



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Tuesday, 17 June 1997

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 3.30 pm, and read prayers.

STATEMENT - PRESIDENT

Anti-Corruption Commission

THE PRESIDENT (Hon George Cash): I have received the following letter from the Anti-Corruption Commission dated 16 June 1997 and addressed to Mr L. Marquet, Clerk of the Legislative Council, Parliament House, which states -

Dear Mr Marquet,

Select Committee on the Western Australian Police Service ("The Tomlinson Committee")

I refer to a recent meeting of yourself, the Hon D Tomlinson, MLC, the Hon N Griffiths MLC and the Hon M Montgomery MLC with Mr Wayne Mann, Chief Executive Officer of this Commission, at which you suggested this Commission should write to seek the release of all the evidence gathered by the Tomlinson Committee.

It would be appreciated if you would now make the necessary arrangements so that the Legislative Council can consider releasing all of the evidence to this Commission as soon as possible.

Yours sincerely,

J L C Wickham, QC
Chairman

[See paper No 509.]

Consideration of the letter made an order of the day for the next sitting.

PETITION - EUTHANASIA REFERENDUM

The following petition bearing the signatures of 513 persons was presented by Hon N.D. Griffiths -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

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

1. Every act of euthanasia carried out with the approval of the State necessarily involves a judgement by the State that the person killed had a life that no longer mattered;
2. Inquiries into the legislation of so-called "strictly regulated voluntary euthanasia" by the House of Lords Select Committee on Medical Ethics (1994), the New York State Task Force on Life and the Law (1994), the Canadian Special Senate Select Committee on Euthanasia and Assisted Suicide (1995) and the Australian Senate Legal and Constitutional Legislation Committee (1996) each concluded that it is impossible to ensure adequate safeguards for voluntary euthanasia and that therefore legalising euthanasia will always create more victims than beneficiaries;
3. A referendum on euthanasia would, if successful, be a substantial step towards legalised euthanasia and therefore any bill for a referendum on euthanasia should be rejected as an attempt to remove the equal protection from intentional killing enjoyed by all Western Australians under existing law.

Your petitioners pray that the House will reject any Bill to legalise euthanasia including any Bill for a referendum for legalised euthanasia.

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

[See paper No 510.]

PETITION - D'ENTRECASTEAUX NATIONAL PARK

The following petition bearing the signatures of 1 230 persons was presented by Hon J.A. Scott -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We the undersigned residents of Western Australia request that the Council -

Reject any proposal to excise land from, or downgrade the status of any part of, D'Entrecasteaux National Park, especially areas adjacent to or near the beautiful Lake Jasper, which is of enormous significance to indigenous people;

Reject any proposal to exchange land or do anything calculated to open the way for mineral sands mining within D'Entrecasteaux National Park, especially in areas adjacent to or near the beautiful Lake Jasper, which is of enormous significance to indigenous people;

Guarantee the full and proper protection and management of the remarkable D'Entrecasteaux National Park for the sake of the native species and ecosystems of the Park and future generations of Western Australians.

Your petitioners as in duty bound will ever pray.

[See paper No 511.]

PETITION - TELECOMMUNICATION TOWERS

The following petition bearing the signatures of 191 persons was presented by Hon Murray Montgomery -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We the undersigned, respectfully request that land at Mt Henry be urgently sacrificed to telecommunications carriers for the erection of a mobile tower because:

- i We object to the State Government taking out Supreme Court action to prevent the erection of a mobile tower at Mt Henry, said to protect government property values, and whereby despite the government losing the case, subsequent negotiations were undertaken which led to approval being given for the erection of a tower at the Canning Highway/Canning Bridge/Kwinana freeway interchange precinct.
- ii None of the negotiators i.e. telecommunications carriers, Main Roads or the South Perth City Council consulted with nearby residents.
- iii There is to date no *substantiated* research or evidence to prove that towers do not pose *long term health risks* to nearby residents.

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

[See paper No 512.]

MOTION - URGENCY

Pumajina Community

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 17 June -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising, adjourn until 9.00 am on 25 December 1997 for the purpose of discussing the appalling living conditions endured by the people of the community of Pumajina on the outskirts of the town of Newman.

Yours sincerely

Tom Helm MLC
Member for Mining and Pastoral Region

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON TOM HELM (Mining and Pastoral) [3.40 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December.

Hopefully by the time I have concluded my contribution members will understand why I have raised this matter. I apologise to the people of Pumajina and the Martu people of the western desert if my raising this issue causes them shame. I hope they will understand why I am doing it and that they will forgive me for any shame I might bring upon them.

A community was set up at Pumajina in 1986 to accommodate the people living on the outskirts of Newman in car bodies, some of whom had children going to school. It was decided that more substantial accommodation was required. From that day to this, about \$2m has been spent on infrastructure at Pumajina on land excised from a BHP mining lease and abutting the Newman racecourse.

I have been asking for about a year for someone to take responsibility for providing shelter at Pumajina. Part of the infrastructure previously provided was a steel structure covered in canvas. About 50 people currently live in the community, although those familiar with Aboriginal communities know that that figure can fluctuate. They range in age from about five or six to about 80. In the 12 months since I have been concerned about this area and have been asking someone to take responsibility, at least for renewing the canvas shelters, nothing has happened. Just before Christmas the community lost the coordinator provided by the shire with funds from the Aboriginal and Torres Strait Islander Commission, and the infrastructure provided by state taxpayers has been allowed to deteriorate.

Temperatures in the area have now dropped to 3 and 4 degrees and people are still living under canvas strung across trees and in mud brick shelters with no roofs. The week before last two people died. When a death occurs in an Aboriginal community it is very impolite to make any further inquiries. I have not done that, but I am led to believe by hospital staff that a man and a woman of about 30 years of age died. I understand they might have died from alcohol related problems that would have been exacerbated by the conditions in which they lived.

I am not pointing the finger at anyone, because I recognise that if one points one finger there are always three or four pointing back. My office is in Newman and I am constantly made aware of these problems. I am also aware that highlighting matters like this is not welcomed by Aboriginal communities. However, I have spoken to Cedric Wyatt, the Chief Executive Officer of the Department of Aboriginal Affairs, which took responsibility for the establishment of Pumajina, who has been telling me for some time that something will happen, but nothing has happened as yet. The only move has been the construction of a children's playground.

I have spoken to ATSIC commissioners and council members and they, too, are very concerned. However, the lack of ATSIC funding and a structured council at Pumajina mean that nothing is being done. I acknowledge the work of the council at Jiggalong, which has suggested that perhaps the Army could provide canvas shelters, but I have not pursued that idea. I have been pushed around for the past 12 months and that is why I have raised this issue in Parliament.

I understand that environmental health workers are going into the area today to fix taps and electrical facilities. I will be there on Friday morning to speak with those people about what will happen.

I bring this motion forward in despair. I hope I have not left it too late in making the matter public. I despair because I have nowhere else to take this issue. I despair, as a representative of the Mining and Pastoral Region, that a group of people are living in conditions that one would expect only in Third World countries. We would expect the United Nations to fix this problem in a Third World country. We do not expect to see these problems in probably the richest town in this State if not this country. We do not expect to see abject poverty in a town that produces immense wealth. I do not know whether these people are able to help themselves, or whether they are all affected by alcohol abuse. They cannot be, because the school attendances are reasonable. A substantial number of the community may be affected by alcohol. However, this community has other cultural and social problems, and no-one has conducted a comprehensive study into those problems.

I understand that a number of people would like to see a bulldozer go through that community. I would not argue against a decision that the community should be relocated. However, it is not for me to make the decision. In the meantime, I cannot stand by and watch people's health deteriorate and people die, and do nothing about it. I respect the feelings of Aboriginal people, many of whom will be hurt by my motion. However, I have nowhere else to go.

BHP Iron Ore Pty Ltd has been supportive of the community; however, it does not know what to do. BHP excised land from its mining lease for the people of Pumajina. Volunteers from Newman support the Pumajina community by assisting with mowing lawns and cleaning up. They do not know where to turn next or what to do. A woman from Family and Children's Services believes she would have no problem in closing down the community or taking the children away from their parents. We have been down that track. We are debating the report on the stolen

generation. The problem is not that these families are dysfunctional, it is the lack of basic shelter. The canvas shelter has been allowed to rot and to fade. It will not require millions of dollars, only a couple of thousand dollars, to replace that shelter. This issue is not necessarily about neglected children; it is about a lack of shelter and water. The community needs essential services. If someone decides that the community should be relocated, so be it. We cannot allow children to be affected and lives put at risk in Newman - a place that produces so much wealth for this country.

I spent some time at Jiggalong recently. I have attended presentations in the Jiggalong demonstration program, where \$3m has been provided to upgrade Jiggalong to a village. It has been said, with some justification, that a town of 300 to 500 people should have paved roads, health care, schools and power and should be called a town like every other western community, not a mission. I congratulate the State Government on spending funds to upgrade the living conditions at Jiggalong. If that has been done with a view to relocating the Pumajina community, that is fine. I do not argue with that concept. I am not asking for millions of dollars to be spent at Pumajina, I am asking that a fundamental necessity like shelter be provided until a decision is made by those people on whether to go to Jiggalong.

The last Labor Administration thought there were too few people at Pumajina, and they should go to Jiggalong. We were wrong, because those people are not just from Jiggalong but from Punmu, Cotton Creek, Balgo Hills, Carnarvon and right across the western desert. The differences in culture and marital problems are among the reasons that they do not want to live in the established communities of Punmu, Cotton Creek and Jiggalong.

I thank the House for the opportunity to state the case at Pumajina. I hope the House understands the need for an urgency motion. The two recent deaths were not the only reasons for bringing this matter before the House. My Labor Party colleagues have been trying to help me to find an organisation that will take responsibility for what is occurring at Pumajina. I have tried all those avenues to no avail. People are smiling and nodding their heads; they accept that the problems exist. In the western desert the nights are getting colder, not warmer. We will lose more people from exposure, and that is why I bring this matter to the attention of the House.

HON GREG SMITH (Mining and Pastoral) [3.56 pm]: Pumajina is a community that sprang up on the outskirts of Newman comprising social outcasts from Jiggalong and other communities, many of whom are hard core alcoholics. BHP gave them the land, and \$2m was spent to build a small community structure.

The Aboriginal and Torres Strait Islander Commission is responsible for Aboriginal communities, and it is ironic that Hon Tom Helm has asked this House for funds to assist a small community on the outskirts of Newman. I am pleased that Tom would like a bulldozer put through the whole lot.

The PRESIDENT: Order! It is Hon Tom Helm in this Chamber.

Hon GREG SMITH: Hon Tom Helm's suggestion of putting a bulldozer through Pumajina is an option, although it would be a waste of time. The people there will end up on the edge of town no matter what happens. They are a fringe dwelling type of community and they will congregate close to the town where they have access to what they want. They do not want what is available in Jiggalong. I do not see how this House can improve the living conditions for the community when a massive bureaucracy is already in place with that responsibility. We would be better off trying to find out why these people are not receiving funding from the organisations that are structured to help them. In 1996-97, \$17m was spent in the Pilbara on Aboriginal communities. That does not include the money which Aboriginal people receive from social security and other sources. I do not know what Hon Tom Helm is asking the House to do. My understanding is that the House is simply discussing the appalling living conditions endured by the people of the community of Pumajina on the outskirts of the town of Newman. Members can discuss it until they are blue in the face, but the discussions will not put a bit of canvas over the heads of these people to protect them from the rain. I am sure these people would be able to buy a tarpaulin and erect it and collect firewood. I doubt whether many of them are employed; if they are, it is to their credit. The Aborigines in these communities should be prepared to take responsibility for their wellbeing. I do not believe that I should be held responsible for their wellbeing. We should help them in every way we can. If they can be provided with tarpaulins and they erect them, so be it. I could put my hand in my pocket to buy them a \$100 tarpaulin, but it will not fix the problem. We must get to the root of the problem; that is, why is this group not receiving funding from the organisation which is supposed to assist it? If something can be done to help Aborigines, it should be, but it must be done by the organisations which have responsibility for them.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [4.01 pm]: This is an important issue and it is time for every member in this place, as well as people across the nation, to raise this issue so that the facts can become known. For the last 50 years or more we have been skirting around this issue. People have had warm feelings about how to repay Aborigines for the problems experienced by them in the past. People are now talking about public apologies, compensation and Aboriginal land rights. We have seen the Leader of the Opposition in the Federal

Parliament crying in his boots about the inequities of the past. Apparently he has just realised what happened. He should have been crying for the past 20 years, like those people who have been aware of what happened.

I make no apology for what I am about to say. It is time this nation came to terms with doing something positive for Aboriginal people instead of making all the excuses under the sun for the reason that they are living as they are. No-one should be living in the way that the people on the outskirts of Newman, Wiluna, Fitzroy Crossing and other towns in this State are living. It simply is not on.

The way to overcome the problem is to acknowledge two basic things. First, people must have basic hygiene. People cannot live in Australia in the 1990s if they do not have basic hygiene. People cannot be expected to use a modern toilet facility if they do not know how to maintain it on a day by day basis. If they are unable to maintain this facility simply because they do not know how to, someone should be available to assist them.

Secondly, education must be available to them. People will not get on in society unless they are properly educated. My comments are not restricted to Aboriginal people; they apply to every person in this nation. The education standards in neighbouring Asian countries are improving day by day. The middle class in Indonesia outnumbers the total population of Australia. More than 50 per cent of the 180 million people in Indonesia have attained a standard of education which is comparable to the standard of education in Australia.

It is an indictment on this nation that people keep skirting around this issue by trying to make excuses for the past. People are saying, on the one hand, that Aborigines must be allowed to retain their culture and, on the other hand, that we must apologise for the stolen generation. The decision about the stolen generation was made because some people believed that it was in the interests of the young Aboriginal people. I have travelled throughout this State many times, both before and since becoming a member of Parliament, and I am aware of many young Aboriginal children who would like to leave the environment in which they are forced to live and live in a hostel. Next Saturday I intend to watch a young Aboriginal boy from Tammin who is captain of the Scotch College football team. He is also the captain of that school's basketball and athletics teams. He is attending Scotch College because a couple of people decided to assist him to obtain a good education at a quality school. Not everyone is as fortunate as that boy. He is one in a million and he has terrific ability. He has been given a chance in life. I would like to give everyone in the Aboriginal community a chance in life. We will not do that if we continue to make excuses, apologise for what happened in the past and provide Aborigines with handouts. The do-gooders of this nation who are making excuses are condemning Aboriginal people to penance for the next 100 years. They believe that by providing handouts the problem will be overcome.

In response to the issue raised by Hon Tom Helm we must do one of two things. We must provide basic shelter in the interim for these people or ensure that they are properly managed. We cannot allow them to use the money which they receive every week or fortnight to buy alcohol, drugs or petrol. These commodities are destroying the Aboriginal community and we are allowing it to happen. Anyone who tries to substantiate the situation in which these people live are part of the group of Australians who are condemning Aboriginal people to this lifestyle.

The department has advised me that a coordinator will be appointed and it will contact the local shire council about the \$28 000 for salary and other expenses. It is only a small step towards resolving the situation. The most important thing that must be done for this and other communities is to ensure that they achieve basic hygiene standards and that the kids attend school. If that does not happen, we will condemn the next generation of Aboriginal people to living off the handouts from future Governments. It will be nothing more than a death sentence for these people.

The Aboriginal people are no different from members in this House or other people in the community, but they have different expectations and a different view of success. We should treat these people as individuals. That is one aspect on which those people who say that we should stop putting Aboriginal people in a different category are right.

A couple of weeks ago I visited Wiluna. The streets were littered with white plastic bags from the supermarket and empty cans. Nobody can tell me that that behaviour reflects the practices of the entire community. The rest of society considers that the Aboriginal people living in Wiluna are responsible for that. However, they are not; probably only about 10 per cent are. I appointed Derek Kickett to the task force on road safety. He is a successful person and will bring great recognition to the Aboriginal community. I also appointed his wife to a job in Westrail because she said she would like to be involved in assisting Aboriginal people with the problems of law and order in our public transport system. That is an example of how we can take advantage of the skills of people who are leaders in the Aboriginal community. They are a part of our total society. We should stop setting them apart from society. We should involve them the same as Asians and Europeans. We are all one. It is time we started acknowledging everybody's individual rights. I would like to see Hon Tom Helm and everybody else challenge each other to get together and resolve whatever situations we can in Western Australia.

We cannot do anything about the funding situation. I have just heard that the houses designed for One Arm Point are totally inappropriate for the people and the climatic conditions. No doubt they were designed by a bureaucrat in Canberra with no understanding of the people's needs. We should see what sort of shelters they want, but at the same time ensure that they maintain basic health standards. We are condemning those children to die. They will get diseases; they have them now. That is why they have the worst mortality rate in the community.

HON TOM HELM (Mining and Pastoral) [4.12 pm]: I thank members for their contributions. It is encouraging to know that some people care. In fact, I know that everybody in the House cares. Hon Greg Smith should know that I raised this matter here because I know of no other place in which to raise it. I raised this matter for debate because if it is not in the public arena it will go on forever.

Hon Eric Charlton is right, alcoholic problems exist in Aboriginal communities. The Alcohol and Drug Authority used to visit Pumajina, but not any more. The contribution by the Newman Shire Council of \$28 000 for a coordinator will last for only six months. I am not saying we should not do that or that we do not want anything. I agree with Hon Greg Smith that, as an individual - I am not a blackfeller, I am an ordinary Australian - I cannot watch people die. Anything that saves lives is a good thing. Even amounts of just \$28 or \$100 would be welcome. Nothing like that is happening now, but it should be.

With their limited resources the shires of Newman and East Pilbara have organised two people within Pumajina and Jiggalong. If any one person or body is responsible for this problem it is the State, not the Aboriginal and Torres Strait Islander Commission. ATSIC cannot provide funds because Pumajina does not have a recognised council or an accountable person such as an administrator. To get around that ATSIC provided community employment program funding for Nullagine to try to administer a community development employment program at Pumajina. However, the distance someone would have to travel between the two towns is 300 or 400 kilometres a day. It is a lovely gesture but it cannot work. We do not have work for those people, even within the community. As Hon Eric Charlton said, the toilets have been built and just left. In one sense it is like a place of despair, but in another sense it demonstrates the spirit of human nature. Despite their despair parents are regularly sending their children to school and they are progressing reasonably well. They are supported by the parents and citizens and the community of Newman.

The situation is not a dead loss; nonetheless human beings are suffering in a way that should not be allowed, certainly not in the greatest State in this country. A poor situation has developed, the root of which it appears we cannot identify. The most likely source of responsibility is the Department of Aboriginal Affairs, which, as the previously known Aboriginal Affairs Planning Authority, developed the settlement. However, why point the finger? I am crying out for help and asking for the support of this House, which it appears I have and for which I am grateful.

[Motion lapsed.]

MOTION - WESTERN AUSTRALIA POLICE FORCE

Establishment of Royal Commission

Resumed from 12 June.

HON PETER FOSS (East Metropolitan - Attorney General) [4.15 pm]: I will refresh members' memories on some of the points I began to make regarding the arguments in favour of a royal commission. It was suggested by Hon Norm Kelly that a problem with the Independent Commission Against Corruption in New South Wales was that, to use his words, it "did not have enough power". However, as I pointed out, it had too much power. It is difficult to think of what more could have been given to ICAC. Its problem was its inability to deal with a particular problem.

Hon N.D. Griffiths: The problem was that it had too many bodies to deal with.

Hon PETER FOSS: A very good point made by Hon Nick Griffiths, to which I alluded, was that the New South Wales situation is significantly different from ours. First, it has a very large Police Force in a State in which corruption has been endemic since the Rum Rebellion. The way things are done in New South Wales is quite different from the way they are done in the rest of Australia. I wrongly referred to the New South Wales left of the Labor Party. I should have referred to the right of the Labor Party. I am glad that I had the opportunity to correct that mistake. Well known gangsters in New South Wales are the right of the Labor Party. I am amazed I was not picked up by members opposite at the time and I apologise to members of the left of the NSW Labor Party.

New South Wales is a very different State from Western Australia. It has had almost a tradition of corruption since the time of the Rum Corps. If there is an endemic attitude to corruption, it is extremely hard to change it. Although the Wood royal commission was a fine commission and recommended some very positive changes, according to reports from New South Wales nothing has changed. Life goes on in New South Wales in exactly the same corrupt way as it went on prior to the Wood royal commission.

Hon Derrick Tomlinson: Even after the Lusher royal commission.

Hon N.D. Griffiths: Sixteen years after.

Hon PETER FOSS: People have tried to do something for a long time. The situation in New South Wales is different from that in Western Australia. I believe there is a great deal of difference between pandemic and endemic corruption. The Select Committee on the Western Australia Police Service found that although corruption was more widespread than had been thought, at no time was it suggested that corruption was endemic to the system. That is a very important difference between the situation in New South Wales and that in Western Australia. I can understand why ICAC did not tackle the question of corruption in New South Wales; it was a huge problem. Hon Nick Griffiths pointed out that ICAC had so many bodies it became very difficult for it to be directed towards specific areas.

The third point I mentioned earlier was the obsession ICAC had with public hearings. Why have public hearings? At times public hearings become important as a form of cleansing or as a catharsis. One of the difficulties in New South Wales - perhaps even the police committee of this House found it - was that people able to give real evidence of corruption were not too keen on appearing in public. Even the best witness protection programs are not always sufficient to protect people. Those people who have nothing to lose and much to gain by notoriety have a tendency to give evidence which leads to publicity. Later the evidence is often found to be without substance, but that fact does not get the same publicity, and reputations may be destroyed and a great number of newspapers sold but little else occurs. On occasions people have been happy to make gossip and innuendo, and happily await the notoriety they receive. Sometimes it is important to have an open hearing, when we see what happened with the recent Wanneroo hearings and royal commission. A number of people made the most extraordinary allegations. In one case it turned out that the person who was repeating an allegation was the one who actually made it in the first place. The member for Peel turned out to be the one who began the rumour regarding Dr Wayne Bradshaw -

Hon N.D. Griffiths: You do not seem to be sure about what you are saying. I think you are making it up.

The PRESIDENT: Order! The Attorney General should address the Chair.

Hon PETER FOSS: On occasions, when specific allegations, gossip and innuendo are perpetrated over time, it may be that the proper way to go is to hold an open hearing. It may be important to have such hearings just to show up the intent of the people who have made the allegations. The WA Inc proceedings are a classic case. When people were asked where their information came from, it was found to be a matter of Chinese whispers. People had made allegations without substance. The allegations against Cheryl Edwardes were a classic example and in the end it turned out that one person had made them up on the basis that he had offered his services to Mr Colin Edwardes, but those services had not been taken up. Members should read the interim report of the Wanneroo royal commission so that they can see how a rumour can blow up. That royal commission knocked down such nonsense.

If members wish to attack police corruption, and have evidence that they believe will lead to a prosecution, the appropriate way is, first, to use police powers. The reason I suggest the use of police powers is that when royal commission powers are used to obtain evidence, that evidence cannot be used to bring prosecutions. When we discussed the Anti-Corruption Commission legislation we addressed how we would use royal commission powers. From talking to members of the Official Corruption Commission, as it then was, it was clear that they wished to defer that situation as far as possible because they wished to use police powers rather than royal commission powers because any evidence gained from the use of police powers was admissible in any prosecution proceedings, whereas any evidence obtained from the use of royal commission powers could not be used in prosecution proceedings. As part of the structure of our society people cannot be compelled to give evidence against themselves. If we take away the right to remain silent and compel people to answer questions, we must give some immunity for the use of that evidence in prosecutions.

The royal commission into WA Inc held many sessions in private. In fact, it did not make public its findings relating to criminal activity. There is another volume of the first report. I have not seen it. I am aware that it has been supplied to the Director of Public Prosecutions and to perhaps some other officers of that nature. The report went directly from the then Premier to those officers. It did not go to other members of that Government, and has not come to the present Government. That report was specifically not made public. Where it was felt there was evidence of criminal activity, it was specifically not made public because it was considered it should not prejudice people being prosecuted. With an open royal commission there are two problems: Firstly, we cannot use the evidence - the words spoken - against people who have given evidence to the commission; and, secondly, if we are not careful, in the end it may prejudice the fair trial if and when a person comes to trial. Therefore, such people can escape prosecution. When one talks about a royal commission and the possibility of public hearings, we must ask ourselves why we would want them. Is it just that we would like public hearings or will the public interest be served by it?

I suggest the appropriate way to deal with the problem is to use the powers of the Anti-Corruption Commission, because that commission was very carefully structured. I draw members' attention to that structure. First, it is an investigative body. One of the major changes this Parliament made was to give it the powers not only to initiate investigations, as opposed to merely receive complaints, but also to comprise a body of investigators. It is now a body of investigators. It has a director of investigation, a principal investigator, six investigators, and two complaints officers. The backgrounds of those officers include the Australian Federal Police, the New South Wales Independent Commission Against Corruption, the Australian Securities Commission, the state Ombudsman's office, and one former Western Australian police officer who has worked with the Wood royal commission and in the private sector. The investigators have been sworn in as special constables with the powers of police officers.

Hon Norm Kelly interjected.

Hon PETER FOSS: I do not know the breakdown. It is an internal matter. I suppose it depends on the workload.

As I said, all the investigators have been sworn as special constables and they have police powers. Any information they secure is available to them for use as evidence. They have powers under the Listening Devices Act. There is some limitation to that Act, as instanced by a case in the Supreme Court, because it does not give a warrant to enter private land. The Listening Devices Act gives the officers the power to go onto any government land.

The next layer is the special investigator, who has coercive powers and operates in private. One of the big concerns when it was suggested we create a royal commission is that there must be some basis upon which people are directed to investigate. It may be a peculiarity of our society, but generally it has been agreed that if the powers of a royal commission are conferred, we must strike appropriate terms of reference within which the royal commission must work when exercising those powers. That is the best way the justice system works. Perhaps one day we will not intend it to work that way. Equally, in general, that was seen by the Official Corruption Commission as important for two reasons: First, the Anti-Corruption Commission will act as a check on the special investigators. It will be an accountable body ensuring that the special investigators do not go beyond their powers and that they exercise those powers properly. Secondly, it cannot just say that it will investigate. It must set down in writing what is to be investigated. A normal royal commission has its terms of reference. People are entitled to know what they are and what they are being questioned about; and an investigator must stay within that power. ICAC had a broad range in being able to investigate anything it liked. The Law Society, the Anti-Corruption Commission and any person conscious of our judicial system could comment on that system. Thirdly, when it was felt that a royal commission was appropriate, and when one needed a public hearing -

The PRESIDENT: Order!

Points of Order

Hon TOM STEPHENS: I have two points of order, Mr President.

The PRESIDENT: Order! Let us deal with them one at a time.

Hon TOM STEPHENS: I wonder whether a mechanism is available by which I could ascertain the basis on which you are interrupting debate on this order of the day. According to the custom and practice of this House, when a motion has been moved, seconded and spoken to by other members -

Hon N.D. Griffiths: Three others.

Hon TOM STEPHENS: - it has been the custom and practice of this House to have that matter made an order of the day.

The PRESIDENT: Order! I am interrupting debate on this motion under Standing Order No 164, of which I am sure the member is aware. It requires that debate be interrupted at the conclusion of the first hour of the day's business, and that I ask the House whether leave is granted to enable debate on the motion to continue. That is what I am about to do. The member has a second point of order.

Hon TOM STEPHENS: I may not have articulated the first point sufficiently, as -

The PRESIDENT: I am telling the member that the interruption is on the basis of Standing Order No 164.

Hon TOM STEPHENS: Is it the case that the item with which we are dealing is not one envisaged to apply under that standing order? We are dealing with an item appropriately dealt with as an order of the day by virtue of the custom and practice of this House. Therefore, it is no longer an adjourned motion, but a motion which appropriately is an order of the day.

The PRESIDENT: Order! No. When one hour has elapsed and debate is still in progress and leave is not granted to continue that debate, the requirement is that the continuation of the debate be the first matter of business in respect of motions on the next sitting day. That has been the case on this matter.

Hon TOM STEPHENS: I am trying to ascertain whether an avenue is available to get the Leader of the House to agree to extend debate on orders of the day so the matter can be brought to a resolution.

The PRESIDENT: Order! That is something the Leader of the Opposition will need to take up with the Leader of the House as part of what I assume are ongoing negotiations regarding the business of the House.

Debate Resumed

[Debate adjourned, pursuant to Standing Order No 164.]

STATE TRADING CONCERNS AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and returned to the Assembly with an amendment.

CURRICULUM COUNCIL BILL

Second Reading

Resumed from 12 June.

HON DERRICK TOMLINSON (East Metropolitan) [4.35 pm]: The Notice Paper appears to contain an error.

Hon N.D. Griffiths: There are several.

Hon DERRICK TOMLINSON: Notice Paper No 26 indicates that I spoke last Thursday on the Family Court (Orders of Registrars) Bill.

Hon N.D. Griffiths: I was sorry that I missed your speech!

Hon DERRICK TOMLINSON: So am I!

The PRESIDENT: Order! The honourable member is correct; the Notice Paper should indicate the continuation of remarks by Hon Derrick Tomlinson on the Curriculum Council Bill.

Hon DERRICK TOMLINSON: When I was interrupted at the end of the day's proceedings last Thursday, I had agreed with Hon Ljiljanna Ravlich that the implementation of the curriculum framework philosophy in relation to student outcomes will require substantial investment of resources for teacher development. I made the point also that inadequate resources have been made available in the government school system for teacher development for almost a decade.

An agreement between the Commonwealth Government and the States in the mid-1980s determined that the Federal Government provides for professional teacher development through special purpose payments. The amount to be specified rested with the Commonwealth Government, as did the decision to withdraw those specific purpose payments for teacher development.

Even so, it is irrefutable that the implementation of the curriculum framework will require a great deal of resource allocation for the professional development of teachers. However, that is a matter not for the Curriculum Council or this Bill, but for education service providers; namely, the Education Department in the case of government schools; the Catholic Education Commission in the case of Catholic schools; and the Association of Independent Schools in respect of other schools.

This matter has already been addressed by the Education Department of Western Australia as its implementation program provides for one year's discussion -

The PRESIDENT: Order! There is too much audible conference in the Chamber as about three different meetings are being conducted.

Hon DERRICK TOMLINSON: I was having difficulty hearing myself.

Hon Ljiljanna Ravlich: Never!

Hon DERRICK TOMLINSON: The year of discussion and consultation regarding the curriculum package will be 1997 and schools will be required in 1998 to develop a detailed implementation plan, and between 1999 and 2003 schools will decide their own implementation program. Therefore, it is anticipated that it will not be until 2004 that the framework, together with outcome standards based upon student outcomes, will be operational in all government schools. It will be left to the discretion of the non-government sector to determine its program of implementation.

Two aspects are significant in that program: First, the schools will decide the rate of integration of their implementation program according to the needs of their children, which is most important in answering the concerns Hon Ljiljanna Ravlich raised, particularly in respect of Aboriginal schools. Let us be honest: Remote area Aboriginal schools have very special needs, and the curriculum of those schools must be clearly tailored to the needs, experiences and life circumstances of those children. The curriculum framework will provide for the implementation and development of curriculum according to the needs of every child in every school in this State, whether government or non-government. The curriculum will be child-focused.

Hon Ljiljanna Ravlich: If it does that, we will be happy.

Hon DERRICK TOMLINSON: I am not so confident that I would dismiss the "if", because there are some real problems. One problem is that teachers will need to be competent in the philosophy and practice of education according to student outcomes. Teachers will also be given greater responsibility for developing their learning programs by using learning materials and putting together instruction packages to meet the student outcomes. The student outcomes for which the Curriculum Council will ultimately be responsible will be nothing more than a statement of the anticipated outcomes. The processes of instruction, the development of the curriculum, and the choice, selection and development of learning materials will be the professional responsibility of teachers. Teachers' skills will need to be upgraded considerably if they are to make the transition from the curriculum and form of instruction which dominates our schools now to the curriculum and form of instruction which are envisaged in this curriculum statement to be implemented by 2004.

The Education Department of Western Australia has recognised that fact in its implementation plan, which provides for the allocation of resources for teacher education and makes the point that while each school will be responsible for its own implementation program, resources for the professional development of teachers will be available as schools need them and not according to a program that will be implemented year by year, term by term, month by month or week by week across the State. Therefore, if teachers at Pundulmurra, Cundelee or wherever need resources at a particular time, they will be made available at that time.

The program of curriculum implementation will be directed towards the needs of children and also the needs and pace of development of teachers. That will be the responsibility of the Government and the Education Department of Western Australia with regard to government schools and of other agencies with regard to the non-government school sector.

I have some reservations about the proposed membership of the Curriculum Council in clauses 5 and 6. The council will comprise a chairperson appointed by the Minister, a chief executive officer appointed by the Public Sector Management Office, and 11 other persons appointed by the Minister. Three of those 11 persons will be persons who, in the opinion of the Minister, have experience and expertise in industry, education or community affairs. The other eight persons will be appointed as nominees of specified agencies: Two are to be nominated by the Chief Executive Officer of the Education Department; one is to be nominated by the Catholic Education Commission; one is to be nominated by the Association of Independent Schools of Western Australia; one is to be nominated by the chief executive as defined in the Vocational Education and Training Act; one is to be nominated by the universities; one is, in the opinion of the Minister, to be a representative of the interests of teachers and is to be appointed after consultation with the State School Teachers Union of Western Australia and the Independent Schools Salaried Officers Association; and one is, in the opinion of the Minister, to be a representative of the interests of parents and is to be appointed after consultation with the Western Australian Council of State School Organisations and the Parents and Friends Federation of Western Australia.

While that composition is broadly representative of bodies with a direct interest in education, I have reservations about delegate representation. I will illustrate that by reference to the Commonwealth Schools Commission, which was established by legislation in 1973 and comprised people who represented national interests in education, such as the Australian Teachers Federation, and people from the government and non-government schools sector. Each agency which had a direct interest in education was invited to nominate a delegate to the Schools Commission. The Minister had no discretion with regard to the appointment of the delegates but was bound to accept the nominations.

However, a problem arose when those representatives began to operate as delegate representatives and to base their considerations not upon the information that was available to the Schools Commission at a particular time but rather upon the directions from and vested interests of the bodies which they represented.

The net result was that by 1983, the Commonwealth Schools Commission, or the Australian Schools Commission as some people preferred to describe it, became unworkable because it could not reach consensus in its deliberations. The then commonwealth Minister for Education had to revise the Act to require each of the nominated bodies to present to the Minister a list of the three persons whom it had nominated, and the Minister would decide which of those nominations to accept, based upon each nominee's experience and expertise in education rather than upon each nominee being a representative of a particular vested interest in education.

We must learn from the experience of the Commonwealth Schools Commission. I express a reservation that unlike the three persons to be nominated by the Minister for Education, who will have experience and expertise in industry, education or community affairs, the other eight persons who will be appointed to the Curriculum Council will run the risk of becoming delegate representatives of vested interests in education.

I draw your attention, Mr President, to the board of secondary education, to the Secondary Education Authority, and to the domination of the decisions of those bodies, particularly the Secondary Education Authority in curriculum for years 11 and 12 of our schooling. Those decisions were dominated by the vested interests of the universities. Again we return to the point made very early in her address by Hon Ljiljanna Ravlich, which is the problem of the tail wagging the dog. The vested interests of the universities determined the outcomes of the deliberations of the Secondary Education Authority where matters of syllabus for examinations were discussed; in fact, the examination panel was dominated by the universities. The chairman of examiners in each of the examining panels had to be a representative of the tertiary institutions. Rather than freeing up schools to develop curricula and teach according to the needs of children, they were teaching according to the entrance needs of the universities. The tail was wagging the dog. What we have in the curriculum framework is a splendid opportunity for teachers as professional teachers to develop instructional programs which are child centred and take up the developmental stages of the children, such as intellectual, emotional and social -

Hon Ljiljanna Ravlich: Will they be paid for developing the curriculum?

Hon DERRICK TOMLINSON: That is interesting. The professional value of a teacher is now, according to Hon Ljiljanna Ravlich, to be determined only by how much money they are paid and whether teachers will be paid to do the things they are required to do; that is, to assess the level of development of a child.

Hon N.D. Griffiths: Don't misrepresent Hon Ljiljanna Ravlich.

Hon DERRICK TOMLINSON: Listen and learn. They are required to make judgments about the instructional needs of the child, choices about the learning material available to meet them and choices about the instructional strategies according to the learning styles of the child. Teachers make those professional judgments. Those teachers who say, "Open Ford and Bradshaw at page 42 and one-third of the way down you will find a paragraph beginning with 'But'. Read from the paragraph, and I will give you 10 questions afterwards" I would not grace with the appellation of professional. They are journeymen teachers, and not particularly good journeymen either. Whether teachers are well paid is irrelevant; they are paid to teach and within that process to make those professional judgments. For Hon Ljiljanna Ravlich to say that people will do those things only if they are paid to do them is a dreadful condemnation of teachers in Western Australian schools.

Hon N.D. Griffiths: Will the member speak up? I am having difficulty in hearing him!

Hon DERRICK TOMLINSON: I thank the member. There is so much conversation going on I have to speak above it.

I return to the point I was making, that this curriculum framework offers a tremendous opportunity for schools in Western Australia, not merely government schools, but all schools in Western Australia. It offers a tremendous opportunity for the redirection of instruction within our schools and a tremendous opportunity for teachers to restate their professional standing in our community. It gives them the responsibility for making professional judgments about the learning of the children in their charge. For too long we have had teachers spoon fed with learning materials which are represented as curriculum materials - they are not; they are potted learning materials which teachers are bound and obliged to follow because they are directed towards assessment processes which are part of the potted learning materials.

Several members interjected.

The PRESIDENT: Order!

Hon DERRICK TOMLINSON: I welcome the opportunity that is given by the curriculum strategy to release teachers from the cage and allow them a framework in which they can apply their professional competence. My concern is that if the Curriculum Council is composed of delegated representatives rather than people who are making professional judgments upon the curriculum based upon knowledge and expertise and not preconceived directions from their vested authority, that freedom which the curriculum framework offers will be lost. With that reservation about the composition of the Curriculum Council, I commend the Bill to the House.

HON HELEN HODGSON (North Metropolitan) [4.57 pm]: I have looked at the Bill and the legislation which preceded it. The Temby report recommended the establishment of the Curriculum Council. I believe that the thrust of the recommendations in the report has been picked up in the legislation before us. The recommendations state that the functions would be to implement -

- (a) coordination of the recommended curriculum development, K-12;
- (b) the current functions of the Secondary Education Authority, particularly:
 - the preparation of appropriate courses of study for Years 11 and 12 through the existing mechanism of syllabus committees;
 - the assessment of student performance especially in the Year 12 external examinations; and
 - the provision of a voice for the school sectors in the admission processes to further education and training.

The Act itself has basically four objectives. The first is the establishment of the Curriculum Council. I agree with members who have spoken on this issue; the composition of the council is extremely important. The council must be representative of all parties with vested interests in the school system, such as parents, teachers, education authorities, those in higher education and potential employers. The Bill picks this up with the composition of the council. The Bill proposes representation of all those various groups. I disagree with Hon Derrick Tomlinson about the tail wagging the dog. The nominees of those organisations would go to the council with the qualifications, expertise and skills that are needed. In that respect it is selling them short to suggest that they would take directions without an overview of the curriculum.

Hon Derrick Tomlinson: That is not the experience of the Secondary Education Authority. If the member has had dealings with the academic council of her former university, she would know how much information she has been given.

Hon HELEN HODGSON: I take the point. Those bodies have representation because of their vested interest in children. I have some concerns over this aspect of the Bill. The member and I disagree about the automatic right of representation. The Bill provides that parents and teachers do not have an automatic right to representation. It is up to the Minister to nominate who he thinks is qualified to represent the parents and teachers. I have a problem with that. It could mean that we end up with the bodies not having a true say in what is going on. Parent and teacher groups should have more autonomy to choose their own representatives without the filter of ministerial approval, particularly for those groups that are selected by the Minister. So, when it comes to unions or parent groups there are the independent schools' union or parent group and the state schools' union and parent group, and problems arise because all the input comes from either the state sector or the independent school sector.

There is a potential for conflict in the future balance between the state and the independent school systems because the board may be in favour of one group or the other. According to the Interim Curriculum Council's newsletter of May 1996 its membership was 20 but has been cut back to 13 by cutting back on two education authority representatives, one tertiary education sector representative, two teacher representatives, one union body representative and one parent body representative.

[Questions without notice taken.]

Hon HELEN HODGSON: The second aim of the Bill is to provide for the development and implementation of the curriculum framework. We would all agree that much work needs to be done in this regard. The Temby review considered eight subject groupings and recommended an overall framework extending from kindergarten to year 12. At first I was mystified by the shorthand "K-12". I wondered what was this strange creature from outer space that was being foisted on us. It is the curriculum that goes from kindergarten to year 12 in a consistent manner.

Part 3 of the legislation sets out the functions and powers of the Curriculum Council to develop this curriculum. The real test will be in how the council operates and the extent to which it involves expert teachers. Clause 16 picks up the Temby review recommendation that the curriculum be developed through a consultative process. The review also

recommended that the curriculum framework be compulsory, although there should be some flexibility in delivery mechanisms. I was interested to listen to the interchange between members about the extent to which teachers should be involved in developing curriculum. The Temby report says that teachers need flexibility and access to materials of their choice. At the same time I understand the concerns of some sectors of the teaching community that they will end up picking up the work that used to be done in head office without any additional teaching free hours to do that.

The Temby review noted the different resources that teachers draw from in developing classroom materials. I am aware that some concern exists in parent organisations about materials that are currently being marketed to schools as being of assistance in the delivery of the curriculum. Often these materials are developed by external organisations. I would not call them consultants, because they do not have any direct input to the Education Department. These materials are being marketed to the schools as being of assistance in developing literacy skills. Unless there is some way of ensuring quality control, so the material fits in with the curriculum framework and there is some quantitative data on how good are these programs, I see that as a danger.

Hon Derrick Tomlinson: Don't you think teachers are competent to make those sorts of judgments?

Hon HELEN HODGSON: It depends on the opportunity they have to look at this material before it is purchased. For example, the person delivering the material may be removed from the people who are approached by the person who markets this material. The teachers may not have the chance to review the material until the purchase has been made, and it may be totally useless.

Hon Derrick Tomlinson: This is why the implementation framework for schools based decision making is important, and local area planning is even better.

Hon HELEN HODGSON: I will not get into local area planning now. However, I agree that is one of the roles that the Curriculum Council must take on board. We must have flexibility, and the Curriculum Council should be able to step in to give some direction on these issues.

The other issue is promotional and sponsorship material that is often being delivered to schools. We are all aware that certain organisations have been providing posters and that sort of material for some time. Often it is useful as an additional resource. However, we must find out more about the sponsorship policy that is being developed. We must ensure that it does not interfere with the curriculum framework in any way and that any material produced and available under the sponsorship policy is vetted so it is suitable for use in the classroom as an external resource.

It is important to have a system of coordinating our curricula so that students progressing through the school system are monitored to ensure consistent standards of education. It is a step forward that the Bill provides that all providers of education - be they schools, home schooling or independent schooling groups - will deliver the set curriculum unless they have a specific exemption.

I have addressed some issues on the development and implementation of curricula. An additional concern that has been brought to my attention that was identified in the Temby review relates to professional development for teachers. The Temby recommendation was that an initial professional development plan be developed for all schools for each learning area statement and learning area support documentation. The whole area of professional development is a problem at the moment in the Education Department. It is difficult for teachers in remote areas who do not always have the facilities to easily travel to meetings. If meetings are set up in their area it is often a problem to get the time to travel to these meetings to undertake their professional development. That is a concern that needs to be taken seriously. It is not simply a question of being paid extra. Teachers have a real concern about the need for training in curriculum support.

Hon Derrick Tomlinson: The First Steps program was implemented in remote areas. It is interesting because the department took professional development to the teachers rather than bringing the teachers to professional development.

Hon HELEN HODGSON: That is an excellent idea. My stepmother is a principal at a remote school, so I know some of the concerns in accessing these materials.

The third aim of the legislation relates to the development and accreditation of post compulsory schooling. The council is picking up the role and the functions of the Secondary Education Authority and, I hope, leaving behind the problems. It is important that years 11 and 12 provide proper preparation for life after school, whether students are going onto tertiary education or a job, in which case the industry requirements need to be considered. This is an excellent idea. It brings together post compulsory education with the earlier curriculum from kindergarten through to year 10, and provides continuity.

The fourth aim of the Bill is the assessment and certification of student achievement. The Temby review recommended quality assurance processes for years 11 and 12 as per the Secondary Education Authority. It also recognised that student outcome statements would become a part of the education structure; however, it does not recommend specifically in that regard. It was an issue that the Temby review did not have time to assess fully. It is important to monitor progress in some form to measure effectiveness. As a former university lecturer I have seen students from all sorts of different backgrounds coming into the education system. Often they have different experience in education depending on what sector they have been educated in and where they were educated. If we have an overriding consistent curriculum that sort of problem is less likely to occur. We must have a system of monitoring outcomes, both interim and final.

We have heard a lot in the media recently about standards of literacy. I applaud programs such as First Steps which are in place to attempt to ensure that literacy is achieved at certain levels.

Hon Derrick Tomlinson: According to the child's own rate of development.

Hon HELEN HODGSON: Hon Derrick Tomlinson will hear no argument from us on that. In fact, I have some concerns with federal legislation that says outcomes will have to be measured according to a particular formula and how that will fit in with the rate of development of individual children.

Hon Derrick Tomlinson: The Federal Parliament has no jurisdiction over any schools.

Hon HELEN HODGSON: The legislation does not address a number of concerns expressed in the Temby report.

Sitting suspended from 6.00 to 7.38 pm

Hon HELEN HODGSON: Firstly, recommendation 8 of the Temby report refers to the establishment of a professional development plan for each learning area. I referred to that earlier, but my problem is that this Bill does not make adequate provision for professional development and this is a matter of concern to the teaching profession.

Secondly, the rate of change in the area of education has been enormous over the past few years and that ties in with the problem of professional development. Some teachers are already dealing with new programs and developments and this issue should be addressed in a way which will allow teachers to adequately pick up on these changes.

Thirdly, a recommendation of the Temby committee is that the programs should be written by the most expert people in that field. The Bill provides that people can be employed or seconded to the Curriculum Council for the writing of curriculum, but in other aspects of the writing of curriculum it is silent. I would like the Curriculum Council to take that concern on board and to determine the best way to approach it.

Fourthly, it was recommended that the Curriculum Council be funded in consultation with the government and non-government sectors. However, I can see nothing that specifically addresses non-government funding for the Curriculum Council, although I am aware that the interim council was funded from joint contributions. Rather, the Bill provides that the Curriculum Council will receive money in the performance of its functions. Will the private sector provide anything towards the Curriculum Council? If so, on what basis and will a fee for service be involved? What will that fee be and will it discourage the private sector from participating in the process?

HON B.M. SCOTT (South Metropolitan) [7.41 pm]: Previous speakers canvassed a number of areas of concern and interest about the Curriculum Council. In his ministerial statement of December 1995 Hon Norman Moore, the previous Minister for Education, said that he had three main reasons for establishing the Curriculum Council Committee which led to this Bill. The first was that he was keen that a common curriculum framework be available to all schools which establishes what is essential for all Western Australian students to learn. Much discussion has taken place in the House this afternoon and this evening about the content of the curriculum, whether teachers should be in charge of it or whether the Curriculum Council should be directing teachers.

The essence of framing this Bill is to give teachers more autonomy in determining the school curriculum and a common framework rather than a common curriculum. Hon Derrick Tomlinson highlighted some of the dangers of a common curriculum as such, where teachers are confined, directed or determined to teach in preparation for tests or a specific curriculum framework. In developing this curriculum the terms set out by Hon Norman Moore were much broader and in line with what most people would like to occur.

The second reason was that in the past, the Education Department has played a key role in curriculum development. Little curriculum review and development has occurred for the compulsory years of schooling. Hon Norman Moore said that such work was needed.

The third reason he gave was that the community and non-government school sector should have a greater say in the development of the school curriculum for Western Australian children. I support that reason. It is very clear from

previous speakers during this second reading debate that in the past the curriculum in Western Australia has been very much directed by the universities, the Education Department and people involved in that area.

I am very interested in the development of the Curriculum Council Bill which will give teachers the opportunity of teaching at students' point of interest following their assessment. Hon Derrick Tomlinson discussed that in detail. It is an extremely good philosophy. As a teacher in my past life I know every good teacher had to assess students' levels. There is no point in coming from an exterior point and hoping that children will be able to comprehend information.

However, I will confine my comments tonight to the early childhood sector. The comments by Hon Derrick Tomlinson about teaching children at their point of interest are relevant to those years, although it is also the case throughout their schooling.

Early childhood learning is a distinct and fundamental phase of education, providing an essential preparation for schooling and adult learning. It should not be seen as a watered down year 1 program. It is distinct and different from all other areas. It is therefore important that teachers be given autonomy to teach at the children's point of interest.

The danger of teachers not having that autonomy, as was pointed out earlier, is that specific requirements could be imposed on children when they are not ready for them. Comments on early childhood in the curriculum framework book are quite specific about early learning. Before I comment on that, I commend the Curriculum Council Advisory Committee that led to this Bill. It originally intended to examine only the years of compulsory schooling. However, it sought to broaden its focus to encompass the full range of schooling from years K to 12. As a result of the initiatives of this Government the majority of Western Australian children now receive two years of non-compulsory preschool education, one called K and one called P, shortened from kindergarten and preprimary school. Children can now undertake nine years of so-called primary schooling.

I refer to the importance of early learning and how curriculum frameworks are critical in the planning of early learning for young children. Very young children moving from home to a school environment are in what we term a transition phase. They go from an egocentric phase where they relate to only themselves and their family, to a larger body of people. The language and systems of that different, more formal setting and relationships involving schooling must be faced. However, the emphasis in the early years should be placed on the development of personal and social skills and values required for successful schooling and life after school.

Although I am sure the importance of early learning is quite clear to early childhood experts, unfortunately the general public often tends to see it as an unimportant attachment to the primary school just to prepare children for year 1. I have great difficulty with and take exception to that sort of categorising of kindergarten and preprimary programs. The most drastic analogy for the importance of early learning, good programs and stimulation in the early years is to point to the children who were found in orphanages in Rumania. When children are not exposed to many different stimuli, either at home or in another environment, they do not learn anything. The early years are very important. In those early years children learn through a well structured program which complements the work done at home. Therefore, I have always held the belief that parents should be closely involved in their children's early years. I fear that if a stringent curriculum is imposed on preprimary and kindergarten teachers, parents may be excluded and we may move away from the very essence of learning. In the early years children learn through their play. One of the sayings that I have developed as I have spoken to many parents is that children learn through their play. Their play is their work, and they work very hard at it.

That learning through activity or involvement probably can be epitomised by referring to an instance in a kindergarten or preprimary program where the activity involves, say, food preparation such as cooking pikelets. One can cover all the learning areas in that experience. It may be a little more work, it may be a little noisier, and take some preparation but all the outcomes are met when children measure the quantities of flour and sugar. They discover that flour is lighter than sugar. They might measure eight tablespoons of flour to three tablespoons of sugar. They stir the mixture, and watch the pikelets rise. They understand the effect of the heat, and so on.

Little children have a natural curiosity that we must not dampen, that we must develop. The desire to make sense of the immediate, natural, social and technological world is very natural in children. I recall teaching at a small country school when a child brought in a mountain devil. There was no point in trying to carry on with the proposed maths or spelling that day, because that was an absolute opportunity to talk about reptiles, their change of colour, their camouflage, and so on. Little children learn best through direct experience. I am sure that most of us do, but children will learn from their physical activity and involvement. It is very important that teachers have the autonomy to understand and set up learning experiences that will stand them in good stead to prepare children not only for school but also for life. For instance, in a preprimary class when we offer children a number of activities they have the ability for decision making. That is a very important point. When little children get up in the morning they must

decide what clothes to wear, and what to eat for breakfast. Decision making is important in our lives. If we direct children from an early age they do not learn to make their own decisions. We can see that from over-pampered children of eight, nine, 10 or 11 whose parents are still dressing them in boutique clothing because it pleases mum. They may look terrific but all the decision making has been taken from them.

The development and acquisition of language through play, which leads to the ability to read well, is also important. I often cite the example of the difference between girls' play and boys' play at a young age. Girls tend to be more specific. They like to go to the home corner, or to play mum and someone else to play dad. They like to talk about what they did last night, and who does the cooking, and so on. Boys invariably prefer to go out to the sand patch, run around, and use some energy. These days, in day to day life, children are sometimes put in front of television for half an hour while mum gets dressed. Then they are thrown into the car, and rushed to their destination. Boys want to expend some energy, and that develops their motor skills; therefore we invariably find little boys in the sand patch. One can see their absolute concentration on the activity because it is of their point of interest. They may be building a castle with a moat; they help each other, and see that the water goes in the right area. The role of the teacher is to expand on the situation and bring in words such as "moat", if the children do not know it.

The opportunity to learn through play provides the fundamentals of numeracy and literacy. I am concerned that the Curriculum Council may arrive at a definitive, finite, definite curriculum of outcomes for little children in this area. Those of us who are parents, or who have been around children, know that children between the years of two and six vary in their outcomes; so, why put the top on the pressure cooker when a child is ready to learn and another may not be? We should create an environment that is stimulating, so that children can make decisions whether to go to the block corner, read a book, or go outside. At the same time, teachers do introduce a little routine. They are getting the children ready for the routine and the language at school. However, the basic acquisition of language is developed at the children's point of interest, whether a game outside or inside; through stories, a theme or project. They develop that language, and it is very difficult to measure. I do not know anyone who has been able to develop a technology that might measure a three year old's or a five year old's or even an adult's vocabulary ability. So, if we create a stringent curriculum condition how can we teach all children the same thing when they are coming from different points?

Children's autonomy over their learning and decision making is critical. Early education should be child directed; it should encourage children to know the effect of what they have learnt or achieved as a way of developing ownership of their learning. Many examples in the early learning area can be transposed to older learning areas. We may have a subject of importance to a student that the teacher may develop. Why constrain them by confining the areas of learning or outcomes?

The importance of freedom in the curriculum in the early years has been reinforced and reidentified by a very well known person whom I had the privilege to meet last year in England - Sir Christopher Ball, a member of the Royal Society of the Arts which advises the Government. He posed the question in his report, "The Importance of Early Learning": Does early learning matter? His response was that not only does preschool education pay but good preschool education leads to immediate and lasting social and education benefits for all children, especially those from disadvantaged backgrounds. That has confirmed my long held notion that when looking at programs and curricula - and this is a very expansive program the Government has put in place and spent a lot of money on - we must be very careful that in providing the quantity, quality does not suffer. Sir Christopher Ball's report further states that poor pre-school education is almost as little use to children as none at all. High quality provision requires, among other things, an appropriate curriculum "encouraging active learning and purposeful play". The main point I make to the House tonight is that the early childhood curriculum, through high quality programs, must be based on play, lead to the acquisition of language and provide the foundations for literacy and numeracy skills.

The proposed membership of the Curriculum Council disturbed me as it seems that the recommendations of this report were forgotten in that regard. The span of schooling in Western Australia, although we have two years of non-compulsory education, is 11 years of compulsory education to the age of 15. We have nine years of primary schooling and a maximum of five years of secondary schooling. However, the recommended membership of the Curriculum Council seems to be weighted towards secondary and tertiary education. Hon Derrick Tomlinson made the point that such domination of secondary and tertiary representatives on such bodies has led in the past, as could happen in the future - I hope I am not misrepresenting the member - to a focus -

Hon Derrick Tomlinson: A downward press of the curriculum which is university driven.

Hon B.M. SCOTT: Yes, it is teaching to the TEE and tests to which we have become accustomed.

I propose that the composition of the council be considered. It should contain somebody who is skilled, experienced and trained in the early childhood area who can advise the council and the Government on that curriculum.

We have a responsibility also to look closely at some of the parent organisations which claim to represent parents. I am not convinced that the Western Australian Council of State School Organisations, for instance, has ever claimed to represent the early childhood parent sector as its involvement has been minimal in that area. Unfortunately, the early childhood sector has suffered from the view that it is that little bit added to compulsory schooling.

The Curriculum Council Bill needs very close scrutiny and the composition of the council must represent the primary and early learning area to ensure that we focus on proper outcomes for our children at an early age. This is very important. As Sir Christopher Ball said, it is like building houses, so we must have strong foundations by ensuring that our early childhood programs are appropriate; otherwise, we will waste money on poor programs.

Debate adjourned until a later stage of the sitting, on motion by Hon Muriel Patterson.

[Continued on p 4071.]

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Paper

Resumed from 10 June.

HON RAY HALLIGAN (North Metropolitan) [8.05 pm]: Mr President, it is with great honour that I stand in this House tonight to deliver my first speech. Firstly, I congratulate you, Mr President, on your election to the exalted office you now hold. Also, I congratulate Hon John Cowdell on gaining the position of Chairman of Committees and those new and re-elected members who now make up this Chamber.

I am particularly mindful of the course of events which led me to this place. Circumstances surrounding the December 1996 election meant that the North Metropolitan Region was to have a reduction in its Liberal representatives. That could be a story in itself, but it is best left for another time.

My situation started with the resignation of Hon Iain MacLean from the Legislative Council to contest the seat of Wanneroo, which he won in spite of the odds others tried to stack against him. This was followed by the untimely death of Senator John Panizza, who was a dedicated Western Australian who will be remembered for his commitment to the causes, needs and aspirations of all Western Australians. John's position in the Senate was filled by Hon Ross Lightfoot, which provided me with the opportunity to represent the people of the North Metropolitan Region.

I have been given a challenge, one which I will enjoy, and this challenge can also be extended to those members on the other side of the Chamber, particularly those in the minority parties; namely, to continue this great State's good government and financial management which was started in February 1993.

I acknowledge the extraordinary efforts of all members of the Liberal Party in Western Australia. Their untiring work has resulted in the wonderful situation where we again have a Liberal-National coalition Government in this State. The work ethic of these people, a great many of whom will never see their names in any publication, is to be commended - put very simply, their efforts have been outstanding.

I now take a short time to explain some of my background, and I do so for two reasons: Firstly, to show I was not born with a silver spoon in my mouth, and secondly, to explain that no matter how difficult one's childhood, one should not listen to those who expound malevolence and intolerance or allow themselves to be convinced that all their problems are as a result of the Government. There appears to be far too much repetition of the expression, "Why is the Government not fixing the problem?"

I grew up in a period just after the Second World War and my grandparents voted Labor all their lives - not that I held that against them. They lived in an era when total freedom of political expression was not available, and a great number of wives were expected to be educated politically by their spouses. Most of my uncles were manual workers who worked hard and believed they gave value in their time and effort for the pay they received. One uncle in particular worked on the wharves, and many of his stories frightened me. I wondered how businesses could possibly survive having to provide my uncle and his ilk with their outrageous demands. The rhetoric involved reminded me of the story of *The Emperor's New Clothes* in which people accepted anything they were told because they were prepared neither to disagree with those perpetuating the lie nor to dissociate themselves from that group.

It was not difficult for me to realise that there had to be a better future for me and my family than following in this uncle's footsteps. I have never regretted that move to the so-called conservative side of politics. I wholeheartedly agreed with the Liberal philosophy of free enterprise and reward for effort. To those in less fortunate circumstances, I firmly believe that assistance should be made available by Governments, but that this must go hand in hand with the creation of opportunities for those people to learn to help themselves. Two of my many interests are small

business and the plight of the unemployed. I was fortunate to be involved over many years in combining both of these areas of interest in places like Papua New Guinea and Fiji, as well as in Australia.

Over the past 11 years, I have been involved with a state government program called the new enterprise scheme. This program provides a package of counselling, training and assessment of a business proposal, and after care if the business is started. The package has provided tens of thousands of unemployed with the opportunity to explore self-employment as one of their many options of future income generation. I believe the program is an outstanding success as people can argue their case, from an informed position, as to how they would proceed with their future.

One of the successes is the story of a lady with enormous capacity, tenacity and willpower. Limited resources and experience could not stop her from achieving her goal, although it did take two years for her to bring together the land, labour and capital required to start the business. It was no easy task, and many disappointments presented themselves along the way. However, with much hard work and a constant belief in her ability to succeed, succeed she did. The last I heard was that she had started a second child minding centre and was employing a total of 21 people.

I am also involved with a project called Operation Livewire. This project helps those aged between 18 and 25 to develop a business idea they may have with the aid of a mentor. Prize money and possible self-employment are the incentives. I must acknowledge the commitment of the sponsor, the Shell Co of Australia Ltd; the major contributor of mentors, the Rotary Clubs; and the coordinators of the project, Ron and Beverley Whitelaw. Certain dedicated people on the committee stand out. The chairman, Mr Don Mazzucchelli, has been an inspiration since the project's inception. Others who are not far behind are Don Munro, the treasurer, and Veronica Devereux, Pamela Smart, Bruce Thorpe and Ross Passalacqua. One other person who deserves mention, although not on the committee, is Georgette Thomas, who gives an enormous amount of her time assisting others during the judging process.

Operation Livewire is now in its eleventh year, and it has been a pleasure to see talented young people of this State and the undoubted expertise of our present business operators join forces in this manner. The result has often brought forward innovative ideas that in two instances have rewarded Operation Livewire participants with further prizes of \$25 000 from a national competition run by Nestle Australia Ltd.

More recently, a project I started called Enterprising Graduates brought together unemployed university graduates and some Perth businesses wishing to explore export opportunities. The project has training, market research and reporting elements and provides the graduates with a number of advantages: To learn about export marketing and business operations; create networks; use initiative; and possibly find, and later explore, new ways of generating income for themselves. Much gratitude and many thanks must go to the career guidance advisers of the four universities who helped develop and coordinate the final product. The project was, I believe, a success. However, it appears to be waning, like many a good motion, through want of a seconder.

The projects that I have related are the tip of the iceberg. Other projects that have been undertaken have been with Aborigines and the incarcerated, with varying degrees of acknowledgment. All the projects have a theme that revolves around enterprise in its general as well as commercial sense. That theme encourages those who are unemployed to identify and use the abilities that we each have and to divorce themselves from the welfare status that was perpetuated under Labor Governments over so many years. That theme should be started early in our school systems and made obligatory in our high schools.

During my short stay in this place, I have heard some members suggest how this wonderful State of ours should progress. Some of the negative suggestions concern me, because when one is constantly reactive rather than pro-active, one wonders whether we will see progress or stagnation. It would be wonderful to always be able to take the high moral ground on issues, but can the future generations of Western Australians be best served by our continually looking for the easy political option? I will be interested to hear the reaction of the representatives of the Greens (WA) when the dilemmatic economic decisions have to be made. A number of these decisions will reflect on the State's ability to reduce the level of unemployment and ease the burden of those less well off than ourselves.

I will digress slightly to reflect on some lauding of the previous Federal Labor Government and comparisons made between it and the present Howard Government on the long term unemployed numbers; suffice to say that members opposite would do well to remember that the previous Federal Labor Government brought a whole new meaning to the term "creative accounting" in determining the periodic numbers of the long term unemployed.

It has also been suggested that the pay, conditions and superannuation of members of Parliament should be the same as those of public servants. I wonder whether we will be selective in the conditions to be transferred or whether we will all be made permanent politicians, with no more preselections and no more elections. It is beginning to sound good! This type of ultraism seems to be commonplace with many new members from the other side until their colleagues have the opportunity to explain the imperfections in their suggestions. One must be very careful what

concept one tries to bring to implementation. History has shown what can happen after 10 years of inept financial management from the concepts of members opposite. I am sorry; I should have excluded the Greens and the Democrats from that statement. However, only time will tell if they can continue to be excluded.

I now move to my family. Judith and I have been married only once - I am not sure whether that puts us out of step with the rest of society - and that for a period of 37 years. In fact, our anniversary is tomorrow.

Hon N.F. Moore: Hear, hear!

Hon RAY HALLIGAN: We both believe that the family structure of our society is all important and the marriage vows are the heart of that structure. I am not suggesting for one moment that we have not had our problems, but when we married we said, like so many others, for better or worse and for richer or poorer, so when times are difficult, we know we must stick by one another. We have four children of whom we are very proud. Craig is completing a degree to endeavour to find a new direction after working for Hon Cheryl Edwardes for many years. Allison is an office manager for a printing company and has also presented us with two lovely grand daughters, Laura and Anna. Dean has qualifications as an industrial chemist and is now studying to be a vet. Jennifer is studying to fulfil her ambition of a career in law.

I wish to thank the staff of Parliament House for their assistance to me and their professional approach to their duties. They have made settling into the routine associated with this great institution that much easier.

In conclusion, I sincerely trust that all members retain their health and wellbeing in the years ahead and that their final deliberations will reflect the decision of the majority of all voting Western Australians. I thank the House for its indulgence.

[Applause.]

Debate adjourned, on motion by Hon N.F. Moore (Leader of the House).

CURRICULUM COUNCIL BILL

Second Reading

Resumed from an earlier stage of the sitting.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [8.20 pm]: I thank the members who have contributed to this debate. The Bill is a very important piece of legislation. As some members may be aware, it originated during my time as Minister for Education. It was one of the reforms which I believed were very necessary and appropriate to education in Western Australia. For that reason I am pleased that the Bill has now progressed to this point where we can only hope that it will become law and that a Curriculum Council will be established in Western Australia to make a significant improvement to the quality of the curriculum in our schools.

Nothing is more important in the education system than what children learn. The content of the curriculum - in other words, the things that children learn at school - is absolutely fundamental to any education system. It is therefore very important that we get the curriculum right. It does not matter how good the teachers are or how good the system is, if what we are teaching does not have the right content, slant or emphasis, the whole education system will simply not deliver in the way it should. I am very pleased that we have reached the point where a new Curriculum Council is to be established in Western Australia with the aim of ensuring that our curriculum is the best that can be delivered in Australia, or, indeed, anywhere in the world. It can be the best, if we do it right and make sure that the processes and structures we are putting in place tonight work and that people who become part of the new structure adopt the approach that curriculum is vital and that it should be seen as vital to a very progressive education system.

I listened with some interest to the comments of Hon Ljiljanna Ravlich on this Bill. I felt the member had a rather negative approach to a number of issues. It is unfortunate that she was seeking to raise a number of matters on this Bill when it is a positive Bill that does not need us to stray off into some of those negative areas in the education system. The member talked about some lack of definition of a curriculum framework and complained a little about the fact there was not as much detail in the Bill as she would like. A couple of other members also raised the same issue. I make it clear that we are beginning a new path in curriculum development in Western Australia. There is still a long way to go before we arrive at a final position where the new curriculum starts to appear at our schools. Clause 4(b) of the Bill defines the curriculum framework. As time goes by the framework necessary for the new curriculum will be produced and made available to the community. It will go through the process which this Bill seeks to achieve; that is, allowing for community involvement in the curriculum that is taught in our schools.

A couple of members raised the question of professional development of teachers and how important it is if we are to make changes to the curriculum. I concur with that point of view. One of the reasons there was some dispute with

the State School Teachers Union during my time as Minister was that I was seeking to include in the enterprise bargaining arrangements at the time a requirement that teachers do a certain amount of professional development in their own time. That was very strongly resisted by the SSTU. It did not support the idea of professional development out of school hours. I still believe - and a degree of this was achieved in the enterprise bargaining agreement - that teachers are required to spend some of their non-attendance at school time undertaking professional development. It is vital for the future of the education system and the teaching profession in particular that we have in place a proper and sensible system of professional development. The members of every other profession that I can think of are required to engage in a certain amount of professional development. If one wishes to be a member of the accounting profession, one needs to be a member of an accounting association. In order to be a member, one must undertake a certain amount of professional development every year; that is a compulsory requirement. The same applies to most other professions. I strongly hold the view that if the teaching profession is to maintain the standards people believe it should maintain, then some compulsory system of professional development is necessary in the future.

I began the process of setting up a centre for professional excellence in teaching. Unfortunately, it has not yet come to fruition. I live in hope that these things will eventually occur. It is vital for us to ensure that professional development becomes a significant part of the ongoing training and upgrading of the skills of teachers in Western Australia. Part of that involves not just upgrading the skills of individual teachers but also providing them with support and assistance in respect of curriculum change. I have no doubt that will have to be provided if this new curriculum framework process is to be successful.

The curriculum framework will be released for public consultation in July 1997 for three months. It will then be revised and released in 1998, which is scheduled to be the planning year. Implementation will not take place until 1999, when it will be phased in over three to five years. Therefore, there is a significant period of time to ensure that the required professional development is made available to teachers so that they become comfortable with the changes that will take place in the curriculum of our schools.

Hon Ljiljanna Ravlich also referred to civics education and asked a lot of questions about what values would be taught and who would decide what were those values - would it be the teaching of morals or a discrete unit? Those questions are a little premature. We are putting in place a framework. A framework is just that; it is the skeleton upon which the muscles and tissue and so on are built. That will come about in time as we work through the development of the curriculum.

Hon Ljiljanna Ravlich: It sounds like policy on the run.

Hon N.F. MOORE: The member sounds like the most negative lady I have met. I thought she was initially and now I am convinced.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: This process began with a review conducted by Therese Temby, a very competent educator. She is competent enough to be the head of the Catholic Education Commission. I have enormous regard for her. She and Jerry Skivinis, another highly respected educator who at the time was Deputy Director of the Education Department, were given the task of working out how we should go about improving the curriculum in our schools. They conducted a very significant and in depth inquiry, out of which has come this legislation. Out of the legislation will come a framework for the curriculum, and out of that framework will come the detailed support and advice that teachers will require for the new learning areas within the curriculum. The biggest mistakes that have been made in education have been when curriculum decisions have been made without significant research, initial hard work and the necessary community input. If we look back through the history of the education system in Western Australia, at the achievement certificate and other areas where serious errors have been made, we can see that we are putting this curriculum in place at the correct pace. It will be done in a way which will ensure that at the end of the day we have a curriculum in Western Australian schools which is the envy of the rest of the world.

The question the member asked about drug education and so on will be asked by the Curriculum Council as it goes about putting into place the new curriculum frameworks and the new learning area programs. When I say it is a little premature I am saying that we are only putting in place the process and the structure. Out of that will come an opportunity for Hon Ljiljanna Ravlich to make her views about what she thinks ought to be or ought not to be in the curriculum well and truly known. She can ensure that her people take notice of her views on civics education.

This legislation ensures for the first time that I can remember that the community will be asked what it thinks about the curriculum. The system will not be in the future what it has been in the past; that is, the preserve of people who live in Silver City who tell our children and the community what the content of the school curriculum will be. I have

always been concerned that the people who decide what our children learn are in no way accountable to the community. The education system has never recognised that it has clients, that there are people who receive education. For far too long education decision making, including curriculum development, has been carried out by those people who deliver education, not those who receive it. The receivers have always received what the providers thought they needed.

The Curriculum Council is all about saying to the community for the first time, "It is your education system. What your children learn is important to you and you are entitled to have a say in it." I agree with Hon Derrick Tomlinson when he says that the representative composition of the Curriculum Council is too specific. I hope that eventually those persons who form the Curriculum Council will be 12 or 13 tried and true citizens of Western Australia who fundamentally represent the interests of this State, who are not there representing the teachers' union, the Western Australian Council of State School Organisations, the universities, the Education Department, the Catholic education system or whoever, but are 12 citizens of Western Australia who can make a judgment about what is right and proper for schools and for our children to learn.

If I have a little worry about this Bill it is that I believe the composition of the council is too prescriptive. However, that is an interim step. Whether the Minister thinks the same way as I is another question. I will continue to work to ensure that the Curriculum Council ultimately becomes a community body, an organisation which represents the interests of the entire community, not the specific interests of specific groups who are the providers of education. In other words, they should be people who represent the interests of the consumers of education, the clients of the education system who for far too long have been totally ignored.

Hon Kim Chance: I was surprised by that point when you said it. I am not an expert in the field.

Hon N.F. MOORE: One does not have to be an expert.

Hon Kim Chance: I know almost nothing about the system and I am genuinely surprised that there was no input from the consumers, as you call them, prior to this.

Hon N.F. MOORE: I am talking about the education system in general and the curriculum in particular. There is virtually no outside input into the curriculum or the way the education system operates. I will be most surprised if the member can tell me whether he was ever invited to make some input into the curriculum of schools as a citizen of Western Australia. The member would never have been asked to make some input.

Hon Kim Chance: They probably would not want my view.

Hon N.F. MOORE: That is the problem. They should consider Hon Kim Chance's view because he has views on things which are worthy of consideration.

I have a strong opinion about this. Most of the reforms I was seeking to put in place as Minister were based on the basic notion that for far too long the education system had been the preserve of those who worked in it. I include in that head office, teachers, the unions, the Western Australian Council of State School Organisations, universities and all those people who have a particular vested interest in education to the exclusion of those people who consume it. Who is looking after the interests of the students or parents?

Hon Tom Helm: I thought WACSSO did that.

Hon N.F. MOORE: With respect, in many ways WACSSO has regrettably become an industrial organisation. The teachers' union has never been a professional organisation either; it is an industrial organisation.

Hon Derrick Tomlinson: The Education Act specifically excludes them from making educational decisions.

Hon N.F. MOORE: I do not wish to take up a lot of time tonight other than to say that we are heading in the right direction with this legislation. Members will gather from my comments that I do not propose to support the proposed amendments of Hon Ljiljanna Ravlich which call for the automatic right of representation of the teachers' union or WACSSO on the council. Curriculum is not an industrial relations issue. Curriculum is what our children learn. The teachers' union's prime role is not about being involved in curriculum.

Hon Ljiljanna Ravlich: It represents 12 000 teachers.

Hon N.F. MOORE: I did not interject much on Hon Ljiljanna Ravlich, so I do not intend to interject much on her!

Hon Tom Helm: Don't get so touchy.

Hon N.F. MOORE: I am not feeling too well.

The PRESIDENT: Order! If the Leader of the House directs his comments to me there will be no need for interjections.

Hon N.F. MOORE: I will be opposing the proposition to extend the representative nature of the Curriculum Council to ensure that it has a representative from the teachers' union or the private school union or WACSSO or the parents and friends association, because the idea of the Curriculum Council is to ensure that the curriculum is in the hands of those people who have an interest in curriculum. As I have said, my fundamental preference is that it consist of 12 tried and true citizens of Western Australia - a bit like a jury - who can look at things from a broad perspective and as community members rather than as individuals representing particular interests.

Hon Derrick Tomlinson explained this in a way that I could never do. He explained it clearly when he talked about the former Commonwealth Schools Commission, which, when it was set up in the 1970s by the Whitlam Government, was seen to be the best thing since sliced bread but which set education back many years.

Hon Tom Stephens: What nonsense!

Hon N.F. MOORE: It did. It was as if someone had opened the heavens and the old cargo cult developed.

Hon Tom Stephens: Some quality work was done and you know it.

Hon N.F. MOORE: Some good work was done, but it also set the system back a long way.

Hon Derrick Tomlinson: Dr Peter Tannock will tell you he was constrained by his own members who were operating not in the interests of the schools commission but in the interests of the bodies they were there to represent.

The PRESIDENT: Order! Hon Derrick Tomlinson had his opportunity during the second reading stage.

Hon Mark Nevill: What you are saying is that the Minister for Education has mucked up this Bill.

Hon N.F. MOORE: What I am saying is that this Bill is a step in the right direction and I hope in time to convince even members of the Opposition of the need to go beyond the partial representative nature of the current Bill to the situation of having 12 tried and true citizens on the Curriculum Council.

Hon Helen Hodgson talked about professional development. We must ensure that personal development is available for teachers as change is implemented in the system. There is no question about that and I acknowledge that, as does the Minister.

Hon Ljiljanna Ravlich: Has it been budgeted for?

Hon N.F. MOORE: Yes.

Hon Ljiljanna Ravlich: Over and above the \$6m that has been allocated to the establishment of the Curriculum Council?

Hon N.F. MOORE: Professional development has been budgeted for, but I do not know if it is specifically budgeted for this aspect or for some other aspect. Hon Ljiljanna Ravlich seems to think that we must have a note saying "PD for Curriculum Council, \$5 million". Line items enable the Education Department to have some flexibility.

The member talked about cuts to education. The amount of money allocated to education in Western Australia since the coalition has been in Government has increased significantly. Considering the financial circumstances the former Labor Government left us, the coalition Government has done well in education, and the increases have been significant. The member should be the first to agree that if we spend less money on head office and more money on schools we have a better chance of providing better education. That is the direction in which the Government is now heading. The Government is not cutting expenditure, it is redirecting it to more important areas. The same argument can be used for all sorts of changes in the delivery of education in our schools.

Hon Helen Hodgson also asked whether the private sector was providing funding for the Curriculum Council. I understand that \$200 000 is coming from the private sector to assist in the funding of the Curriculum Council, but I also acknowledge that the community has an obligation to ensure that the curriculum provided for all students in all schools is consistent and that the council must provide a quality curriculum for all private and government school students in Western Australia. As the member would be aware, both the Federal Government and the State Government allocate significant funding to the private school system and it is not out of the question that funding should also be provided to ensure the curriculum is provided to the non-government sector.

Hon Barbara Scott talked about the preprimary education system and the need for the Curriculum Council to be well aware of the needs of preprimary, early childhood education. She talked about an amendment at one time to increase the number of members on the Curriculum Council to take into account a person with preprimary or early childhood

education experience. I understand the size of the Curriculum Council cannot be increased without transgressing the fact that the Bill deals with funding and, therefore, this House cannot deal with this issue of appropriation. Her views will be well and truly understood by the Minister, who I hope will look at the appointment of one of the community members on the council being a person with an understanding of early childhood education.

This is a very important day in the education system of Western Australia. I have a lot of pleasure in seeing this Bill reach this House. Further improvements can be achieved in time. I am concerned that some of the proposed amendments, which I will debate in Committee, may set us back a step or two. I will argue the case at that time. I thank members who enthusiastically supported the Bill and also those who had a lukewarm approach to it, who I hope will see the significant importance of this legislation in the overall scheme of education in Western Australia.

Question put and passed.

Bill read a second time.

Requested Amendments

HON LJILJANNA RAVLICH (East Metropolitan) [8.41 pm]: I move -

That the following message be sent to the Legislative Assembly -

That the Legislative Council request the Legislative Assembly to make the following amendments -

- (1) Page 5, line 14 - To delete "11" and substitute "13".
- (2) Page 6, lines 17 to 28 - To delete the lines and substitute -
 - (g) one is to be nominated by the State School Teachers Union of Western Australia;
 - (h) one is to be nominated by the Independent Schools Salaried Officers Association;
 - (i) one is to be nominated by the Western Australian Council of State School Organisations (Inc); and
 - (j) one is to be nominated by the Parents and Friends Federation of Western Australia (Inc).

I move this amendment because those on this side of the House firmly believe the State School Teachers Union and the Independent Schools Salaried Officers Association represent the interests of teachers and have approximately 15 000 members. It is absolutely appalling that they do not have a place on this Curriculum Council.

Ruling by the President

THEPRESIDENT: Order! I allowed the member to give notice of this motion that she seeks to move by way of a requested amendment to the Legislative Assembly. She has done that and has explained the reasons for wanting to move in this way. There is no need to go into matters of debate. We must now consider whether the requested amendment can be moved at this stage. Standing Order No 270 would have allowed her to go into Committee and she could have raised the point there; however, as I have advised her informally, section 46 of the Constitution Acts Amendment Act, in particular section 46(4), makes it very clear that although the Legislative Council can amend a Bill that is not a money Bill, if it attempts to amend a Bill and in so doing increases the proposed charge or burden on the people, that would be in breach of section 46(4) and, as such, would be out of order.

I have had an opportunity to consider the requested amendment raised by the member. It clearly conflicts with section 46(4) and, therefore, I am obliged to rule it out of order.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Objects -

Hon LJILJANNA RAVLICH: I have some concerns about this clause, particularly subclause (b). I seek some feedback on how prescriptive the curriculum framework is to be in setting out the knowledge, understanding, skills, values and attitudes that students are expected to acquire. Further, when will students be expected to acquire these

outcomes? Will these outcomes be expected at the end of a course of study, or at the end of a unit of study, or at the end of the year?

Hon N.F. MOORE: The member should talk to Mr Albert from the Curriculum Council to discuss with him in some detail the process being put in place to determine the curriculum framework. The framework is the bones upon which the curriculum structure is built. It is not meant to be a syllabus; it is not meant to be prescriptive in every detail. It is a broad overall framework of curriculum upon which schools will have the flexibility to make variations. It is not intended to be totally prescriptive. It is intended to set the pathway for the development of the syllabus around that framework. I do not know that I can do much better than that answer because it is a little difficult to explain what it is without the member looking at it.

The framework will cover the curriculum from kindergarten to year 12 to ensure a coordinated curriculum and it will establish benchmarks for assessing progress within the context of that overall framework. The Government hopes to avoid the situation that occurred in the past in which years 11 and 12 were the prerogative of the Secondary Education Authority and essentially everything up to that came from the Education Department. I know my explanation is a little wishy-washy. I suggest that the member sit down with the people who are putting together this framework. It is no secret. It is a learning curve for everybody to work out how best to put together curriculum under this legislation. It is not intended that the framework be specific on the content of the curriculum, but that it include the general thrust of curriculum development.

Hon Ljiljanna Ravlich: We would want it to be a little better than wishy-washy.

Clause put and passed.

Clause 5: Curriculum Council established -

Hon KIM CHANCE: Subclause (4) states that the council is an agent of the Crown enjoying the status, immunities and privileges of the Crown. Does the council purport to have the shield of the Crown? In clauses of this nature we have become used to seeing the words "it is a body which may sue or be sued". Why are those words not included in this clause? Is the reason for the omission of the words accounted for in subclause (3) on proceedings against the council in its corporate name?

Hon N.F. MOORE: I am at something of a disadvantage in not being the person who put together this Bill. My understanding is that this is now a standard clause that is included in Bills of this nature for organisations of this type. The council is not meant to be a trading agency, so it may not be an agency that would necessarily be in the category to which the member refers. I do not know the reasons for the form of words that is used for this agency, but if the member wants to know the answer, perhaps I can find out for him in due course and let him know.

Clause put and passed.

Clause 6: Members of Council -

Hon B.M. SCOTT: I have heard the ruling of the President on Hon Ljiljanna Ravlich's amendment; however, I would like my request to be put on record. That is, I would like to move that on page 5, line 14, "11" be deleted and substituted with "12", and that on page 6, line 16, the words "one is, in the opinion of the Minister, to have training, expertise and experience in early childhood education" be inserted as paragraph (g). I understand 'een ruled that this amendment would contravene section 46 of the Constitution Acts Amendment Act. I would like that clarified. I request the Minister to seek the Government's authority to amend the Bill.

The CHAIRMAN: The member has placed her views on record and that is all that is possible at this stage.

Hon N.F. MOORE: As members know, Hon Barbara Scott has a long and abiding interest in early childhood education and believes, quite reasonably, that if there is to be a representative council, it is important that it include someone with early education experience. In view of your ruling, Mr Chairman, and that of the President, I will ask the Minister for Education whether he wants to amend the Bill in the other place and send it back here or whether he will ensure that one of the other members, albeit being appointed in a different category, has some understanding and knowledge of early childhood education. This legislation is about kindergarten to year 12 curriculum development. It is just as important, if not more important, to have someone on the council who understands early childhood education as it is to have someone who comes from the university sector.

Hon DERRICK TOMLINSON: I find questionable the argument that the amendment is contrary to the Constitution Acts Amendment Act and that a motion to change the composition of the council is deemed to be a charge against the State. All the legislation will do is set up the Curriculum Council. A budget provision would be necessary in the appropriation Bills to fund such a council. I suggest it is beyond the power of the Legislative Council to change an appropriation of that kind, but this Bill is to determine the composition of that council. If, however, that view is

persisted with, I suggest a way in which the concerns of Hon Barbara Scott and Hon Ljiljana Ravlich can be accommodated is to delete from the Bill clause 6(2) and (3). That would leave the council to consist of the following members: A chairperson appointed by the Minister, the chief executive officer and 11 other persons appointed by the Minister. They might well include a person who has recognised knowledge, experience and expertise in early childhood education. Those 11 persons might include a person who is chosen for his or her experience and expertise in teaching, representing the interests of the teaching profession. They might include a person who is a member of a university and represents the interests of universities, and so on. The discretion would be entirely in the hands of the Minister and the Minister would be able to choose people according to their capacity to contribute intelligently, on the basis of experience, expertise and knowledge, to the deliberations of the Curriculum Council. In the first instance, I have my doubts about the ruling that an amendment is a charge against the State. However, if that is persisted with, I suggest those matters raised by Hon Ljiljana Ravlich and Hon Barbara Scott can be easily accommodated by that simple deletion from the Bill.

The CHAIRMAN: Having been guided by the ruling of the President in this regard, I believe a message of the nature proposed is out of order. However, it is open to any member to move for the deletion of clause 6(2) and (3).

Hon CHRISTINE SHARP: Like many other members, I have concerns about this clause and the persons to be appointed to the council. I fail to understand why there appear to be two classes of people, one class who in the opinion of the Minister are fit for such an office, and the other class who are fit to be nominated by education interest groups. What is the reason for these classifications?

Hon N.F. MOORE: Clause 6(2)(g) and (h) relates to a teacher or a parent representative, and it is the view of the Minister that many organisations represent the interests of teachers for curriculum matters. There is no doubt that in industrial relations matters the teachers' union represents teachers - there is some dispute about who represents principals - but in curriculum matters many organisations in the teaching profession have far greater involvement than the teachers' union. For example, the Science Teachers Association is a highly professional body of teachers with a significant interest in curriculum issues, but not the vaguest interest in industrial relations. From my point of view that would be an equally representative body of teachers as would the teachers' union because it is made up of people with an interest in curriculum. Similarly, the Social Studies Teachers Association and the English Teachers Association. There are many organisations within education where people dedicate their time, expertise and resources to ensuring that they operate through these associations to look after the interests of curriculum and the way in which their subjects are taught. The Minister seeks to consult with the teachers' union and the Independent Schools Salaried Officers Association, and also wants representatives on the council on the basis of their interests in curriculum. If the Committee agrees to the amendment on the Notice Paper, it is quite possible that the teachers' union will recommend - I do not know whether the Minister will accept that recommendation - some people who are very active in the union but who do not know much about curriculum development. They may be interested only in causing trouble in schools and stopping children learning.

Hon Kim Chance: Improving conditions.

Hon N.F. MOORE: That is a silly argument because anybody who says that to achieve their industrial ends teachers should stop teaching children, is clearly not doing anything for children. They are doing something for themselves but nothing for children.

Hon Kim Chance: Not in the long term.

Hon N.F. MOORE: The short term interests of children are being pushed to one side.

Hon Tom Helm: To reduce class sizes.

Hon N.F. MOORE: Hon Tom Helm should not talk about class sizes or he will get himself into a difficult area where he does not understand what he is talking about. Members opposite are going down the path of ruining something that could have been good. I can see the day when Brian Lindberg will sit on this Curriculum Council and say it will not get involved in curriculum development because it will be used as an industrial weapon. I can see Diane Guise from WACSSO using it for her political ends, and that would be a terrible shame.

Hon Ljiljana Ravlich interjected.

Hon N.F. MOORE: She is not there for any other reason. She used it to look after her own political interests. The Minister believes with regard to teachers and parents that many organisations represent the interests of curriculum development ahead of the specific interests of the teachers' union, the Independent Schools Salaried Officers Association, the Western Australian Council of State School Organisations and the Parents and Friends Federation of Western Australia. He is not taking out the teachers' union specifically. He is saying these four bodies should be consulted but they do not necessarily represent the ultimate interests of those two groups with regard to curriculum

development. He will consult with those bodies, which may make recommendations, and if those people nominated have a clear and undoubted interest in curriculum development they will be chosen.

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: Is it not pathetic that a new member has such a negative attitude?

Hon Kim Chance: It is a serious and genuine concern.

Hon N.F. MOORE: It is not. It is another attempt -

Hon Ljiljanna Ravlich: Put in those terms, to me it is very negative.

Hon N.F. MOORE: Recently the teachers' union has an interest in -

Hon Ljiljanna Ravlich: In fighting for the rights of teachers.

Hon N.F. MOORE: It has an interest in setting back the education of many children in Western Australia for an interminable period. The greatest impediment to education in this State is the teachers' union. The things it is asking for at the moment are unbelievable. For 10 years under the Labor Government the teachers had no pay rises or anything other than these special deals on the side, and now they use children as industrial tools. I find that appalling.

The question is why the Minister does not want to give those groups a particular role, and I am trying to explain his view that many organisations in education can nominate a person with particular expertise in curriculum development and it does not have to be the teachers' union, WACSSO, the P & FF or the Independent Schools Salaried Officers Association. The Act requires him to consult, and I have no doubt that if the teachers' union were consulted and its nominee were not chosen it would make sure its views were well and truly known to everybody in Western Australia.

Hon CHRISTINE SHARP: I take the Minister's point; of course, not all representative groups are on this list. I do not disagree that some valuable groups could be listed as potential, worthwhile members of the Curriculum Council. However, why is the Government choosing these two categories, one of which is nominated by the Minister and the other by bona fide professional groups? The Minister has not answered that question. Are there certain groups the Minister feels he can trust and others he feels he cannot?

Hon N.F. MOORE: That cynicism is unnecessary for such a new member.

Hon Norm Kelly: You cannot use that excuse for the next four years.

Hon N.F. MOORE: I do not propose to; I simply said that it is a cynical question and that is not like the member.

Several members interjected.

Hon N.F. MOORE: If members would let me answer -

Hon Mark Nevill: The simple reason is that you are no longer the Minister for Education.

Hon N.F. MOORE: I am bit sorry about that, but that is another story.

The legislation provides that the chairperson be appointed by the Minister. The council also has a chief executive officer and 11 other members. Clause 2(a) provides that, of the persons appointed by the Minister, in the opinion of the Minister three should have experience and expertise in industry, education or community affairs. That ministerial discretion is appropriate because of the huge range of people involved in these areas. Someone must make a decision about them and the Minister is to have that right.

The Education Department and the Catholic Education Commission are integral parts of the education system. It is deemed that the Education Department should have two members and the Catholic Education Commission one. The same applies to the Association of Independent Schools of Western Australia. It is also deemed appropriate that the chief executive officer of the Department of Training, which administers the Vocational Education and Training Act, should nominate a person because the Government is now developing a K-12 curriculum involving significant vocational education training elements, particularly at years 11 and 12.

One person is to be nominated by the five universities, so the Minister will make the final decision. The universities will not like that.

Hon Tom Helm: The Minister will be in trouble.

Hon N.F. MOORE: I would draw a name out of a hat and then blame the Opposition!

As I have explained in respect of the other two positions, organisations other than the State School Teachers Union could easily claim to represent the interests of teachers in respect of curriculum matters. Although the Minister is giving the SSTU pre-eminence by saying that it should be consulted, he is seeking to appoint someone in the teaching profession who can provide that input on curriculum matters rather than asking the union to nominate someone because he sees it primarily as an industrial organisation. The same argument applies to parents; many parents do not subscribe to the views of the Western Australian Council of State School Organisations and the Parents and Friends Federation. In fact, the great majority of parents are not members of either of those organisations, and they are entitled to have their views heard.

Some organisations directly involved in the provision of education have a position on the council, but a whole range of other people who have an interest are appointed by the Minister.

Hon LJILJANNA RAVLICH: I move -

Page 6, line 17 - To delete the words ", in the opinion of the Minister,".

This clause gives the Minister too much discretion. It provides that one member of the council is, in the opinion of the Minister, to be representative of the interests of teachers and is to be appointed after consultation with the State School Teachers Union and the Independent Schools Salaried Officers Association. This leaves it wide open for the Minister to say that he has consulted with people who, in his opinion, represent the interests of teachers. Therefore, he is under no obligation to nominate someone on the recommendation of these organisations.

Hon Norman Moore has gone to great lengths to outline why representatives of the SSTU should not be represented on the Curriculum Council. His very strong argument is that union representatives are primarily concerned with industrial matters. I certainly do not agree with that. The delivery of curriculum is as important as the curriculum itself. This legislation provides that the council can give instructions on professional development programs and the like without any explanation as to how it will be done. The question of curriculum delivery is critical to the effectiveness of this legislation. In addition, the SSTU, as the body representing 15 000 teachers in this State, should very appropriately have a member on the Curriculum Council. The Opposition does not believe that it should be left to the discretion of the Minister to pick and choose someone possibly following some sort of fleeting encounter with the SSTU.

Hon N.F. MOORE: This legislation does not exclude the SSTU from having a member on the Curriculum Council, but provides that it does not automatically have a member. The member talks about the union's representing 15 000 teachers. There are many more than 15 000 teachers in this State and the SSTU does not have a monopoly in respect of the interests of teachers. I have acknowledged that the SSTU is the pre-eminent industrial relations body for teachers. However, it is by no means the pre-eminent body in relation to curriculum development. Hon Ljiljanna Ravlich talks about curriculum delivery and involving teachers in curriculum delivery. This body is not about curriculum delivery; it is about curriculum development, about deciding what children should learn.

Hon Ljiljanna Ravlich: It is about a framework that will deliver that in Western Australian schools.

Hon N.F. MOORE: Why should a SSTU member have pre-eminent rights over a non-SSTU member, or even Hon Kim Chance, in regard to being a member of the Curriculum Council?

Hon Ljiljanna Ravlich: There are plenty of non-union members on the Minister's council.

Hon N.F. MOORE: I will have to accept that this sort of argument will carry on. There has been a genuine attempt by a number of Ministers in this Government to get right away from representative boards of all sorts. As Hon Derrick Tomlinson pointed out, many people appointed to representative boards represent the interests of the organisation from which they come, and do not represent the interests of the board to which they are appointed as members. They cannot get involved in the debate, because they must go back to their organisation and ask whether they can go along with the decisions that the board is making. If the body they represent says no, they are not a fundamental practising member of the board of which they are a member.

One of the great problems of tripartism is that decisions are very hard to make when people must find out what is their representative body's position. That has been one of the great failings of the tripartite process in Western Australia in many areas. I would argue the same thing about the Curriculum Council. If people represent the teachers' union, rather than being a teacher with an interest in the curriculum -

Hon Ljiljanna Ravlich: They represent the teachers and children of Western Australia.

Hon N.F. MOORE: That is what the Bill says, not what the Opposition's amendment says. The amendment says that they must represent the State School Teachers Union of Western Australia.

Hon Ljiljanna Ravlich: If the Minister is going to accommodate them anyway, what is the problem?

Hon N.F. MOORE: I said "may".

Hon Ljiljanna Ravlich: That is right; they will not be accommodated.

Hon N.F. MOORE: They will not be excluded; however, they will not necessarily be included.

Hon Ljiljanna Ravlich: We want to make sure that they are included.

Hon N.F. MOORE: I know that. I am not stupid. I have been in this place for a while. That is why I am arguing against it. I am having some trouble getting this message across. It is the Government's view that there should be a person representing the interests of teachers on this council. The Government's view is that that person does not have to represent the teachers' union and can come from anywhere in the education system. However, the Minister will consult with the teachers' union. The Opposition is also potentially excluding all those teachers who are now members of principals' associations who have withdrawn from the teachers' union because they prefer to look after their own interests.

Hon Ljiljanna Ravlich: The Minister is looking after them.

Hon N.F. MOORE: The Opposition's amendment will exclude the leaders of the education system in Western Australia - the leaders of our schools - from any involvement in the development of curriculum, not from its implementation. The Opposition is being exclusive by excluding certain groups of people; for example, the Science Teachers Association, which would argue that it knows more about curriculum than Brian Lindberg, the president of the teachers' union. Regrettably, the Opposition is ignoring those sorts of issues.

Hon Ljiljanna Ravlich: Why wouldn't the Minister include them under subclause 2(a)? That would allow for three members who, in the opinion of the Minister, have expertise in industry, education or community affairs.

Hon N.F. MOORE: They are the three people who might represent that great body of humanity called the community who want some say about what happens in the education system in Western Australia. They are not necessarily teachers or parents. They may be employers - people who happen to have an important and significant interest in what goes on in the education system in Western Australia, and a view about what we should be teaching our children. We have allowed them three places out of 13. I am sorry there are not more places for them. That is the interim position. There must be some room for them. If we put teachers in their place we are back to where we started, where the industry controls what children learn. That has been what is wrong with the industry.

If members opposite do not believe me I have no hope of convincing them that what I am saying is right. I have been around long enough to know that is what is wrong with the education system: It is run by people with a vested interest. Their main concern is the inputs, not the outcomes. We are trying to get some people on the council who are interested in the development of curriculum for its own sake and not for the sake of the teachers' union, the Western Australian Council of State School Organisations or anybody else, but for the sake of the curriculum and what our children learn. If the Opposition wants to put the teachers' union on this council we will do that; however, it will not improve the council and will be to its ultimate disadvantage. From time to time I have seen the teachers' union use its position on various organisations for industrial purposes. That would be a dreadful shame with this council, because it is not about industrial relations, it is about what our children learn in school.

Hon KIM CHANCE: I will take a view which is not inconsistent with the view of my colleague who has carriage of the Bill, although it is different. As I suggested by way of interjection, this is not the type of Bill in which I normally take an interest. I have been fascinated by clause 6. We have an unusual dichotomy. On the one hand is the argument of whether the means of selection of the council should be more prescriptive, or as prescriptive as it is if we lump them together. That is the view adopted by the Minister for Education, the Government and the Opposition. The Opposition's amendments do not seek to change that; they seek to add to the form of prescription. We have the alternative view offered by the Leader of the House in expressing an opinion - perhaps even a private opinion - and Hon Derrick Tomlinson, who indicated in the words of his amendment that we should be less prescriptive. It is an interesting situation.

Although this is not an area in which I have a direct interest it is a means of management that ties into my own portfolio areas. It is an interesting trade-off; both Primary Industry and Fisheries have the same difficulty with bodies of this nature. I will run through briefly how that works. We have the same dichotomy between a representative body, which is the prescriptive nature, and the free advisory body, which is the type of organisation suggested by Hon Derrick Tomlinson, that is best left to the Minister to make all the decisions and we can have an input to the Minister about what those decisions might be from time to time. The correlations are interesting.

Primary Industry has that exact situation. Because the partnership groups are structured in that way, there is no representative capacity. However, Fisheries has management advisory committees established by Statute which are almost wholly prescriptive and representative in their capacity. People represent fisheries and specific fishing associations, and they play a very important role. The management advisory committees - those more prescriptive committees - work extremely well in the main. The partnership groups - the least prescriptive - may work well; we must give them a bit more time. I will not be critical of the partnership groups; however, they have severe critics among organisations such as the WA Farmers Federation and the Pastoralists and Graziers Association. There is not an immense amount of client satisfaction. For that reason I lean on the side of the prescriptive end of it. Thank you, Mr Chairman, for your indulgence in allowing me to raise that issue, but I am interested in the differences.

The Leader of the House said in his defence of the principle of the selection and role of the council that it provides an opportunity for people with an interest in education to have an input into curriculum development. It is clear that both sides of the Chamber support his view. It is a good idea, if indeed these decisions were made by bureaucrats in the past.

My response by interjection to the Leader of the House, when he asked whether I have had the opportunity to say anything about curriculum development, was wrong. About four or five years ago when my son was in primary school the parents and citizens association was asked fundamental questions about how education should proceed. It was the first time I have known that to happen.

How less bureaucratic will this council be? Subclause (2)(a) covers people with a broad interest in education and it is highly likely that one of those three people will be a bureaucrat. They will be chosen from people who have expertise in industry, education or community affairs, and obviously they will be new and outside influences. It is highly likely that education will be either a bureaucratic or a quasi-bureaucratic source. Perhaps all three will be from outside the bureaucracy, but there is a possibility that one will be a bureaucrat. Paragraph (b) states that two members of the council shall be nominated by the chief executive officer of the Education Department. There is no prescription of the bases on which the CEO will do that. It is highly likely both of those people will be education bureaucrats. Under paragraph (c) one person is to be nominated by the Catholic Education Commission. Again, it is possible that person will be a bureaucrat. Under paragraph (d) one person is to be nominated by the Association of Independent Schools and that person would not be a bureaucrat, but a person whose advice was already available. That is a good inclusion. The person nominated under paragraph (e) is highly likely to be a bureaucrat. Any one of the persons nominated to the council under the five subparagraphs of paragraph (f) will be an academic bureaucrat of some kind.

Hon N.F. Moore: You are talking me into going along with Hon Derrick Tomlinson's position.

Hon KIM CHANCE: If it was not for my experience with the partnership group, I would agree with him. It is not my party's position.

Paragraph (g) concerns me. I do not like the idea that a person will be selected who, in the opinion of the Minister, is a suitable representative of the interests of teachers. I know there must be consultation with the State School Teachers Union and the Independent Schools Salaried Officers Association, but representative of the interests of teachers sounds like a prescription for industrial relations. Perhaps it is unfortunate wording. It seems that again we will have a person who is appointed at the instigation of the Minister, rather than in the interests of the teachers. The same applies to paragraph (h).

I am principally concerned with the concept of non-representative bodies. Non-representative bodies which are established at the Minister's discretion are answerable to nobody. That is what is wrong.

Hon N.F. Moore: They are answerable to the board and the legislation.

Hon KIM CHANCE: Of course they are and they must operate properly in accordance with the Act, as it will be. I have no difficulty with that. They are answerable to nobody except the Minister for the quality of their decisions.

Hon N.F. Moore: To the community.

Hon KIM CHANCE: They would be answerable to the community only if the community put them there. It does not do that and that is the problem I have with partnership groups in primary industry. They are not answerable to anybody. Everyone who has represented agriculture at a policy making or marketing level has at some time been answerable to a conference.

Progress reported and leave given to sit again at a later stage of the sitting.

[Continued on p 4082.]

BANK MERGERS (TAXING) BILL*Assembly's Message*

Message from the Assembly received and read notifying that it had made the amendments requested by the Council.

Committee

Resumed from 12 June. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Progress was reported after clause 4 had been agreed to.

Title put and passed.*Report*

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and passed.

BANK MERGERS BILL*Report*

Bill reported, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and passed.

[Resolved, that the House continue to sit beyond 10.00 pm.]

CURRICULUM COUNCIL BILL*Committee*

Resumed from an earlier stage of the sitting. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 6: Members of Council -

Progress was reported after Hon Ljiljana Ravlich had moved the following amendments -

Page 6, line 17 - To delete the words ", in the opinion of the Minister,".

Hon DERRICK TOMLINSON: I will respond to the comments by Hon Kim Chance when referring to prescriptive versus discretionary representation on a body such as the Curriculum Council, the Wheat Board or whatever. He said that in a body which is formed through a process of what he called discretionary representation, the members are answerable to no-one. That also takes up the point made by Hon Ljiljana Ravlich that the State School Teachers Union represents 15 000 teachers in the state school system. Surely the teachers' union represents a portion of those 15 000 teachers employed by the Education Department who choose to be members and who represent those other members whose membership fees are sequestered from their pay by authorisation, but who are not necessarily voluntary members of the union. However, that is beside the point.

I am taking up the point of prescriptive versus discretionary representatives and from whence the authority derives and to whom such persons are accountable. I do not see this in terms of prescriptive and discretionary representation; rather delegate representation versus trusteeship representation. In the case of delegate representation the authority derives from the body which nominates the individual to the council. In other words, the collective membership confers its individual authority upon the nominee to speak for it. That delegate, with the collective authority of the body that he represents, must speak for the body which authorised him. In other words, he can speak only with the authority of, and as authorised by, that body. That is the delegate representation. Therefore, he is answerable not to the body to which he is appointed, but to the body from which he is appointed. That is important.

The second representation is the trusteeship representation. Again the trusteeship representative might reflect the interests, aspirations and expectations of a group of persons such as teachers or members of an organisation like the State School Teachers Union. However, the authority does not derive from that body. The delegate, the nominee or the representative reflects those aspirations and represents them in a trust relationship, neither bound nor

authorised by, and therefore not accountable to, that body for the decisions. The authority derives not from the body which nominates him, but from the body to which he is nominated. This is particularly important concerning whether the Curriculum Council should be a prescriptive body, to use Hon Kim Chance's term, or a representative, discretionary or trustee body, to use my term.

To illustrate that I take the point Hon Ljiljanna Ravlich made about the State School Teachers Union having a direct and vested interest in the curriculum. I agree with the comment. However, the difference is between what might be termed by some theorists as ideational curriculum and operational curriculum. Ideational curriculum is a framework, a set of concepts, aspirations or, if we like, a statement of educational outcomes set out in a framework, in this case the curriculum framework, that is central to this Bill under eight learning areas broken down into six levels of childhood development. That is the ideational curriculum. That would be the curriculum for which the Curriculum Council will be responsible: A set of ideas which directs policy and practice in our schools. The translation of that ideational curriculum into the operational curriculum or the instructional package is the professional responsibility of teachers. Some people would argue that between the ideational curriculum and the operational curriculum there is a perceived curriculum - in other words, the set of ideas put forward and put into practice in the instructional package. In between, there is an interpretive process which might be done by a group of teachers in a school or by the English Teachers Association or the Social Studies Teachers Association or whatever. However, ultimately, the professional responsibility of teachers is that of the operational curriculum. I would not use that argument to say that teachers should not have an input into the ideational curriculum, but I would argue that it is not the teachers, because of their direct professional responsibility for operational curriculum, who have the sole authority - not in the sense of authorised but in the sense of expertise - to contribute to the ideational curriculum. Therefore, I argue that the person charged with appointing members of the Curriculum Council should have the discretionary authority to choose not a person who represents - in the sense of being authorised to represent or to speak for a given body of persons - but a person who has the authority to make informed decisions on ideational curriculum.

Hon Kim Chance: A qualified decision.

Hon DERRICK TOMLINSON: Not even qualified - we are using "qualified" in different ways! The members of the Curriculum Council are answerable to the authority which derives from their membership of the Curriculum Council. In the Bill their authority derives from the expertise which they are recognised as having to authorise, to qualify them for appointment to the Curriculum Council. If the Curriculum Council is to comprise people who can make discretionary decisions which allow an ideational framework which does not impose a cage upon teachers - in other words, it enables teachers to make professional decisions about the operational curriculum - I would prefer what Hon Kim Chance calls discretionary representation or trustee representation rather than delegated legislation which is being called for by the other side of the Chamber.

The CHAIRMAN: Order! Hon Derrick Tomlinson was quick off the mark. We are considering the first amendment moved by Hon Ljiljanna Ravlich, to delete certain words.

Hon KIM CHANCE: In support of the amendment, I need to describe a little more clearly what I mean. I am genuinely concerned, and that concern is not altogether allayed by the comments of Hon Derrick Tomlinson. My general belief, at least in the preference for delegated authority being better than authority which has no apparent source to which to report and no apparent cause for accountability, arose from experience. When a person is delegated that person knows that whatever he does he must ultimately be accountable. My fears are not allayed by the comments of Hon Derrick Tomlinson, because I do not recognise the authority he has in his own mind so clearly identified. He has said the authority stems from the reason that they are there. I suggest that he is using the word "authority" in a different way from that which I intended. To me, the only authority is the Minister -

Hon Derrick Tomlinson: It has all of those meanings and they apply.

Hon KIM CHANCE: The Minister has accountability for those decisions, as any Minister has for any decision made. I am not concerned about the role of the Minister. The Minister will be better informed as a result of the process. That is why I support the Bill. It is worthwhile to thrash out the issue a little more. Hon Derrick Tomlinson provided an accurate description of delegated authority. It was accurate in theory. In practice, delegated authority is not always as iron clad as he has led us to believe.

Hon Derrick Tomlinson: It is a practice of both sides of this Chamber.

Hon KIM CHANCE: Yes. We have delegated authority and it is relatively iron clad, as is delegated authority within the trade union movement. When I go to the state executive of the Australian Labor Party carrying a vote for the Australian Manufacturing Workers Union I dare not vote against the view determined by the AMWU -

Hon Derrick Tomlinson: And in this Chamber also!

Hon KIM CHANCE: And in this Chamber, although for different reasons! A process of delegation can allow delegates discretion. That was the process with which I was familiar in the WA Farmers Federation where a delegate was allowed discretion on a range of issues but remained accountable to the body that sent him. There was a system where the persons granting the power, or doing the delegating, indicated a range of options. I think that is the practice, although I have never been there, which is fairly common at the national conference of the ALP.

Hon Derrick Tomlinson interjected.

Hon KIM CHANCE: There is a range of options. One can try to achieve option A, but if one cannot, one can put option B or C. It is complicated.

We also have a process of reverse representation, but it is only for the very brave. Reverse representation is where a person is sent by those granting the delegated power. That person then assumes the view formed in the body to which the delegate is sent, returns to the delegating power, states that he has voted against instruction, and gives his reasons. Only the very brave can do that, and it is a mature organisation which can accept that that can occur. Happily I have seen that happen -

Hon Christine Sharp: And with the Greens (WA).

Hon KIM CHANCE: Yes, and my former industrial organisation, the WA Farmers Federation, had a similar view. There were a few brave men and women in that organisation -

Hon Tom Helm interjected.

Hon KIM CHANCE: And the Australian Manufacturing Workers Union -

Hon Derrick Tomlinson: And so it is with the Liberal Party.

Hon KIM CHANCE: Only for the very brave! I am pleased to have had that out because I am disturbed at the lack of accountability in a council elected in this way. With the experience I have had on boards such as this I can predict with reasonable safety that there will be occasions on which we will be sorry that we have stuck with the board in this way. The result of that will be that at times the Minister will be less well advised by the council than perhaps he should be.

Hon DERRICK TOMLINSON: A body appointed by a Government to make decisions on behalf of that Government, or alternatively to make recommendations to the Minister, has this form of accountability. If the body makes recommendations with which the Minister cannot agree, the Minister is not bound to accept them; or, in this case, if the Curriculum Council makes decisions on curriculum matters that are not acceptable to the education service providers, the educational professionals and the education consumers, that body will cease to have the confidence of its clients. The Minister will then be bound to dismiss it. Conversely, if the body gives advice that is the best founded advice possible, given the information available to it in its decision making process, and the Minister refuses that advice, its accountability to the education consumers, the educational professionals and the clients of education is that it is bound to resign.

In a particularly important case the tertiary education commission in the commonwealth education sphere took advice and made decisions and communicated those decisions to the Minister, who then disregarded them. Melbourne University's vice-chancellor of the day expressed the opinion as a member of that advisory body that the Minister in refusing to accept the body's advice had in effect voted "no confidence" in the body; therefore, the body was bound to resign. That question of accountability, which derives from the authority of the authoritative group, is the sort of accountability that will be vested in the Curriculum Council that is envisaged in this Bill.

Hon CHRISTINE SHARP: I will address Hon Derrick Tomlinson's analysis of the ideational work as opposed to the practical curriculum work. I suggest that that kind of distinction is analytical, whereas in real life to divorce ideas and practice is very dangerous.

Hon Derrick Tomlinson: That is why the perceived curriculum is significant; it is the translation of the idea into the practice.

Hon CHRISTINE SHARP: Yes. That is why I have concerns about what Hon Kim Chance pointed out as the dichotomy in this proposal for the constitution of the council between those who are nominated as delegates and those who are there as free representatives. It concerns me that two systems will operate under this legislation. Hon Derrick Tomlinson and Hon Norman Moore have argued that they do not wish to be too prescriptive and that these bodies work best if they are allowed professional freedom to develop their expertise; however, the Government is prescriptive in other areas of the constitution of the council. Two agendas are running. If Hon Derrick Tomlinson is right that we should not be prescriptive, let us go the whole hog. However, why are we prescriptive for some and

not for others? It is not fair that there are perceived to be good guys and bad guys. This factor is important when we talk about fairness.

Although I do not have any experience with education apart from having raised children, I have a little experience in working with the community. My experience is that when working with any group, it is important that people have a sense of ownership of what they are doing. If we ask members of the State School Teachers Union to practise these ideas, we will get a lot more cooperation from them in a good spirit if we involve them freely in expressing their ideas so they are able to put forward their feelings, philosophies and professional experience. It is not fair that they should be discriminated against in this way when other professional boards are not discriminated against. Overall the Curriculum Council is a progressive step for education. I am pleased this Bill is before the Chamber, because it is a good idea; I fully support the idea behind it. However, I want to ensure that in setting it up we do not cause enemies to the idea because they feel they are being excluded from the process. That is bad psychology and it is not the best way to get the best out of the teachers of our children.

Members will agree that the calibre of education in Western Australia is outstanding in many areas. An article in last week's *The West Australian* announced that in science, Western Australian primary school children were the best in the world and that in maths they were the fifth best. They are outstanding results. That is due in part to the dedication and calibre of teachers. It is unfair that the Government should adopt a patronising attitude towards their input into curriculum formulation. I suggest members stop trying to have control over people and that they accept the different opinions of people in the spirit of this Bill, because this Bill has a good spirit. We should take this spirit right through and involve all the major stakeholders in goodwill, without trying to control everyone. In practice we will then get a better result.

Hon N.F. MOORE: I listened with great interest to the previous speaker, who talked about discrimination and exclusion. This clause will enable the Minister to appoint a person representing the interests of teachers from any organisation of teachers that exists in Western Australia now. A person from the State School Teachers Union, the Science Teachers Association of WA, the WA Primary Principals Association, or the Association of Independent Schools could be chosen to represent the interests of teachers. It is inclusive of every teacher organisation in Western Australia. It is not exclusive in the words of the Bill. The amendment discriminates against everybody except the State School Teachers Union. It states the Minister must appoint somebody on the recommendation of the SSTU, and completely ignores the fact that many teachers are not members of that union, and that many organisations representing teachers have a far wider interest in and knowledge of curriculum development than the SSTU in Western Australia. This amendment will exclude them. It discriminates against people who do not belong to the SSTU. It is extraordinary for members opposite to think that by not specifying that the SSTU shall make the recommendation, the Bill discriminates against teachers. That is not the case. The appointee will be a teacher, but it does not have to be a teacher nominated and recommended by the SSTU.

Hon Ljiljanna Ravlich: Why do you object to it so strongly?

Hon N.F. MOORE: I said it may well be somebody from the SSTU. They are not excluded.

Hon Ljiljanna Ravlich: Why will you not guarantee that?

Hon N.F. MOORE: Because we want the best person for the job. That is what this clause is about. The Government does not want somebody who happens to represent the SSTU but who may or may not be the best person for the job. That is the point I am trying to make. I find Hon Christine Sharp's argument to be contrary to the facts. This Bill includes everybody. If she has had no involvement in the education system, she should meet, for example, members of the Science Teachers Association, some of whom are not members of the SSTU but are dedicated science teachers and a full bottle on curriculum. Many members of the Primary Principals Association, who are no longer members of the SSTU, have enormous expertise in curriculum. The same applies to the Secondary Principals Association. Under this clause the Minister can obtain nominations from all those organisations. It may well be that the person nominated will be from the SSTU, and that is likely because the majority of teachers are members of that union. However, if that is specified in the Bill it will exclude everybody else and discriminate against them. For example, my wife is a highly respected principal who is not a member of the SSTU. She could make a significant contribution to the Curriculum Council, but the amendment would exclude her.

Hon Ljiljanna Ravlich: There are provisions in the Bill for you to include them. For example, under subclause (2)(a) you can appoint them.

Hon N.F. MOORE: That is for the community. All the people who pay for the system through their taxes will have a say in this matter. The member's argument is the reverse of what is the case. The Government is arguing for inclusivity and not exclusivity, and specifying one organisation excludes every other organisation. If I knew the names of all the organisations representing teachers, I could argue that they be included but, of course, that cannot

be done because it would not work and it would be impossible to fill the position. The provision gives the Minister the capacity to select the best person for the job from the ranks of all teachers. The amendment means the Minister must take the person nominated by the SSTU, who may or may not be the best person for the job. If the best person is not appointed, that will be a tragedy for education in this State because that is what the council is all about.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the ayes.

The division resulted as follows -

Ayes (13)

Hon Kim Chance
Hon J.A. Cowdell
Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm

Hon Helen Hodgson
Hon Norm Kelly
Hon Ljiljanna Ravlich
Hon J.A. Scott

Hon Christine Sharp
Hon Tom Stephens
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (13)

Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans
Hon Barry House

Hon Murray Montgomery
Hon N.F. Moore
Hon M.D. Nixon
Hon Simon O'Brien

Hon B.M. Scott
Hon Greg Smith
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon E.R.J. Dermer
Hon Ken Travers
Hon Cheryl Davenport

Hon Peter Foss
Hon Ray Halligan
Hon W.N. Stretch

Amendment thus negatived.

Hon LJILJANNA RAVLICH: I move -

Page 6, line 19 - To delete the words "after consultation with" and substitute "on the recommendation of".

The Labor Party is concerned that the clause requires that the Minister must consult with, but is under no obligation to follow the recommendations of, the State School Teachers Union of WA or the Independent Schools Salaried Officers Association. Throughout the earlier Committee stage, the Leader of the House constantly told the Chamber that the Bill did not exclude members from those two representative groups from council membership. However, they are not to be included by virtue of the drafting of the clause. The Opposition would like the teachers' union and the salaried officers' association, as the representative bodies of teachers in this State, to have the right to sit on this council.

During tonight's proceedings, the Leader of the House has on a number of occasions made the point that this Bill will do no more than prepare a curriculum framework; therefore, what interest would the union or the association have in that regard? My reading of the second reading speech, and my research on this Bill, indicates that an important part of the Curriculum Council's work will be to place emphasis on teaching social and civic responsibility as an essential part of the curriculum.

In my contribution to the second reading debate I expressed concerns about how civics would be taught in Western Australian schools. I asked how civic education would be taught, whether it would be a discrete unit taught over many weeks or months or glided over in the form room, whether existing subjects would be removed from the curricula, and whether additional resources and professional teacher development would be provided.

The Leader of the House is clearly wrong to suggest that the teachers' union and the salaried officers' association should be deemed to have no interest in these matters. The Leader of the House suggests that the council's only work will be to write curriculum or prepare a framework, yet I raised examples of the council's work extending to a range of areas with enormous implications to resources and the day to day education of many Western Australian children. It is a misrepresentation of the facts for the Leader of the House to say that the teachers' union and the association

have no right to sit on the council because the issues with which the council will deal are predominantly issues of no concern to them.

The ALP insists that it is not good enough for the Minister for Education to simply appoint someone who "in his opinion" is representative of the interests of teachers, and for this appointment to be made after consultation with the State School Teachers Union and the Independent Schools Salaried Officers Association. The wording of the clause that appointment be made "after consultation with" those bodies will mean that the Minister for Education will be under no obligation to appoint somebody from either body. The Leader of the House has clearly failed to give an undertaking that he is prepared to appoint someone directly from one of those two organisations. If he is not prepared to give that undertaking to the Chamber, no real intent is evident to make such appointment.

As the Labor Party is concerned about no intent to accommodate these two groups on the council, we are keen to pass the amendment to stipulate that either the State School Teachers Union of Western Australia or the Independent Schools Salaried Officers Association has a right to membership on the council to represent the 15 000 teachers as well as the schoolchildren in this State.

The CHAIRMAN: The question is that the words to be deleted be deleted. Those of that opinion say aye. To the contrary -

Hon N.F. Moore: No!

The CHAIRMAN: - say no. I think the noes have it.

Hon Ljiljanna Ravlich: Divide!

Point of Order

Hon N.F. MOORE: Nobody called aye, and a division cannot be called without at least two members calling aye.

Hon TOM STEPHENS: I actually did call aye.

Hon N.F. Moore: Nobody heard you - that is the point.

The CHAIRMAN: I did not hear anyone call aye. I hesitated at that stage, and the Leader of the House then managed to call an early no.

Committee Resumed

The CHAIRMAN: I did not hear anyone call aye so the question is resolved in the negative.

Amendment thus negatived.

Clause put and a division called for.

Bells rung and the Committee divided.

Point of Order

Hon N.F. MOORE: We are now voting on clause 6 and the Committee has already made a decision on its content by rejecting two amendments. If clause 6 is rejected in its entirety, how will that reflect on a previous vote on two parts of the clause?

The CHAIRMAN: The substantive motion will be resolved either way on the basis of this vote rather than the failure of the previous amendments.

Hon N.F. MOORE: In the event that the question is defeated, is the whole clause defeated?

The CHAIRMAN: Yes, it is.

Division Resumed

The CHAIRMAN: Before the tellers tell, I cast my vote with the noes.

Ayes (15)

Hon E.J. Charlton
 Hon M.J. Criddle
 Hon B.K. Donaldson
 Hon Max Evans
 Hon Helen Hodgson

Hon Barry House
 Hon Norm Kelly
 Hon Murray Montgomery
 Hon N.F. Moore
 Hon M.D. Nixon

Hon Simon O'Brien
 Hon B.M. Scott
 Hon Greg Smith
 Hon Derrick Tomlinson
 Hon Muriel Patterson (*Teller*)

Noes (12)

Hon Kim Chance
 Hon J.A. Cowdell
 Hon N.D. Griffiths
 Hon John Halden

Hon Tom Helm
 Hon Mark Nevill
 Hon Ljiljanna Ravlich
 Hon J.A. Scott

Hon Christine Sharp
 Hon Tom Stephens
 Hon Giz Watson
 Hon Bob Thomas (*Teller*)

Pairs

Hon Peter Foss
 Hon W.N. Stretch
 Hon Ray Halligan

Hon E.R.J. Dermer
 Hon Cheryl Davenport
 Hon Ken Travers

Clause thus passed.

Clauses 7 to 36 put and passed.

Schedules 1 to 3 put and passed.

Title put and passed.

Bill reported.

Recommittal

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [10.40 pm]: I move -

That the Bill be recommitted for the further consideration of clause 6.

The processes are understood by the House. If there was an opportunity to briefly reconsider clause 6, a Bill in a slightly different shape would be before the Chair for report.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.40 pm]: I am very opposed to this motion. The Leader of the Opposition is suggesting that this House made a mistake and should go back and fix up its mistake. The House has made a decision about clause 6.

Hon Mark Nevill interjected.

Hon N.F. MOORE: If Hon Mark Nevill was not here I cannot help that. The House decided not to amend clause 6 after long deliberation, and now because the Leader of the Opposition did not get his way, he wants to recommit the Bill to somehow have another go at it. How long would we be here if that happened? Every time the Leader of the Opposition did not get his way, would we recommit a Bill to a new Committee and stay here until everybody got sick and tired of it and someone went home and perhaps he had a win? We have sat here all night and have debated this clause at great length, and the House has made a decision. Talk about umpires! The Leader of the Opposition cannot accept the decision of the House. He now wants to have another go and to rush off and make sure all his members are here and that they call out yes when they are supposed to call out yes. We find ourselves in a very unfortunate situation. This is the first time in my 20 years in this place that I have seen this happen.

Hon Tom Stephens: That is not true.

Hon John Halden: Have you been asleep for the past 20 years?

Hon N.F. MOORE: I have never known anyone in my past 20 years who forgot to call out yes.

Hon John Halden: What about on the East Perth Redevelopment Authority Bill?

The PRESIDENT: Order! There is no need for all that carrying on. We can listen to the Leader of the House without those interjections or encouragements, and in due course we can put the question.

Hon N.F. MOORE: I have never known any members who did not vote by calling out yes or no and then found that they did not get what they wanted because they forgot to vote. In my 20 years in this place I do not recall a situation where a motion for recommittal has been moved immediately after a Bill has been reported to the House because,

as the Leader of the Opposition has said, we did not get the best result the first time. It may have happened on the third reading, but it certainly has not happened immediately after a Bill has been reported.

Hon Bob Thomas: The Chairman did not hear my vote.

Hon N.F. MOORE: The Government opposes the Opposition's proposition, for the simple reason that the House has made a decision. What we are doing tonight is setting a simple precedent for the future; that is, whenever the Opposition does not get its way, it will recommit a Bill and seek to get its way regardless of what the House has done in the meantime. It is an unfortunate state of affairs. The Leader of the Opposition should accept that he has made a mess of it and get on with the next item of business.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [10.43 pm]: We will taint the procedures of the House if we do recommit this Bill. Everyone acknowledges that we have a reconstituted upper House. We have heard a lot over the past few months about decisions that should not have been made before 23 May because the House was not credibly constituted as a consequence of the election that took place some time before that. I had discussions earlier tonight with Hon Norm Kelly about future initiatives in this House to ensure that we recognise the new members in this place and deal properly with the new balance in this House, and that is right and proper.

There will always be times when we vote the wrong way because we have misunderstood the question that has been put. There have been plenty of occasions when that has happened in this place. There have even been times when the question has been put and we have been on the wrong side of the House. That is something we all have to live with. The deal is about being here and trying to be alert to what is going on. We only have to lose concentration for a minute and these things happen from time to time. That is life; we must put that down to experience and take it as it comes. We have all tried, and we will continue to try regardless of what may happen from time to time that we will not be happy about.

As the Leader of the House has said, we have had a long debate. I would have liked to have my two bob's worth on the amendments, but it is not for everyone to put their point of view when it has already been amply put by other representatives on both sides of the House. At the end of the day, we had a vote, and if we want to proceed from here and respect and acknowledge each other on both sides of the House, we should allow this Bill to proceed and acknowledge the fact that when we get it wrong, we have to live with it.

The PRESIDENT: Order! By way of explanation in case there is some confusion, under Standing Order No 245 a recommittal motion can be moved; it has been moved, and it is my duty to put the question.

Question put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon Helen Hodgson	Hon Christine Sharp
Hon J.A. Cowdell	Hon Norm Kelly	Hon Tom Stephens
Hon N.D. Griffiths	Hon Mark Nevill	Hon Giz Watson
Hon John Halden	Hon Ljiljanna Ravlich	Hon Bob Thomas (<i>Teller</i>)
Hon Tom Helm	Hon J.A. Scott	

Noes (13)

Hon E.J. Charlton	Hon Murray Montgomery	Hon B.M. Scott
Hon M.J. Criddle	Hon N.F. Moore	Hon Greg Smith
Hon B.K. Donaldson	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon Max Evans	Hon Simon O'Brien	Hon Muriel Patterson (<i>Teller</i>)
Hon Barry House		

Pairs

Hon Peter Foss	Hon Ken Travers
Hon W.N. Stretch	Hon E.R.J. Dermer
Hon Ray Halligan	Hon Cheryl Davenport

Question thus passed.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 6: Members of Council -*Point of Order*

Hon N.F. MOORE: This is an attempt to revisit amendments made in Committee. Standing Order 237 refers to amendments "In the same Committee". Is this the same Committee that has already considered the Bill or is this a different Committee?

The CHAIRMAN: This matter is before a different Committee, therefore that standing order is not applicable.

Committee Resumed

Hon TOM STEPHENS: I move -

Page 6, line 17 - To delete the words ", in the opinion of the Minister,".

Hon N.F. MOORE: Interestingly, this Chamber has already decided that we should not delete those words. We had a division on it. It was not one of those unfortunate circumstances where people forgot to yell out yes or no. A division was called and the result was 13 all, so the Chamber quite properly made the decision that there would be no change. We are now being asked to have another go. I wonder how often this sort of thing will happen? When a member, for reasons best known to himself or herself, misses a division, does the Chamber keep coming back until everybody gets here? It creates all sorts of extraordinary potentialities. If anything happens to go wrong for the Leader of the Opposition will we keep coming back until he gets it right? Knowing the propensity of the Leader of the Opposition to get things wrong we could be doing that regularly. That is a sad statement on the way this Chamber should operate. I argue strongly that we have already made a decision on this. I hope that we will make the same decision again.

Hon Mark Nevill: The speakers in the rooms are not working.

Hon N.F. MOORE: With all due respect, that is not a reason for missing a division.

Hon Mark Nevill interjected.

Hon N.F. MOORE: I did not want to know who missed the division, Mr Nevill. I have missed a division in the past; I know it happens to people. However, I would not blame anyone else for it except myself.

Hon Mark Nevill: I assumed they were the bells after the House had adjourned.

Hon N.F. MOORE: Regardless of whether somebody has missed a division, the Chamber has voted on this clause.

Hon Mark Nevill: It will vote again.

Hon N.F. MOORE: Of course it will. The Opposition will use its new found numbers for the first time to amend a Bill.

Hon John Halden: This is not new found or the first time.

Hon N.F. MOORE: This is a new Committee. Hon Nick Griffiths interjected and said that this was a new Committee. The new Committee now wants to reconsider clause 6.

Hon John Halden: This is not the first time this has happened.

Hon N.F. MOORE: We will now talk about whether we will delete the words "in the opinion of the Minister".

Hon N.D. Griffiths: I do not mind talking about it, but do we have to listen to you?

Hon N.F. MOORE: We are in an ironic situation where the Committee made a decision on two amendments. In the first, amendment A6, the Chamber voted 13 all, so the amendment was not agreed to. On amendment B6 the Chamber agreed to the Noes, because there were no Ayes. On two amendments the Chamber made a decision and, for some reason, the Opposition thinks it made a mistake twice. People are entitled to make one mistake; however, when they make two in a row it reflects badly on the way the Opposition is going about its business. Hon Nick Griffiths has told me clearly, because I raised a point of order, that this is a new Committee, so maybe we should again go through the whole laborious process of my telling members why the State School Teachers Union of Western Australia should not have a position on this council. That is what this clause is all about. I hope this time around, because I am feeling more calm and gentle, I might be able to persuade some of these people who sit in the middle that what I am arguing for is a good thing.

There is no question in my mind that the amendments that are being proposed will restrict the capacity of the Minister to get the best talent on this council. I had hoped that over the past 20 or 30 minutes that point of view may have

struck a chord in the minds of some members. Hon Ljiljana Ravlich can look like that, but I did not ask her to come back. The Opposition moved the motion to recommit the Bill, not I. I would have been home in bed by now except for this.

Hon Ljiljana Ravlich: There is a provision to do so.

Hon N.F. MOORE: I know, and there is a provision for me to repeat all the things that I said before.

Hon Tom Helm: Go for it.

Hon N.F. MOORE: It is important for members to understand what we are here for.

Hon Mark Nevill: If you would manage the Notice Paper we would have dealt with more Bills. I have been waiting three months for the Kingstream Bill.

Hon N.F. MOORE: We give the Opposition as much time as it needs to debate these issues.

Hon Mark Nevill: It has taken three months to get here.

Hon N.F. MOORE: It would have come on tonight except this Bill took longer than expected. I cannot help it if members want to talk, and we have to come back again and have another go at this. We could have started on Kingstream an hour ago.

This Chamber made a decision. The Opposition made a mess of things tonight - on not just one amendment, but two. I hope we do not have to sit around in this Chamber coming back time after time on recommitments, because the Opposition could not get the numbers in the Chamber or organise the voting process to get its point of view across. Members opposite have been waiting 103 years to amend a government Bill, when we were the Government, and they messed it up. It is the first time and they messed it up. That will be written on somebody's tombstone down the track: "I messed up the first opportunity after 103 years."

Hon Derrick Tomlinson: Sack the Whip.

Hon J.A. SCOTT: I agree that this process has been messed up.

Hon Derrick Tomlinson interjected.

Hon J.A. SCOTT: I am sorry that Hon Derrick Tomlinson is not so keen to hear me say anything.

Hon Derrick Tomlinson: I am very keen. I did not know you were still here, because the last train has gone.

Hon J.A. SCOTT: I am sorry for the Government that this has happened in this way. A mistake was made by one member, whom I shall not name. Most members in this Chamber do not believe that the Minister for Education is a supreme being. They believe that the organisations which will be putting forward representatives have the right to choose the people they think are most suited. I do not believe that the Minister knows those people as well as the organisations do. That is really the basis of the vote on this side of the House to recommit that clause. A mistake was made by the Government -

Hon N.F. Moore: Not the Government. I know you were outside on parliamentary business, but you should listen to the debate.

Hon J.A. SCOTT: Most people on this side of the House would like to see those organisations rather than the Minister have a say in putting forward their best people. I do not believe that the Minister is a supreme being. I support these amendments.

Hon TOM STEPHENS: I accept the comments made by the Leader of the House. I accept responsibility for the fact that the Committee made a mistake in earlier deliberations on the clause. I am embarrassed by it and I accept responsibility.

Hon N.F. Moore: I am genuinely sad about what you are doing to the Bill.

Hon TOM STEPHENS: All I want to say is that the Leader of the House is right. I accept responsibility on behalf of the Labor Party that we made a mistake by having one of our members absent from the Chamber when this matter was brought to resolution. We have the provisions of standing orders to rectify the mistake, but it does not lessen my embarrassment or make it any easier. If I were in the Leader of the House's position I would make the Opposition squirm. The Leader of the House is making me squirm. However, I hope we can be big enough to get this matter dealt with quickly without any more delay.

Hon SIMON O'BRIEN: A couple of points that have been raised have not been responded to. I want to draw very much on what Hon Christine Sharp said about cooperation and developing the best possible outcomes for the clients. Not her exact words but the sense of what she was saying is that the object is to produce the best product for the clients of the Curriculum Council. The Curriculum Council would have been better named a board rather than a council. It seems a number of members are of the view that it is some sort of adversarial body of delegates. At one point Hon Kim Chance referred to a person being elected from a certain body. He might have said nominated but possibly he was thinking that the representation could come about as a result of an election. It was a fair word to use.

Hon Kim Chance: I was talking about the difference between a delegated and an appointed structure.

Hon SIMON O'BRIEN: I took the point then and I take it again now and acknowledge it. This is not meant to be an adversarial body, and we all hope it will not be. It is a body to assist the Minister to produce the best curriculum that we can for our clients, the students.

Hon J.A. Scott interjected.

Hon SIMON O'BRIEN: I will come to Hon Jim Scott's comment in a moment. I put this in a summary form because it has been adequately canvassed. Hon Derrick Tomlinson and the Leader of the House pointed out that the Minister is the avenue by which responsibility and accountability are produced as a result of the proposed Curriculum Council deliberations. To whom is it accountable? Ultimately it is accountable through the Minister to this Parliament. It is not accountable to anybody else. I cannot see anywhere in the Bill where it says that it answers to anyone else. The Minister is not in a position on his weekends to develop curriculum and other tasks for which he requires advisers from the Education Department and, in this case, the Curriculum Council. The Curriculum Council is a tool of the Minister to do things on behalf of the Minister, who in turn is responsible to this Chamber. Therefore, it is only right and proper that the Minister has the exercise of personal opinion in appointing some of those people who will make up the council. In that way he can be confident that they will be working towards the end goal that he requires and not going off on some other agenda.

Hon Jim Scott referred to the representatives in paragraphs (g) and (h) as being yes men sought by the Minister. If one wishes to put that sort of cynical slant on it, that may well be true. However, the Leader of the House, representing the Minister for Education, put it quite clearly when he said that the Minister wants people who will look at what the Curriculum Council has to do rather than bring another agenda to the proceedings. I do not see a conflict there. The whole purpose is not to have someone representing another body in isolation.

Hon John Halden: Including the Minister, hopefully.

Hon SIMON O'BRIEN: There is nothing wrong with a representative to represent the Minister.

Hon John Halden: You mean the whole collective representing the Minister.

Hon SIMON O'BRIEN: The member is trying to turn my words.

The CHAIRMAN: Perhaps the member will address the Chair.

Hon SIMON O'BRIEN: I will address the Chair.

Hon John Halden: I thought you might now.

Hon SIMON O'BRIEN: I did not hear that.

Hon John Halden: I said I thought you might address the Chair after being beaten to death on that point.

Hon SIMON O'BRIEN: I do not think I am beaten to death. I have made the point that the Curriculum Council is not to be an adversarial body.

Hon E.J. CHARLTON: Sadly some members have interpreted this clause as meaning that the Minister will not be required to appoint to the council someone representing the State School Teachers Union of WA so therefore the school teachers' point of view in developing curriculum will not be acknowledged. We have thousands of young unemployed people and an education system that is not catering for the best way to cope with the future of young people. The whole thrust of the development of the Curriculum Council, as the Government has put it together, is to try to bring together a group of people who can put the future of students first rather than individual groups within the education system. That is the reason this clause provides for the nomination to the council of people who have the required expertise.

I had the privilege to be on the parent council of Aquinas College for a few years. The council met on a regular basis with the principal and other representatives of the college to put forward the directions it thought the college should take. At the end of the day it was up to the people responsible for the day to day operations of the school to deliver

on what the council had decided. In this case it is up to the Education Department and the teachers, and their representative bodies, to decide how to implement the decisions of the Curriculum Council. The development of curriculum is about having a council whose members represent a broad spectrum of the community.

Legislation is not put in place for the term of a Government. The Education Act was enacted in 1928 and it will be amended. Every Act of Parliament is not amended when there is a change of government. By including the words "in the opinion of the Minister" the Ministers who succeed the current Minister will have the opportunity to make changes. When I became Minister for Transport I had the opportunity to have an influence on Transport without bringing amending legislation to this place. Members should not believe that this provision will be set in stone. Ministers change and they have an opportunity to make the changes they believe are necessary.

Hon J.A. Scott: That is why I do not like it.

Hon E.J. CHARLTON: Hon Jim Scott is saying the State School Teachers Union should nominate a representative to the council. I am interested to see how he will vote on this amendment. If he votes for the amendment he believes it is up to the Minister to appoint someone and the legislation should not prescribe from which organisation that person will come; therefore, the Government and the Minister of the day will have no say whatsoever. I suggest Hon Jim Scott read the amendment. It should be acknowledged that Governments and Ministers come and go and the opportunity is there for them to have an influence on what happens in this State. Ultimately, they are responsible. The Minister for Education of the day is responsible for what occurs in the education system. For as long as this State operates under the Westminster system that is how the system of government will operate. I appeal to members opposite not to get carried away by the philosophical belief that the State School Teachers Union must nominate a representative to the council otherwise the development of curriculum will not be broad enough to take into account the views of those people who have a vested interest.

When I became Minister almost all port authorities had on them a representative from the Maritime Union of Australia. It was not prescribed in the Act, but previous Governments appointed a representative from the MUA to the boards. I did not believe it was in the best interests of the MUA, the boards, or the users of the ports. The best people to do the job must be appointed to these boards. They should not have on them people representing the grain growers, miners or transport industry, but people who I consider have expertise in accountancy, business administration and other areas. Members should compare the performance of the boards over the past few years with their performance previously - they will note the difference. I will be judged on their performance.

The Curriculum Council should have on it people who have the expertise to make the best decisions for the development of curriculum rather than because they are representatives of groups of people associated with the teaching profession.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the ayes.

Division resulted as follows -

Ayes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm

Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljana Ravlich
Hon J.A. Scott

Hon Christine Sharp
Hon Tom Stephens
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (13)

Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans
Hon Barry House

Hon N.F. Moore
Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott

Hon Greg Smith
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon Ken Travers
Hon E.R.J. Dermer
Hon Cheryl Davenport

Hon Peter Foss
Hon Ray Halligan
Hon Murray Montgomery

Amendment thus passed.

Hon TOM STEPHENS: I move -

Page 6, line 19 - To delete the words "after consultation with" and substitute "on the recommendation of".

Amendment (words to be deleted) put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the ayes.

Division resulted as follows -

Ayes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm

Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljanna Ravlich
Hon J.A. Scott

Hon Christine Sharp
Hon Tom Stephens
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (13)

Hon E.J. Charlton
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Hon Simon O'Brien
Hon B.M. Scott

Hon Greg Smith
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon E.R.J. Dermer
Hon Ken Travers
Hon Cheryl Davenport

Hon Peter Foss
Hon Ray Halligan
Hon Murray Montgomery

Amendment thus passed.

Amendment (words to be inserted) put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the ayes.

Division resulted as follows -

Ayes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm

Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljanna Ravlich
Hon J.A. Scott

Hon Christine Sharp
Hon Tom Stephens
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (13)

Hon E.J. Charlton
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Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott

Hon Greg Smith
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon E.R.J. Dermer
Hon Ken Travers
Hon Cheryl Davenport

Hon Peter Foss
Hon Ray Halligan
Hon Murray Montgomery

Amendment thus passed.

Hon TOM STEPHENS: I move -

Page 6, line 23 - To delete the words ", in the opinion of the Minister,".

Amendment put and passed.

Hon TOM STEPHENS: I move -

Page 6, lines 25 and 26 - To delete the words "after consultation with" and substitute "on the recommendation of".

Amendment put and passed.

Hon N.F. MOORE: In view of the decisions of the Committee, I seek to move a further amendment to clause 6(3) which states that if, within 30 days of a request to do so, a person or body referred to in previous paragraphs does not nominate somebody, a process must be implemented. Paragraphs (g) and (h) were not included in subclause (3) because nobody was making the nomination. I suggest that after "(f)" the words "(g) or (h)" be inserted, so that in the event that the State School Teachers Union, the Independent Schools Salaried Officers Association, the Western Australian Council of State School Organisations or the Parents and Friends Federation of Western Australia fail to nominate a person in accordance with the request, the Minister would appoint someone that he or she thinks fit. I move -

Page 7, line 2 - After "(f)" to add "(g) or (h)".

Hon TOM STEPHENS: This appears to be a consequential amendment to which the Opposition has no objection.

Amendment put and passed.

Hon N.F. MOORE: This is rather a sorry occasion for someone who has worked on this legislation since its inception. As the Minister who set up the Temby inquiry to ensure that for once the system of curriculum development in Western Australia would not be dominated by the major players in the education system, I am disappointed that the teachers' union will have a guaranteed guernsey on the Curriculum Council. That will take us back to the bad old days when the Education Department and the State School Teachers Union were 50-50 partners in the running of the education system. It has been that way for a long time and now these amendments will take it into the future.

It is rather sad because the State School Teachers Union has no more right to run the Curriculum Council than has any other organisation. It is also sad that many teachers who are members of other organisations in education, particularly principals, will be deliberately excluded from being members of the Curriculum Council if they are not members of the State School Teachers Union. It is sad for someone like me who brought the legislation to this point.

Hon JOHN HALDEN: That is absolute garbage and the Leader of the House knows it. Clause 6(1)(c) provides for "11 other persons appointed by the Minister". We are proposing here that four people will be nominated by four other independent bodies. Who else will be on the council? Subclause 2(f) provides that one is to be nominated by the chief executive officer of Curtin University, Edith Cowan University, Murdoch University, the University of Western Australia or the University of Notre Dame.

What happened here tonight may have been unfortunate in relation to the processes of this Chamber. However, neither any Minister nor any person who was once responsible for this Bill could suggest that the outcome of this amendment will affect the Curriculum Council in its totality. That is nonsense and the Leader of the House knows it. He has overplayed his hand by more than 150 per cent.

Point of Order

Hon E.J. CHARLTON: We have already dealt with the clause. I do not think we have the opportunity to debate it again now.

The CHAIRMAN: Has Hon John Halden concluded his comments on the clause as amended?

Hon JOHN HALDEN: No, Mr Chairman.

The CHAIRMAN: There is no point of order but the member will keep clearly to the amended clause.

Committee Resumed

Hon JOHN HALDEN: I understand that. The amended clause clearly reflects the will of the Chamber. However, the Leader of the House's comments are an outrage because it is not intended that the amendment take control of the Curriculum Council from the Minister. The Bill cements control of the council with the Minister to allow four

community representatives out of 20 plus. It is stupidity to believe that the amendment will take control from the Minister. The Leader of the House knows that, but he is endeavouring to make a very cheap, political point which is dispensed with immediately.

Clause, as amended, put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the ayes.

Division resulted as follows -

Ayes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm

Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljana Ravlich
Hon J.A. Scott

Hon Christine Sharp
Hon Tom Stephens
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (13)

Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans
Hon Barry House

Hon N.F. Moore
Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott

Hon Greg Smith
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon E.R.J. Dermer
Hon Ken Travers
Hon Cheryl Davenport

Hon Peter Foss
Hon Ray Halligan
Hon Murray Montgomery

Clause, as amended, thus passed.

Bill again reported, with amendments.

House adjourned at 11.39 pm

QUESTIONS ON NOTICE

RESOURCES DEVELOPMENT - GOLDFIELDS GAS PIPELINE AGREEMENT ACT

Third Party Requests

307. Hon MARK NEVILL to the Leader of the House representing the Minister for Resources Development:
- (1) How many Third Party requests has the Minister for Resources Development received under Clause 20(8) of Schedule 1 of the Goldfields Gas Pipeline Agreement Act 1994?
 - (2) What action has the Minister taken as a result of each of those requests?

Hon N.F. MOORE replied:

- (1) Nil.
- (2) Not applicable.

RESOURCES DEVELOPMENT - GOLDFIELDS GAS PIPELINE AGREEMENT ACT

Transmission Contracts

308. Hon MARK NEVILL to the Leader of the House representing the Minister for Resources Development:
- (1) How many transmission contracts entered into by Third Parties has the Minister for Resources Development received from the Joint Ventures under Clause 22(7) of Schedule 1 of the Goldfields Gas Pipeline Agreement Act 1994?
 - (2) On what date was each contract received and who were the third parties?

Hon N.F. MOORE replied:

- (1) Nil.
- (2) Not applicable.

GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

Funding

435. Hon TOM STEPHENS to the Leader of the House representing the Minister for Small Business:
- (1) What programs are conducted in the Minister for Small Business' portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?

Hon N.F. MOORE replied:

Small Business Development Corporation:

- (1) The Small Business Development Corporation does not conduct programs specifically to assist and advance the welfare of Aboriginal persons. Aboriginal persons have access to the full range of SBDC services through the SBDC and the Business Enterprise Centre Network.
- (2)-(4) Not applicable.

GAS CORPORATION ACT 1994 - DIRECTIONS

466. Hon MARK NEVILL to the Leader of the House representing the Minister for Resources Development:
What directions have been made by the Governor and gazetted under section 39 of the Gas Corporation Act 1994?

Hon N.F. MOORE replied:

The Governor has given a direction under section 39(1) of the Gas Corporation Act 1994, published in the *Government Gazette* on 23 December 1994. The direction may be cited as the Gas Supply (Pilbara) Direction 1994 and relates to the sale of gas by AlintaGas in the Pilbara.

EASTON PETITION - INVESTIGATION

Premier's Comments

513. Hon CHERYL DAVENPORT to the Attorney General:

- (1) Is the Attorney General aware that on 5 and 6 November, in four separate radio interviews, the then Leader of the Opposition, Richard Court, said that following the tabling of the Easton petition in the Legislative Council he had contacted the Official Corruption Commission to determine the status of investigations into him and was told "the matter has been investigated and the files closed"?
- (2) Is the Attorney General aware that Mr Court told Parliament on 16 May 1995 that ". . . I was not contacted and told by the Corruption Commission what was the state of that inquiry. I did not find out until Brian Bull came out on the Friday morning (November 6, 1992) and said that the matter had been investigated and it had been found there was no wrong doing"?
- (3) Is the Attorney General aware that the Executive Officer of the Official Corruption Commission, David Orr, told the Marks Royal Commission that on November 5, 1992 he had received a phone call from the Leader of the Opposition and advised Mr Court that he (Mr Orr) was prohibited from discussing the matter?
- (4) Is the Attorney General aware that following Mr Orr's testimony, Mr Court told the Marks Royal Commission that "I contacted David Orr at the Corruption Commission . . . and . . . got the stock answer that he was prohibited from telling me whether or not that was the case"?
- (5) Given that Mr Court has given different versions of events to the media, the Parliament and the Marks Royal Commission, has the Attorney General referred the matter to the Solicitor General for consideration?
- (6) If not, why not?

Hon PETER FOSS replied:

- (1)-(4) No.
- (5) That is the member's view. No.
- (6) There is nothing to be considered by him.

QUESTIONS WITHOUT NOTICE

PASTORAL LEASES - EXCISIONS

Aboriginal Living Areas

511. Hon TOM STEPHENS to the Minister representing the Minister for Lands:

Is the Minister now able to answer my six part question submitted last week on excisions from pastoral leases for Aboriginal living areas, which read as follows -

- (1) Is there still a moratorium in place granting excisions from pastoral leases for Aboriginal living areas?
- (2) If not, when was it lifted?
- (3) How many excisions have been effected since the moratorium was lifted for Aboriginal living areas?
- (4) From which pastoral leases have these excisions been made?
- (5) To which Aboriginal communities have the excised land areas been granted?
- (6) What excisions from pastoral leases for Aboriginal living areas were granted between February 1993 and the date on which the freeze on excisions was put in place by the Court Government?

Hon MAX EVANS replied:

- (1) Yes, the Minister for Lands placed a hold on the processing of the land applications for Aboriginal living areas in July 1993. However, the Department of Land Administration continues to receive and process land applications by Aboriginal people under section 9 of the Land Act 1933. In these instances applications need to include evidence of access to current and recurrent funding, as appropriate, that will support initial and ongoing development and use of the land being sought.
- (2)-(5) Not applicable.
- (6) An excision from Lamboo station, now reserve 42534, in the Shire of Halls Creek.

ROADS - FREMANTLE-ROCKINGHAM CONTROLLED ACCESS HIGHWAY

*Deviation - Port Catherine Residential Marina***512. Hon J.A. SCOTT to the Minister for Transport:**

- (1) Has Main Roads Western Australia entered into any agreement or discussions with the developer of the proposed Port Catherine residential marina to deviate the proposed Fremantle-Rockingham controlled access highway around the proposed residential area?
- (2) If yes -
 - (a) what public consultation took place prior to the change;
 - (b) on what grounds have they or will they deviate around the proposed Port Catherine development; and
 - (c) how many additional dwellings will this allow at Port Catherine?
- (3) What procedures are necessary to alter the existing Main Roads scheme and were these carried out in relation to the deviation around the proposed Port Catherine residential area?
- (4) What will be the estimated extra cost incurred of the increased length and associated earthworks required by this deviation, and who will pay the cost?

Hon E.J. CHARLTON replied:

Main Roads Western Australia has not entered into any agreement and has not been part of any discussions relating to the proposed Port Catherine residential marina. I am advised that this matter comes under the jurisdiction of the Minister for Planning and I suggest the member redirect this question to him.

FUEL AND ENERGY - GAS

*North West Shelf - Pre-paid***513. Hon MARK NEVILL to the Leader of the House representing the Minister for Resources Development:**

- (1) What was the total quantity or estimated quantity of gas stored underground under the "take or pay" contract with the North West Shelf gas partners as at 30 June 1990 and at the end of each financial year to 30 June 2005?
- (2) What was the valuation or what is the estimated valuation of that gas reserve at the end of each of the financial years in (1)?
- (3) What is the estimated net realisable value and/or replacement cost of that gas at current spot market prices?
- (4) What portion of that gas reserve is owned by -
 - (a) Western Power; and
 - (b) AlintaGas?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I am advised that -

- (1) Pre-paid gas quantities from the North West Shelf gas partners at the end of June 1995 and 1996 were -

AlintaGas

30 June 1995 13 565TJ

30 June 1996 15 340TJ

Western Power

30 June 1995 56 700TJ

30 June 1996 53 800TJ

Historical information from previous years - 30 June 1990 to 30 June 1994 - is available from State Energy Commission of Western Australia annual reports.

For both AlintaGas and Western Power, levels of pre-paid gas in future years - 30 June 1997 to 30 June 2005 - will depend on market growth and competitive market developments.

- (2) The valuation of North West Shelf pre-paid gas was -

AlintaGas

30 June 1995 \$63.4m

30 June 1996 \$47.6m

Western Power

30 June 1995 \$204m

30 June 1996 \$193m

Again, historical information from previous years - 30 June 1990 to 30 June 1994 - is available from SECWA annual reports.

- (3) There is no current spot market price in Western Australia.
 (4) Refer to (1) above.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - EXECUTIVE DIRECTOR

*Misleading Evidence***514. Hon NORM KELLY to the Minister representing the Minister for the Environment:**

- (1) In reference to the Minister's response to question 475 of Wednesday, 11 June 1997, that some of the comments given in evidence by the Executive Director of the Department of Conservation and Land Management to the Legislative Council Estimates Committee were errors, can the Minister say whether those errors were intentional, accidental or through ignorance?
- (2) If those errors were accidental or made through ignorance, can the Minister remain confident in the advice she receives from the executive director?
- (3) Is the Minister aware of any other responses from the Executive Director of CALM in his evidence to the Legislative Council Estimates Committee which are also erroneous or misleading?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The member is aware that a large amount of information is exchanged during the Estimates Committees. Dr Shea's answer was accidental. It is clear from his comment on the breakup of the block into areas, that he was referring to the State Government's decision to confine logging to one-third of the block, while deferring logging from the remaining two-thirds on a voluntary basis until the commonwealth-state regional forest agreement processes have been completed.
- (2) Yes.
- (3) No.

DOMESTIC VIOLENCE - LEGISLATION

Firearms - Exemptions for Professional Shooters and Farmers

515. Hon GIZ WATSON to the Minister for Justice:

- (1) Is it true that the domestic violence legislation before the Assembly will exempt professional shooters and farmers with histories of domestic violence resulting in restraining orders being taken against them, in that they -
 - (a) will not have to surrender their firearms; and
 - (b) will not lose their firearm licences?
- (2) Is the Attorney General aware that in cases of domestic violence there are many reports of firearms being used as threats even though guns may not necessarily be pointed at victims?
- (3) Does the Attorney General intend to educate magistrates in domestic violence so they are able to recognise what constitutes the subtleties of the threatened use of firearms?

Hon PETER FOSS replied:

- (1) No.
- (2) Yes.
- (3) I believe they are aware of this, but each particular occasion depends on its own facts.

CORRUPTION - ANTI-CORRUPTION COMMISSION

Chairman - Replacement

516. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

- (1) Has a recommendation been made for the replacement of the Honourable John Wickham as Chairman of the Anti-Corruption Commission?
- (2) If so, when was that recommendation made?
- (3) Has a decision been made about his replacement?
- (4) If so, when?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(4) No recommendation has been made with respect to the replacement of the Honourable John Wickham as the Chairman of the Anti-Corruption Commission.

AQUACULTURE - LICENCES

Provisions

517. Hon MURIEL PATTERSON to the Minister representing the Minister for Fisheries:

- (1) Is it compulsory for independent aquaculture farmers to obtain licences?
- (2) If so, what are the licences for?
- (3) What type of fingerlings, fish and crustaceans are included in these licences?
- (4) What other licences are required for aquaculture farming?
- (5) What are the individual costs for licences to commence aquaculture enterprise?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(5) The questions posed by the member are not specific in their requirement and, as such, it is difficult to provide answers that would adequately meet her needs. I have arranged for the Executive Director of the

Fisheries Department to contact her office to provide a briefing on aquaculture matters in general, and to address any specific situations she may care to raise.

SCHOOLS - FEES

Departmental Policy

518. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

- (1) Does the Education Department have a policy on the imposition of fees by individual schools?
- (2) If so, under that policy -
 - (a) for what items can a school charge fees;
 - (b) is there a ceiling placed on those fees, and what is that ceiling;
 - (c) are the schools permitted to institute debt recovery proceedings for unpaid fees; and
 - (d) are the schools permitted to inquire into the credit rating of parents?
- (3) Will the Minister instruct the Education Department that school principals must ensure any communication with parents or guardians makes it clear that school contributions are not compulsory?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Section 12 of the Education Act and regulation 56 of the Education Act Regulations provide guidelines for schools regarding fees and charges. A review of the Act has been under way for some time. The Minister will, in the next few days, release the consultation draft of the Bill for a replacement Act. It is planned that the new Act will come into effect from the beginning of 1999. Clarification of the Government's policy on this topic will be included in the Bill. Information is forwarded to all schools each year reinforcing departmental policy and legislation relating to school fees and charges. This includes information relevant to the secondary assistance scheme.
- (2)
 - (a) A school may charge for materials which students use in the classes including all text books to be hired or purchased by the student; all subject hire charges for essential equipment; all subject resource charges; all essential equipment required to study a specific subject; and all photocopying.
 - (b) Yes. The ceiling is \$225 per student in years 8 to 10 in all secondary schools. This also applies to year 7 students attending Ballajura Community College. Although there is no established maximum charge for upper school courses in secondary schools, principals are expected to demonstrate that they have made every effort to keep costs as low as possible. A \$9 amenity contribution is chargeable for all students, including primary students. This is voluntary.
 - (c) Recovery of school charges must occur within the provisions contained in the Education Act and regulations, and departmental policy. Section 12(2) of the Act states that fees for instruction may be recovered by the Minister or the person given such authority. This may be conducted by plaint and summons in the local court or before a court of summary jurisdiction; however, that is not enacted.
 - (d) The Education Department suggests the use of the Credit Reference Association of Australia Limited by government schools only for the purpose of a credit check on a company or business, or information on a sole trader, when entering into contracts or general business purposes, not for the non-payment of school charges.
- (3) Yes, until any new arrangements come into effect.

ROADS - FREMANTLE-ROCKINGHAM CONTROLLED ACCESS HIGHWAY

Deviation - Port Catherine Residential Marina

519. Hon J.A. SCOTT to the Minister representing the Minister for the Environment:

I refer to the deviation of the proposed Fremantle to Rockingham controlled access highway around the proposed Port Catherine residential area.

- (1) Is the Minister aware that this deviation goes through part of the M92 section of the System 6 reserve which forms part of the western chain of the Beeliar Regional Park?

- (2) Will the proposed Port Catherine residential area impinge on the Beeliar Regional Park and, if so, how much land will be lost?
- (3) Has the Minister ordered, or will he order, that an environmental assessment be made of the impacts of this highway deviation on this section of the Beeliar Regional Park?
- (4) If the highway deviation and the Port Catherine residential area proceed, how will the public be compensated for the loss of part of the western chain of the Beeliar Regional Park?
- (5) How does the Government explain the conflict between the release of the Parks for People scheme, which includes the Beeliar Regional Park, and the potential loss of an important section of the Beeliar Regional Park?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(3) Yes; however, any proposal with potential to affect the Beeliar Regional Park significantly will be assessed under the Environmental Protection Act. Development will not be permitted in the park if the likely environmental impacts are found to be unacceptable. The Environmental Protection Authority has already set the level of environmental assessment at the environmental review stage. This was advertised in *The West Australian* on 14 June 1997 as part of the metropolitan region scheme amendment 911/33, omnibus No 3.
- (4)-(5) No decision will be made regarding the deviation to the Fremantle to Rockingham controlled access highway and the Port Catherine residential area until these have been assessed under the Environmental Protection Act.

SCHOOLS - FEES

Credit Reference System - Access

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

An article in *The West Australian* of Wednesday, 28 May claimed that some schools are listing bad credit references on parents' personal credit files for non-payment of voluntary school fees.

- (1) Can the Minister confirm that is the case?
- (2) Are schools accessing the Credit Reference Association of Australia Limited system to check the credit rating of the parents and children attending that school?
- (3) If so, when are the schools accessing this information: Firstly, at the time students enrol; secondly, at the time the account is first raised; and, thirdly, when the account becomes overdue?
- (4) How many and which schools are members of the CRAA?
- (5) Can the Minister guarantee that the schools meet their legal requirements in respect of accessing the credit reference system or in listing bad credit references?
- (6) If not, given the very serious consequences that a bad credit rating listing can have for struggling parents, will guidelines be issued to schools that wish to become members of the CRAA?
- (7) Given that these fees are, in effect, a non-enforceable debt, why are schools able to list their non-payment?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I suggest that the nature of this question is such that it requires the Minister, I suspect, to talk to every school in Western Australia and therefore should quite properly be put on notice, and I ask the member to do so.

HOSPITALS - JOONDALUP

Budget Allocation

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

- (1) How much has been allocated in this year's Budget to cover the cost of public patients being treated at the privately owned and managed Joondalup hospital?

- (2) Can the Minister explain why the Auditor General is looking at the contract between the State Government and Health Care of Australia relating to Joondalup hospital?

Hon MAX EVANS replied:

- (1)-(2) I do not have an answer to that question.

PLANNING - MR GEOFF PROSSER

Discussions with Minister

522. Hon TOM STEPHENS to the Attorney General representing the Minister for Planning:

- (1) Did Mr Geoff Prosser, or representatives of any of his companies, have discussions with, or correspond with, the former Minister for Planning on planning matters affecting properties in which Mr Prosser has a financial interest?
- (2) If yes, when?
- (3) About which properties were there discussions?

Hon PETER FOSS replied:

I thank the member for some notice of this question. I am not in a position to provide an answer for the previous Minister.

SCHOOLS - STUDENTS

Number

523. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) In 1992 what was the total number of, firstly, kindergarten and preprimary students; secondly, primary students; and, thirdly, secondary students?
- (2) In 1996-97 what was the actual number of, firstly, kindergarten and preprimary students; secondly, primary students; and, thirdly, secondary students attending schools in Western Australia?
- (3) How many attended government schools in the above three categories?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I ask the member to place this question on notice.

PRISONS - NEW

Discussions

524. Hon KEN TRAVERS to the Attorney General:

I refer to the comment of the Attorney General during the Estimates Committee hearings that no-one had suggested a new prison facility to the north of the city. Can the Attorney General advise whether Mr Gibson was incorrect when, in answering questions concerning a new prison facility in the vicinity of the Gnangara pine plantation during the Estimates Committee hearings in the other place, he said that there had been discussions with a group that is on the Santa Maria site?

Hon PETER FOSS replied:

I believe discussions were held. They were not for a new prison, but about premises that currently are used for other purposes to be a low security offshoot of Bandyup Women's Prison. There is no suggestion of a new prison.

FORESTS AND FORESTRY - GIBLETT BLOCK

Logging - Ministerial Condition

525. Hon NORM KELLY to the Minister representing the Minister for the Environment:

- (1) Will the Minister confirm that logging operations in part of Giblett block are prohibited under a ministerial condition imposed by the then Minister for the Environment, Barry Hodge, on 10 February 1988?
- (2) How many hectares of Giblett block are covered by the ministerial condition imposed by former Environment Minister Hodge?

- (3) Is any part of Giblett block outside the area covered by the ministerial condition subject to the Government's voluntary deferral of logging?
- (4) If so, how many hectares is that?
- (5) Will the Minister table maps showing the areas of Giblett forest that are subject to, first, the ministerial condition, and, second, any voluntary deferral by this Government?

Hon MAX EVANS replied:

This question will require detailed research to provide the member with the answer. I therefore request that the question be put on notice.

GOVERNMENT CONTRACTS - RECYCLING

*Procedures***526. Hon TOM STEPHENS to the Minister representing the Minister for Works:**

- (1) Are procedures in place to ensure that government contractors recycle materials?
- (2) If so, what are those procedures?
- (3) If not, why not?

The PRESIDENT: Order! I have had a request from the House Controller that we adjourn for a few minutes due to a problem with the power supply. I will leave the Chair for a few minutes and return at the ringing of the bells.

Sitting suspended from 5.22 to 5.41 pm

Hon MAX EVANS replied:

It is the same answer as before; I do not have notice of the question or the answer.

ABORIGINES - ABORIGINAL JUSTICE COUNCIL

*Membership***527. Hon TOM STEPHENS to the Minister representing the Minister for Aboriginal Affairs:**

- (1) When did the Aboriginal Justice Council, the body set up to monitor the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, last meet?
- (2) Has its membership lapsed?
- (3) Despite the chairperson's position being advertised months ago, why has an appointment not been made?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) September 1996.
- (2) Expressions of interest for the positions of chairperson and members of the state Aboriginal Justice Council were advertised in *The West Australian* and a range of regional newspapers from 25 January to 5 February. Copies of the advertisement were sent also to all Aboriginal Affairs Department regional offices for distribution within their regions.
- (3) A person has been offered the position of AJC chairperson. An announcement in relation to the position is, therefore, imminent.

SCHOOLS - FIRE HAZARDS

*Assessment***528. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:**

I refer to the Minister's statement reported in *The West Australian* of 27 May that many WA schools built in the 1950s and 1960s were prone to fire damage.

- (1) How many Western Australian schools were constructed with straw ceilings?

- (2) How many Western Australian schools have been built using the same design and structure as Churchlands Senior High School?
- (3) Has the Minister instituted a comprehensive fire hazard assessment of Western Australian schools?
- (4) If not, why not?
- (5) Has the Minister initiated a program for the installation of sprinkler systems in those Western Australian schools assessed to be prone to fire damage?
- (6) Had the recent fire at Churchlands Senior High School occurred during school operating hours, is the Minister satisfied that existing evacuation procedures would have been sufficient to ensure the safety of students and staff?
- (7) Has the Minister initiated a review of school fire evacuation procedures following the Churchlands Senior High School fire?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. Like the question asked by Hon Ljiljanna Ravlich, this question requires consideration of every school in Western Australia and is more appropriately put on notice, and I ask the member to do so.

POLICE - BALGO COMMUNITIES

Visits

529. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) On what dates since 1 January 1997 did police vehicle patrols visit Balgo communities?
- (2) On what dates since 1 January 1997 did police visit Balgo communities by aircraft to attend meetings or to investigate serious crimes?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Vehicle patrols to Balgo since 1 January 1997 -

2 to 4 January	three days
8 to 9 January	two days
18 to 19 January	two days
22 to 24 January	three days
13 to 15 February	three days
20 to 21 February	two days
26 to 27 February	two days
18 to 19 March	two days
24 to 26 March	three days
1 to 4 April	four days
30 April to 2 May	three days
7 to 8 May	two days
20 to 21 May	two days
16 to 18 June	two days
- (2) Other visitations by police to Balgo communities by aircraft occurred on 13 and 25 March and 2 June 1997.

DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES - CONTRACT

Chamber of Commerce and Industry of WA

530. Hon CHERYL DAVENPORT to the Minister representing the Minister for Family and Children's Services:

The Minister recently advised members that the Department of Family and Children's Services had contracted the Chamber of Commerce and Industry to provide a statewide industrial information and advisory service to the community services sector.

- (1) What other tenderers applied to the department seeking to provide this service?
- (2) On what grounds was the tender awarded to the Chamber of Commerce and Industry?

Hon E.J. CHARLTON replied:

I do not have that question and I cannot provide an answer.

SCHOOLS - SMOKE DETECTORS

*Budget Allocation***531. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:**

- (1) Do all schools have smoke detectors?
- (2) How much money is allocated in the Budget for the installation of smoke detectors in schools?
- (3) Approximately how many schools need fire walls installed?
- (4) How much money has been allocated to install fire walls in older style school buildings?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No; however, an ongoing program to install detection systems is under way.
- (2) An amount of \$616 000 has been allocated in the 1997-98 capital works program to improve the security of schools through the provision of measures such as security alarms and smoke detection systems.
- (3) This information is not readily available.
- (4) Existing schools were built to comply with fire regulations at the time of construction. There is no statutory requirement to bring these facilities to current standards retrospectively. However, a services and utilities compliance audit is undertaken when the upgrading of older style school buildings is being planned. It is normal that measures such as roof compartmentalisation and emergency exit signs are installed as part of the upgrade work in these schools.

ABORIGINES - KIMBERLEY STOLEN GENERATIONS STEERING COMMITTEE

*Funding***532. Hon HELEN HODGSON to the Minister representing the Minister for Aboriginal Affairs:**

- (1) The Kimberley Stolen Generations Steering Committee is attempting to establish a link up organisation to assist and support Aboriginal people of the Kimberley in their search for their families, their identities, knowledge of their culture and their people.
 - (a) Has the State Government agreed to fund an initial meeting to plan the establishment of Link Up in the Kimberley;
 - (b) if so, how much has the Government committed to fund that meeting?
- (2) The Kimberley Stolen Generations Steering Committee has estimated it will cost \$110 877 to establish a regional stolen generations centre in the Kimberley. Given that the Premier gave his support to the idea of such a centre in February 1997, is the Government prepared to fund in whole or in part the establishment of the centre?
- (3) If so, how much is the Government prepared to commit?
- (4) If not, why not?
- (5) The steering committee has estimated the recurring costs of running the centre will be \$98 377 annually. Is the Government prepared to commit any funds to totally or partially fund the centre?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) (a) In March 1997 the Aboriginal Affairs Department advised the Kimberley Stolen Generations Steering Committee of its commitment to host a cross-agency workshop of stakeholders with the aim of identifying funding and support for the proposal to establish a pilot link up service for the Kimberley. However, the department received no response from the steering committee and, therefore, the matter has not progressed.

- (b) Costs for this meeting were not finalised as AAD has been awaiting a response from the steering committee regarding date, venue, participants, facilitator and budget.
- (2)-(5) This proposal is still under investigation and, therefore, no response is available at this stage.

DOMESTIC VIOLENCE - LEGISLATION

Firearms - Retention by Self-employed People

533. Hon GIZ WATSON to the Attorney General:

- (1) In respect of the domestic violence legislation before the Legislative Assembly, is it true that members of the police and armed forces, who will be paid anyway, will be required to surrender their firearms, but self-employed people will be able to apply to the court to retain their firearms if they can prove the case that firearms are necessary to the conduct of their business?
- (2) If yes, does this mean that economic considerations take priority over the welfare of wives and children?
- (3) Has the Attorney General considered that the impetus should be on self-employed people restraining from domestic violence if their livelihood depends on firearms use?

Hon PETER FOSS replied:

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

TAXIS - LICENCES

Geographically Restricted

534. Hon KIM CHANCE to the Minister for Transport:

Some notice of this question has been given.

- (1) How many geographically restricted taxi licences still exist?
- (2) What areas do the taxis cover?

Hon E.J. CHARLTON replied:

- (1) Eight.
- (2) Five taxis are restricted to the Cities of Armadale and Gosnells, two are restricted to the Shires of Kalamunda and Mundaring, and one is restricted to the City of Wanneroo.
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