threatens councils when they want to express their points of view and make sure they are represented before the Supreme Court when their representational rights are about to be severely reduced by electoral reform legislation, which legislation was shown to have been forced through this House without proper scrutiny and passed unlawfully. Whom will he threaten next? Perhaps it will be the High Court. That is now his target, his last refuge or bolt hole for this unlawfully passed legislation. I also remind government members of the Attorney General's refusal to use the committee system that the Leader of the House was just telling us is so wonderful and which he respects. I agree with him on that. The Government refused to defer debate on the Railway (Jandakot to Perth) Bill 2002 - that incredibly important Bill for future Western Australians - and refer that Bill to a committee for a few weeks to obtain a few basic answers on matters of fact. It was just left off the Notice Paper for weeks when a committee could have been scrutinising it, which would have expedited matters when the Bill eventually came before the House. I do not know why the Government did that. Perhaps, in its arrogance, it just does not like being examined. The fault in delaying matters goes back to the Government.

Motion lapsed, pursuant to standing orders.

ADDRESS-IN-REPLY

Amendment to Motion

Resumed from 12 December on the following amendment moved by Hon Bruce Donaldson -

That the following words be added to the motion -

but regret to inform Your Excellency that the Government is failing in its administration of the State of Western Australia.

HON DERRICK TOMLINSON (East Metropolitan) [4.16 pm]: I support the amendment moved by Hon Bruce Donaldson. The failure referred to in this amendment is in the Government's administration of the State of Western Australia. I draw a distinction between the political ineptitude of the Government and its ineptitude as the Executive Government. The political ineptitude has been addressed in the debate that has just been completed. The administrative and executive ineptitude are the subject of this amendment. The Government will address the political ineptitude. Members will find, when we come back to this place on 4 March 2003, that the seat occupied by the invisible man will be occupied by Hon Nick Griffiths. The seat currently occupied by Hon Nick Griffiths will be occupied by Hon Ljiljana Ravlich. The seat currently occupied by Hon Jon Ford will be occupied by Hon Tom Stephens.

[Quorum formed.]

Hon DERRICK TOMLINSON: I was saying that, when we return to this place on 4 March 2003, some of the political ineptitude of this Government will have been addressed. The seat currently occupied by the invisible man will be occupied by Hon Nick Griffiths. The seat currently occupied by Hon Nick Griffiths will be occupied by Hon Ljiljana Ravlich. The seat currently occupied by Hon Jon Ford will be occupied by Hon Tom Stephens. Hon Jon Ford will occupy the seat currently occupied by Hon Ljiljana Ravlich.

Hon Ken Travers: Do you want to make a bet on that?

The PRESIDENT: Members, betting is not allowed in the House.

Hon DERRICK TOMLINSON: There, Mr President, is Hon Ken Travers trying to make money out of the misfortune of poor Hon Tom Stephens! It is absolutely despicable that Hon Ken Travers would take financial advantage of one of his colleagues in that way!

Hon Jon Ford will make an excellent parliamentary secretary. As a matter of fact, I am sure that the factions will dispute whether Hon Jon Ford or Hon Ljiljanna Ravlich should get the nod to sit on the front bench in the seat now occupied by Hon Nick Griffiths. It must be an interesting tussle between the factions for the numbers at the moment. However, that is a matter for the Government to decide.

I will now address the Government's ineptitude in the administration of the State. I will illustrate that by referring to something that became glaringly obvious to me when I attended the official opening of stage 4 of Roe Highway between Welshpool Road and Kenwick Link on Sunday, 1 December 2002 at 10.00 am, to which I was invited. I do not know whether other members of the Opposition were invited. Certainly the previous minister who was responsible for much of the work on the planning of that highway had not been invited. Nevertheless, I was invited. I attend those functions whenever I am invited, because they are important. This function was very important. The event was exceedingly important for the residents of William Street in Kenwick. One of the speakers at the event said that the residents of William Street, Kenwick had suffered for 10 years as a result of the long process of the extension of Roe Highway from Welshpool Road to Kenwick Link. Indeed, they tolerated considerable suffering in that time. People who drove on William Street - I frequently drove on it to move around my electorate - were aware of the volume of heavy-haulage traffic that travelled from Roe Highway at Welshpool Road along William Street into Albany Highway, from Albany Highway into Nicholson Road and from Nicholson Road into the Canning Vale industrial area. That was an intolerable traffic burden on the residents of William Street. For them, the opening of stage 4 of Tonkin Highway was not only historic, but also a moment of considerable relief to their lifestyles. It is now very relaxing to drive down William Street. I have deliberately driven down it at various times of the day to test the effect that the extension of Tonkin Highway has had on the volume of traffic on William Street. Not only has the volume of heavy-haulage traffic diminished considerably - in fact, I have not met any heavy-haulage traffic on William Street since stage 4 of Tonkin Highway was completed - but also the volume of passenger vehicles has likewise diminished. The volume of traffic on William Street is now equivalent to the volume of traffic on a suburban backstreet.

The official opening of stage 4 of Roe Highway between Welshpool Road and Kenwick Link was a very important occasion. Quite properly, the Minister for Planning and Infrastructure was on the dais at the opening ceremony, because the project is within her jurisdiction. The Deputy Premier, Hon Eric Ripper, was also on the dais. Again, it was appropriate for him to be there because, as the Treasurer, he is responsible for the capital expenditure on that project. Also on the dais was Mr Martin Whitely, the member for Roleystone. Again, it was appropriate for him to be there because the project was completed in his electorate. Any honest assessment of the last election would demonstrate that the William Street controversy was a significant factor in the change of hands of the seat of Roleystone from the incumbent Liberal member, Fred Tubby, to Mr Martin Whitely, representing the Australian Labor Party. Therefore, it was appropriate for him to be there. A representative of Leighton Contractors Pty Ltd was also on the dais. That company completed the work not only on budget, but also ahead of time. Leighton Contractors needs to be commended on that. The fifth person on the dais was a representative of the Kenwick action group. Again, I think it was quite appropriate for someone from that group to be there. He represented the pain that the people of Kenwick - William Street in particular - had suffered for 10 years. It gave everyone an opportunity to say thank you to the Government for relief. Those were the five people on the dais. Standing behind them were Tony McRae, member for Riverton, the federal member for Swan, Kim Wilkie, and an organiser from the Transport Workers Union of Australia. That is significant. I will return to that at a later stage.

The first meeting I attended on this issue was held at 7.30 pm on Tuesday, 5 March 1991. On 25 February 1991, I received a letter from Hon Pam Beggs, JP, MLA, Minister for Transport. The letter advised me that Main Roads, in association with the Shire of Kalamunda, was to hold a public meeting in the Beckenham Community Centre, Streatham Street, Beckenham at 7.30 pm on Tuesday, 5 March 1991. The purpose of the meeting was to enable residents to be acquainted with the proposed design of the Roe Highway extension from Tonkin Highway to Welshpool Road. The meeting was a baptism of fire. I had been in Parliament for only 18 months and was very green in judgment, although very committed in attending as many electorate functions of this kind as I could.

[Quorum formed.]

Hon DERRICK TOMLINSON: As I said, the meeting in February 1991 was a baptism of fire. I attended, expecting it to be an information evening in which residents would be informed of plans for the extension of Roe Highway from Tonkin Highway to Welshpool Road. The meeting was called by the Shire of Kalamunda in association with Main Roads. Beckenham is not within the Shire of Kalamunda; it is in the City of Gosnells. Stage 2 of Roe Highway between Tonkin Highway and Welshpool Road was within the Shire of Kalamunda. As such, the Shire of Kalamunda was the host of the meeting. However, the meeting turned into not an information evening but a war between two factions opposed to the extension of Roe Highway to Welshpool Road and to the inadequacy of the preparation for Roe Highway and Welshpool Road. The groups under attack were Main Roads Western Australia and - surprise, surprise - the City of Gosnells. The two groups represented residents of William Street and property owners in Albany Highway. The residents of William Street predicted what came to pass; that is, that building the extension from Tonkin Highway to Welshpool Road and from there diverting the highway traffic into William Street would have the effect of increasing the volume of heavy haulage traffic along William Street. It was the only sensible route and the shorter route between

Roe Highway, the Cannington industrial area and the Canning Vale markets. The residents were outraged because they predicted the consequences on their lifestyle. They demanded that the next stage of Roe Highway be brought forward to minimise the period during which they must suffer the consequences of that traffic. That happened in 1991. I attended the opening of that stage in 2002. I can understand their chagrin and their anger; they expressed them at that meeting in February 1991.

The second group, however, had a different concern. In 1991 the plan was for an intersection of Roe and Albany Highways. The site of the intersection was uncertain because the engineering planning for that stage had not been done. However, landowners, in particular commercial landowners, had made investment decisions based on the best information available to them on the siting of the intersection of Roe and Albany Highways. Some landowners and residents of Wimbledon Street were aggrieved because they foresaw the consequences on their lifestyle of a diversion of Albany Highway around what is now known as the Kenwick Link. Therefore, Main Roads and the City of Gosnells came under vigorous attack at that public information meeting. Both the City of Gosnells and Main Roads went away from that meeting humiliated and with their tail between their legs. To its credit, Main Roads learnt a great deal from that meeting. I observed from then on that Main Roads never produced a road proposal without its first being released for thorough public consultation. Thorough public consultation in advance of a decision being made about the location of a main road is now a standard procedure of Main Roads. From that meeting in 1991, therefore, came that virtue in the procedures of Main Roads. One of the first public consultation groups was established to look at the preferred siting of the link to the intersection of Albany and Roe Highways and, secondly, to consider a proposal to divert Albany Highway along Wimbledon Street - the now Kenwick Link. That consultation process took 12 months and produced three alternatives, which were again circulated for public consultation. They were not simply considered by a consultative group in which the local community was represented. Public opinion was sought through public meetings, displays and information days. A shopfront was established on Albany Highway, where a model of the alternatives was displayed and residents were invited to express their opinions. It was an excellent exercise in public relations. Inevitably, in any of these exercises, time is consumed. A decision was made, firstly, to divert part of Albany Highway through Kenwick and to widen that section of the highway; and, secondly, to reaffirm the Wimbledon Street deviation. The consequence of that decision was that what had been a single stage of Roe Highway from Welshpool Road to Nicholson Road, Cannington, became stages 2, 3, 4 and 5. Stage 2 became the building of the Kenwick Link, which took 18 months. Stage 3 became the re-routing and widening of Albany Highway along the railway line at Kenwick. However, what seemed a fairly simple engineering exercise was an exceedingly complicated engineering exercise because the proposal was to build a tunnel for the passenger rail under Roe Highway rather than have a split level crossing. The design involved re-routing the highway, building the tunnel, re-establishing the highway and relocating the railway line. It involved a fairly substantial engineering undertaking. Halfway through the design stage the Government made another decision to route the passenger rail at Kenwick from the Armadale passenger line into the goods traffic line to Kwinana. That meant that the tunnel had to divert to two routes - one for the Armadale route and the other for the intended Perth-to-Mandurah route.

Hon Ken Travers: What year are we up to now?

Hon DERRICK TOMLINSON: I am up to events in 1996.

Point of Order

Hon KEN TRAVERS: I have been listening now for 12 minutes as the member has debated the amendment, which reads in part -

but regret to inform Your Excellency that the Government is failing in its administration of the State of Western Australia.

If it were the substantive motion, the member would be entitled to trace history. However, we have been having history lessons now for some time. I fail to see the relevance of the member's remarks to the amendment.

The DEPUTY PRESIDENT (Hon George Cash): Hon Ken Travers has raised a point of order and has read to the House the amendment, which states -

That the following words be added to the end of the motion -

but regret to inform Your Excellency that the Government is failing in its administration of the State of Western Australia

Like Hon Ken Travers, I, too, have read the amendment and I have listened to Hon Derrick Tomlinson. The words "is failing" certainly do not prevent a member citing the reasons the Government is failing. If the Government fails to act on something that it had the capacity to act on, it seems to me that, in the view of the member, it could be said that it is failing. Hon Derrick Tomlinson's comments may not be palatable to some, but they are well within the words of the amendment.

Debate Resumed

Hon DERRICK TOMLINSON: Hon Ken Travers does not appreciate that understanding history is the key to understanding the present. I started by saying that those people suffered for 10 years. I will go through those 10 years

and explain why they suffered in that period. I also want to praise the work of Main Roads Western Australia in those 10 years, and then I will demonstrate the failure of the Executive Government of this State.

I had reached the engineering design stage of the bifurcation of the tunnel. Therefore, there was a delay in engineering design while the railway engineers reconfigured the tunnel that they had designed for the Roe Highway underpass. That caused a further 12-month delay. By 1999 the tunnel was under construction, and road building was under way. I stress that this meant, first of all, relocating the railway line to a temporary diversion and then relocating the highway. Having relocated the highway to a temporary diversion, the tunnel was constructed. Once the tunnel was constructed, the new highway alignment was then constructed. Once the new highway alignment was constructed, the railway was relocated to its original alignment - a long and complicated engineering process. The logistics of it were commendable from the point of view of those responsible for the engineering design and construction - Main Roads Western Australia.

I made the point that following the horrendous meeting at Beckenham in 1991, Main Roads has not undertaken a major road construction without public consultation taking place in advance. It also learnt to constantly inform the residents affected of what would happen, and at any time the residents could go to the construction site and the information would be available to them. The residents could stand and watch the construction through a glass window. There was constant dialogue between Main Roads and the residents.

I will illustrate one of the dialogues that I became involved in as late as 2000. Part of the problem for William Street was that it was to be spared the heavy-haulage traffic, which would use Roe Highway. Then came the question of where William Street would terminate. Would William Street continue to flow into Welshpool Road, at what point would it flow into Welshpool Road, and where would it connect with the industrial area on the northern side of Welshpool Road? Main Roads' solution was simple: William Street would simply follow Welshpool Road for a kilometre and a half and then join it at an intersection a kilometre away. Any resident who was used to driving along the William Street-Welshpool Road dogleg into the industrial area now had an extra three to five kilometres to travel. As members might imagine, they were not happy. I happened to visit one of those enterprises on another matter. The owner of the business asked me whether I knew what was happening with the extension of William Street. I explained what I understood to be happening. He told me that he had not been advised of that. I said that he surely must have been, but he said that he had not. A meeting of the local business proprietors was called, which I attended. I listened to their genuine complaints. They said that they had not been told. I told them that I could not believe that, because Main Roads was assiduous in informing affected property owners, but they insisted that they had not been told. I told them I would fix that. I rang Main Roads and spoke to the engineer. In those days we were allowed to speak to public servants; we did not have to get the permission of the minister before we could speak to public servants.

Hon Ken Travers: We did!

Hon DERRICK TOMLINSON: Members opposite did?

Hon Graham Giffard: Yes.

Hon DERRICK TOMLINSON: That is disgraceful! It is disgraceful when a member of Parliament cannot represent his or her constituents by going directly to executive government. If members opposite were affected in that way, I apologise. I am disgusted by that. However, that is a side issue; I am being distracted from the motion.

Hon Nick Griffiths: I don't think it is a side issue. I think your ministers treated your backbench differently from the way in which they treated the Opposition.

The DEPUTY PRESIDENT (Hon George Cash): Order! Hon Derrick Tomlinson does not need any help.

Hon DERRICK TOMLINSON: I am constantly being distracted from the message of the debate!

I called a meeting. I was embarrassed, because the first thing that the Main Roads' official did when he walked into the meeting was to shake hands and say, "G'day Fred, g'day Charlie, g'day Mary". He knew them all by name. I thought that that was interesting. They then recited all the things that they had put to him at three previous meetings. I had been absolutely duped! I rang the next day and apologised to the Main Roads' official, because I had been led to believe that there had not been any dialogue. In fact, there had been constant dialogue about this very issue with those people. The Main Roads' official said that this happened all the time and that Main Roads was used to it; it was part of the process and part of what they had to do.

I now refer to a matter closer to the present. In 2001 the previous Government was confronted with the embarrassing realisation that it was overcommitted on its roads program. The four-cents-a-litre program had been killed by a decision of the High Court. Part of the road building program was predicated on that four-cents-a-litre program. Certainly the extension of Roe Highway was predicated on that hypothecated revenue. A decision was made not to proceed with Roe Highway at that time. However, the minister of the day then entered into dialogue with his counterpart in the federal Government to get federal funding for Roe Highway. In the meantime, of course, Roe Highway became a matter of considerable political debate because William Street separated the seats of Belmont, which was held by Mr Eric Ripper, now the Deputy Premier of Western Australia, and Roleystone, which was held by Mr Fred Tubby. Mr Ripper's seat was never in doubt; Mr Tubby's seat was under considerable challenge. It became a hotbed of conflict, which had to be

resolved one way or the other. It was resolved politically in the present Government's favour. It won the seat of Roleystone. Any independent analysis of voting in the seat of Roleystone would indicate that the William Street issue was significant.

The then Government had been actively working to overcome the issue. It was too late in persuading the residents of Kenwick that there was a resolution of the problem by persuading the federal Government to accept Roe Highway stages 3, 4, 5, 6 and 7 as being a road of national importance. In December 2000 the Prime Minister in a speech at Mandurah announced that the federal Government would be assuming responsibility for the Roe Highway with a \$76 million grant to the State for sections 4, 5, 6 and 7. This meant that \$76 million would be injected into the State's roads program over three years and that the Roe Highway extension stage 4 could proceed.

The contract for the design and construction was ready to be let in March 2001 - in other words, a month after the election. It went ahead and the contract was let in May 2001, not by the Court Government but by the Gallop Government. Main Roads, which had been responsible for the design of the contract, was ready to proceed as soon as the funds were made available. The federal Government made the funds available in December 2000. From that stage on, the relief from heavy-haulage vehicles travelling along William Street was assured.

I now come to the ineptitude of the public administration of this Government. At the beginning of my presentation I told members who was sitting on the podium. Each of those people on the podium spoke. The master of ceremonies was the minister, Hon Alannah MacTiernan. She praised the member for Roleystone for achieving this great moment for the people of Kenwick, because if he had not acted in the way he had done, the highway would never have been built. What did he do? He said to the people of Kenwick in a letter that if it was not built by the end of 2002, he would resign. That was very bold stuff, particularly when he knew that the money was already in the bank! However, to the victor goes the spoils; so considerable praise to him. As an electoral strategy, it was excellent - unprincipled, but excellent. Hon Eric Ripper spoke next and said that had it not been for the work of Hon Martin Whitely - sorry; not Hon Martin Whitely. He will never make it; he is a one-termer -

Hon Ken Travers: He is an honourable man.

Hon DERRICK TOMLINSON: Yes, I will give the member that, but he will never make it; he is a one-termer. Martin Whitely was also praised by Hon Eric Ripper. Hon Eric Ripper then stood and said to the assembled people of Kenwick, "Your Government has surplus budgets. However, your Government is not wasting the surplus budget. The surplus budget is being spent on projects like this; we are spending the surplus on building Roe Highway." There was not a word about the \$76 million from the federal Government - not a cracker. There was not even a representative of the federal Government at that meeting. The only representative of the federal Parliament was the federal member for Swan. Martin Whitely then spoke. The Leighton Contractors Pty Limited representative then spoke -

An opposition member interjected.

Hon DERRICK TOMLINSON: No; the trades union did not speak. The representative of the people of Kenwick then spoke very well indeed.

What I found disturbing was that Main Roads WA was not mentioned. I looked around the podium to see the Main Roads' representatives. They were not there. Guess where they were! They were sitting behind me in the audience! These were the senior executives of Main Roads, who for the past 10 years had been responsible for all the design and redesign work and for all the public consultation on Roe Highway, and who had had to suffer all the public complaints from the meeting in February 1991 until the day when Roe Highway was opened, and they were not even acknowledged! They sat behind me in the audience, unheralded and unacknowledged. One of the important things about executive government is that it is responsible for every decision and action of the Public Service. The public sector is under its direct administration. I have always admired the public sector in Western Australia, because it is scrupulously honest and scrupulously loyal to the Government of the day. I am disappointed at the process that has emerged over the past decade of politicising the public sector. Whenever we have a change of government we have a change of heads of departments, because the Government of the day feels that it cannot trust these senior executives and it shifts them. I am disappointed at that trend, because from my observation the public sector is loyal to and fulfils the directions of the Government of the day; it does not have to like it, but it does it and it does it well. One of the very good and commendable departments that we used to have is Main Roads WA. In that history to which Hon Ken Travers has objected, I demonstrated the professional work of Main Roads in not merely designing the route but also consulting with all the people affected by it and making sure that every decision it made was a decision that those affected by it knew and accepted in advance. Decisions were not foisted upon the residents without their knowledge; they participated in the decision-making process along the way and Main Roads WA deserves nothing but praise for that. What did this inept Government and its inept Minister for Planning and Infrastructure do? It sat them somewhere at the back and did not acknowledge them. If that is the way a Government treats the public sector, then it deserves censure. In this instance not only the minister but also the Government deserve censure. The Government and the minister are collectively responsible because they collectively insulted Main Roads. I take no great pleasure advising the Government that it is inept in its administration of this State.

Debate adjourned, on motion by Hon Simon O'Brien.

QUESTIONS WITHOUT NOTICE

LEGISLATIVE COUNCIL, ATTORNEY GENERAL'S REMARKS

550. Hon NORMAN MOORE to the Leader of the House representing the Premier:

- (1) Has the Premier reprimanded the Attorney General for his intemperate statements about the Legislative Council as was reported in *The Australian Financial Review*; if not, why not?
- (2) Does the Premier support the views expressed in the same article by the Leader of the House in the Legislative Council about the Attorney General in which he stated that "if you can't take it look for another job"; and, if not, why not?
- (3) If the Premier supports Hon Kim Chance's views, will he either stand down Mr McGinty from Cabinet or reassign him to another portfolio where he can do less damage; if not, why not?

Hon KIM CHANCE replied:

I thank the member for some notice of this question. The Premier has provided the following response -

- (1)-(3) I suggest that Hon Norman Moore concentrate on improving the effectiveness and efficiency of the Legislative Council by participating in the Select Committee on Rules, Orders and Usage of the House, which is considering sitting times, rather than attempting to score cheap political points; and, I might add, refrain from making intemperate statements.

SAVE NINGALOO REEF CAMPAIGN, FINANCIAL CONTRIBUTIONS

551. Hon NORMAN MOORE to the Leader of the House representing the Premier:

I refer the Premier to the financial contributions being provided to the Save Ningaloo Reef campaign by a potential alternative developer.

- (1) Are there any laws which require the disclosure of contributions to campaigns such as the Save Ningaloo Reef campaign so that the community can be made aware of any conflict of interest?
- (2) If not, will the Premier seek to assure himself that there are no commercial conflicts of interest in respect of the campaign against the Mauds Landing development; if not, why not?

Hon KIM CHANCE replied:

I thank the member for some notice of this question. The Premier has provided the following response -

- (1)-(2) I am not aware of a potential alternative developer.

SAVE NINGALOO REEF CAMPAIGN, MEETINGS

552. Hon NORMAN MOORE to the Leader of the House representing the Premier:

- (1) Has the Premier met with the organiser of the Save Ningaloo Reef campaign; and, if so, with whom did he meet and what was the purpose of the meeting or meetings?
- (2) Has the Premier discussed the Mauds Landing development with Tim Winton; if so, why?
- (3) Has the Premier discussed the Mauds Landing development with Coral Coast Marina Development Pty Ltd; if not, why not?

Hon KIM CHANCE replied:

- (1)-(3) No.

SAFECARE, SEX OFFENDERS

553. Hon PETER FOSS to the parliamentary secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth:

- (1) Do any agencies within the minister's portfolio refer to SafeCare persons alleged to have committed sexual offences against children?
- (2) If so -
 - (a) are those persons referred or reported to the police at the same time;
 - (b) which agencies so refer;
 - (c) under what circumstances are the referrals made;
 - (d) how many alleged offenders have been referred to SafeCare in the past 12 months; and
 - (e) are any conditions imposed as to what will occur if the program at SafeCare is not successfully completed; and, if so, what are those conditions?

- (3) Is any funding provided by any agency within the minister's portfolio to SafeCare; and, if so, how much and under what conditions?
- (4) Are any statistics kept on the results of these persons being referred to SafeCare?
- (5) Have any of those alleged offenders subsequently been reported to the police?

Hon LJILJANNA RAVLICH replied:

I thank the honourable member for some notice of the question.

- (1) Yes.
- (2)
 - (a) Yes.
 - (b) The Department for Community Development.
 - (c) When it is alleged that intra-familial sexual abuse has occurred.
 - (d) SafeCare is a whole of family model. The Department for Community Development does not record this specific information. Data summary sheets provided by SafeCare to the department include all family members referred.
 - (e) Individual case plans are developed for each referral and conditions vary depending on the nature of the case.
- (3) The Department for Community Development provides the following funding under a service agreement: SafeCare Adolescent Program - \$58 114; SafeCare Central Program - \$124 010; and SafeCare Bunbury Program - \$36 120.
- (4) Six-monthly data on general outcomes is provided by SafeCare to the Department for Community Development.
- (5) The information needed to answer this question is not available.

SWAN VALLEY NYUNGAH COMMUNITY, AUDIT

554. Hon ROBIN CHAPPLE to the Leader of the House representing the Premier:

I refer to question without notice 519 of 11 December 2002 relating to the audit of the Swan Valley Nyungah Community and the answers given.

- (1) Was the media alerted to the impending audit by any government employee; and, if so, on whose authorisation?
- (2) If no to (1), how does the Premier explain the arrival of media representatives at the community at the same approximate time as agency staff?
- (3) How many police officers were detailed to provide backup for the audit -
 - (a) within the community; and
 - (b) in the streets within a short distance of the community?
- (4) Which officers within the Department of Indigenous Affairs coordinated the audit and why were no DIA representatives present at the community?
- (5) What specific measures were taken during the audit to make residents of the community aware of the full range of government services that are available to them?
- (6) Does the Government acknowledge that the audit may have further traumatised the people of the community?

Hon KIM CHANCE replied:

I thank the honourable member for some notice of the question.

- (1)-(2) I am unaware of any government employee alerting the media about the impending audit. Nor am I aware of what media arrived at the community or at what time.
- (3)
 - (a) Four.
 - (b) Seven.
- (4) The Director General of the Department of Indigenous Affairs.
- (5) Officers, led by the Department for Community Development, listened to the concerns of the community and confirmed that services were available and, as far as possible, the details of those services. This was seen as the first step in an ongoing process to ensure that the needs of the community are met and services are

provided to the families and children in the community on an ongoing basis. A further meeting will be held with community leaders on 18 December 2002.

- (6) I do not accept that the audit traumatised any people in the community.

DROUGHT, EXCEPTIONAL CIRCUMSTANCES FUNDING

555. Hon MURRAY CRIDDLE to the Minister for Agriculture, Forestry and Fisheries:

On 9 December 2002, the same day the federal Government announced its \$368 million emergency relief package for drought-affected farmers and small business, the National Party wrote to the Prime Minister requesting that the package be extended to additional Western Australian shires.

- (1) Has the minister formally written to the federal Government and requested the inclusion of 23 Western Australian shires in the federal drought-relief package?
- (2) If not, why not?
- (3) Will the minister make a submission to the federal Government to seek to have these additional shires provided with exceptional circumstances support?
- (4) If so, when will the submission be handed to the federal Government and can the list of shires to be included be tabled?
- (5) If the minister has no intention of lodging new EC applications, why not?

Hon KIM CHANCE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Not applicable.
- (3) The federal Government package announced on 9 December is a stand-alone scheme and is not dependent on exceptional circumstances support. The main criterion for the new federal Government package is that a shire may be eligible to be included when more than 25 per cent of its area experienced a one in 20-year rainfall deficiency between 1 March 2002 and 30 November 2002. One criterion for an EC submission is that an area must have a rainfall deficiency of one in 25 years in each of two consecutive years. It is therefore likely that a much smaller area of the Western Australian wheatbelt will meet the EC rainfall criteria. Affected shires have indicated that they are waiting for harvest results before they begin collecting Co-operative Bulk Handling Ltd and farmer financial data needed to submit an EC case. The Department of Agriculture is currently working with the shires of Corrigin, Narembeen, Bruce Rock, Kulin, Kondinin and Wickepin to determine whether a case can be developed.
- (4) During March 2003, if a case can be developed at a state level using the Commonwealth's EC criteria.
- (5) As for question (4).

Due to the wonders of modern communications I have been able to access not one but two media releases put out on National Party letterhead by Max Trenorden, MLA Avon and Hon Murray Criddle, MLC Agricultural Region. I want to share with members some of the reasons for farmers and members of the public being confused about the Opposition's position on exceptional circumstances. These two media releases purport to be the same - they have the same date and are issued by the same people and the same party. One states -

At least 18 severely drought-affected shires in WA are in limbo for because the State Government has failed to prepare Exceptional Circumstance applications.

The other media release, issued on the same day, today, states -

At least 20 -

Not 18 -

severely drought-affected shires in WA are in limbo -

I do not know whether it is the same limbo or a different limbo -

because the State Government has failed to prepare Exceptional Circumstance applications

Today's question refers to 23 shires in that bracket. Is it 18, 20 or 23? I inform the House that the answer is 23. It is no wonder people get a bit confused. One of the wonderful statements in one of the media releases is -

"Canberra had no alternative but to put out an incomplete list for WA -

At least we have an admission that Canberra made a mistake of massive proportions -

because our own Agriculture Minister -

Me -

sat on his hands and failed to put up an EC case for additional shires.”

The PRESIDENT: Order! I trust the Leader of the House is being concise in answering the question and is not going on to give a résumé of various press releases which may or may not be relevant to the question.

Hon KIM CHANCE: Part 5 of the question states -

If the minister has no intention of lodging new EC applications, why not?

This goes directly to that question.

The PRESIDENT: I trust we will get to it.

Hon KIM CHANCE: I thank you, Mr President.

We see in this document an admission that a number of shires have not been able to get through the EC barrier for the new innovation by relying on the one in 20 rainfall criterion. The media statement put out by the National Party states that because they could not make it on the one in 20 scale, we should now apply for EC for those areas with two consecutive years of rainfall deficiency of one in 25. They cannot make it on one in 20, so the Gallop Government and I are somehow deficient because we have not put in an application that would immediately be thrown out. The National Party has played disgusting politics with this. Hon Murray Criddle knows that when his party was in government, he could not even get an exceptional circumstances application in until July. It is now December, and Hon Murray Criddle is saying that the Government should make an application that he knows will be thrown out, under the Commonwealth's criteria. He is a disgrace, and his party is a disgrace, to put out statements like this. Then they ask themselves why people are a bit confused about what is going on. The National Party has played political football with this. Hon Murray Criddle knows that what is said in the press release is a disgrace, and it cannot stand up. Hon Murray Criddle can do a lot better, and I am dismayed that he would put his name to this.

ROEBOURNE, YOUNG PEOPLE

556. Hon JOHN FISCHER to the parliamentary secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth:

I have been advised by local residents in the town of Roebourne that children as young as six to 10 years of age are roaming the streets until the early hours of the morning, causing unnecessary disturbance to the community as a whole. Will the minister advise what serious steps are being taken to alleviate the problem of these young children roaming the streets of Roebourne?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question. The following steps are being undertaken to assist young children in Roebourne: collaborative procedures with local police are in place, enabling relevant referrals to the Department for Community Development and other organisations; and Department for Community Development officers are involved in the youth referral group, which comprises more than 15 representatives of various government and non-government agencies. The group enables collaborative interventions to assist young people who are difficult to serve. Those initiatives will ensure sensitive approaches to the issues raised.

NATIONAL COMPETITION COUNCIL, POLICY

557. Hon DEE MARGETTS to the minister representing the Treasurer:

This question is about national competition policy, and relates to previous question without notice 502.

- (1) When does the National Competition Council's role in the oversight of national competition policy roll-outs cease, and will that role, including the ability to reduce competition payments, be carried on by the federal Treasurer after this period? If so, by what authority?
- (2) When will national competition policy tranche payments cease, and if they cease after the National Competition Council's role in oversight is finished, what arrangements have been agreed to in the following periods?
- (3) Can the minister please table the details of any correspondence and decisions made at the Council of Australian Governments meeting of 3 November 2000 relating to implementation of national competition policy, including correspondence to and from COAG, Treasury and the National Competition Council, and also relating to compliance penalties within and beyond the period of tranche payments?
- (4) Is the Treasurer aware of any representations by the State Government to the National Competition Council, or to COAG, expressing its view when the State Government has not necessarily accepted the National Competition Council's interpretation of public interest, or on behalf of the range of community and industry

groups unhappy with the National Competition Council's interpretation of the public interest? If so, can he provide details of actions taken by the State Government?

The PRESIDENT: In giving the call to the Minister for Racing and Gaming, I am sure the House will view with sympathy any request to table any lengthy answer and have it incorporated in *Hansard*.

Hon NICK GRIFFITHS replied:

I thank you, Mr President, for encouraging the House to a certain course of action. However, the answer is not particularly lengthy.

Hon Ken Travers: Relative to some.

Hon NICK GRIFFITHS: Relative to some answers. The copy of the member's fourth question in front of me is slightly different from the question the honourable member read out. The question I have states -

(4) Is the Treasurer aware of any representations by the State Government to the NCC and to COAG . . .

However, I do not think that the slight difference alters the answer in any material way. The Treasurer has provided the following response -

- (1) The National Competition Council's role in the oversight of each jurisdiction's obligation to complete the legislation review program will end after the June 2003 assessment is completed. The NCC will have a smaller ongoing role, which will include reviewing each jurisdiction's progress with water reform, and an oversight role of reviews of new legislation.
- (2) National competition policy tranche payments will continue until at least 2005-06. The Council of Australian Governments has not yet decided the arrangements for the periods beyond 2005-06.
- (3) The communiqué from the COAG meeting of 3 November 2000 is attached.
- (4) Each year the State Government enters into discussions with the NCC as part of the State's obligation to report on its progress in implementing the national competition policy and related reforms. Following the 2002 NCP assessment process, the State Government has been engaged in discussions with the NCC over the public interest arguments for retaining anticompetitive restrictions in the areas of retail trading hours, potato supply and marketing arrangements, and liquor licensing regulations. Partly based on the strength of the State's arguments, the NCC has agreed to delay making a final recommendation to the commonwealth Treasurer on these matters until after the June 2003 assessment process.

I table the document headed "Decisions Regarding National Competition Policy" from the COAG communiqué.

[See paper No 676.]

MR GRAEME SAMUEL, MEETING WITH PREMIER

558. Hon GEORGE CASH to the Leader of the House representing the Premier:

- (1) Did the Premier meet recently with Mr Graeme Samuel, Deputy Chairman of the Australian Competition and Consumer Commission? If so, did the Premier discuss the issue of retail trading hours with Mr Samuel?
- (2) What was the nature of those discussions?
- (3) Did the Premier give Mr Samuel an indication that he supported deregulating retail trading hours?
- (4) On what basis did the Premier calculate his claim that a failure to comply with the NCC guidelines in respect of retail trading hours will cost Western Australia \$70 million per annum in NCC grants?

Hon KIM CHANCE replied:

I thank the member for some notice of this question.

- (1)-(2) Discussions with Mr Samuel dealt with Western Australia's compliance with national competition policy.
- (3) The Premier reiterated the Government's current policy on this issue.
- (4) Western Australia receives approximately \$70 million per annum in competition payments from the Commonwealth. The Premier claimed that up to this amount would be put at risk.

CARINE SENIOR HIGH SCHOOL, BULLYING

559. Hon BARBARA SCOTT to the parliamentary secretary representing the Minister for Education:

My question relates to the bullying and humiliation of a year 12 student at Carine Senior High School.

- (1) Will the minister inform the Parliament of the protocols that have been put in place at Carine Senior High School to prevent events similar to those surrounding the alleged humiliating treatment over several years of the student at the school who is now in year 12?

- (2) The alleged incidents have resulted in this boy being physically, morally, intellectually and emotionally assaulted. Will the Minister for Education, the principal, the teacher in charge and any students involved be required to apologise to this student and to his family?

Hon GRAHAM GIFFARD replied:

I thank the member for some notice of this question.

- (1) Carine Senior High School has reviewed and revised its camps and excursions policy for implementation in 2003. It has also reviewed its bullying and harassment policy facilitated by the student services manager at the Perth District Education Office. The school has developed an editorial policy and guidelines for future productions of yearbooks.
- (2) The minister has been advised that the principal, teacher in charge and student who wrote the article, which was published in the school leavers 2002 booklet, have apologised to the student and his family.

NUCLEAR ACCIDENTS, RESPONSE MEASURES

560. Hon JIM SCOTT to the minister representing the Minister for Police and Emergency Services:

- (1) What emergency response measures are in place to deal with accidents involving ships with nuclear reactors and/or nuclear weapons in Gage Roads, Garden Island and Albany?
- (2) Are emergency plans available to the public; and, if so, how and where can the public access them?
- (3) What training has been provided to fire and emergency service personnel and police and medical services to deal with nuclear incidents?
- (4) How many personnel are trained to deal with these types of emergencies?
- (5) Does the state emergency management plan include measures to deal with an explosion on a nuclear-powered warship?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question. The Minister for Police and Emergency Services has provided the following response -

- (1) The Western Australia Police Service advises that nuclear-powered warships visit only Gage Roads and Garden Island. The Western Australia Police Service is the hazard management agency for all visits by nuclear-powered warships. Emergency response measures are outlined in "Westplan-NPW", which is the state plan dealing with visits by nuclear-powered warships to Western Australia.
- (2) The plan may be obtained by writing to the Police Emergency Operations Unit, 24 Wellington Street, East Perth, 6004. A copy of the plan will be provided to the member as soon as possible.
- (3) The Police Emergency Operations Unit trains police personnel in chemical, radiological and biological issues. Multi-agency exercises are conducted to test the plans and training given.
- (4) Over 400 police officers have current chemical, radiological and biological training.
- (5) If an explosion causes a nuclear reactor breach, "Westplan-NPW" is activated. If the explosion does not cause a radiation leak, the ship's personnel would provide the response.

DR DAVID LORD

561. Hon DERRICK TOMLINSON to the parliamentary secretary representing the Minister for Health:

- (1) Was Dr David Lord the clinical director of South West Mental Health Service from 2000 to 2002?
- (2) Was Dr Lord recommended for an extension of his contract as clinical director of South West Mental Health Service for a further five years, commencing December 2001?
- (3) Was the recommendation acted upon; and, if not, why not?
- (4) Did the Department of Health subsequently advertise the position of clinical director of South West Mental Health Service, receive applications, evaluate candidates, and recommend an appointment?
- (5) Was the recommended appointment that of Dr David Lord?
- (6) On what date was the recommendation made?
- (7) What were the recommended terms and conditions of the appointment?
- (8) Has the appointment of Dr David Lord as clinical director of South West Mental Health Service been approved; and, if not, why not?
- (9) If yes to (8), when will Dr Lord's contract as clinical director of South West Mental Health Service be formalised?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question.

- (1) No. There is no such position.
- (2) No. Dr Lord is employed as a consultant psychiatrist, not a clinical director.
- (3) Not applicable.
- (4) No. This is not a position but, as a senior consultant, Dr Lord was approached to perform the role as part of his duties.
- (5)-(7) Not applicable.
- (8) No. There is no provision for such a position.
- (9) Not applicable.

MAUDS LANDING DEVELOPMENT, MEETING

562. Hon NORMAN MOORE to the parliamentary secretary representing the Minister for Planning and Infrastructure:

- (1) Did the minister inform a meeting at Exmouth on or about 14 September 2002 that the Mauds Landing development would not proceed?
- (2) If so, on what basis did she make that assertion?

Hon GRAHAM GIFFARD replied:

I thank the member for some notice of this question. I am advised by the minister as follows -

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

POULTRY LITTER-FIRED ELECTRICITY PLANT, MUCHEA

563. Hon FRANK HOUGH to the minister representing the Minister for the Environment and Heritage:

Concerns have been raised about the extent of corporate responsibility for site monitoring of a chicken manure-fired electricity plant to be built at Muchea.

- (1) Will the minister please outline the extent of the Government's responsibility for the site monitoring of the Muchea plant and the time frame in which it will occur?
- (2) What other measures will the Government implement to ensure the site monitoring of the Muchea plant will not rest exclusively with Blair Fox Generation WA Pty Ltd at any time?

Hon TOM STEPHENS replied:

The minister has provided the following response -

- (1)-(2) The Environmental Protection Authority recently provided its report to the Minister for the Environment and Heritage on the proposal by Blair Fox Generation WA Pty Ltd to establish a poultry litter-fired power station at Muchea. In accordance with provisions of the Environmental Protection Act 1986, the EPA's report is subject to appeal until 23 December 2002. A decision on whether the project will be allowed to proceed and any conditions to be applied will not be made until after consideration of any appeals on the EPA's report.

HEALTH SERVICES TO PRISONERS

564. Hon GIZ WATSON to the minister representing the Minister for Justice and Legal Affairs:

I refer to the provision of health services to prisoners.

- (1) Is the Government working towards transferring responsibility for the provision of prison health services from the Department of Justice to the Department of Health, as recommended by the Ombudsman's "Report on Deaths in Prisons" of December 2000 and recommendation No 19 of the Health Administrative Review Committee report of June 2001?
- (2) If yes to (1), when will this occur?
- (3) If no to (1), why not?

Hon NICK GRIFFITHS replied:

I do not have any question under the honourable member's name.

TRANSPORT ISSUES, LOCAL IMPACTS COMMITTEE

565. Hon SIMON O'BRIEN to the parliamentary secretary representing the Minister for Planning and Infrastructure:

I refer to the local impacts committee set up to examine transport issues in the South Metropolitan Region.

- (1) When was the LIC established and for what purpose?
- (2) What issues has the LIC been asked to examine and when is it required to report?
- (3) Who are the members of the LIC and what was the reason for each member's appointment?
- (4) On how many occasions has the LIC met and what is the attendance record of each member to date?

Hon GRAHAM GIFFARD replied:

I thank the member for some notice of this question. The minister has replied as follows -

- (1) The local impacts committee met for the first time on 22 August 2002. The committee has three terms of reference -
 - (i) to recommend the preferred alignment for Roe Highway stage 7, based on a strategic overview of the highly ranked option in the multi-criteria analysis undertaken in the freight network review;
 - (ii) to identify the level of upgrading needed for the major roads in the south west metropolitan corridor, focusing on Leach Highway, South Street, High Street and Stock Road, and prepare a preliminary road development plan for these roads; and
 - (iii) to determine measures to protect local communities from the impact of freight and general traffic.
- (2) The issues that the LIC has been asked to examine are covered by the three terms of reference. The committee is required to report on term of reference (i) by December 2002, and terms of reference (ii) and (iii) by September 2003.
- (3) I have a list of members, which I will table. These members, or associated organisations, were selected because of their involvement in the freight congress, thereby ensuring important continuity from the freight network review.
- (4) Six meetings have been held. Representation at all local impacts committee meetings has been a balance of parliamentary members, local government representatives and community members. Proxies have generally attended meetings in the absence of nominated members.

[See paper No. 677]

PREMIER, PROPOSED VISIT TO MANJIMUP AND PEMBERTON

566. Hon ROBYN McSWEENEY to the Leader of the House representing the Premier:

- (1) Will the Premier confirm that he intends to visit Manjimup and Pemberton on Wednesday, 18 December?
- (2) What is the purpose of his visit given that he has been Premier for two years?
- (3) Who will the Premier meet within those communities?

Hon KIM CHANCE replied:

I thank the member for some notice of this question.

The Premier's answer is as follows -

- (1) Yes.
- (2) I am responding to an invitation from the Manjimup community.
- (3) I will be meeting a number of community, business and local government representatives.

MULTIPURPOSE HEALTH SERVICE COUNTRY HOSPITALS, ELDERLY PERMANENT-CARE PATIENTS

567. Hon BILL STRETCH to the parliamentary secretary representing the Minister for Health:

I believe the parliamentary secretary is now able to answer question without notice 545 concerning elderly permanent-care patients in multipurpose service country hospitals.

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question.

- (1) The 35-day limit does not apply to the provision of health care needs but is solely related to the ability to charge fees. Permanent-care patients in MPS country hospitals that are not operating in the MPS model are

routinely charged fees as nursing home-type patients if the stay is longer than 35 days, unless they have an acute-care certificate provided by a medical practitioner.

- (2) (a) Management has the discretion to waive fees post-35 days in financial hardship cases and when an acute-care certificate is not appropriate. If acute care is required by a patient with critical, terminal, or permanent-care needs, an acute-care certificate will be provided by the medical practitioner; therefore, the 35-day limit will recommence.
- (b) Not applicable.
- (3) The current policy for permanent-care patients in MPS facilities allows for the 35-day acute-care period to be waived in appropriate cases and for fee charging to commence from day one.

LEGISLATIVE ASSEMBLY, SITTINGS BEFORE CHRISTMAS

568. Hon ROBIN CHAPPLE to the Leader of the House:

In response to a question I asked the Leader of the House about whether the other place would return before Christmas, the Leader of the House answered that he was not aware at that time and would endeavour to find out. Has he found out whether the other place will return to deal with important legislative matters before Christmas?

Hon KIM CHANCE replied:

I thank the member for the question. I plead misrepresentation. I did not say that I would attempt to find out; I said that if I became aware of the intentions of the other place I would be pleased to tell my colleagues.

The answer is, no, as yet I have not become aware of the intentions of the Legislative Assembly. Indeed, as a member of this House, it is none of my business what the other House does. At this stage I am unable to inform my colleagues and Hon Robin Chapple. However, if I do become aware, he will be the first to be told.

VEGETABLE GROWERS, FINANCIAL ASSISTANCE

569. Hon ALAN CADBY to the Minister for Agriculture, Forestry and Fisheries:

- (1) In relation to my question without notice 541, has the minister considered what financial help he can give to the vegetable growers in the Wanneroo and Carabooda regions?
- (2) If so, what is it; and, if not, why not?

Hon KIM CHANCE replied:

- (1) Although I am conscious of the crop damage and economic loss caused by the thrips infestation, no direct financial assistance to individual growers is being considered.
- (2) The Government does not provide and, as far as I know, never has provided financial assistance to producers affected by endemic pests and diseases. At present there is neither a viable industry funding mechanism nor a funding reserve set aside to compensate vegetable growers for damage caused by pest or disease infestations. The vegetable industry may wish to consider another attempt to establish a fee-for-service scheme under the Agricultural Produce Commission Act that would enable vegetable producers to collectively fund such initiatives.

The Department of Agriculture has urgently redirected resources to assess the situation and advise the affected growers of options to manage the impact of the disease. Further help to the growers is being provided by investment in finding long-term solutions to this problem. Present financial investment for finding cost-effective and sustainable management practices for western flower thrips and tomato spotted wilt virus amounts to \$251 000; that is, \$145 000 of state funds for research and extension and \$106 000 of industry funds.

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL 2002

Second Reading

Resumed from 12 December.

HON DERRICK TOMLINSON (East Metropolitan) [5.41 pm]: At the outset, I will explain my personal position on the question of amenities fees at the University of Western Australia. When I first enrolled as an undergraduate student at the University of Western Australia, the only fee payable was the guild fee. It was a compulsory fee. No other fees were payable. At that stage the University of Western Australia was, and some would argue still is, the only university in Western Australia. It was a free university as provided under the bequest that established it. I continued to pay guild fees for the four years I was a full-time undergraduate student. I continued to pay guild fees for the four years I was a part-time undergraduate student. In the four years I was a part-time postgraduate student, I paid no guild fees because guild fees were not payable by postgraduate students. I had no objections whatsoever to paying those guild fees because I used the amenities that the fees covered. I can recall that at that time the guild built Hackett Hall and I can

recall the Prime Minister of the day, Robert Gordon Menzies, coming to the University of Western Australia and opening Hackett Hall, which was paid for entirely by the UWA Guild of Undergraduates. My son currently is an undergraduate student at the University of Western Australia. He has just completed his third year. He has two years to go. In that time my wife has paid both his higher education contribution scheme fees and his guild fees. We prefer to pay the guild fees because we acknowledge the amenities that those fees provide for the students. That is my personal position on the question of fees.

I make this observation: in the time that I have been associated with the university, as a student, a member of the faculty and now the father of a student at the university, I have observed the guild becoming less and less relevant to the student body. I find that disappointing because the guild, as the association of the students, had an important role in the life of the university. As the University of Western Australia has grown in size, an increasing number of university students have had to have part-time jobs, as a consequence of which they spend less and less time at the university and more and more time earning the money that gives them the capacity to attend university. This has meant that they spend less time using the amenities of the UWA Guild of Undergraduates. Therefore, it is becoming increasingly less relevant, so much so that I was disappointed to hear my son ask me the other day what was the point of paying the fees, as the guild did nothing for him. He is a committed student who has been very involved with student life at the university. He has been invited to study at honours level and will be at the university for another two years. His question to me was: why pay the fees when the guild of undergraduates does nothing for him? That epitomises the irrelevance that the guild of undergraduates is assuming in the life of the university. However, the guild of undergraduates is exceedingly important in the structure of the university. How is the university defined in the University of Western Australia Act 1911? Section 4 of the Act states -

The University shall consist of a Senate, Convocation, staff and graduate and undergraduate students:

The university is a community of scholars; that is the tradition of a university. It is not a place where teachers and students come together for the teachers to give out information for the students to absorb and regurgitate. It is a place in which there is a meeting of minds. That community of scholars exists as a university. I am talking in terms of the traditional university. Unfortunately, in the "multiversities" as we know them today, student guilds have become less relevant. Students see themselves less and less as part of that community, and the academics are more and more removed from the scholarship of their students and more self-absorbed in either their teaching or their own research. That is a stage that the universities are going through. Not only is the guild of undergraduates a part of that community of scholars, but also it has a statutory position on the governing body of the university - the senate. In addition to the guild of undergraduates, the students have an elected representative on the senate. The students are not only an integral part of the university but also, in some respects, the *raison d'être* for its existence. They are also an integral part of the management of the university. For that reason, my personal position is that guilds should play a very important role.

I now turn to the Bill before us. I will concentrate on the University of Western Australia, because that university is the one I know best; it has been my university for a long time. The provisions of the Bill are virtually the same for each of the universities. The names are changed to suit the circumstances of each university. In some places the guild is called a student association and in other places it is called a student guild. Some universities have a senate, and others have a council. Apart from those changes to meet the circumstances of each university, the provisions in the Bill for each university are substantially the same. I will concentrate on the University of Western Australia. The University of Western Australia Act states at section 28(2b) -

It is not compulsory for any student or person seeking enrolment as a student -

- (a) to make a subscription or pay any fee required by the Guild, either directly or indirectly, or to pay an amount in lieu of such a subscription or fee; or
- (b) to pay an amount required by the University for the provision of any amenity, facility or service which is not, or not directly related to, an educational course provided by the University,

Subsection (2b) is a redundant provision, because under the federal funding of universities, universities may not charge any fee to any student for any course-related material; for example, if a lecturer wanted to roneo notes he is prohibited from asking for a fee to cover the cost of the duplicated material. Students may not be required to pay a charge for an excursion. Any course-related charge is prohibited under the funding of the federal Government. Subsection (2b)(b) is a redundant clause because of the provisions of the federal funding of universities which have operated since 1973.

Hon Jim Scott: Under (2b) the charges are not to be!

Hon DERRICK TOMLINSON: Yes, they are redundant; they cannot be. It is not compulsory to make a subscription or pay any fee. This is significant: a student may choose to be a member of the guild. Section 28(9) states -

Members of the Guild shall pay to the Guild such subscriptions as are from time to time determined by the Guild and approved by the Senate.

That is not changed in the current Bill. The guild will determine the fee with the concurrence of the Senate, and members of the guild pay that fee. The procedure now is that on enrolment a student opts into the guild. My son ticks

the box, "Do you wish to be a member of the guild?" A fee is then calculated and the fee is paid, but the important thing is that he chooses to be a member of the guild. Clause 16(3) of the Bill inserts a new subsection, which reads -

- (5) Subject to subsection (6), a student becomes a member of the Guild upon enrolment, for the period of enrolment.
- (6) A student may -
 - (a) elect at the time of enrolment not to become a member of the Guild; and
 - (b) resign at any time as a member of the Guild.

This is the fundamental difference between the two positions. The position enacted by the previous Government was that students may opt to become members of the guild. If at the time of enrolment they opt into membership, they pay the membership fee. The Bill before us states that a student is a member of the guild upon enrolment unless he opts out. It is a voluntary membership. What is the significance then between opting in and opting out if the net result is that a student chooses to be a member of the guild? Let me illustrate the consequences of opting in versus opting out, not of the guild of undergraduates but of the State School Teachers Union of Western Australia. For four years I was concurrently an undergraduate at the University of Western Australia and a student at Claremont Teachers College. The day before I graduated from Claremont Teachers College with my teachers certificate, one of the lecturers - I cannot recall whether it was Ben Cook or Cyril Cook, or even Mr Kagi - put a form in front of me and every other graduating student and we were told fill it in. We asked what it was and we were told not to ask questions; we had to fill it in if we were to be employed by the Department of Education. As the education department was the employer of every graduate, whether he or she had passed or not, we all filled it in. By filling in that form we were opting to become a member of the union. The fee for our union membership was deducted at source, so we never saw that portion of our pay cheque. I do not know what my union membership cost me, because no-one ever told me; it was simply taken out of my pay.

In the 1972 federal election I found myself in the invidious position of being the Liberal Party candidate for the seat of Perth; the opposing candidate was Hon Joe Berinson. The State School Teachers Union and the Council of State School Organisations combined as part of a national campaign to make education the number one issue in the 1972 election. That campaign to fight against the crisis in education under the incumbent Liberal Government, for which I was an election candidate, was funded by not only union fees but also a union levy. Therefore, there I was, as a member of the union, paying for a campaign against me as a candidate! Shortly after that election, deduction of fees at source was removed as a penalty for industrial action. At that stage between 95 and 97 per cent of teachers were members of the State School Teachers Union. They had opted in, in the same way that I had opted in. However, when deduction at source ceased, 67 per cent of teachers decided to opt out and membership of the teachers union fell to 30 per cent.

It is interesting that, on the one hand, there is opting in and, on the other hand, there is opting out. The question then was whether we paid the fee or it was deducted at source. The question now is whether people opt in or opt out. People deciding to opt in is the reverse of the situation that I just described with the teachers union, because they are electing to make a voluntary payment. They recognise that the facilities and amenities are provided by the student guild and that if they want to use those facilities and amenities they should pay for them, so they opt in to become a member and pay the fee. However, students who opt out of becoming a member will still have to pay the fee, because it is compulsory. Clause 16 of the Bill, which seeks to amend section 28 of the University of Western Australia Act, states in proposed subsection (2) -

Any student is eligible to be a member of the Guild.

Sitting suspended from 6.00 to 7.30 pm

Hon DERRICK TOMLINSON: I wish to refer to the illustration I used about the membership of the State School Teachers Union of Western Australia and make the point that at that time teachers' membership of the union was a fee deducted at source. The membership of the union was a 97 per cent penetration of teachers employed by the Department of Education; in other words, only three per cent opted out. They made a conscious decision not to be a member, to advise the employer that they were not a member, and to advise the employer that he was not to deduct a union membership fee at source - it was an opting out. After a decision was made to abolish deduction at source, I made the point that membership of the union was reduced to a 30 per cent penetration of teachers employed by the Department of Education in Western Australia; in other words, only 30 per cent of teachers made a deliberate decision to pay the union membership fee - in other words, to opt in to the union. There is an interesting psychological question here: why does opting out, when a decision about membership is not required because membership subscriptions are deducted at source, produce such a different result of membership from when people must make a deliberate decision to opt in? It is significant. When the guild of undergraduates' fee was compulsory, 100 per cent of students were members of the guild. When student membership became voluntary following the amendments passed by the previous Government, the membership of the guild of the University of Western Australia declined to 30 per cent - in other words, 30 per cent opted in. The parallel of numbers is probably coincidental, but the large difference between the

numbers opting out and the numbers opting in is significant. Coincidental or otherwise - only 30 per cent in the case of the University of Western Australia versus the State School Teachers Union - the difference in opting in or opting out is significant. At Edith Cowan University the membership of the guild declined to six per cent. There were some peculiar circumstances at Edith Cowan University because of the unfortunate decisions taken by the student guild to invest capital into Western Women Financial Services Pty Ltd and the tragic financial consequences thereof. That was a peculiar circumstance; in the other universities the membership of the guild is between 25 and 30 per cent. The significant factor is the psychological difference between opting in and opting out. The Government is aware of this. The Act as it now stands requires the decision of the prospective student, on enrolment, to opt in; to volunteer membership and payment of the fee. This Bill reverses the decision of membership, and instead of providing for a voluntary opting in, it provides for a voluntary opting out. I suggest that it could be predicted with a certain confidence that the same psychological factors will operate. I do not know what those are; I cannot explain them, but they are real. If a student is asked to opt in, it is a conscious, deliberate, and considered decision. Opting out is equally a conscious and deliberate decision. However, if the fees are deducted at source; that is, on enrolment or out of salary, the conscious and deliberate decision is a different one. Why is this Government arguing for voluntary membership of the guild, when it is an opting out decision as opposed to opting in? It is because the Government knows that most students will simply not care. They will become, or remain, members of the guild, as the Bill requires; they are members of the guild upon enrolment unless they decide otherwise; as opposed to becoming members of the guild when they decide to do so. I want members to think carefully on that difference, because that is the only difference between the Act as it now exists and the amendment that is proposed.

With that mind-set, I now turn to the other provisions of the Bill. In clause 16, proposed section 28(2) reads, in part -

(2) Any student is eligible to be a member of the Guild.

I will return to that at a later stage, because the question of the functional autonomy of the university is involved. Section 4 of the University of Western Australia Act 1911 reads, in part -

The University shall consist of a Senate, Convocation, staff and graduate and undergraduate students:

That is the university. Convocation is all people who have graduated from the University of Western Australia. I am a member of convocation, as are many members of this Chamber. Active or otherwise, we are part of the University of Western Australia. The other parts are the senate, which is a combination of appointed and elected members; the staff; and the graduate and undergraduate students. That is the university. Proposed section 28(2a) in clause 16 of the Bill reads -

The University shall not act in a way that may dissuade or discourage a student, or person seeking enrolment as a student, from being or becoming a member of the Guild.

I, as a member of convocation, other members of convocation in this Chamber, the university senate, a graduate student or an undergraduate student of the university - they are the university - may do nothing to discourage or dissuade a student from being or becoming a member of the guild.

Hon Peter Foss interjected.

Hon DERRICK TOMLINSON: Exactly. The Bill is not silent on the fact that the university shall not in any way dissuade or discourage students to become or remain members of the guild. However, it is silent on the issue of coercion or inducement. Therefore, it is a case of no ticket, no start - coercion or inducement. Workers who are not members of a union cannot work on building sites. Let us translate that to the universities because no ticket, no start does not work at universities. In the light of no ticket, no start, let us look at the most basic services for which the student guilds are responsible: the refectories. That is where the bulk of students eat. Universities may do nothing to dissuade or discourage students from becoming guild members, but the Bill is silent on the fact that the university may do nothing to coerce or induce students into becoming guild members. In answer to my son's question about what is the point of his being a member of the guild because it does nothing for him, I must ask him where he will eat if he is not a member of the guild. Will he eat at the greasy spoon on Broadway?

Hon Peter Foss: It has gone.

Hon DERRICK TOMLINSON: God forbid.

Hon Kim Chance: What else have the Romans ever done for us?

Hon DERRICK TOMLINSON: What else have the Romans ever done for whom?

Hon Kim Chance: For us.

Hon DERRICK TOMLINSON: In the minister's case, given his adipose visage, I suggest they have given him too many fatty foods.

Hon Ljiljana Ravlich: That is a bit rough coming from you.

Hon DERRICK TOMLINSON: But I have lost 20 kilograms; therefore, I can be virtuous.

Several members interjected.

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members!

Hon DERRICK TOMLINSON: Although we have now moved to a level of jollity in this debate, I want members to think seriously about this matter. The Bill is quite clear that universities may not dissuade or discourage students against guild membership. Membership is voluntary by opting out, not by opting in. The university - members, me and the Archbishop of Canterbury - may not dissuade or discourage membership. We may do nothing at the point of enrolment or at any time that a student may resign to dissuade or discourage that. There is bilious silence on the alternative. The Bill says that members, me and the Archbishop of Canterbury may do whatever we will to coerce or induce membership. That is a considerable difference. Two factors are now operating, one of which is the psychological factor of opting in and opting out.

I cannot explain it, but it is real. Members opposite know it is real because their party affiliation is very aware of it, as is mine. We are all very aware of it. To that we add a legal or statutory provision that no-one may do anything to dissuade against membership, but people can do what they like to coerce people in. I will tell my son that his choice is either membership or the greasy spoon! When it comes to the tavern, it is fortunate that my son is a non-drinker; he cannot stand the smell of alcohol. He hates the fact that I have two scotches each night. I do not know why he is like that; it must be some strange factor of heredity. However, he does go to the Bent Elbow. Why does he go there? Because that is where his mates are, particularly those of the opposite gender. He is a red-blooded Australian male! He is a chip off the old block!

Hon Kim Chance: Does he drink chamomile tea?

Hon DERRICK TOMLINSON: He certainly does not; he drinks only water. I will have to tell him that the guild runs the tavern and if he is not a member of the guild he cannot go to the Bent Elbow. He cannot go if he does not have his ticket - no ticket, no start!

Hon Graham Giffard: Are you really going to say that to him?

Hon DERRICK TOMLINSON: I certainly will. I happen to know the minds of the people who have drafted this legislation. Why is it that those people - who I know as decent human beings; I like many of them - are so bent on coercion? Why is it that they are so bent on compulsion? Why do they not want freedom of choice?

Hon Kim Chance interjected.

Hon DERRICK TOMLINSON: The Leader of the House is looking quizzical. The question is opting in versus opting out and the Government has chosen opting out. Opting out is psychological coercion, is it not? Members should think about that. Having made the provision of psychological coercion for opting out, the Government then says it shall be unlawful to dissuade or discourage a student from doing so. The Government is silent on "coerce" or "induce". It is a question of why the Government supports not only compulsion, but also coercion? I will illustrate the coercion. I became a member of the State School Teachers Union of WA because, as a graduating student, the membership form was placed in front of me. I was a member of the State School Teachers Union for 10 of the 11 years that I was employed by the Department of Education as a teacher. At no stage did I think of opting out. In fact, I was president of the Geraldton branch of the SSTU for two or three years.

Hon Peter Foss: A leftie!

Hon DERRICK TOMLINSON: Yes, a leftie! I was a delegate to the state conference of the teachers union for two or three years.

Hon Peter Foss: Horror!

Hon DERRICK TOMLINSON: Yes, horror! I was actively involved in the SSTU, even though I was a member of the Liberal Party. I can remember standing up at one of the state conferences and the state president asked me how I could be the president of the Geraldton branch of the SSTU and also president of the Geraldton branch of the Liberal Party.

It was incomprehensible to him.

Hon Kim Chance: Have you always been confused like that?

Hon DERRICK TOMLINSON: No, I have never been confused. As far as I was concerned it was a simple matter. I chose; I had freedom of choice. Although I made that choice, members of the State School Teachers Union of WA asked why the people who were not members of the union should benefit from the pay rises that the union negotiated. They wanted to discriminate so that union members would get the pay rise and those who were not union members would not get the pay rise. That is coercion.

Hon Jim Scott: It's a payment for services.

Hon DERRICK TOMLINSON: Payment for services, is it? It is the old payback: they give the money to their mates but they discriminate against those people who are not their mates. That explains WA Inc, does it not?

Hon Graham Giffard interjected.

Hon DERRICK TOMLINSON: Yes, it was fundamental to WA Inc. That is the psychology of it. That is the corruption of morals.

Hon Graham Giffard: You are a write-off.

Hon DERRICK TOMLINSON: I am right on. It is starting to hurt, is it not? Government members are starting to respond, are they not, Mr Deputy President?

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members!

Hon Ljiljana Ravlich: Why didn't you opt out if you were so unhappy?

Hon DERRICK TOMLINSON: I did.

Hon Ljiljana Ravlich: Yes, because you knew you were going somewhere else. I must say that for you plain ignorance is a bit rich. You wanted the benefits and you took the benefits.

Hon DERRICK TOMLINSON: One day I will explain to members my career decisions in my eleventh year of teaching. They were purely serendipitous. As far as I was concerned I was going to be a teacher for the rest of my life. Had I remained in teaching I would now be in my twenty-fifth year as a principal of a senior high school. The circumstances that occurred were merely serendipitous. However, I will leave members to their imagination; I know the facts.

I return to the serious question I asked about coercion and the freedom of choice, which is what this legislation is about. The Government has presented it as a voluntary membership, but it is a coercive membership. It is a psychological and real coercion because the legislation does not outlaw inducement or coercion. The Government is silent on inducement and coercion. It is vocal on dissuasion and discouragement but silent on coercion. Why?

I return to clause 16 of the Bill and proposed section 28(2), which reads -

Any student is eligible to be a member of the Guild.

Section 28(2) of the University of Western Australia Act currently states -

Subject to the conditions and qualifications for membership prescribed by Statute any student may be a member of the Guild.

This legislation will take away the qualifier that it is a decision of the senate, according to the statutes of the senate of the University of Western Australia, to allow a student to become a member of the guild. It will take away from the University of Western Australia - and I presume from all the other universities - its functional autonomy for self-government.

Hon Graham Giffard: Don't be silly.

Hon DERRICK TOMLINSON: Yes, it is. It is fundamental to the nature of a university that it be a self-governing body. We are talking about academic freedom. I have heard members in this debate say that universities are places of intellectual foment. I applaud that. They must be places of intellectual foment. However, they must be places in which people are free to express an opinion, free to think and free to speak. For a university to have that freedom it must have the power to govern itself.

In this simple clause, the Government is taking away that discretion to decide. The Opposition does not want the university senates to decide the membership. Any student shall be a member of the guild by statute of this Government. Why do members opposite want to use that coercion and want to continue to strip people of their freedom?

Hon Alan Cadby: They're control freaks.

Hon DERRICK TOMLINSON: I do not think it is a question of their being control freaks; I think the Government has a strong intellectual, philosophical commitment to the denial of that freedom. It constantly wants to control and regulate.

I began by exposing my personal commitment to university student guilds. I will continue to pay my son's membership of the guild because I believe in payment for use. If my son is using the facilities of the university, I believe he should pay for that amenity. That is my deliberate decision to opt in. However, I object to a statute of this Parliament denying the right of an individual to decide. Regardless of any argument that members opposite might mount, the words of this Bill deny the right to choose because it is a compulsion to opt out, and a compulsion to opt out is not a choice. I do not support this Bill.

HON SUE ELLERY (South Metropolitan) [7.56 pm]: In supporting the legislation I will canvass a couple of issues raised in the debate so far. Like the speaker before me, I will reveal my history up front. I held elected positions in both the University of Western Australia student guild and what was then the national student organisation, the Australian National Union of Students, when I was based in Melbourne.

Several members interjected.

Hon SUE ELLERY: The conservative opposition to this legislation and the murmurings from members opposite are not new to me. I agree with Hon Derrick Tomlinson that this issue marks the difference between the Australian Labor Party and the Liberal Party. I am experiencing a sense of *deja vu* because the arguments I have heard in the past few sitting days were presented by the Liberals on campus when I was there 20-plus years ago.

At the heart of the Opposition's argument is the notion that this legislation constitutes a form of compulsory unionism. Nothing in this legislation compels membership of any guild or student association because of the existence of the opt-out provision. Membership remains voluntary. It is consistent with universities across Australia. In preparing my notes for my speech tonight, I examined some work done by the Australian Vice-Chancellor's Committee in preparation for submissions it made to, I think, a Senate inquiry on a proposition similar to that proposed and passed in this place by Hon Norman Moore when he was Minister for Education. The AVCC did a survey of its membership about May 1999. All of the member universities provided students with a choice of membership of their associations. Many of them provided a form of either religious or conscientious objection while still collecting a fee that would be used for student-related purposes. A form of membership opt out by which students are still liable for a fee is the norm across Australia. This legislation provides that opt-out provision at the point of enrolment and the choice can be exercised at any stage after enrolment. In this country there is nothing new or radical about this legislation.

I also think that the compulsory unionism analogy fails because there is a distinguishable difference between the nature of trade unions and that of student organisations. They do have some things in common. At the heart of what they have in common is the objective of representing their respective members' interests. However, what distinguishes them is that student organisations have a much greater focus on the provision of direct services, such as the cafeteria and those sorts of services. A better analogy, and one that has already been flagged in this debate, is with local government, in which rates are paid, a range of representative functions are exercised and services are provided, which the local community may or may not use. However, if a person owns property, that person will pay rates.

If we were to apply the model for student guilds in Hon Norman Moore's legislation to local government and make the payment of rates voluntary, what impact would that have on the capacity of local government to provide the range of services we as a community expect? In fact, let us take it up a level. Let us apply the Hon Norman Moore model to all fees, rates and taxes and make them all voluntary. Human nature being what it is, we would expect less income and, therefore, fewer services for our communities. That is important, because the fact that Western Australian students, of whom much has been made in this debate, elected not to join student associations during the period of the current legislation - that is, since 1994 - is not proof of student support for voluntary student unionism. It reflects not a commitment to freedom of association but, rather, a decision not to pay a charge when it is made voluntary. That has been achieved at a very high price.

Why is it that the legislation provides that certain levels of the fee will be directed to the guilds and student associations? That is because of the devastating effect that the current legislation had on the guilds. It eroded their capacity to such an extent that they needed to be rebuilt. We do not make any apology for that. The universities, which in many cases had to prop up the associations out of moneys that should have been spent on direct teaching and research programs, will now be able to redirect that money to their core functions. Prior to the current legislation, student associations provided a wide range of services - we have heard about some of those already - including campus sports facilities; catering and food services; welfare services, including a vast range of services that are essential to students such as housing assistance, financial support and health services; retail outlets such as book shops, which provide subsidised books for students; student employment placement services; vacation employment programs; development courses such as curriculum vitae writing; effective studying courses; job search assistance; child care; and orientation activities and information, which are critical to new students for more reasons than one. Since the introduction of the current legislation, these services have been either cut completely or so reduced as to be of limited value to students.

Another critical issue, which in part answers one of the questions asked by Hon Derrick Tomlinson about the autonomy of universities, is that the universities support the legislation, because they have used strong and vital student organisations as part of the marketable assets of their universities. Universities these days are far more competitive in the domestic market as well as overseas. The measure of the university is not limited to its teaching and research record; it relates also to campus life and the support services for students. Key drivers of the cultural and social life on campus and providers of the student services are the student organisations and the guilds. Decimating them decimated part of the marketing capacity of the universities. For those reasons, university administrators support the legislation and have been calling on us to hurry up and pass it through this place.

Hon Barry House interjected.

Hon SUE ELLERY: And tavern 100. Hon Barry House cannot tell me that he did not do tavern 100.

We are unapologetic that part of the objective of this legislation is to rebuild the capacity of those associations and guilds to contribute to a vibrant campus life.

I turn to the opposition to this legislation. The debate in the other place was far more heated on this issue than the debate I have heard so far in this place.

Hon Peter Foss: We are much more moderate here, that is why.

Hon SUE ELLERY: We must be. It also relates to the view that student associations and guilds are hotbeds of political activism, and that somehow that is a bad thing. Many in this Chamber and those who came before us - it will hopefully be the same for those who come after us - learnt about politics, campaigning, engaging in debate and building coalitions through these student associations. Indeed, our political views were tested and developed by virtue of the political debates that occurred within student associations and guilds. However, those opposed to this legislation argue that that political activity is not appropriate.

Hon Robyn McSweeney: It certainly isn't.

Hon SUE ELLERY: I am glad Hon Robyn McSweeney made that comment by way of interjection, because the test is not whether the student association or guild is involved in political activity but whether it is held accountable to its members for its actions. Representative student guilds hold annual elections, have a range of open forums, have a capacity to call general and extraordinary meetings, and have referendum mechanisms. In addition, they are subject to the -

Hon Peter Foss: If the majority use their position improperly against the minority, they can be sued.

Hon SUE ELLERY: They will also be subject to the ultimate test to which we are all subject - the ballot box at the next election.

Hon Peter Foss: You miss the point. It is what is called the oppression of the majority. It is possible that if you join an organisation for purpose A, the majority may decide to use it for purpose B. You do not have much choice, whether you subscribe to it or not; it is an oppression of the minority.

Hon SUE ELLERY: I am sure that is an argument Hon Peter Foss will develop when he gets a chance.

Student guilds and associations are also subject to standard financial auditing processes. The test should not be whether a guild or student association is involved in political activity but whether it is democratic and is governed and abides by the statutes of its university. If the answer is yes - it is in the case of Western Australian university student associations and guilds - the political and other decisions of the student representatives will stand or fall by those democratic mechanisms. Political activity should not of itself be a reason to restrain them. This is not radical legislation. It reflects agreement between the universities, the elected student representatives -

Hon Peter Foss: I thought it was an amenities fee. Isn't it an amenities fee and not a political fee?

Hon SUE ELLERY: I am not describing it as a political fee.

Hon Peter Foss: You are saying it is for amenities.

Hon SUE ELLERY: If Hon Peter Foss listened to what I was saying, he would know that I was describing some of the reasons that have been put forward in this debate to oppose this legislation. Those reasons have included the political activities of student guilds.

Hon Peter Foss: Proposed section 41A states that the money is to be used for amenities and services. I do not think political activity is either.

Hon SUE ELLERY: I am trying to address that issue. If Hon Peter Foss listened to what I said -

Hon Peter Foss: What will the money be spent on?

Hon SUE ELLERY: I listen a lot to what Hon Peter Foss has to say.

Hon Peter Foss: So you should.

Hon SUE ELLERY: Why does Hon Peter Foss not pay me the same courtesy?

Hon Peter Foss: I get occasional interjections and I respond to them.

Hon SUE ELLERY: The legislation further builds on accountability by requiring the university senates to define, by statute, the categories of expenditure for fees paid to the guilds. That might allay -

Hon Alan Cadby: They are so broad that I cannot find anything that they cannot spend the money on.

Hon SUE ELLERY: It would be up to the university senates. I also listened to Hon Alan Cadby without interrupting him.

Hon Peter Foss: We are allowed to pass interjections. You occasionally get them.

Hon Nick Griffiths: But yours are so unruly.

Hon Peter Foss: No they are not; they are very responsible.

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members! This is not a debate on interjections; it is a debate on the Bill. Hon Sue Ellery could perhaps address her remarks to me.

Hon SUE ELLERY: Indeed, Mr Deputy President, I will do so. I will conclude my remarks. The point I was trying to make is that it is within the power of the university senates to define, in their own statutes, categories of expenditure for fees paid to the guilds. The senate members who will make those decisions will be accountable by way of election. The senate is also required to set the specific mechanisms for financial auditing.

The passing of this legislation will see this Government tick off another of its election commitments. I commend the Bill to the House.

HON LOUISE PRATT (East Metropolitan) [8.10 pm]: I thank Hon Norman Moore for providing me with some of my inspiration for joining the Australian Labor Party after I had spent much time in 1994 campaigning against voluntary student unionism. I thought at that time that I should do something about my dislike for Liberals. Therefore, in part I also thank Hon Norman Moore for providing me with some of my inspiration for seeking election to this place. My first experience of this place was listening to the voluntary student unionism debate and organising protests outside the Parliament. At that time Hon Norman Moore was named “Stormin’ Norman” because of his reputation in education circles.

I am very glad to speak in support of this Bill because student guilds support a vibrant and equitable campus life. During previous debate on this Bill, a member mentioned student politicians with their noses in the trough. I think the member was looking at me as if to ask what student activists and student representatives get out of being involved in their student guild. They get a warm feeling about making a contribution to campus life. I was pleased to be an unpaid volunteer for the student guild for three years. It was a very rewarding experience. A vast number of students volunteer their time on campus.

This Bill seeks to address the negative impacts of the 1994 legislation on the provision of student amenities and services in public universities and to remedy the impact it has had on campus life and campus culture in general. At the time we called it anti-student legislation. The legislation undermined student control of student affairs. Student representatives are still articulating that concern today. In 1994 the legislation had very bad ramifications on the infrastructure of the guilds and their ability to convey the student voice and represent students’ concerns to the university and the wider community. The legislation limited the nature and operation of guilds and attempted to emasculate them, because of a narrow concern about political activism. The Government at the time was prepared to decimate those organisations’ services of advocacy, representation and cultural activity, which represent a vast part of the fabric of campus life. Hon John Cowdell said in a speech to this place that the guilds were to be starved to death and that some, such as Murdoch and Edith Cowan University guilds, may keel over quickly because of their debt ratio and lack of assets.

Upon sad reflection, how true Hon John Cowdell’s words were. Edith Cowan University guild has to all intents and purposes collapsed, despite the best efforts of students to provide a very limited range of services under the voluntary student unionism model. Murdoch University guild is on the brink, having struggled along on loans from the university and with its options quickly coming to an end. Failure to pass this legislation will see the loss of 60 jobs at that university.

I will take a moment to reflect upon the audit report in 2002 from Hall Chadwick chartered accountants. Under the heading “Inherent Uncertainty Regarding Going Concern” it states -

Without qualification noted in the statement noted above, attention is drawn to the following matter:

As stated in Note 1 to the financial statements, the financial report has been prepared on a going concern basis. The ability of the Guild to continue as a going concern is dependent on adequate financial support being made available from the Murdoch University or from alternate sources.

Members opposite have said that if guilds do not attract the membership they need to survive, that is too bad; they obviously do not deserve to exist. However, that is not the view of the universities or of the students. The fact of the matter is that without this legislation these organisations are not sustainable. They are very important to university and campus life.

I note the ongoing comments by members opposite about freedom of association. I do not have the citations in front of me, but a number of test cases in South Australia have established that to join a student association is not an affront to freedom of association. In my view, to pay a fee for being a part of campus life is a bit like paying for a drivers licence. We are not allowed to drive unless we have a drivers licence. It is also a bit like paying local government rates. These things are controlled by democratic institutions.

Guilds provide many vital services to both members and non-members. Often they find it impractical to distinguish between students who are eligible and students who are not eligible to receive services, and sometimes they do not want to distinguish, because a student is in need. The new model will allow students to access services irrespective of their guild membership. That is probably the model that most universities will fall into, because they will recognise the importance of maintaining a universal student body that treats all students the same, irrespective of whether they have paid their fees to the university or the guild. I hope that will mean that students will be able to maintain fairly seamless access to services.

The student guilds of the University of Western Australia and Curtin University have survived the onset of VSU in this State, but with vastly curtailed services and with a significant dependence on the university. Failure to pass this legislation will cause them to further curtail their activities and services. That will lead to a further fall in membership of important organisations that are integral to the campus life of the universities. The universities have also had to commit additional resources to provide amenities and services. I want to acknowledge at this point that the previous Labor Government stepped in to support student organisations because it recognised the important contribution that they make to campus life.

The Voluntary Membership of Student Guilds and Associations Act has caused difficulties for the universities in supporting the guilds and providing amenities and services. The current Act denies universities the right to raise a student amenities and services fee to support the provision of these essential amenities and services. This is an untenable situation that has now reached a point of crisis. This Bill will allow universities to raise such a fee. I believe that will greatly enhance the quality of student life and student facilities, within our universities, which is a vital part of the university experience. In particular, I want to highlight student participation in clubs and societies. Clubs and societies are a vital way of contributing to a person's education, because they extend the learning experience and professional skills. They are every bit as valuable as the formal learning experience on campus. That applies to organisations from a wide range of political perspectives, whether it be an engineering society, AIESEC, or the campus Liberal club, which was very active in utilising guild support when I was on campus.

Hon Peter Foss: Membership of them is not compulsory, though.

Hon LOUISE PRATT: Yes, but without the universal collection of amenities fees, there is no capacity to support clubs and societies on campus.

Hon Peter Foss: If students did not have to pay a universal fee, they could afford to join the clubs.

Hon LOUISE PRATT: Most of the clubs have nominal fees. In fact, students can participate in most of these activities without even being a member, because that is the nature of campus life.

This Bill has been developed after extensive consultation and agreement between individual universities and their guilds. It reflects the common aspirations of the administrations of all four public universities, each of which operates under its own Act. It includes the guild being recognised as the means of communication between students and the university, and the senate or council of the university in accordance with the university statutes. A student may elect at the time of enrolment not to become a member of the guild. An enrolled student may resign at any time as a member of the guild. In other words, membership is not compulsory and the Bill cannot be said to offend the principle of freedom of association.

Hon Barbara Scott seems to have misunderstood the nature of this legislation because she implied that the solution to this problem was to introduce the model used in Victoria. She did not understand that this provision is contained within the legislation. She basically implied that if we inserted a provision similar to the one that is before us it would be good enough, because she assumed -

Hon Graham Giffard: She also said she had no objection to a compulsory fee.

Hon LOUISE PRATT: She assumed that the Bill before us had arbitrary membership provisions. I found the majority of her speech to be misinformed. She was an advocate for a model similar to that in the legislation before us. The Australian Vice-Chancellors' Committee believes that representative student organisations work best when membership is universal and supports universal membership. Although that will not be the situation entirely in this instance, this model will enable universal participation in campus life. As I said previously, irrespective of whether students give their money to the guild or the university, they will have made a contribution and they should be able to access the full gamut of services on campus.

Hon Peter Foss: It does not matter who they give it to, it all ends up with the guild anyway.

Hon LOUISE PRATT: I am a firm believer that it should all end up with the guild, because students would prefer their money to be controlled by students and not by the universities.

Hon Peter Foss: This is where the compulsion comes in because they have to pay the money anyway.

Hon LOUISE PRATT: I did not hear that interjection from the honourable member, so I cannot respond to it. The amenities and services fee can be set at an amount approved by the senate or council after it receives a report and recommendation from the guild. I note that some members opposite also made some rather flippant remarks about fees of \$400 or \$500 -

Hon Peter Foss: If we are to fall in line with the rest of Australia, I suspect that will happen.

Hon LOUISE PRATT: Western Australia has always had much more modest fees than other States. In my experience at the University of Western Australia those fees were set by a general meeting of students. They were not just set by the guild council.

Hon Graham Giffard: It is the same at Murdoch University.

Hon LOUISE PRATT: Yes. The guild council must take its proposed fee structure to a student meeting. In my experience those meetings were attended by a couple of hundred students and there was generally lively debate about the merits of the proposals. When I participated in those discussions, any increase was always very modest or there was none at all. I thought that was an equitable way of negotiating those matters.

As members will be aware, a minimum 50 per cent of the guild fee will go to the guild, but I firmly believe that the majority of the fees will end up in students' hands, as students would rather the guild used the money than the university. I believe students find that their guilds are inherently accountable in that sense - more accountable than the universities themselves. The part of the fee not paid to the guild is to be spent on student amenities and services in a manner agreed by the senate or council and the guild. I hope that will mean an integrated approach to the provision of services.

I note that Hon Norman Moore suggested there should be a referendum on this issue, but I would like to highlight my experience at the University of Western Australia. Students in favour of voluntary student unionism ran on tickets to get elected during the campus elections and they failed; and that, in effect, is a referendum.

Hon Derrick Tomlinson: So what? That is like saying you will have a referendum on one vote, one value.

Hon LOUISE PRATT: I think the member is just being belligerent because he cannot win the argument.

In University of Western Australia elections, all students are eligible to vote regardless of whether they are members of the guild. It comes down to the fundamental integrity of the whole student body. This is a point the Opposition has failed to comprehend. It is important to maintain the integrity of the student body and that universal voting right, although others would say that people who are not members do not deserve to vote. Under the Government's legislation the universities will be able to continue to decide their own voting systems.

One of the reasons the Liberal Party pursued this legislation in 1994 was precisely because guilds have been very effective in representing students' interests. I saw the effectiveness of the campaign run by the National Union of Students in the federal election in 1993 against the prospect of fee hikes that, since the election, have come true.

Hon Peter Foss interjected.

Hon LOUISE PRATT: No, that is not why I support it. In 1993 I was perhaps a naive student activist who said that I would just be a student representative and I would not join a political party. I was adamant about that at the time. I have since learned the naivety of my opinion at that time. It is only through guilds that students have an effective voice within the university and the community, and they are able to organise against moves that are detrimental to students.

Hon Alan Cadby referred to the impact of the fee, as did a number of other members. He spoke about the equity of being forced to pay this fee. I would like to ask members opposite about the equity of thousands of families around this State being sent debt collectors' notices by their schools because they were unable to pay the compulsory fee. Now members opposite have the cheek to talk about equity in relation to this legislation. It is a very cheeky thing to do.

Hon Simon O'Brien: Are you against this compulsory fee?

Hon LOUISE PRATT: No; just hear me out. I have just been talking to people from the University of Western Australia, asking them how they will deal with issues of equity when it comes to paying these fees. Students do not have to pay the fee upon enrolment; they will be invoiced. They can receive an interest-free university loan to pay it, if required. I was the beneficiary of such loans when I was at university, and I had trouble paying telephone bills and rent because I had too many books to buy.

Hon Bruce Donaldson: Did you come from the country or the city?

Hon LOUISE PRATT: I lived on the outskirts of the metropolitan area, so I lived at St Catherine's College along with many other country students.

Hon Bruce Donaldson: Then you would know how expensive it is coming from the country to go to university.

Hon LOUISE PRATT: Yes; it is an incredible cost. I acquired a number of university loans to see me through those days. In fact, the guild loans I received were extremely important to me. Guilds will, under some circumstances, also assist students with particular financial situations without the need for repayment under very specific and accountable conditions. The arguments about equity are a complete and utter furphy, because the universities and the guilds are very mindful of those impacts on students. The guilds are the watchdogs of the universities, fighting the increases in book fees and photocopying fees and the proliferation of other fees. Examples of the contributions of guilds include the guild of Murdoch University being involved in preventing the university from cutting a range of courses; the University of Western Australia's ongoing discussion about anonymous assessment; and the Curtin University guild's successful opposition to a \$250 student tax for international students. Every day, guilds provide significant outcomes for students. They help to save students' time, money and reduce their hassles, which helps improve their university education. Membership of student guilds provides value for money. Historically, guilds are as accountable as any other organisation; in fact, they are even more accountable because of their democratic structures.

Hon Simon O'Brien: Cut it out. Every time they waste \$10 000 or \$15 000 on a refugee campaign?

Hon LOUISE PRATT: They do not. I wish. Being a big supporter of refugees, I would love to see guilds do that - in fact, no, I would not. They do not and would not do that because they are accountable. They would not waste money on that.

Hon Peter Foss: What sort of a service amenity fee is that?

Hon LOUISE PRATT: Exactly; it is not a service amenity fee; therefore, they would not do that.

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members!

Hon LOUISE PRATT: They do not do that. Members opposite are living in the 1970s -
Several members interjected.

The DEPUTY PRESIDENT: Order, members! There are some rules to this debate. Although a certain level of interjecting is acceptable, the current level of interjections is not. The member might like to address her comments through the Chair.

Hon LOUISE PRATT: My apologies, Mr Deputy President. I was trying to say that I believe members opposite are stereotyping student organisations according to members' views of the 1950s, 1960s or 1970s, depending on when they went to university.

Hon Derrick Tomlinson: The 1950s in my case, darling!

Hon LOUISE PRATT: Student organisations today are very contemporary. In order to deliver accountable and equitable services, they undergo financial planning and have accountants, managers and other necessary staff that any service organisation is expected to have.

Hon Peter Foss: Do you think we did not have those services in the 1970s? Do you think we do it all with quill pens?

Hon LOUISE PRATT: I do not know how it operated in the 1970s. I was born in the early 1970s, so I cannot be held accountable for that.

I believe that the 1994 legislation was not interested in freedom of association or accountability; it was largely an attempt to guarantee the emasculation of student organisations.

Hon Ray Halligan: Can you explain why you think that?

Hon LOUISE PRATT: Because of the political potency student guilds had in the 1993 election campaign. That is a good motivating factor. The guilds were an extremely powerful force in deterring students from voting for the Liberal Party in 1993.

Hon Ray Halligan: That is why we won the election.

Hon LOUISE PRATT: The Liberal Party did not win that election; it won the 1996 election.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! The member does not need to answer interjections and other members who have yet to speak will soon get their opportunity.

Hon LOUISE PRATT: I will highlight some of the things that Malcolm Orr, the Registrar of the University of Western Australia said. He agreed that the voluntary student unionism legislation was a poorly disguised attempt to emasculate the political power of the guilds. He said that the cogent argument that the legislation failed to understand the nature and purpose of student guilds did not change the resolution of the proponents of the amendments, who considered student organisations as the spawning ground for radical politics, and so the legislation was passed.

The University of Western Australia Act defines student guilds as an integral part of the university community. In addition, they provide a valuable mechanism for feeding student opinion into the university community. The guilds have long been recognised as the principal means by which students can gain experience beyond the academic discipline of their courses. According to Malcolm Orr, an outcome of the VSU legislation was that it forced the guilds to become more efficient and cost-effective organisations. Indeed, in part, that is true. However, he says that there are sleeping problems, which are surfacing, that are confronting universities with having to make difficult decisions. That reflects on what was said about Murdoch University and the long-term viability of student guilds without the universal support through this type of fee because the membership base is otherwise too small. In spite of the hard work by guild officials, it seems unlikely that the guild will succeed in getting its membership much beyond 4 000 students out of 12 000 students. That is the consistent rate across all universities whether or not good campaigns have been run. There has not been much movement in membership above that rate. Therefore, there has been insufficient recurrent income from that source to provide a viable financial base for the future as an alternative to the systematic propping up over the past few years by universities and the federal Government. That propping up is not sustainable and the current membership base is not sustainable. We are rightly reverting to a universal system. Malcolm Orr concludes by stating -

If no action is taken to counter the long term impact of VSU, it is possible that the Guild will go into decline, with static membership, exhausted reserves and reducing services. In such a scenario the organisation could start to disintegrate. The destruction of an institution which has served the University and its students well over many years would be regrettable, and a heavy price to pay for a Government's exaggerated fear of student radicalism.

I conclude by saying that this legislation brings a balance back to campus life. There is a strong need for robust student organisations on campus. Without them, campus life is unbalanced. It becomes dominated by academic staff and university management, which are only one part of the university experience. The other part of university experience is student life. Student guilds make a fundamental contribution to student life and the university experience. Universities gain respect not only from teaching and academic records but also from the robustness and diversity of campus life. I congratulate all members who support this legislation and who, by doing so, indicate their support for improving education for students in this State. I commend the Bill to the House.

HON SIMON O'BRIEN (South Metropolitan) [8.37 pm]: The Acts Amendment (Student Guilds and Associations) Bill 2002 is just another instalment in a continuing suite of measures introduced by this Government, which finds itself in the happy situation of having acquiescent minor party colleagues in this House who are more than happy to join it in implementing a number of party platform measures near and dear to the heart of the Labor Party. This legislation is not as radical as some we have seen recently. This House has seen electoral changes rammed through unlawfully. It has seen a colossal attack on traditional and family values. It has also seen a range of measures through gay and lesbian legislation, which was nothing more than a cover to amend a number of Acts. It was implemented at the behest of radical members of the ALP as part of a social reform package. There are other thrills and spills that I could refer to, and a few more to come. This legislation is fairly modest in that it wants to take us back to the future; back to the 1950s when Hon Derrick Tomlinson was an alumni of one of the State's premier institutions. This legislation is concerned with removing the status of membership of student guilds and associations from one of voluntary participation to one of compulsory membership; more specifically, of payment of fees. This Bill is all about money and control. It is not surprising that the Government has the active encouragement and participation of those who are charged with managing the universities.

The universities have dollar signs in their eyes. They want another source of revenue, tax or on-campus revenue raising that will not be sheeted home to them directly. It is understandable that they have dollar signs in their eyes. It is also understandable that the Government has the full encouragement and cooperation of the guilds. What a colossal vested interest it has. This Government can come into this place and say, "Look, all the guilds think this is a terrific idea." Do members not think there is a teeny-weeny conflict of interest? Of course the guilds are all for it; it is a colossal revenue win for them. That is what this Bill is all about. It is also about exerting a control over the compulsory extraction of fees and a control also over some other measures contained in this legislation, as typified by the proposed amendments to section 20 of the Murdoch University Act 1973. I will return to that theme shortly.

Much has already been said in this debate about the Bill. I do not intend to go over old ground unnecessarily. I do not even wish to visit a range of issues that have been visited by other members because they are not necessarily issues that push my buttons. Firstly, I do not have a fundamental and philosophical objection to the existence of guilds; quite the reverse. I can foresee hypothetical situations in which I would consider joining a guild if I were at university. I would not have a problem with joining a guild if I had examined the reasons for my prospective membership and made a decision to do so. I would have a problem, and might feel inclined to dig in my heels, if I were compulsorily required to join a guild; or any other association for that matter. However, I do not have a problem with guilds and what the pure form of student association is about. Again I do not have an objection to any association, particularly a student association, that comprises members who feel passionately about matters and is concerned with the issues of the day, whether they affect the life of the campus or whether they are the wider state of current affairs off campus.

In many fields of life organisations adopt various causes on behalf of their members. Sometimes those causes are obliquely relevant to their specific membership, but that is what organisations do; if that is what the membership of an organisation wants it to do, that is what it can do. I make it clear that I do not have a problem with guilds per se in the same way that I do not have a problem with trade unions per se, with professional associations per se or even with political parties per se. I judge people and organisations, not on what they are but on what they do. There is a meaningful role for student guilds and associations to play, but they should not have all the measures attached to them that are contained in this Bill. We have heard that the membership levels of guilds have declined sharply from previous levels. Well, hello! Naturally when compulsory membership becomes voluntary, membership will decline. What did members opposite expect? Like other organisations, guilds should be able to attract and retain voluntary membership. If the services they provide are as good as government members have indicated when they have been lecturing us about this, students will join and remain members. They will not need to be compelled to do so.

I am advised that the levels of student guild membership at several of our major metropolitan universities is from 30 to 35 per cent.

Hon Alan Cadby: All but one.

Hon SIMON O'BRIEN: That one is Edith Cowan University at which membership of the student guild is six per cent, the reasons for which have been touched on already. The level of 30 to 35 per cent of all students enrolled at university is hardly an incidental number.

Hon Alan Cadby interjected.

Hon SIMON O'BRIEN: They are large numbers, yet we have been told that some of the guilds, despite using facilities on a user-pays basis, are having difficulty managing financially and that the only solution is to get more money out of the people they are meant to be serving. We have heard some pathetic arguments in support of membership of guilds, such as it will enable members to hold a discount card to use at take-away food places like Subway. Many schemes provide discount cards. I do not know whether some members have qualified for their seniors' cards, which enable people to receive a discount in certain places. A range of memberships afford discounts at participating businesses. If students want that they should be able to have access to it. However, why should students be forced to pay a sum of money so that they can obtain a 20 per cent discount at Subway or have access to student counselling?

Hon Peter Foss: A student would be ahead if he spent \$2 000 at Subway.

Hon SIMON O'BRIEN: Hon Peter Foss is right. If becoming a member of the local student guild entitles a student to a cheap cup of coffee at the cafeteria - it means more than that, but this is the shallow argument - why should he have to pay \$80, \$100, \$200 or whatever the sum of money is? It would be a good deal because, after all, students who chose could buy a cheap cup of coffee! I am sorry, but if students want that benefit, it should be up to them to decide whether they take advantage of it.

Some of the arguments about financial problems being reasons for the compulsory payment of this amenities fee are as shallow as the examples I have just given about discounts on the cost of sandwiches or cups of coffee. There is a more serious side to this issue.

Hon Jim Scott interjected.

Hon SIMON O'BRIEN: Does Hon Jim Scott have a cold or was he trying to attract my attention?

Hon Jim Scott: What if a business is operating at 100 per cent, but the income from membership declines so that the business ends up operating at 30 or 35 per cent?

Hon SIMON O'BRIEN: I hope, Mr Deputy President, that you did not think I was in any way encouraging unruly interjections. Hon Jim Scott asked what would happen if a businessperson had a current level of business of, say, 100 per cent and his income or turnover - the member should pay attention - suddenly dropped from 100 per cent to about 30 or 35 per cent. That would be a disastrous situation. Do members know what? That is what happens from time to time. Some other businesses might thrive and the level might go up to 135 per cent. That does happen. What the business must do then - whether it is a guild or some other business - is make some changes to accommodate that. However, the Government should not pass an Act of Parliament that provides that those people who used to buy goods from the business - I will call it Jim Green and Son - will still have to pay for those goods whether or not they want them, and that the Government will take all that money and give it to the managers of Jim Green and Son who can use it as they see fit. That is the analogy we have here. It is not a valid argument to say that because the guilds reckon they need some money, it must be compulsorily acquired through a pseudo-tax on people who wish to engage in higher education.

Hon Jim Scott interjected.

Hon SIMON O'BRIEN: My expert businessman advises me by interjection that he is glad I am not in business.

Hon Alan Cadby: I bet you are glad he is not a customer.

Hon SIMON O'BRIEN: I am glad he is not a customer.

Several members interjected.

Hon SIMON O'BRIEN: When other speakers have finished, I want to contribute two elements to the debate before I resume my seat. The first is an extension of the question of money and why it should be due. The second relates to the issue of control. We understand from the second reading speech that any enrolled student is eligible to be a member of the guild. That is fine; that is not a problem. I agree that any enrolled student in a university should be eligible to be a member of a guild, unless that student is disqualified by some other lawful means. However, I have a problem with the fact that a student will become a member of the guild upon enrolment for the period of enrolment. That is automatic. If the student wishes concurrently with his enrolment to be a member of the guild, that is also convenient. That is fine, insofar as it goes. However, the student does not get a choice. The Government is pursuing the nonsense line - I wish it would just be up front and honest about it and say that it is introducing compulsory student membership - that once the student has enrolled and concurrently becomes a member of the guild and pays his fee, the student can elect by his own positive action at that point not to be a member of the guild, or at some later time he can elect by his own positive action to resign from the guild but he will still have to pay his money.

Hon Bruce Donaldson: The fee will be the same.

Hon SIMON O'BRIEN: The fee will be the same. If that is not compulsory membership, it is so darned close that it does not matter. For all intents and purposes, it is compulsory membership, because it is the compulsory payment of a fee. I wonder how many people, when they pay this fee, will tell the universities to keep the \$150 or whatever it might be because that person does not want to be in the guild and does not want the cheap coffee or access to services that are provided by the guild. It is usury.

Hon Peter Foss: It is like the old days of compulsory unionism. You could have a conscientious objection, but you still had to pay the costs.

Hon SIMON O'BRIEN: Yes, they still had to pay the dough. I am not seeking to change the views of members opposite. That is not through a lack of enthusiasm on my part. I just know that members of the Labor Party are incapable of understanding the point that I am making. It is second nature to members on this side of the House who believe in freedom of the individual and the right of association. Members opposite seem incapable of comprehending the point that has been made. I will state it for the record and will probably have to leave it at that. I will underline how this legislation is about money and control. I point to the cynical provisions that require the senate or council of a university to collect the fee. Everyone will refer to this fee as a guild fee. Students will not ask one another whether they have paid their amenities fees. Be blown! People will ask whether others have paid their guild fees.

Hon Derrick Tomlinson: Furthermore, on campus the students regard it as compulsory guild fees.

Hon SIMON O'BRIEN: Right. They will pay their compulsory guild fees, which will be collected not by Hon Louise Pratt's super capable guilds, which are responsible and entitled to manage their own affairs, but by the senate or council. The senate or council must do all this for the guilds. The guilds will not have to spend money to organise and run this process because the senates or councils of the universities will do it all for them. All the guilds will have to do is let the money come in.

What sort of money are we talking about? The Minister for Education put out a quite misleading statement when this Bill was introduced in the other place. He said that the percentage of the fees paid to the guilds would be equal to the percentage of students who were members of the guild, so if six per cent of students were guild members, as is the percentage at one university, that would be the percentage of the fee that the guild would receive.

Hon Graham Giffard: That was an error.

Hon SIMON O'BRIEN: As Hon Graham Giffard says, that error was conceded. I acknowledge that it was conceded. The guilds will be provided with a minimum of 51 per cent of the fees. Who cares! It does not make a blind bit of difference anyway. Everyone who enrolls in a blooming university will have to pay this fee. Surely just about every student will be a member of the guild, because students will automatically become members on enrolment and will stay members. We are talking about a very high percentage - certainly not six per cent, 30 per cent or 51 per cent. This very large sum of money will not go in one parcel to the student association and in another substantial parcel to the university. Just about all of it will go to the student guild.

We should stop the nonsense that this legislation has somehow been designed to help the universities directly by injecting funds for minor works and other service provision. The only way it will do that is by getting a whole lot of student organisations, in some cases inefficiently run student organisations, off the financial backs of the universities that are struggling to maintain them. That is what this legislation is all about. It is about grabbing a whole lot of money off everybody and giving it to the guilds to use as they see fit. I agree that, in many cases, the guilds will use those funds to provide amenities and so on, but the basis of the collection of the fee is wrong. What makes it really wrong is this: does anyone in this House know what will happen if a person wants to enrol at a university, and is qualified to do so, but does not want to pay this fee? That person will not be able to enrol. Students who are part way through their degree course will be required at the start of next year to pay this money or they will not be allowed to enrol and will be out of the university. That is what I call a compulsory fee.

Hon Louise Pratt: They get an invoice when they enrol. They can have a loan to pay it off. They do not need to pay if they do not have the money.

Hon SIMON O'BRIEN: Apparently they do not have to pay invoices because they do not exist. They get a non-compulsory invoice. What happens if they do not pay the invoice? We do not know the answer, but it was an interesting little bubble.

Hon Peter Foss: They would be prevented from finishing.

Hon SIMON O'BRIEN: They would be prevented from finishing a year as opposed to starting a year; either way it would be a disaster.

This Government thinks that is all right. If this Government wants to think that is all right, bully for it. It will get together with the Greens (WA) and push through this Bill. It can then start charging people these unnecessary and unwanted fees from next year. It does not matter if people do not fit the model of university students from some decades ago when they were largely school leavers and full-timers who lived in digs and hung out at the local refectory or whatever. The Government does not have any regard for people who are part-timers; it has no regard for people who

might be attending a satellite campus 20 miles, 200 miles or 1 000 miles from the main campus where all the wonderful amenities will be provided. They will still have to pay. Of course, as we already know and have heard from this debate, it has nothing to do with equity or providing services that people want and are prepared to pay for; it is all about taking money from students. That is what the Government wants to do. We have made clear our opposition to that principle. If student guilds are not capable of running themselves within their means and cutting their cloth according to their circumstances, it reflects badly on them. It is a pity that the whole student body must be victimised and ripped off in order to cover up for it.

The final point I touch on is that of control. I will illustrate it quite simply by differentiating between those of us on this side of the House who believe in freedom of association and know what it means, and those on the other side of the House who have a collective mentality that subsumes them and means that they cannot comprehend the sort of issues that we are arguing today. I direct members' attention to part 4, clause 10 of the Bill. Coincidentally Murdoch University is in my electorate. Clause 10(1) amends section 20 of the Murdoch University Act 1973 in the following terms -

Section 20(2) is amended by deleting "a recognised means of communication between its members and the Senate." and inserting instead -

the recognised means of communication between students and the Senate, in accordance with any Statutes that the Senate makes.

There is a huge difference there as a result of exchanging the indefinite article for the definite article. Labor Governments have a corporate state mentality, which means that they think the fundamental units in our society are sectors or groups, such as the student body, the university and the universities. However, the unit that makes up our society is individual people. That is the great failing of the mentality of those who are currently running this State. They fail to understand that the individual is the basic and most important building block in our society, and they change that for the collective - the student body, the work force or the sector. That cannot be more graphically illustrated than in the little amendment which exchanges the indefinite article "a recognised means of communication" - I am concerned about the start of the amendment more than the end - for the definite article "the recognised means of communication", because that precludes anybody else. That is what is wrong with that amendment. If members cannot understand that, there is no point my trying to bash it into their heads.

Hon Peter Foss: Peak bodies is another one.

Hon SIMON O'BRIEN: Yes. I introduce those observations with the qualifications I made in my earlier remarks, that I am not against guilds, but I am against some of the cretins who cannot run these organisations and go running to a compliant Government and say they are not getting enough money. People who are prospective members, customers or clients have a tendency to vote with their feet - that is what individuals do. The students have voted with their feet, and they have been voting with their feet for years. It will be interesting to see how they vote following this latest impost - it will be unwanted; it will certainly be unloved, but it will be another feather in the mouldy old cap of this misguided Government.

I know members are all hanging on my words to find where I stand on this legislation. I will actually be voting against this Bill, as will my colleagues, so I say good luck to the poor, long-suffering students and parents of students in this State.

HON PETER FOSS (East Metropolitan) [9.07 pm]: I attended the university at a time when it was known as "the" university, because it was the only university.

Hon Derrick Tomlinson: It still is.

Hon PETER FOSS: I also attended St George's College at a time when it was known as "the" college.

Hon Derrick Tomlinson: It still is.

Hon PETER FOSS: It probably still is. I was a member of the University of Western Australia guild at a time when it was known as "the" guild, because it was the only guild. I was even a member of the guild council. I held an executive position on the guild council; I was the treasurer. I was also president of the standing and statutes committee, and I participated as a member of the senior executive guild council. The interesting thing was that I did not use guilds very much, because I was also a member of the college, and I paid my subscription to the college. Like most other members of the college, I spent most of my time at the college and I got most of my amenities at the college, all of which I paid for. The members of the college went voluntarily to the college, we paid voluntarily at the college and we enjoyed our time at the college. As members might have understood, I was at university in the 1960s and stayed on into the 1970s when I did a second degree. Despite the scathing way Hon Louise Pratt referred to people who attended university in the 1970s - she seems to work on the basis that one should be entitled to instant disrespect merely because one is older - I would have thought one should at least be entitled to a certain amount of respect, although if there is no respect one could have been neutral. I do not think one should be subjected to that criticism because one was at university in the 1970s. That is one of those things that happens. I was there and I do not think I should be held in disrespect for it;

nonetheless, I was there. The strange thing about it is that although Hon Louise Pratt accuses us as being the ones who want to go back to the 1970s, this Bill reeks of the 1960s and 1970s.

In the 1960s and the 1970s we had compulsory guild membership and compulsory payment of guild fees. In those days, the concession for people who did not want to be members of a union was that they could go along to the Industrial Relations Commission and establish conscientious objection. People who could satisfy the Industrial Relations Commission that they were conscientious objectors were excused from membership of the union. How generous was that? The wonderful thing about it was, just to make sure that people did not do it for financial reasons, they had to pay an amount equal to the union fee to the Government. Does that sound vaguely familiar? People were obliged to be members, like it or not, except under some circumstances in which they could opt out, but even then the money still had to be paid. That is what happened in unions in the 1960s and 1970s. This also happened at universities. This Bill takes us back to the 1960s and 1970s. I thought we had moved on from the times when restrictive trade practices, and all sorts of restrictive behaviour on the part of employers and vendors existed, and when unions were able to enforce compulsory unionism. Things have changed, generally speaking for the better. We have become more insistent on our right to freedom of choice and association. We did not have it in the 1960s and 1970s, and we put up with it, because we knew no better. We now know a bit better.

I will go over the history of the guild in Western Australia, which is an important thing to know about. At that time throughout the rest of Australia, most of the universities had two bodies. They did not just have a guild. They had a body called the student representative council and another called the union. Interestingly, the union provided the amenities at the universities. Both students and staff belonged to the union. The student representative council, on the other hand, was entirely a matter for students. One of the reasons the University of Western Australia prided itself on the fact that it had a different set-up was that, in the eastern States, the student representative councils had a very poor reputation. They did not do very much except get involved in ratbag type events. That is to be expected; when a body has no responsibility to spend any money and no real function other than to play at politics, it will quite likely end up as ratbag politics.

In Western Australia, because the two bodies were combined - the SRC and the union were one body called the guild - it had a very large and important role to play, and it tended to take it quite seriously. For instance, during the time I was on guild council, we built the sports centre, after saving up a huge amount of money, and the new guild building, which has now been built onto quite significantly since then. We were rather obsessed with the material things of life for university students, and that was what we provided. We were in general more concerned with the provision of amenities and services, and not very concerned with student politics. That then started to change, and this is where the problem comes from the set-up we have in Western Australia. While it was being treated seriously as a means of providing amenities and services, it worked quite well. However, a group of people came in who saw the guild as an opportunity for it to make political statements about its view of the world. Its statements did not necessarily have anything to do with the university whatsoever, but it saw the guild as a forum to take up any issue that it believed in.

There are clubs at the university which are intended to do that. The various political parties all had clubs on campus. I would have thought that, if people wanted to push a particular barrow, they would join the club that pushed that barrow. For instance, if students joined a bowls club, they would not suddenly agitate for football. People might get upset if somebody kept referring to playing football and kept asking why there was no football oval during a meeting on the running of a bowls club. A reasonable answer to a person who said that at a bowls club would be, "Why don't you join a football club if you want to play football? This is a bowls club and we are going to play bowls." Many students who had happily contributed their money to the guild when it only provided amenities and services to the students got upset when people tried to use the guild as a larger stage for what was actually meant to be happening in the political clubs. Many people take the view that if they see an opportunity, they should use it. They believe that they are entitled to use it even if the majority of the people are against it. However, other people - they are well known as the silent majority - hold the view that if a group of people wanted to push a particular point of view, they should join a political club with as many like-minded people as they could find, and represent that particular point of view.

A bloke called Bob Pearce was particularly bad at using the student guild as a larger stage for political activities. He started a law degree at university and was then a member of the Young Liberals. He was one of the reasons I did not join that club. He also became a member of the guild council. He advocated the use of the guild council for political purposes. Again and again he tried to get it to have some views on the large political matters of the day. Certainly, like many political matters, they affected the students. However, like many political matters, most students were not terribly interested in them and did not think that the guild council was the appropriate place to air those views. Bob Pearce did not get very far with the guild council because, at that time, most of the members on the council represented the opinions of the body of students and did not believe that it was appropriate for those matters to be aired at the council. Therefore, Bob Pearce had a brilliant idea. Even though there were about 5 000 students at the university at that stage, he came up with the wonderful idea that he could requisition a general meeting of the guild with as few as 20 students. The good thing about general meetings of the guild was that, generally speaking, people did not turn up to them. I admit that the students were reasonably apathetic. The mass of the student body would not attend general guild meetings. Bob Pearce had only to get enough people to attend in order to requisition a general meeting. I cannot

remember how many people were needed, but it was not many. They had only to sign a piece of paper for a meeting to occur.

Bob Pearce called a general meeting at which he wanted to put a view on the Vietnam War. It was fascinating that if he managed to get 20 students out of 5 000 students to turn up to the general meeting of the guild, he had done very well. He was able to ensure that the people who did attend would support his motion. He had only to stack the general meeting to pass resolutions that he could not get passed at the guild council. Many people were opposed to that. However, the general student apathy was such that it did not seem very likely that anything would happen to change the situation. People were concerned about whichever way the meeting went. For example, did it really matter whether 20 students at a general meeting said they supported or opposed the war in Vietnam? If only 20 students voted, it meant that 20 students had expressed their view and 4 980 students had not. The real message that came out of those meetings was that 4 980 students did not want to express a point of view on the matter at all. It did not matter whether 20 or 1 000 students voted for it; it still represented only a very small proportion of the students. That was a contentious issue. It was an issue on which people were sharply divided in the general and political communities at the university. When people joined the guild it was not to express political opinions; people joined it in order to enjoy amenities and services. Those people who believed that the guild should not express a view got together and made sure that the meeting was stacked. I moved that the motion not be put. Bob got quite upset about that. The reason that people were there and that they did not want the motion put was that they felt there had been a massive misuse of the guild for political purposes as opposed to the purposes that are supposedly set out in this Bill; that is, the provision of amenities and services. It might be possible to defend a fee for amenities and services if it could be guaranteed that it would be used for amenities and services. The reality is that things have changed. People who believe that they have the capacity to use a university for political purposes will do so. We cannot say that they will not, because they will. The Bob Pearces of this world will continue to come back. At that general meeting my motion was passed overwhelmingly and the motion was not put. However, Bob did not give up. He kept requisitioning general meetings and gave notices of special resolutions at general meetings. He was determined to bring in political issues. I remember that he wanted to give some money to a village in North Vietnam. I am sure that was very worthy and if Bob really wanted to give money to a village in North Vietnam he was welcome to do so.

Hon Derrick Tomlinson: He may have wanted to give some money to Gerritsen for other purposes.

Hon PETER FOSS: That is true. He wanted to give our money. It was money that had been compulsorily acquired from each student. He wanted to send it to North Vietnam. Frankly, that is an abuse of the process. At that time, the statutes did not prevent it from happening. I do not think they do now either. There is nothing to stop it happening in the future. Whatever a person's views may be about whether money should be sent to North Vietnam - whether it be in the 1960s, 1970s, now or whenever - that person is entitled to his views. A person is entitled to spend his money in the way he chooses. People are not entitled to use other people's money for a purpose that is not an objective of the association they have joined. I do not care whether they have a majority or not. The suggestion by Hon Louise Pratt that people can always vote against it is hardly an answer when a person has no choice of walking away from an organisation. It is called an amenities and services fee but it is a "spend it on anything you like" fee by people who feel sufficiently active to stand for the guild council. How many people in an ordinary student body want to do that? Most university students and most people do not want to have anything to do with student politics. However, if a person wants to stop this, he must stand for election in order to stop his amenities and services fee being spent on things other than amenities and services. That is where the problem comes. We are making a mockery of voluntary membership. The situation arises when it does not matter whether a person is a member or not, he must pay the fee. Does that sound like 1960s and 1970s compulsory unionism? Of course it does. The people who wrote this legislation got the idea from the 1960s and 1970s. They are not inventing new ideas; they are using old ones. They know how to enforce compulsory unionism. They have done it before, they can do it again. Why come up with a new idea when there is a perfectly good old one to be used? The reality is that people will be told that they can either be a member of the guild, pay the money and get the services or not be a member of the guild, pay the money and not get the services. Does that sound like a choice? It is Hobson's choice. Students can have either the money and the box or hand over their money and not get the box. For the benefit of members on the other side who do not understand my elderly reference to the money or the box, I refer to a 1960s quiz program.

Hon Alan Cadby: *Pick A Box.*

Hon Nick Griffiths: Bob and Dolly.

Hon PETER FOSS: Bob and Dolly. Hon Nick Griffiths recognises it immediately. Good on him.

Hon Ljiljanna Ravlich: I had no idea what it was.

Hon PETER FOSS: I knew Hon Ljiljanna Ravlich would not know about it. That is why I gave a small translation for the benefit of those who were not around in the 1960s.

The reality of the matter is that this is a choice without a choice. To answer the question that was posed to Hon Derrick Tomlinson by his son: once this legislation is passed students would be stupid not to join the guild because at least they might have some say on how the money is spent although they will have no say about whether they pay it. The reality

of this Bill, as with much of the legislation brought into the Parliament by this Government, is that it pretends to be one thing but it is plainly another. I sometimes wonder why the Government just does not do it in the way it is, in fact, doing it. We were told that two separate Bills did not offend section 14 of the Electoral Distribution Act and did not breach our Constitution. Rubbish! We knew exactly what those Bills did. Now this Bill has two provisions: voluntary membership of a guild and a compulsory fee. Where will the compulsory fee go? It will go straight back to the guild. Does that sound vaguely like that fake legislation we debated last year? Does it sound vaguely like a little window-dressing to make it seem other than it is? That is exactly what it is. That is exactly what the Government has done again. It believes splitting something into two parts changes its central character, but it does not. One of the fascinating aspects of this Bill - I am glad Hon Derrick Tomlinson pointed it out - is that inducements will be given to join the guild. I am glad that Hon Alan Cadby has a proposed amendment on the supplementary notice paper to change a rather iniquitous provision in the Bill that allows different fees to be charged to different classes of students. The provision has no qualification. There are different fees for different classes of students. One of those classes could be students who are members of the guild and another class could be students who are not. That could occur under that provision in the Bill.

Hon Alan Cadby: Murdoch University will offer additional ones.

Hon PETER FOSS: To whom?

Hon Alan Cadby: The university told me it will offer a loyalty discount to guild members.

Hon PETER FOSS: There we are! Murdoch University has told Hon Alan Cadby that it intends to make it cheaper for students to join the guild by offering a loyalty discount. Does that not have the old socialism tang to it? Students will get a loyalty discount if they join the guild. This is not compulsory unionism; students will just have to pay more for the amenities if they are not entitled to the loyalty discount. That sounds like a pretty good deal! They cannot vote, they cannot be members of the guild, but they can pay more for the privilege. That sounds like good, socialist, unionist thuggery if ever I came across it. It is not compulsory unionism but, boy, they will be made to pay if they do not join. Does that not sound rather like the way union thugs beat up people and put them in a container on a building site because they do not have a ticket? It sounds a bit like it to me.

Hon Ljiljanna Ravlich: The reason you got rid of workers when they didn't sign up to a workplace agreement.

Hon PETER FOSS: Hon Ljiljanna Ravlich knows perfectly well that was forbidden by the law.

Hon Ljiljanna Ravlich: Yes, you know! So much for your choice. That was an absolute corruption of the process. It was a choice that wasn't a choice and you know it. You are pathetic!

Hon PETER FOSS: Hon Ljiljanna Ravlich used to go around telling lies about that.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order! We cannot have a number of shouting matches going on. Let us stick to one at a time.

Hon PETER FOSS: That was a total falsity on the part of Hon Ljiljanna Ravlich because there was a provision in the Workplace Agreements Act that prevented that. The reality is that a real opportunity existed to ensure that people who did not join the guild were not discriminated against. However, that opportunity was missed. As Hon Derrick Tomlinson pointed out, the fact that the opportunity was not taken is of great concern, even more so considering the express provisions in the legislation that encourage that form of discrimination. It is even more alarming given that Hon Alan Cadby has been told that the Murdoch Guild of Students intends to do just that with something called a loyalty discount.

The second time that I attended university, the university guild was very concerned about what the then National Union of Australian University Students was doing with affiliation fees. To put it mildly, the fees were being used in a totally irresponsible and one-sided political way on matters that had nothing whatsoever to do with student concerns.

Hon Derrick Tomlinson: Was that the NUAUS run by Bill Hartley, who was expelled from the left wing of the ALP?

Hon PETER FOSS: He was the one. However, the local student guild was able to withdraw from the NUAUS. The University of Western Australia student guild disaffiliated from it. That was a perfectly reasonable way of dealing with a ratbag organisation with which we did not want to be associated. What would UWA, Murdoch University, Curtin University of Technology or Edith Cowan University students do if the members of their guilds were to use the money in a ratbag way? Could they disaffiliate? No; if they did, they would lose any capacity to control their ratbag expenditure of money. That is the wonderful gift from this legislation. If students do not want to be associated with a guild, they cannot control how their money will be spent. What a wonderful, democratic system that is!

I would like to make a proposition to members. One way or another, everybody in Western Australia makes use of political parties, regardless of whether they belong to a political party or share the views of its members. As soon as an issue arises, they immediately seek out a political party that will support their point of view. I have seen it happen time and again. People say that they have no interest in politics, but they want a member's party to promise to do something.

Hon Derrick Tomlinson: They claim to have always voted Liberal.

Hon PETER FOSS: Exactly - or Labor or whatever. They have the desire to use a party. The party system is essential to our political system in Western Australia. We could not run this Parliament without political parties. If everybody is using these parties, how come only a few of us are paying for them? Why do I, as a member of the Liberal Party, have to pay for this system when everybody is using it? It is outrageous. What about members of the Labor Party? As soon as people join a union, they make a contribution towards the Labor Party. They get pretty good value because they get 60 per cent of the voting power. People must pay to join the Greens (WA).

Hon Giz Watson: Not much.

Hon PETER FOSS: There is probably a reason for that.

Hon Ljiljana Ravlich: People who pay to join the Liberal party get nothing.

Hon PETER FOSS: Exactly. We are all paying for political parties and we get no more out of them than does the ordinary person in the street. I have a solution. If everybody is using political parties, everyone should pay. We will call it the political party amenities and services fee.

Hon Derrick Tomlinson: And give a discount for members of the relevant parties.

Hon PETER FOSS: I will get to the detail later on. The important point is that there will be a political party amenities and services fee. It will be a compulsory fee to recognise the fact that parties in this State provide essential amenities and services to people. When a person turns 16 years of age - people seem to make important decisions at 16 years of age these days - that person will have to opt out of being a member of a political party. A person can choose to be in a political party, but if that person does not, he will be opted into one. The Electoral Commissioner will allot people as they come in. People can choose which party they want to join, or they can opt out and then they will not belong to any party but will still have to pay the fee. More importantly, so that political parties can continue to provide the amenities and services, the money paid by the people who have opted out of belonging to a political party will still go to the political party. It need not be in proportion to the number of people who join the political party, because that has nothing to do with it.

I think this is a very good idea. It will not be compulsory party membership. Nobody will have to join a party. Please understand me, it will not be compulsory. However, if a person does not join a political party, that person will not be allowed to have any participation in the political party. Because the political parties will not need to get people to join in order to get their money, the parties will give their services only to those people who do join the party. Members can understand that. A political party must look after the people in the party, not those who compulsorily pay the money but do not have any voting rights. What is more, we can arrange it so that those people who do not join the party will not get the special loyalty discount that will be given to members. I propose that in the first year we start with a fee of \$140 and move quickly to \$400 or \$500 per person - a poll tax. Everyone in Western Australia, whether or not they make use of political parties, will have to pay this fee.

I think that the parties will run a lot better. Some of the parties are on the bones of their backsides at the moment. Do members realise that some parties have had a big drop in membership? I know that the membership levels in some parties are down to about one-third of what they were a few years ago. This is disgraceful. We must legislate to ensure that people join political parties or, if they do not, that they pay for it, because political parties need the money so that they can provide political services to the people of Western Australia! The political parties will have a lot more money than they previously had. Until now this money has been used for political reasons; that is what people expect the money to be used for. We will allow the parties to spend the money on anything they like. Members might think that is a bit strange. People may join a political party because it is a political party, but those people have interests in other things. We are people of the world. We have a broad range of interests. For instance, one of the first things the Liberal Party will do is set up a personal training gym for members of the party. I think that is a pretty important thing to do with our political party money! I would like a luxury apartment in the middle of Perth, so a luxury apartment block will be built in the middle of Perth for members of the Liberal Party. I think that would be a useful expenditure of this money! I know that it will be spent on amenities and services for the party as opposed to the things for which we hold ourselves out to be a political party; that is, it will be spent not on political services but on other services.

This is a perfectly consistent argument. We have a very good reason for doing this. It is exactly the same reason that can be found in this Bill. The Bill does not make the guilds spend the money on amenities and services; they can spend it on anything they like, even if it is a ratbag idea, and people cannot stop the guilds unless they join them. It is a nonsense to say that it is very democratic and people will be able to determine how much is spent and what it is spent on. If they do not join, they will not have any say at all. What great logic that is! What a wonderful system! That sounds pretty democratic to me! That is what is being proposed by this ludicrous legislation. I suppose that is due partly to the fact that the Bill does not have the honesty to say what it is actually doing; that is, making guild membership compulsory.

I know why the Labor Party is so interested in this legislation. The lefties have always thought it is a marvellous opportunity to be able to use the student guilds not for amenities and services but for any purpose they like, in the same

way that in the sixties the guild was being used - I am glad Hon Adele Farina is in the Chamber - by Hon Bob Pearce. We had to keep going back again and again to stop him from using the guild in that way. It was not enough to stop him once and say we did not want him to do it; we had to go back time and time again. The bulk of the people of Western Australia do not like having to fight people who are activists. Western Australians are not activists. The reason that activists can often get things done is that they keep pushing because they have a bee in their bonnet about something and others do not. The reality is that this money will not be run to provide amenities and services for the benefit of students. It will be run by activists for the benefit of activists, because they are the people who will be on the guild, and the more they get active, the more the non-activists will run away from the place. Therefore, unless we put in the Bill a requirement that the money be spent on amenities and services, it will not be. If the guilds will get 50 per cent, or more, of the money without having to do anything, the guilds will have no desire to increase their membership. Why should they bother to provide a service when they will get the money anyway? In fact, the worse they treat students, the more likely it is that the students will opt out and the guilds will not have to respond to anything. That is how it will work. If we do not put in the Bill that the guilds cannot discriminate against people who do not join, they will. The Bill contains no protection against discrimination. The guilds have already come out with a good word for it - a loyalty rebate. What a lovely thought!

Times have changed. This is not the sixties or the seventies. It is a brave new world. The time when activists could command dollars just by being there and could force people to hand over money has gone. The time of compulsory unionism has gone. This is the twenty-first century. However, we would never guess that from reading this legislation. This legislation reeks of the mid twentieth century and of the lack of freedom and failure to understand individual freedoms that we had then. I admit that we put up with all sorts of things then. However, I had hoped that we had come a little way since that time. Evidently we have not, because as soon as people are given an opportunity, they haul out the old-style legislation.

It is interesting that earlier, Hon Louise Pratt wanted to abuse me and Hon Derrick Tomlinson because we were relics of the seventies. He is actually a relic of the fifties and I am a relic of the sixties.

Hon Derrick Tomlinson: I think it is insulting that I would be put in the seventies!

Hon PETER FOSS: We were relegated on the basis that we are harking back. We are harking back only because this legislation harks back. Surely in these days of such things as national competition policy, which neither One Nation nor the Greens like, the idea is that organisations get customers not by restrictive practices but by actually providing a service that customers want. That is the new word. People need to understand that if they really want people to join a group such as a guild, they need to persuade them to join by offering a service. I know students who do not want these services. In my time at college, we did not use the services of the guild very much. Most students now do not use those services. Most students spend most of their time off campus, because most of them must earn money. We spent a lot more time on campus in those days because we got our jobs in the holidays. We did not have a job during the week. My children worked. They spent their time at university in lecture rooms, tutorials and labs. Otherwise, they were out trying to get something else done - they would earn some money to stay at university. I think members will find that a large number of students spend a lot of time off campus.

Many of the amenities are for those who have the luxury of having the time to use them and who do not need to work. That is good. We are doing it for the people who actually have the money. We will take money off everybody so that the people who have the time to stay around the universities have some amenities. I remember in my time as guild treasurer actually having to deal with a loan to Robert and Janet Holmes a Court for the university flying club. It was a very good loan. I am glad we spent our money on good rich people in those days too! It is good to know that the Government is harking back to the sixties and seventies. It wants to look after the people who have the time to spend on university politics because they are not working. Those people have the time to suck coffee at the refectory. It is lovely to know that we are looking after the chardonnay socialists as usual.

I hope the Government is pleased with its legislation. It probably has become a watchword for the socialists. Good on the Government! It can say to those people that it has delivered their coffee time, their interest free loans, and all those things that are so dear to the socialist heart. It is just like the good old days of the 1960s and 1970s. Bring back Gough! Why does the Government not make him the patron of all the university student guilds? He would be proud of the chardonnay the Government is spreading among the socialists. He would be proud of those people who are very good at living off the public purse. He would be proud that the Government is getting back to good old compulsory unionism, and is not forgetting the old tricks of how to do it. It is effectively saying, "Yes, of course you can make your choice boy; go and pay your money over there." Is that not familiar? Yes, it is very familiar for us relics of the 1960s and 1970s. We remember those good old days when a shopkeeper did not have to worry about his customers or a union official about his members, because the Industrial Relations Commission made sure that there was compulsory unionism - people paid for it anyway. All those wonderful things from the 1960s and 1970s are beautifully enshrined in this legislation. We have a new batch of thrilling socialists keen to see it happen. Never fear, the rich old days for the socialists are coming back. The opportunity to practise left-wing politics by using the purse of other students is coming back. Wonderful times! Is it not nice? However, students must leave university one day and go out into the real world to earn some money. Perhaps that life experience will not be so terrible. I do not quite know what are the perks of

being a union official. It could be that it just means that these people will start to enjoy the perks of being a union official a little earlier.

Hon Bruce Donaldson: Yes.

Hon PETER FOSS: Hon Bruce Donaldson thinks I am correct. Perhaps that is it. Perhaps they do not have to face the real world; those people will always live off the fat of somebody else who is kicking in the money, whether he wants to or not.

Hon Bruce Donaldson: Some came in with the Burke Government as ministers, then we had WA Inc.

Hon PETER FOSS: Yes. I knew some of those.

The reality is that this is an archaic and outdated piece of legislation. It is a return to the situation of 40 or 50 years ago. It is legislation that has been dressed up to look like it is not what it is, but it is exactly that; it is what existed in the 1960s and the 1950s, and probably the 1940s, although I was not there at the time. It is exactly the same attitude: if people cannot be persuaded, if they cannot be served in order to enhance what they want, they must be compelled. I gave a speech quite early in my parliamentary career in which I read a speech by Dr Paddy O'Brien. I have not found the speech, but when I find it, I will let people know. It was a very good speech which told of the difference between socialists and non-socialists, and of the socialists' wish to control everything from morality to the lives of everybody - the totalitarian attitude. It is a wonderful summary of it all, and when I find it, I will give members the reference in *Hansard*.

Paddy, for all his faults, and he had many of them, was still very good at summarising political behaviour. He had got it down to a tee. If members read that speech, they will see that he could have been predicting this piece of legislation this year. He had it worked out. He knows socialists and knows that they love to run every part of people's lives and that they do not understand the concept of service. Members will read that speech and wonder how he knew about this Bill. He would oppose this Bill, and I do too.

HON MURRAY CRIDDLE (Agricultural) [9.52 pm]: My approach is from a slightly different angle because I have never been a university student, although I had every opportunity to attend. Instead, I chose to attend another university, which some people call the university of hard knocks. It was very interesting, because I think it taught me about life as it is in the real world.

The philosophy of the National Party is against any compulsory membership fees. I wonder where this sort of arrangement leads us. As we move towards compulsory membership, it would be interesting to reflect on the Pastoralists and Graziers Association and the Western Australian Farmers Federation having compulsory fees across the industry and where the money would be spent if it was not spent on the members. That is one of the questions we must ask in this case. The parliamentary secretary needs to explain to the House exactly where those fees may end up and whether a university council or the membership of some guild or association will get them.

That raises another question, which is why difficulties exist within the guilds or associations. I would like some explanation of the current situation of those organisations. If they are having difficulties organising the funds that they have at present, as the amount of funds gets larger, which will be the upshot of the collection of these fees, there is an absolute necessity that the public funds resulting from those fees be handled in a responsible way. There needs to be a clear-cut understanding of the way in which those funds will be managed and the structure of the organisations that will receive those funds. Will any debt result from the current state of the organisations?

I would like to know about the legality of this legislation and be given an explanation that will assure me that the fees do not breach any other legislation that is in place. That needs to be clearly understood. We know that the issue of levies for road funding was raised in the High Court of Australia in 1997. Will there be any issue with these fees? That legislation was passed federally following the 1997 High Court challenge.

Hon Louise Pratt spoke about a low interest or a no interest loan on an invoice to be forwarded. How will that be worked through the system? If no funds are paid, will that impact on a student's results? In the final analysis, will those students be penalised? Will they receive their results, having not paid the fees for amenities and services? I would like those serious issues to be addressed.

The Minister for Agriculture got quite angry with me earlier this evening when I asked a question regarding the provision of funding for some of the seasonal conditions and the opportunities for people to claim exceptional circumstances in the state and federal packages. People were asked to make submissions about how the drought funding should be handled and I suggested that education, and the paying for that education, was one of the most essential matters confronting country people. I hope that people in the country will not receive any penalty following the introduction of these fees. The imposition of any fee on education will cause some difficulty for people in country areas that are suffering drought.

My four children went to university and they all had to pay their way. They found any added imposition difficult. Under the circumstances that prevail in the country, I do not want to see any further difficulties imposed upon students from those areas. I have some problems with this legislation. The compulsory charging of fees is against the philosophy of the National Party. I will be opposing this legislation.

HON KATE DOUST (South Metropolitan) [9.57 pm]: I am keen to support the Acts Amendment (Student Guilds and Associations) Bill 2002 and I congratulate the State Government for adhering to an election commitment to all tertiary students in this State by enabling the introduction of a universal services and amenities fee. I cannot speak with any great knowledge of how guilds operate, because during my time at university I was never an active member of a guild. Like Hon Murray Criddle, when I entered university my parents had four children to support on one income, so I was a self-supporting student who resided at a residential college, Saint Thomas More College. I had to pay my way through university and for that reason it took me a bit longer than normal, because at a later stage I had to find full-time employment to permit me to continue studying.

When I started at university in 1980, it was a very exciting period, because it was all very new and I had finally achieved my life's goal to go to university. I know it was a bit of a struggle for my parents to pay for my textbooks and guild fees, but I remember filling out the form, because at that point in my life I was not too sure what the guild was all about. When I filled out the enrolment form, I had the opportunity to tick a box to opt out of being a member of the guild. The legislation that we are currently debating is not all that different from that which existed in the 1980s. As I understand it, changes had been introduced in 1978 to enable people to tick a box and opt out of being a guild member. If I recall rightly, that change was introduced by a Liberal Government. If that Liberal Government during that period was quite comfortable to allow students to pay their fee but to opt out of being members of the guild, I do not really understand why it is such a difficulty for the Liberal Opposition of today.

I have been to university a few times over the years, at a couple of different campuses, and I will talk about my experiences as a student during that time. Because it was always a bit of a struggle to pay my college fees and to find money for other things that students like to do, I always made the most of my guild membership. It was not just the superficial things that people here have talked about, like the subsidised cups of coffee, the tavern, or the movie night. I must admit, my college mates and I used to avail ourselves of those on a regular basis. If I recall rightly, the President of this Chamber, Hon John Cowdell, used to run an excellent movie night at the university. Those of us who did not have a great income - we did not have any income, to tell the truth - used to make the most of those facilities. It was not just those ancillary facilities that were useful to us as students. The guild was also able to provide things like advocacy and representation, and other support like accommodation and employment services. We were able to see counsellors if we had any difficulties dealing with lecturers or grades. A whole range of facilities were provided as a result of the efforts of the guild. As a student who would not have been able to afford to pay for those in any other way I, like many of my friends of that time, made great use of those facilities. The University of Western Australia had some excellent facilities, not just because of the sheer number of students, but because of the very active guild that looked out for the best interests of its students.

In about 1995, I went to a different campus and commenced some postgraduate study as a part timer. The amenities and facilities that I had enjoyed as a student in other places were not available at the Mt Lawley campus of Edith Cowan University. I put this down to a change in the legislation. Because there had been such a rapid decline in guild membership, the guild was not able to provide services to part-time students, which was a real difficulty. I hope that this legislation will rectify those issues. Over the years there has been a dramatic change in the kinds of students attending university. There are no longer only the traditional full-time students. There are now a number of part-time students who study after hours, or who study intensive courses only on Saturdays. With the current system for guild membership, it has been a real problem for those guilds to access those students to find out what sort of services they want, and to provide those services. That may be one of the reasons for the decline in the memberships of those guilds.

Hon Peter Foss talked about a whizz-bang plan he had for new legislation under which everyone, regardless of party, would pay a party fee. That may sound like a bright idea to him, but it is not very original. That system is already in place. I do not know what his involvement is with his own party, but he might note that there is already federal funding for election campaigns. Each party will get an amount of funding depending on the number of votes it gets. I think One Nation is quite familiar with election campaign funding reimbursements at the moment.

There has been much debate on this Bill about membership. Universal guild membership is the only way to go. I do not understand how it would be possible to discriminate, in the provision of services and amenities by a guild, between those who elect to join a guild and those who do not. When I was a student at the University of Western Australia and saw people going in and out of the various sporting clubs, the coffee shop or the tavern, or using the counselling services, I thought to myself that a few people might have opted out, but how would we know who they were? Should a pin number be put on their head and should they be given glow-in-the-dark cards? It is best to have universal guild membership whereby everybody pays so there need be no discrimination. That will ensure that every student contributes to all the available facilities.

Hon Ed Dermer: That sounds like a community.

Hon KATE DOUST: That is right. That is the difference between some members on the other side and me. I do not consider the individual to be the most important unit in society; I support the collective. More importantly, I have always considered family as the most important unit in society. However, I can deal with that matter in another debate.

When I was a student, it was a struggle to pay my university fees every year, even when I was employed during the holidays. It was always a battle to find money to pay my fees and other associated costs. However, it was important for me to pay the student guild fee because I wanted to ensure that I contributed to the cost that the guild incurred to provide me with those facilities. I always considered that to be a priority. Members should keep in mind that at that point in my life I did not regard myself as a political activist in the same way that some of my colleagues were, judging from some of the experiences they have discussed tonight.

A couple of members on the other side are a little confused. They seem to link guild membership with union membership or union involvement. The member for Curtin, Julie Bishop, has referred to this issue in the federal Parliament. Those members seem to think that the unions are pushing this issue. However, the cold, hard reality is that guilds are not industrial unions. They are not registered as industrial organisations in the Western Australian Industrial Relations Commission. To the best of my knowledge, the union I worked for and a number of others have not had any direct links to student guilds. That is a great furphy that members opposite raise to beat people over the head with.

Hon Robyn McSweeney: It is a union training ground.

Hon KATE DOUST: They are not union training grounds.

Hon Robyn McSweeney: How many members opposite have joined a student guild, then a union and ended up in here?

Hon KATE DOUST: Very few indeed. There are probably more Liberal members of Parliament around the country and Liberal Party members in senior positions in corporate Australia than there are members of trade unions who have participated in student guilds. If the member would like, I can name them.

This legislation will be very positive for student guilds. Tonight, aside from my own experiences, I will refer to Curtin University, which is a well-established university in my electorate. I have had a number of discussions with it about the difficulties it has faced since the introduction of the voluntary student unionism legislation in the 1990s. I have been told that although the student guild has received substantial support from the university, it is still finding it very difficult to provide the level of service that it would like to provide to the students. The university has said that regardless of whether this Bill is passed, the guild will have to find other forms of income to provide that level of service. It is legitimate for the university to do that.

The university has been in financial difficulty because of a decrease in federal government funding. The university has had to cut back subsidies for bus services, campus security and the radio station, which functioned as a very important teaching tool. The university has indicated that it will provide the guild with some level of support, but not all of it. As a result of legislation passed by the previous Liberal Government, the guild education office had to reduce its staff from seven to two. That substantially reduced the education office, its research facility, the grievance handling process for students, the conciliation advocacy and the Austudy information it provided to students. Also affected were financial counselling services, housing information, tenancy advice and legal and taxation advice for students. The cuts impacted on funding for the international students office, the education office, the activities council, and the sports and media office. All the sports and media officers lost their jobs. There were 14 redundancies in total. The guild also had to cut back on other services. It used to offer 24-hour, 365 days a year personal accident insurance for students. That also had to be cancelled. Guild education council funding for field trips and placement for students was also cancelled.

Hon Bruce Donaldson: What use was that?

Hon KATE DOUST: They could be very important if a student was studying engineering or biology or similar subjects. The member would know that.

Funding for the postgraduate students association was also reduced. As I said earlier, because the nature of studying is changing that had a dramatic impact at Curtin University. A large percentage of students at the university are postgraduate and/or part-time. The guild had to cut back on child-care provisions for students on campus to a total of \$435 000. That also removed the out-of-school care program and child care provided to students during exam periods. That had a heavy impact on a number of students, particularly those with child-care responsibilities. It penalised those students heavily and prevented them from obtaining further qualifications.

One student from Curtin University stated to me that, in her view, the VSU legislation introduced in 1994 squashed student voices and forced student guilds to operate in a corporate manner in order to survive. That took away the primary reason for guilds, that of representation. I think VSU has had a very negative impact on the types of services available. It has also had a negative impact on campus life. One member said that students go to university to learn. Students do not attend university just to learn from books; going to university involves learning about all aspects of life. Students who opt to join a guild gain the advantage of the facilities and services available. Students who opt to join a guild and participate gain a range of other experiences and skills that will be very valuable to them later in life. I do not think that can be negated.

From what I understand, the Curtin Student Guild has been quite active, and, although it has had a range of problems, they have not been as serious as those experienced at Edith Cowan University and Murdoch University. The Curtin Student Guild has tried very hard to improve its membership. It increased from 5 430 last year to about 6 450 this year,

which is quite a good increase. That has been replicated in an increase in student clubs and activities. One reason that student guilds will endeavour to increase student membership once this legislation is in place - over and above the 50 per cent rate - is that they want to improve and expand their services, not just on metropolitan campuses. They need to grow so they can provide additional services in the new campuses in rural regions. That is something that Hon Bruce Donaldson can appreciate. They cannot do that unless they have the income. That is why it is so important that they have the 50 per cent start base and have the incentive to grow. For every student who opts to stay in a guild, the guild will receive additional funding to provide extra facilities and support for students. This legislation also provides a positive incentive to student guilds to think creatively about how they retain members. Students will automatically be members of a guild but they can opt out. Retaining students is the key; it must be attractive for them to stay.

The approach of student guilds in the 1970s that Hon Peter Foss talked about has changed compared with the approach of the current crop of student guilds. The people active in guilds that I have been involved with in the past few years are very professional and businesslike in their approach. The primary concern these days of student guilds, as I know them, is to provide the best services and facilities. A lot of political idealism and activity is a sign of the times and I do not believe students waste money on those issues these days.

Hon Peter Foss: What about the referendum on refugees? What did that have to do with student services?

Hon KATE DOUST: Students should have a voice in what is happening politically.

This is a very important Bill for all tertiary students in this State. The State Government has again delivered on its election promise to the citizens of this State. The Government is being proactive with this Bill. There is no great difference between this Bill and the law that existed when I was a student in the 1980s, which, as I said earlier, was similar legislation that had been implemented by a Liberal Government. This Bill is about repairing and reforming the damage that was inflicted on the community by the previous Government. It is about enabling the students of this State through their guilds to access better services. I support the Bill.

HON FRANK HOUGH (Agricultural) [10.16 pm]: I support the Bill. Although I do not support mandatory fees, I believe guilds are most important to universities. One of the great problems I have with the Bill is compulsory fees. I listened to Hon Peter Foss earlier, who was very much in line with exactly what the Bill is all about. A couple of guilds are struggling financially, probably because of management problems and their offering facilities that they cannot fund. A guild is like any other club in that members should share in the benefits of the guild or club. Many members of clubs and political parties want to be spectators only. People who pay fees to join a football club enjoy the facilities and amenities of that club. However, people who follow a football team should not have to pay fees to watch a game being played. This is why I believe it is a matter of good management that guilds must learn to manage themselves and must stand and be counted.

I reflect on when I was a lot younger. My attitudes during my student days changed considerably as I got older. Although I am sitting on the opposition side of the Chamber, my early days were in the unions. I was a very strong and aggressive unionist. However, my attitudes have changed as I have gone through life. My attitudes changed as I reached my thirties. I do not mean that I was around in the 1930s; I am not a reincarnation of Colonel Sanders! As I reached 30 years of age and onwards my attitudes towards political issues changed. One thing that concerns me with guilds -

[Quorum formed.]

Hon FRANK HOUGH: I appreciate Hon Bruce Donaldson's pointing out the state of the House and causing a large audience to be present. That is tremendous.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order! I called for a quorum, and as soon as it was obtained, much the same members turned around and walked out again. A quorum is not present; ring the bells.

[Quorum formed.]

Hon FRANK HOUGH: As the quorum was called, I remembered that I had heard on radio 6PR that students had sent overseas funds received for student guild membership. The potential for that to occur worries me greatly. People have suggested that student university guilds are not influenced politically. Like everything in a club, guild or business, five per cent of the people do 95 per cent of the work and 95 per cent of the people do five per cent of the work.

The birth of the Greens (WA) party occurred at universities through support and membership from left-wing students. Some of the people who join groups such as university guilds manipulate the systems to run their own agendas. Members see it as a feather in their cap to become the guild vice-president, treasurer or secretary. Probably 95 per cent of the students do not care whether the fees are mandatory. A small clique of people use students' money to achieve their own agenda. Student guilds must be smart enough to recruit good people to help facilitate what the guilds represent. Mandatory fees should not be forced on students. If they want to join a guild, they should be able to join one. If they do not want to join, they should be able to choose not to do so but be unable to use the facilities. It is as simple as that.

The guilds must learn to market what they have and what they are about. They should not say that this is a compulsory fee and that if people join the guild, this is what they will get. At the end of the day, what the guild says people will get is not what they will get; they will get what the management committee of the guild foresees they will get. I say quite openly that if One Nation wanted to get behind a guild and pull some strings, it could cause havoc on a university campus, as has the Labor Party. For some reason, students seem to be left-wingers or Labor-cum-Greens supporters. As they get older and wake up and mature, they see that there is another side of politics - the right side of politics. The rallies and the problems of today are no different from the rallies and problems of 10 or 20 years ago. Students have something to say and they always should. They should have freedom of speech. The smaller, left-wing people always seem to get into positions of power, particularly in guilds, and create a helluva lot of damage and havoc on the streets, on university campuses and at rallies.

I am thinking also of overseas students. Overseas students who come to this country will be forced to join a guild. They probably would not know what a guild is about, would not be vaguely interested in it and would not share in any of the facilities that the guild offers. The guilds must wake up and offer services to these people. If the guilds can facilitate these services, people will want to join the guilds and use their services. However, if people do not want to join a guild and are not really interested, I do not think they should be forced to pay any fee for something they do not care about. If a student goes onto campus, goes home and does not show any interest in what the guild offers, so be it. I do not think students should be forced to pay this fee. The same can be said for a member of a football club. If a person becomes a member of the East Perth Football Club, that person can use all the members' facilities. However, if that person wants to follow East Perth and be an outside supporter, that person should not have to pay the same membership fee as everyone else. Members of the club receive a certain level of benefit, but supporters sit on the outer and get the thrill of being the same as university students. If a student at the University of Western Australia is not a member of the guild, that student is still a member of UWA and does not necessarily have to share in the guild facilities. However, if the student wants to be part of it, so be it; he or she should be able to join the guild. If the guild markets itself well enough, it could offer facilities that would make people want to join.

Another issue that worries me is that the fees are for services and amenities. To date, some guild fees have been spent on other things. Recently \$10 000 was to be spent on a survey on some stupid thing - I should have taken a note of what it was for. That is not an amenity for or of benefit to students. There must be good management people in the guilds so that they can find out what the students need and what they want their money spent on. By doing that, the guilds will certainly get good membership and people will want to join. Over the years, guild funds have gone out the door willy-nilly and there has been no real accountability. Some of the guilds are well and truly in the red and do not have any accountability at all. The way they have managed their funds is absolutely incredible. Two of the guilds were basically running when they were insolvent. When they ran out of money, they should have immediately put their hands in the air and said they had a problem and called in some professional help.

If the Government really wants to do something in this area, it should get some professional help for the guilds to find out why they are insolvent and cannot give students the facilities that they want and why their funds are not great enough to accommodate their spending. It all gets around at the end of the day to having mandatory fees. As I have said, guilds are a necessary establishment on universities. However, One Nation totally and utterly opposes mandatory fees.

HON BRUCE DONALDSON (Agricultural) [10.30 pm]: Hon Peter Foss referred to a speech by Dr Paddy O'Brien. I inform members that that can be found in *Hansard* of 30 May 1990 at pages 1429 to 1434. I thank the library staff for finding that speech so quickly for Hon Peter Foss. I give that information to the House because that speech is well worth reading. I recommend that members opposite - the collective mentality that exists on the other side - read that speech to find out what the word "coercion" really means.

I have been most intrigued by this debate. I have heard a lot of arguments. Hon Kate Doust may not know that Hon Ed Dermer, who is sitting beside her, was a president of the student guild at the University of Western Australia. I know that because he knows my son, who very cheekily, after having been there for only a couple of years, stood for the guild presidency after Hon Ed Dermer - or did Hon Ed Dermer roll him? I forget.

Hon Ed Dermer: It was shortly thereafter.

Hon BRUCE DONALDSON: I forget for exactly how long he had been there, but it was after he had been there for only a couple of years. I have had three kids go to university and I funded them all. I was very happy to do that, and I was fortunate enough to be able to do that. However, I can assure members that in the past 10 years, life on the farm has changed very much from what it was in those days. During the 1980s and early 1990s, money used to stick to our fingers. Commodity prices were high and our costs were not anywhere near as great as they are now, and we had a bit of spare money left over. However, in this day and age, country students are finding it very difficult. Two years ago the medical faculty at UWA could not get 10 country students to fill the number of quarantined places that were available. Members may not be aware that country students do not have to achieve what almost amounts to having the top score in the State to enter the medical faculty at UWA. The reason is that the competition in a country high school classroom is nowhere near as great as it is at a high school or private college in Perth. Perth students tend to compete,

probably subconsciously, against each another and tend to have a higher TEE score than do country high school students.

I was very interested to hear about the no ticket, no start at university, because that is what this Bill really means. For 18 months in this State, the industrial relations law was broken every day of the week by the unions with the no ticket, no start regime that was introduced straight after the 2001 state election. The top so-called law-maker of the State, Attorney General Jim McGinty, and the Minister for Consumer and Employment Protection did nothing about something that involved breaking the laws of this State every day. What sort of an example have those two gentlemen given on the laws of this State?

Withdrawal of Remark

Hon KIM CHANCE: Hon Bruce Donaldson has accused a minister of the Crown and member of another place of a criminal action. This is an extremely serious matter. I ask, at least, that evidence of such criminal behaviour be given to the House, because, as a public officer, Hon Bruce Donaldson is required to provide that evidence.

THE DEPUTY PRESIDENT (Hon Simon O'Brien): I have sought advice on this point of order; it is valid on a couple of grounds. I advise Hon Bruce Donaldson of two things. Firstly, I do not know that he has made an allegation of criminality against a minister of the Crown with an intention for that to be pursued. In any case, that can be done only by way of a motion of which notice has been given. Whether he intends to conduct a substantive debate or not, he cannot do that now. Secondly, as the honourable member will have realised, his remarks were a reflection on a member of another place. His course of action should be to withdraw the allegation.

Hon BRUCE DONALDSON: On your advice, Mr Deputy President, I withdraw those remarks.

The DEPUTY PRESIDENT: The point of order was raised and Hon Bruce Donaldson has withdrawn his remarks. That is the end of the matter. I now give Hon Bruce Donaldson the call to proceed with his remarks.

Debate Resumed

Hon BRUCE DONALDSON: I am sure that I will be able, at a later date, to frame something a bit better that will not be ruled out of order.

It has been most interesting to read the second reading speech of this Bill, which states -

The Voluntary Membership of Student Guilds and Associations Act 1994 placed significant limits on the nature and operations of the guilds, leading to a fall in student membership and financial difficulties for the guilds in providing a range of student amenities and services. The fall in guild membership and the associated reductions in available funds significantly reduced the capacity of the guilds to provide an appropriate level of student amenities and services. The management of the guilds was undermined and severe financial difficulties were experienced, including difficulties in servicing loans taken out to provide student amenities and services.

I well remember when there were compulsory guild fees for students, before that was changed in 1994. Welcome back Western Women Financial Services Pty Ltd! When it lost huge sums of money, it could not even organise a chook raffle.

Point of Order

Hon KIM CHANCE: I believe that the debate before the House concerns order of the day No 116 - the Acts Amendment (Student Guilds and Associations) Bill 2002. So far we have heard references of an unparliamentary nature unrelated to this Bill. Now we are dealing with a matter that I think involved an investment company some 10 or 15 years ago. I plead relevance. This is completely distant from the Bill.

Several members interjected.

Deputy President's Ruling

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order! Order, Hon Graham Giffard! We are considering order of the day No 116, the Acts Amendment (Student Guilds and Associations) Bill 2002. The question is that the Bill be read a second time. I am listening closely to Hon Bruce Donaldson's remarks. I am sure that he is about to demonstrate how those remarks relate to that question.

Debate Resumed

Hon BRUCE DONALDSON: The Edith Cowan University guild lost \$750 000 through a failed investment, which I understand was with Western Women. That links very closely to what I am about to say about the mismanagement of money. It involved a lot less money than is being suggested will be raised in the future. The second reading speech continues -

The universities were forced to support the guilds, as they considered them to be important organisations and integral to the student life of the university.

Partly as a result of the limits placed on guild finances and operations by the 1994 legislation, but also related to the changing university environment, since 1994 universities have had to commit additional resources to provide student amenities and services.

We find ourselves in a most interesting position. On the one hand, compulsory fees are being applied to university and tertiary students; on the other hand, this Government made payments to primary and secondary schools voluntary. I believe it is far more important to ensure that everybody contributes to their children's education in primary and secondary schools. What is the difference between that and tertiary education? I would prefer there to be a compulsory fee arrangement for primary and secondary schools. This State Government said that it would top up the money for the schools at which parents did not pay the fees. It is not those in the lower wage group who are not paying the fees; in many cases it is quite the opposite and many people who can afford to pay those fees to the schools are not paying. Where is the equity in that? The Government's hypocrisy is unbelievable in this day and age. I would not mind if the Government were consistent, but it is not and all government members know it.

If I had my way, I would be encouraging the federal Government to act. I would set a benchmark for the number of guild members at the end of this current calendar year. The universities have said that they have had to help some of the guilds to prevent them going bankrupt. The guilds have not been able to demonstrate to the students that it is worthwhile to join. I would like the money provided by students to be spent on amenities and services. In a minute I will read out what that money could be spent on. I would remove an amount of money equivalent to that which the benchmark number of guild members would raise this calendar year and so reduce the funding to that university.

Hon Ken Travers: Are you the thug now?

Hon BRUCE DONALDSON: No, because this Government is imposing not a fee but a tax. If a service is not provided when a student opts not to join the guild, the student still pays a fee, and that fee then becomes a tax because the student is not being provided with a service.

I now refer to a letter dated 10 May 2002 from the Vice Chancellor of Murdoch University, Professor Mal Nairn. It states -

1. Level of Fee:

The fee proposal which the Murdoch University Student Guild anticipates will be brought to our Senate for approval if the amendment to the Student Guilds and Associations Bill gains approval is:

Full time student (Murdoch Campus)	\$140
Full time student (Rockingham Campus)	\$75
(Rockingham campus has less facilities at present)	
Part time student (Murdoch Campus)	\$70
Part time student (Rockingham Campus)	\$35
External student	\$35.

This is the very important part that Hon Alan Cadby referred to -

Note: Discounts will be given to students who have previously been Guild members i.e. a "loyalty" discount.

There it is in black and white. The letter further states -

2. Fee payment arrangements:

Students will have the option of a direct debit which allows them to pay the amenities fee over 10 months (monthly payment). They do not have to prove hardship to pay by this method.

Any student who has financial difficulty in making the payment can apply to the Guild Education and Welfare Officer for the fee to be waived. This assessment is made on a confidential basis and if the Education and Welfare Officer recommends the fee be waived this is accepted by the Guild.

The letter then refers to some of the benefits of guild membership -

3. Benefits of Guild Membership:

There are a range of benefits available to Student Guild members. These include:-

- Discounted gym membership
- Gym parking fee discounts
- Access to Education and Welfare Officer who provides advice on availability of various social services (eg Centre link)

I thought that by the time people got to university they would know how to look up the telephone number for Centrelink. The staff at Centrelink have been quite brilliant in helping some of my constituents and other people. I have had no problem with Centrelink and the people who work there have been very forthcoming and have assisted those people very quickly. The letter continues -

- Access to Guild Employment and Accommodation register
- Free Personal Accident insurance for University related activities
- Free legal advice (initial consultation).

I thought people could get that from any lawyer, because I keep seeing advertisements stating that the first consultation is free.

Hon Ken Travers: Have you ever tried to take it up?

Hon Nick Griffiths: You always get what you pay for.

Hon BRUCE DONALDSON: The honourable member is a lawyer; he knows what information is given during that first consultation. He would probably find out their name, address and what assets they have, and then say, "That is my first consultation, which would normally be \$120; the clock is here, but it is free."

Hon Derrick Tomlinson: And if you come back I will give you a loyalty discount.

Hon BRUCE DONALDSON: Yes. The letter continues - and this is the real big one -

- Preferred access to the \$50 voucher under the book subsidy scheme

This is most interesting. I am sure the parliamentary secretary will be able to tell me more about this matter. Hon Derrick Tomlinson referred to the opting out provisions. The letter continues -

4. Opting out Provision:

At the time of enrolment the application form will require each student to tick a box -

Hon Peter Foss talked about *Pick A Box*. It continued -

if they wish to opt out of Guild membership. No reason will need to be provided for opting out. However, opting out of membership does not remove the obligation to pay the amenities fee to the University.

Automatically, that has become a tax. The letter continues -

The form could be designed to make it clear that the student needs to decide whether or not they wish to belong to the Student Guild.

Hon Derrick Tomlinson: Does the letter say that the fee is to be a tax?

Hon BRUCE DONALDSON: No, it does not. I added that bit to it as a footnote. It will probably be tested in a court one day, in the very near future. More interesting is the letter from Murdoch University to the Minister for Education on 2 December. It was also very fascinating that the Minister for Education had indicated that the changes to the two university statutes - Nos 17 and 22 - would be made available to the other House before debate commenced. Of course, they never got there, so one must ask what was to be hidden.

I will talk just about the fees. The proposed amendment to statute No 22 reads, in part -

The Senate shall pay to the Guild the amenities and services fees received from all students who are members of the Guild, or 51% of the total fees received, whichever is the greater.

This is where the accountability factor comes in, because the insertion proposed by Murdoch University in statute No 22 reads -

The fees may be used by the Guild for any or all of the following broad categories of amenities and services to benefit students:

- (a) representation,
- (b) advocacy,
- (c) student societies,
- (d) welfare, cultural, social, commercial, sporting and recreational activities,
- (e) other amenities and services (including capital investment and reserves) to benefit the student community,
- (f) any compulsory government taxes and charges associated with the fee,
- (g) other services and amenities consistent with the objects and powers of the Guild, and

- (h) the administrative costs of any or all of these activities and facilities and of collecting the fees.

The way I read that, they would not find anything they would not be able to spend that money on.

Hon Alan Cadby: They could send the whole lot overseas as an investment portfolio.

Hon BRUCE DONALDSON: They could indeed send the whole lot overseas.

Proposed part 4(4) of statute No 22 reads -

The part of the amenities and services fees not paid to the Guild is to be spent on student amenities and services in a manner agreed by the Senate and the Guild. After inviting suggestions from those students who elect not to be Guild members, the Vice Chancellor shall present proposals for consideration at a meeting with the Guild President.

So it now becomes a very close working relationship. They could get up to all sorts of mischief. Another \$750 000 will probably be given to some other company about to fail. The proposed amendment continues -

That meeting shall make a recommendation to the Senate. If they are unable to agree on a joint recommendation, a recommendation will be made by the Vice Chancellor (or nominee), Guild President (or nominee) and an independent chair chosen by mutual agreement of the other two persons (or, failing such agreement, a person appointed by the Institute of Arbitrators and Mediators Australia).

It is not bad that the guild president and the vice-chancellor can between them spend the money in any form they wish, with no accountability. I am pleased that the university at least has the decency to use the words "following broad categories" and has listed them. At least it has been honest in presenting that. It will also amend statute No 17. The schedule states -

Statute No. 17 - Guild of Students

Make the following amendments:

delete "a recognised means of communication" and in its place insert "the recognised means of communication".

delete, and in its place insert:

4. Membership

- (1) Subject to the provisions of the Act and the following provisions of this section, all students shall be eligible to be members of the Guild. Guild Regulations may make provision for associate membership for non-students.

We have all heard that before. It continues -

- (2) Every student is automatically a member of the Guild unless he or she elects, at the time of enrolment, not to be a member, or subsequently resigns.
- (3) The University must not act in a way that may dissuade or discourage a student, or person seeking enrolment as a student, from being or becoming a member of the Guild.

When I read what the university is doing, I can see it is a nice, cosy relationship. Under statute No 22 regarding the amount of the fees, the schedule states -

The amount of the fee shall be determined by Senate after receiving a report and recommendation from the Guild of Students.

The fee will start at \$140. We have been told about the fees that some universities in other States charge. It can be assumed that it will not take long before the fees increase to about \$450. When students must tick a box to become guild members, they will be told that they either become guild members or pay the full \$450. They would be idiots to pay the \$450 and not at least get to use the amenities. Students will automatically become members of the guild whether they like it or not. It is like paying a fee to become a member of the West Coast Eagles and not utilising the amenities that are provided at Subiaco Oval. It would be nice if everybody who went to the Subiaco Oval to watch the Eagles and the Dockers play against each other were asked at the gates whether they were members and were turned away if they were not. That is what we are talking about; it is the same thing. It is a no ticket, no start policy at the university.

Hon Ken Travers: The member is reading speech notes with quotable clichés.

Hon Derrick Tomlinson: You do not like that, do you?

Hon BRUCE DONALDSON: The member does not like it, but he will have to listen to a bit more of it tonight and tomorrow.

Several members interjected.

The PRESIDENT: Order members! Hon Bruce Donaldson is attempting to be heard on this issue.

Hon BRUCE DONALDSON: Thank you, Mr President. I am looking forward to tomorrow when the debate on this subject will continue.

Hon Graham Giffard interjected.

Hon BRUCE DONALDSON: I am most interested in Hon Graham Giffard's interjection. I like him as a friend, but he comes out with some dopey things that do not do him any justice. By telling him what a nice guy he is, I might have affected his opportunity for re-endorsement. It is the Christmas spirit coming out in me.

I became a bit concerned when Hon Kate Doust suddenly realised that Hon Ed Dermer, who sits beside her, is a former President of the UWA Guild of Undergraduates.

Hon Kate Doust: He did an excellent job.

Hon BRUCE DONALDSON: I know he did; I do not doubt that at all. My son knew him quite well.

Hon Ken Travers: Members of the Liberal Party even proposed that he be a life member.

Hon BRUCE DONALDSON: There you go. My son leant a bit to the left but, thank God, he has got that out of his system. I am pleased that happened. I think Hon Kate Doust said that very few current sitting members were involved with a guild.

Hon Kate Doust: No, I said who became union officials.

Hon BRUCE DONALDSON: Oh, union officials.

Debate interrupted, pursuant to standing orders.

House adjourned at 11.00 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

COMMUNITY REGIONAL HERBARIUM VOLUNTEER PROGRAM, FUNDING

304. Hon Barry House to the Minister for Housing and Works representing the Minister for the Environment and Heritage

- (1) Does the State Government support the Community Regional Herbarium Volunteer Program?
- (2) What has been the level of funding in the past and what is the current level of funding?
- (3) Will the Government continue to fund the program?
- (4) If yes, will the Government -
 - (a) increase; or
 - (b) cut current funding; and
 - (c) by how much?
- (5) If not, why not?

Hon TOM STEPHENS replied:

- (1) The Regional Herbarium project was initiated after it received funding from the Commonwealth Natural Heritage Trust (NHT) in 1997/8. The project was intended to become self-supporting. The cost of specimen identification and processing was to be factored into grant applications by the Regional Herbaria, landcare and other conservation organisations. For various reasons this did not happen. In 2000 the Department of Conservation and Land Management allocated \$49 000 to enable the Project to continue until it received a further grant from the NHT. However the project did not receive further funding from the NHT.
- (2) Past and current levels of funding have been:

Year	NHT	Department
1997/98	\$128 668	\$20 400
1998/99	\$131 885	\$20 400
1999/00	\$132 482	\$20 400
2000/01		\$69 400
2001/02		\$21 500
2002/03		\$36 500
- (3) The project has been scaled down commensurate with available funding and will continue to operate with currently available resources and substantial volunteer input.
- (4) (a)-(c) The level of State Government funding for this project, as with many other projects within the Department of Conservation and Land Management, will be periodically reviewed and assessed against other priority conservation projects.
- (5) Not applicable.

DEPARTMENT OF HOUSING AND WORKS, PAYMENT FOR HERITAGE WORK

310. Hon Giz Watson to the Minister for Housing and Works

Further to my question without notice No. 329 -

- (1) Does the Department of Housing and Works pay for heritage work undertaken by portfolios other than the Housing and Work's portfolio?
- (2) If yes, why?
- (3) Does the Department of Housing and Works pay for Heritage work undertaken by the National Trust of Australia?
- (4) If not, why not?

Hon TOM STEPHENS replied:

- (1) No.
- (2) N/A
- (3) No.
- (4) Individual agencies are responsible for paying for heritage work undertaken on their portfolios, this includes the National Trust of Australia.

HERITAGE COUNCIL, DEVELOPMENT APPLICATIONS, NEGOTIATION AND APPROVAL

311. Hon Giz Watson to the Minister for Housing and Works representing the Environment and Heritage

Further to my question without notice -

- (1) Why does the Western Australian Heritage Council continue to play a role in the negotiation and approval of development applications in relation to Heritage places and properties?
- (2) Does the Government see any conflict of interest in the role of the Heritage Council in conserving Heritage places and properties and the negotiation and approval of development applications in relation to Heritage places and properties?

Hon TOM STEPHENS replied:

- (1) In accordance with Section 78 of the Heritage of Western Australia Act 1990 a development application for a place on the State Register for Heritage Places is required to be referred to the Heritage Council for its advice.
- (2) No. The assessment/registration process and the development process are two distinct processes specified in the Heritage of Western Australia Act 1990.

HEATHCOTE LOWER PARKLAND PROJECT, COST

312. Hon Giz Watson to the Minister for Housing and Works

Further to my question without notice No. 329 -

- (1) What is the total proposed financial outlay by the Government for the Heathcote Lower Parkland project ignoring possible income from the part sale of the Heathcote property and other properties?
- (2) To which body, Department or other entity or entities is this money in (1) being paid?
- (3) Is the Government aware that the National Trust offered to undertake work on the Heathcote Lower Parkland and project at no cost to the Government?
- (4) If yes, why did the Government not commission the National Trust of Australia (WA) to do the work paid for in (1)?

Hon TOM STEPHENS replied:

- (1) Total fees paid to consultants for heritage research on the Heathcote Lower Parkland is \$6,902. Possible additional outlay may be incurred for further studies not yet identified.
- (2) Woodman Environmental Consultants.
Gaye Nayton, Historical Archaeologist.
- (3) Yes.
- (4) The Department of Housing and Works is directly accountable for the identification and assessment of heritage values as part of its management of the site. Responsibility for such studies rests with the owner who is the accountable officer. The Department of Housing and Works has in-house expertise able to undertake heritage and multi-disciplinary studies. This expertise is supplemented where necessary, by contracted services from specialist consultants commissioned in accordance with Government contracting procedures.

SHIRE OF GINGIN, FIREBREAK ORDER, SWAN LOCATION 7807 EAST LANCELIN

313. Hon Dee Margetts to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services

With regard to the issue of a firebreak order by the Shire of Gingin on Swan Location 7807 East Lancelin corner Nilgen and Sappers Road which mainly comprises of a large area of high conservation value banksia woodland, and the imposition by the Environmental Protection Authority of clearing restrictions on the same land because it is adjacent to Nilgen Reserve where there is a remnant population of small mammals, including Dunnarts -

- (1) Can the Minister confirm that the reason the Shire of Gingin has issued the seven day firebreak order for the owner to clear firebreaks into four cells (or else the Shire will go in and do it themselves) is to force the owner to burn the entire property over the next four years, without taking into account the likely destruction of this high conservation habitat through clearing, weed invasion and erosion?
- (2) Given that 2/3 of the property was burnt four years ago, and the owner has been required to submit a planned burning programme as recommended by FESA, who will ensure that the faunal habitat is protected to the standard required by the EPA when the Shire clearly does not have this ability?
- (3) Given that the recovery from fire for a remnant small native mammal population is about 15 years will the draft preliminary guidelines on prescribed burning (see question without notice Nos 1166 and 1148) take into consideration minimum fauna recovery times?

- (4) If so, how will Shires such as the Shire of Gingin be forced to comply?
- (5) If not, why not?
- (6) As there appears to be no legislation that requires the Shire of Gingin to consider the impact on important habitat by too-frequent burning, will the Minister be looking at a legal mechanism to ensure that this can be done?

Hon NICK GRIFFITHS replied:

- (1) No. The Shire has advised that the reason for the order is to minimise a serious fire risk to an adjoining property. It is designed to protect life, property and the environment. The Shire has no pre-determined position concerning the extent of burning which should occur on this property. It is currently awaiting a copy of the owner's fire management plan, which was requested in April 2002.
- (2) The owner has been requested to produce a planned burning plan to demonstrate to the Shire how they intend to reduce the fire hazards on the property using an alternative method to firebreaks. Until the owner's fire management plan is available, the Shire cannot determine what action is necessary in this area.
- (3)-(5) I have referred the issue of minimum fauna recovery times to the Fire and Emergency Services Authority (FESA) and have requested that it be considered as part of the draft guidelines.
- (6) I am advised that there is currently no specific scientific information that can categorically state what frequency of burning would cause the loss of biodiversity. There is some information that indicates a frequency of 8-15 years may be appropriate to maintain floral biodiversity, particularly if a variety of burning seasons is chosen and a mosaic burning program is initiated within each cell. This will be dependent on the floral diversity and health of the vegetation prior to the burning.

FESA is working to gather information that will facilitate fire protection taking into consideration all values in terms of life, property and the environment, and threats to those values. I have requested that this also be incorporated into the draft preliminary guidelines.

COMMUNITY FORUM FOR WATER CONSERVATION, KUNUNURRA

315. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to the Government's forum series advertised as the 'Community Forum for Water Conservation', and ask -

- (1) For what reason was no such forum conducted in Kununurra?
- (2) Did the Government at any stage intend to conduct such a forum in Kununurra?
- (3) If so, for what reason was the decision made not to conduct the forum?
- (4) If yes to (2), where was the forum advertised, and which groups had the Government contacted to assess the level of interest in the forum?

Hon TOM STEPHENS replied:

- (1) The Kununurra forum was not held for two reasons. It was difficult to arrange a forum prior to the Water Symposium held on 7-9 October 2002. The key water issues for Kununurra are being addressed by the preparation of the draft Interim Ord River Allocation Plan. There has been considerable local interest and involvement in preparation of the Allocation Plan. It was considered more desirable to hold a water forum in Kununurra once the draft Plan is released. This is anticipated early in 2003.
- (2) Yes.
- (3) The plan could not be launched in time to meet the schedule leading up to the 7-9 October 2002 Water Symposium at which the outcomes of each forum in the series would be considered.
- (4) A Kununurra forum was not advertised for the reasons given in (1) above. However, a forum to discuss water issues and the draft Interim Ord River Allocation Plan will be advertised in the new year.

BHPB BRIQUETTE SHIPLOADER, BOODARRIE IRON HBI/DRI PLANT, NOTIFICATION OF INCIDENT

316. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

- (1) Is the DEP aware of any incidents at the BHPB briquette shiploader at the Boodarrie Iron HBI/DRI plant in Port Hedland, occurring on or around November 8 2002?
- (2) If yes, will the DEP table a copy of the notification it received of the incident?
- (3) If yes to (1), what actions are proposed by the DEP and/or BHPB?

Hon TOM STEPHENS replied:

- (1) The Department of Environmental Protection (DEP) is aware of an incident.
- (2) The DEP requested an official report of the incident on 15 November 2002. The report was not received by 2 December 2002 and was requested again. The incident was first identified by a Port Hedland resident who phoned the DEP Pilbara office on 14 November 2002 reporting the loss of what they estimated to be 8 tonnes of DRI briquettes to the harbour as a result of a ship-loader belt breakage. DEP staff conducted a BHPB plant inspection the next day and raised the issue with the Health Safety and Environment Manager BHPB. The incident was considered minor and had not been officially reported within BHPB at that time. Subsequent investigation determined that a belt had split, some briquettes had landed on the dock/deck and about 24 had fallen into the water. Due to the discrepancy between the complainant's assessment and the BHPB assessment of the quantity of briquettes, a full report was requested from BHPB. This has not yet been received by the DEP.
- (3) DEP has requested an internal investigation. BHPB has agreed to investigate and prepare a report. If the report indicates that further action is required this will be taken as part of the forthcoming DRI ship-loading facility inspection. DEP staff have recently inspected the DRI plant and BHPB's Iron Ore ship-loading facility. BHPB has been notified that the DRI (briquette) ship-loading facility will be inspected in the near future.

MAUDS LAND PROJECT, MINISTERIAL BIAS

342. Hon Norman Moore to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to the Minister to the answer to my question without notice of Tuesday, November 26 2002 in which the Minister confirmed that she had, in her capacity as Shadow Minister for the Environment, lodged an appeal against the EPA's decision in the Mauds Landing project.

I further refer to the Minister to her appeal on that occasion which was based on the following assertions -

- (a) The scale and nature of the development is not consistent with the scale and style of development favoured by eco-tourism;
 - (b) There is a limited database of scientific knowledge for this area of Western Australia;
 - (c) The proposed development site is located in a remote arid area of Western Australia, which is considered to be very fragile, both on the land and Ningaloo Reef area; and
 - (d) No development should be allowed to proceed adjacent to Ningaloo Reef until an overall strategy for this area has been undertaken in accordance with the finding of a Select Committee.
- (1) In view of the fact that the current proposal before the Government has been appealed against in similar terms to those used by the Minister in her previous capacity as Shadow Minister, will the Minister accept that she has a biased view of the Mauds Landing project and disqualify herself from any involvement in the decision of Cabinet in respect to the future of the project?
 - (2) If not, why not?

Hon TOM STEPHENS replied:

- (1) The Crown Solicitor's Office advised that I was not disqualified by any reasonable perception of bias. However, there was still a possibility my decision could be challenged. This could lead to a lengthy legal battle - causing both major confusion and delay in resolving whether the project can proceed, as well as a significant cost to taxpayers.
The only way to avoid such an outcome was to delegate my role in the assessment of the current proposal to another Minister.
 - (2) Not applicable.
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