WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE COUNCIL

Tuesday, 1 December 1998

Legislative Council

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

GOVERNMENT RAILWAYS (ACCESS) BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

BATTERY HENS

Petition

Hon J.A. Scott sought leave to table a petition which did not conform to standing orders as it contained a picture, which was deemed to be an appendage, which was not allowed according to the rules for petitions.

Leave granted. [See paper No 518.]

SELECT COMMITTEE ON BILLS REFERRED UNDER COMMONWEALTH NATIVE TITLE ACT

Amendments to Motion

Resumed from 26 November on the following motion -

That -

(1) a select committee of five members, a majority of whom constitute a quorum, be appointed to inquire into and report on any Bill or Bills referred to it in this session that proposes or propose to enact law under, or in reliance on, the Native Title Act 1993 of the Commonwealth;

(2) the committee have power to send for persons, papers, and records;

(3) the proceedings of the committee during the hearing of evidence be open to accredited representatives of the news media and the public; and

(4) the committee report a Bill to the House on a date [if any] specified in the motion referring it and in any event not later than Thursday, 11 March 1999.

To which the following amendment was moved -

In paragraph (4), to delete the date "11 March 1999" and substitute "10 December 1998".

HON RAY HALLIGAN (North Metropolitan) [3.40 pm]: Should this amendment be passed and any or all Bills associated with the commonwealth Native Title Act 1993 go to a select committee, a report will be presented by 10 December 1998, instead of 11 March 1999. The Government has put forward a very strong case that this legislation should not go to a select committee; however, should it be the will of the House that this legislation be placed before a committee, the Government believes it is important for that committee to report to the House by 10 December. Only in that way is it likely that the legislation will be passed prior to the end of this year.

The original motion refers to the committee reporting on any Bill or Bills. I understand three Bills are involved with the commonwealth Native Title Act; therefore, if it is the will of the House, all three would go to the select committee. Should that happen, it is important that they be reported on by 10 December.

Amendment put and a division taken with the following result -

Ayes (24)

Hon Kim Chance	Hon B.K. Donaldson	Hon N.F. Moore	Hon Greg Smith
Hon J.A. Cowdell	Hon Max Evans	Hon Mark Nevill	Hon Tom Stephens
Hon M.J. Criddle	Hon Peter Foss	Hon M.D. Nixon	Hon W.N. Stretch
Hon Cheryl Davenport	Hon N.D. Griffiths	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Dexter Davies	Hon Ray Halligan	Hon Ljiljanna Ravlich	Hon Ken Travers
Hon E.R.J. Dermer	Hon Murray Montgomery	Hon B.M. Scott	Hon Muriel Patterson *(Teller)*

Noes (5)

Hon Helen Hodgson	Hon Christine Sharp	Hon Giz Watson	Hon J.A. Scott *(Teller)*
Hon Norm Kelly			

Amendment thus passed.

HON SIMON O'BRIEN (South Metropolitan) [3.46 pm]: I move -

In paragraph (1), to delete "five" and substitute "seven".

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.48 pm]: As members will be aware, the Government is seeking to amend this motion in a way which will make it agreeable to its understanding that these Bills should be passed before Christmas. We believe a committee of seven members is more appropriate than five because it gives all interests in the House an opportunity to be represented. In the event that the House agrees to changing the number of members on the committee from five to seven, I will seek to move a motion recommending to the House the membership of the select committee. If that is agreed to, the House will proceed to appoint the committee, and the Bills will be referred to it immediately.

HON GIZ WATSON (North Metropolitan) [3.49 pm]: I accept the amendment. I strongly support the consideration of this legislation by the select committee.

Amendment put and passed.

Motion, as amended, put and passed.

Appointment of Members

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the members of the Select Committee on Native Title Legislation be Hon Giz Watson, Hon Tom Stephens, Hon Mark Nevill, Hon Helen Hodgson, Hon Greg Smith, Hon Barry House and Hon Murray Nixon, and that Hon Tom Stephens be the chairman.

CLERK OF THE LEGISLATIVE COUNCIL

Summons to Attend as Witness in the Trial of Hon John Halden

THE PRESIDENT (Hon George Cash): I have a letter to read to members which invites a motion -

Dear Mr President

I attach a summons served on me this morning at my place of residence requiring my attendance as a witness for the Crown in the trial of Hon John Halden MLC. The trial commences on Monday, December 7 1998.

Leave of the House is required if I am to be a witness. I would be grateful if you would inform the House for the purpose of obtaining leave.

The letter is signed by Mr L.B. Marquet, Clerk of the Legislative Council.

Leave to Attend as Witness at Trial of Hon John Halden

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the Clerk of the Legislative Council have leave to attend as a witness at the trial of Hon John Halden MLC.

SITTINGS OF THE HOUSE - EXTENDED BEYOND 10.00 PM

Tuesday, 1 December 1998

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.54 pm]: I move -

That the House continue to sit beyond 10.00 pm.

By way of explanation, an agreement was reached at the management committee meeting last Thursday evening that the House sit today for as long as is necessary to complete the committee stage of the School Education Bill. On the basis that people may intend to talk today for as long as they did last week -

Hon Ljiljanna Ravlich: That is not fair!

Hon N.F. MOORE: I was not speaking about anyone specifically.

Hon Ljiljanna Ravlich: Do not look at me, then.

The PRESIDENT: Order!

Hon Tom Stephens: Are you prepared to put into the motion the wording "for the purposes of . . . "?

Hon N.F. MOORE: I am providing an explanation. I do not intend to put such wording into the motion, which is not

normally done. The Leader of the Opposition needs to take my word on it. It is my intention that the House sit beyond 10.00 pm if necessary in order to complete the committee stage of the School Education Bill, and to deal with no other business beyond 10.00 pm.

Question put and passed.

TITLES VALIDATION AMENDMENT BILL

Discharge from Notice Paper and Referral to Select Committee on Native Title Legislation

On motion by Hon N.F. Moore (Leader of the House), resolved -

> That Order of the Day No 2 be discharged, and the Bill be referred to the Select Committee on Native Title Legislation.

SCHOOL EDUCATION BILL

Committee

Resumed from 26 November. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Progess was reported after clause 171, as amended, had been agreed to.

Clauses 172 to 177 put and passed.

Clause 178: Accountability -

Hon KIM CHANCE: I move -

> Page 121, lines 2 to 4 - To delete the lines and substitute -
>
> > **178.** (1) Each year a governing body is to furnish to the Minister a report, as prescribed by regulation, as to the application of moneys provided under this Division in the preceding year.

This amendment relates to accountability. The clause as it stands indicates that non-government schools need only furnish a report at the minister's request on the application of moneys allocated to the school by the minister. The Public Administration Committee recommended that this amendment be made to require such reports on an annual basis. I raise this as an issue of accountability. Non-government school representatives who gave evidence to the committee indicated that this amendment would be acceptable to them, with a clear condition; namely, provided the form of the accountability mechanism report to be made as a result of the amendment be similar to that provided already on an annual basis to the Australian Government. The difficulty of cost would arise if that condition were not met. It would be an imposition on schools to comply in different forms to the two levels of government in different accountability mechanisms. The committee took note of that qualification which the independent schools applied to their support. The committee thought this matter through carefully regarding accountability relating to any consumer of the public purse. Non-government schools in Western Australia do not take a great deal of money from the public purse; nonetheless, the requirement to report is seen as fundamental.

Hon N.F. MOORE: The Government does not support this amendment. On legal advice it believes the words "application of moneys provided under this Division" mean that a separate report from that which is provided to the Commonwealth will be necessary, and that will be a significant administrative burden on the non-government school sector. As the member said when moving the amendment, most of the money provided to the non-government school sector in this State comes from the Commonwealth Government, which has rigorous reporting requirements for that expenditure. This amendment will require the non-government school sector to report separately to the State Government on top of the rigorous assessment and reporting required by the Commonwealth Government. The Government believes that is unnecessary. The original clause gives the minister an appropriate degree of discretion. In the event of the minister believing the non-government school sector should report directly to him about state expenditure, he can require it to do so. However, this amendment requires that be done every year without any discretion. The Government's advice is that this will be an administrative burden on the non-government sector. I strongly urge the Committee to reject this amendment on the grounds that is it unnecessary and that the original clause gives the minister the capacity to require reporting which is not onerous and a burden on the non-government school sector. The Government opposes the amendment.

Hon HELEN HODGSON: I support the amendment. In a number of instances reports are required to be made to both federal and state bodies. A classic example is reports being required to be submitted to the Australian and the Western Australian Electoral Commissions under the provisions relating to the disclosure of political expenditure. Under that legislation, the detail of the reports is designed so that the same information is submitted in both instances. That is the intention of this amendment. It allows for the format of the report to be prescribed by regulation. The committee intended

to ensure that these reports were no more onerous than the ones being provided under the commonwealth regulations. It hoped that the regulations would prescribe a report about the level of funding provided to the non-government school sector by the State Government with essentially the same format as the commonwealth reports, and that they would be made available to the people of Western Australia. This is an issue of accountability and transparency. The requirement for the regulations to prescribe the form means this will not impose a more onerous obligation than that which schools are already complying with.

Hon LJILJANNA RAVLICH: I support the comments made by Hon Kim Chance and Hon Helen Hodgson. I accept that the Government's argument that most of the money provided for the operation of the non-government school sector comes from the Commonwealth Government, but I ask the Leader of the House to provide the Chamber with details of how much money the State Government provides to the non-government school sector annually.

Hon N.F. MOORE: I do not have that figure available. It is in the budget and I will provide it in due course. I propose to have a notice printed and stuck above the desk of every accounting officer in every non-government school in Western Australia stating "You are filling in this form courtesy of the Democrats and the Labor Party. If it is driving you nuts, give them a call."

Hon LJILJANNA RAVLICH: I understood that the requirements of this clause would not cause difficulties for the non-government school sector given that it already provides these financial reports to the Commonwealth. A substantial amount of money is paid to the non-government school sector by the State Government and the question of accountability is important. There should be accountability to the State about the expenditure of that money and a requirement for the reporting of the achievement of goals. Government schools have rigorous reporting requirements to ensure accountability of expenditure of taxpayers' money and the Opposition asks that the governing body of the non-government school sector provide a report to the minister, as prescribed by the regulations, outlining the application of those moneys provided by the State Government. I support this amendment.

Amendment put and passed.

Hon KIM CHANCE: I move -

Page 121, lines 6 and 7 - To delete "any report required by the Minister" and substitute "a report".

Amendment put and passed.

Clause, as amended, put and a division taken with the following result -

Ayes (15)

Hon Kim Chance	Hon N.D. Griffiths	Hon Ljiljanna Ravlich	Hon Ken Travers
Hon J.A. Cowdell	Hon Helen Hodgson	Hon J.A. Scott	Hon Giz Watson
Hon Cheryl Davenport	Hon Norm Kelly	Hon Christine Sharp	Hon Bob Thomas *(Teller)*
Hon E.R.J. Dermer	Hon Mark Nevill	Hon Tom Stephens	

Noes (14)

Hon M.J. Criddle	Hon Peter Foss	Hon M.D. Nixon	Hon Greg Smith
Hon Dexter Davies	Hon Ray Halligan	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Murray Montgomery	Hon B.M. Scott	Hon Muriel Patterson *(Teller)*
Hon Max Evans	Hon N.F. Moore		

Pairs

Hon John Halden	Hon W.N. Stretch
Hon Tom Helm	Hon Barry House

Clause, as amended, thus passed.

Clauses 179 to 208 put and passed.

Point of Order

Hon N.F. MOORE: Have we dealt with clause 199?

The CHAIRMAN: It was my understanding that no amendment would be moved to clause 199. That is why I proceeded.

Hon N.F. MOORE: It would be nice if I actually knew these things, too. It would make it a bit easier.

The CHAIRMAN: Yes. Members, we have just passed clauses 179 to 208 intact.

Hon N.F. MOORE: What a good idea!

The CHAIRMAN: We are now considering clause 209.

Committee Resumed

Clause 209 postponed until after consideration of clause 237, on motion by Hon Christine Sharp.

Clauses 210 to 214 put and passed.

Clause 215: Power to exempt -

Hon LJILJANNA RAVLICH: I move -

Page 144, lines 7 to 24 - To delete the clause.

The Australian Labor Party has some concern in regard to clause 215, which gives the minister, by publishing in the *Government Gazette*, the ability to exempt a school or class of schools from the provisions of this Act that are specified in the order and for a period specified in the order. It also gives the minister power to amend or repeal an order.

Point of Order

Hon W.N. STRETCH: Mr Chairman, is the amendment in order? It appears to delete a total clause.

The CHAIRMAN: I was about to point out that the amendment is out of order and that Hon Ljiljanna Ravlich should seek to have the Committee oppose the clause.

Committee Resumed

Amendment ruled out of order.

Hon LJILJANNA RAVLICH: I oppose the clause, Mr Chairman. I do so because the Australian Labor Party has concern about the implications of the clause. This clause is about privatising the public education system and the public assets that go with it. Retaining this clause would allow for non-systemic charter schools to be established and for them to operate beyond the scope of this Bill. The Australian Labor Party finds such a situation unacceptable as we do not believe that any school or group of schools should be exempt from the provisions of this Bill. These schools, by definition, are publicly funded but would be exempt from the Bill. There has been a plethora of information on charter schools and I understand that they are commonplace in both the United Kingdom and the United States. I want to quote from an article on charter schools that has been provided to me by the Australian Council of State School Organisations which might give members an overview of what we are talking about. I quote -

> The term charter schools derives from the new breed of publicly funded schools established during the past decade in many states of the USA. . . . Generally speaking however, they all feature decentralised (site based) management structures along with a degree of deregulation, and they operate on the basis of market driven competition principles, holding out the promise of greater school choice to parents.
>
> According to the particular state legislation, charter schools in the US may be developed from part or all of an existing government school, . . . They are established through the submission of a school plan to the relevant education authority by groups of parents and/or teachers or other organisers, and the granting of a charter, usually for a fixed term, for the operation of the school with public money, in return for the provision of tightly specified services, which include predetermined educational outcomes.
>
> During the period of the charter, such schools are not subject to the supervision of the state education authority. Their accountability for the provision of a quality education service is discharged at the end of the period through demonstrating that they have met the terms of the charter.
>
> In exchange for their commitment to reaching these performance targets, charter schools operate outside of the public education system, and do not abide by many of the regulations and agreements that apply to regular public schools in the same jurisdiction. For instance, they implement working conditions and salaries that are outside the industrial agreements that may apply to the school system as a whole.

I read that extract to the Chamber so that members would have an understanding of what we are dealing with because although many people speak of charter schools they do not know what they are and how they may differ from schools that we have currently. Of great concern to the Australian Labor Party is that these schools by definition would be made up of staff who would not be subject to industrial awards and agreements or the professional requirements of this Act or other Acts. We have grave concern in that regard.

The other concern is that given that those schools are publicly funded, we would expect accountability mechanisms to be in place. Nothing suggests that would be the case. We cannot see any good reason that the Government wants a school or

group of schools to be free from the general requirements of the Act. The underlying agenda seems to be the privatisation of the school education system. When I look closely at some of the amendments we have made to the Bill, it is clear where the Government might have intended to take the state education system. I have some concerns about the future of the state education system when I look at the definition of what constitutes charter schools, the intent in clauses 124 and 125 and the involvement of parents in local staff selection. The Labor Party believes that all publicly-funded schools in this State should operate under the provisions of this Bill, which it hopes will become an Act in due course. Many questions need to be answered about what the Government proposes. I do not believe the Government has been up front with the charter school agenda and the full implications of implementing clause 215. Members of the State School Teachers Union of WA, the community and parent bodies have grave concerns. The Labor Party thinks that the best way to deal with this is to oppose this clause.

Hon B.K. DONALDSON: I support the intent of this clause. The operation of charter schools in the United States is interesting. Some time back I discussed this type of school and I wish I had taken a little more notice. In the past few days I have discussed with a leader in education the establishment of an academy of engineering sited towards the hills. A tripartite arrangement is being discussed; it would not be a College of TAFE, a university or part of the Education Department.

Hon Ljiljanna Ravlich: You would not support a tripartite agreement.

Hon B.K. DONALDSON: I am merely stating that a group of very active people in the education arena are working with a university to establish an academy of engineering, which is lacking at the moment. I will not mention names, because this idea is still being developed at the moment; but I am very impressed with what they are trying to do for young people. It would provide a venue for intermediate training; that is, between TAFE and tertiary education. If this clause is left in the Bill, we have nothing to fear. Times change. The clause does not relate to special programs in schools. It was difficult when special programs had to be dealt with by regulations and those regulations were disallowed. About 20 schools were left up in the air and were unable to offer those programs. This clause is important for flexibility.

Hon HELEN HODGSON: I have some serious concerns about this clause because it is far too broad. I can understand that in certain cases exemptions may be necessary; for example, the situation referred to by Hon Bruce Donaldson. Possibly there may be a minor requirement for an exemption from the provisions of the legislation. However, I am concerned that this clause goes to the fundamental principles of the Bill. A private school may be exempt from registration requirements and a government school may be exempt from many of the relevant requirements in the legislation. The clause refers to all categories of schools contained within the Act; that is, government and non-government schools.

Whether the clause is designed to allow the development of charter schools is significant. The Government may say that is not the intention of the clause, but whether or not it is the intention, it is the practical effect. We could end up with a government school exempt from so many of the legislative requirements that the council would have a totally free hand in running the school's programs. In effect, that would be a charter school. I am concerned whether it is intended to use the provision in that broad sense. If the Government believes it is necessary to have a clause which allows exemptions, those exemptions should be well defined. It should be clear in which areas the exemptions may apply and they should be limited so that they do not affect the basic principles of enrolment and financial accountability and responsibility. The Government should ensure that fees and local area intake, which we have been debating and to which we will return, are not covered by the exemptions contained in clause 215.

The charter school issue is very real in the minds of parents and teachers. The Government may not intend to use the clause in this way, but it leaves the way open to do so. If it is intended to use the clause for minor administrative exemptions, it should be framed in such a way that its application is restricted and so that it does not apply to the basic principles of the legislation.

Hon N.F. MOORE: This clause has evoked comment on what I could loosely describe as ideological questions. I detect the odd conspiracy theory sneaking into the debate. I heard a story on the radio yesterday about conspiracy theories. A person who had written a book about them said that they were on the decline. I feel that is not the case.

Hon Kim Chance: If only.

Hon N.F. MOORE: Quite. We have heard all the reasons that we should not have flexibility in the education Act. If members think back to 1928, they will realise that, had the 1928 Act been written in the same sort of terminology as members opposite would like a future Act to be written in, we would be running a 1928 education system in 1998. Members opposite are trying to take away any capacity for flexibility and for a responsive system which will change in the future. I said earlier that if members contemplated the 1928 Act and what the draftsmen had in mind for education at that time, they would have been talking about schools for boys, no primary schools and no secondary schools. Vocational education would not have been contemplated and certainly university would never have been considered. The world was a completely different place when the 1928 Act was written. People in those days would have been adamant that what they thought was right or wrong in 1928 was what should go into the Act.

This clause seeks to provide some flexibility in the operation of schools in the future. It contains significant safeguards; for example, the requirement under clause 215(3) that any order made under the clause must be treated as a regulation, so it must be tabled in the Parliament and subject to disallowance. Therefore, it is not possible for anybody in the future to create charter schools or allow variations to the parts of the Act relating to non-government schools without the whole world knowing about it and the Parliament having the right to say no. This clause is to give the Government of the day the flexibility to deal with issues that would be better handled by allowing an exemption from the provisions of the Act rather than seeking a change to the Act in Parliament every time it was considered necessary. However, at the same time the Bill gives Parliament a role through disallowance. The Government has no intention of creating charter schools, irrespective of whether we like them. It does not have a desire ultimately to turn all its schools into charter schools. That is not on anyone's agenda that I know of. However, it might be on somebody's agenda in the future. If that occurs members opposite will be the first to know about it because it will be tabled in this Chamber under clause 215. Nor is it the Government's intention to privatise the government school system, which works very well. If we believed members opposite we would think the private school system was the dregs of the earth and did not educate people and that the only way to get a real education was to go to a government school. That is not borne out by fact. The fact is that both systems operate very well. One is run by individuals contributing to the education of their children, assisted by the Government, and the other is paid for by the Government. However, the end result is the same. Children come out of the system with an education. When I was Minister for Education the notion that the Government wanted to privatise the system was raised by the State School Teachers Union. I wondered who would buy it. Who would even accept it as a gift?

Hon Kim Chance: That is my argument about Westrail.

Hon N.F. MOORE: There is a significant difference between the education system and Westrail because Westrail is a commercial entity that can make money by charging fees for the transportation of goods. The government school system is not something from which one could make a profit. People do not buy entities unless they are likely to make a profit from them. Why would anyone want to buy it? Who would take it on as a private sector activity when for a start it costs $1.5b to run - an amount which is increasing every year - and there is no return, unless fees are charged? What Government would survive if it said it intended to privatise a system by selling it, for example, for $1.5b to Hon Kim Chance, who would be allowed to charge everybody $10 000 to become educated so that he could make a profit?

Hon Kim Chance: Even I have not made a business decision that bad.

Hon N.F. MOORE: That is exactly right. The privatisation idea is nonsense. We already have a private school system which runs very well. About 30 per cent of children go to it by choice. To suggest that for some reason or other the Government will privatise the government school system defies comprehension. No explanation would convince me that it could be done. I hope Hon Ljiljanna Ravlich understands that and that Brian Lindberg, who trots this idea out from time to time, understands it is not an entity that can be privatised.

Hon Kim Chance: To be fair, Hon Ljiljanna Ravlich has not made that argument.

Hon N.F. MOORE: Yes she did; Hon Kim Chance was not listening carefully. When she was on her feet, I said that I had heard that before and then I recalled that which Mr Lindberg has said repeatedly.

Hon Kim Chance: If you read what she said you will find that her comments were different from that.

Hon N.F. MOORE: Forgive me if I have it wrong, but when I was taking notes in response to her comments I wrote, "We have no intention of privatising the education system", and "Who'd buy it? Nobody would."

Hon Kim Chance: I think she meant the matter of style.

Hon N.F. MOORE: This is a bit like Hon Tom Helm making speeches for Hon Mark Nevill. When Hon Mark Nevill gets it wrong he must be corrected. I stand to be corrected. In case I heard her right and she was talking along the lines of Lindberg, we have no intention of privatising the government school system. There will always be an obligation on governments to ensure every child has access to an education. If parents choose to pay for their child's education by sending them to a private school, that is their business. However, every other child will have access to a government school. That is what this Bill is all about. We debated access in the early stages of the Bill.

This clause is not about privatisation or charter schools; it is about making provision in the future for a minister - bearing in mind that it might be another 70 years before the new Act is amended - to respond to changes that will occur. We all know that changes occur much more rapidly these days than they did in the past. In five years, the education system will be dramatically different from the system in place now. In 10 years time it will be unrecognisable. Therefore we should have an Act of Parliament that gives the Government the ability to make decisions about the system we have, but at the same time appreciating that Parliament has a legitimate role in saying no if the minister of the day goes over the top. I hope members will put aside their conspiracy theories and concerns about what might be in somebody's mind in the future and acknowledge that there must be flexibility. Of all legislation, the education Act must have flexibility. Schools of the future will be vastly different from those of today. Schools of today are vastly different from those of 1928. To delete this clause would take us back to the thinking that gave us the 1928 Act.

Hon LJILJANNA RAVLICH: If I had a dollar for every time the Leader of the House said "trust us", I would be a very wealthy woman.

Hon N.F. Moore: I didn't say it once, so you will not get too rich from what I say.

Hon LJILJANNA RAVLICH: I am referring to the number of times he has said it while we have been discussing this Bill.

Hon N.F. Moore: I would not ask you to trust us because I do not think you are capable.

Hon LJILJANNA RAVLICH: The Leader of the House asks us to trust the Government and says that the Labor Party is standing in the way of flexibility. The Leader of the House's flexibility amounts to deregulation and reduced accountability. The Labor Party has some concern about this clause. Hon Helen Hodgson is right; it is too broad. I am amazed that the Minister for Education has gone to the effort of putting forward a new education Bill while seeking the power to exempt a school or class of schools from it. I wonder under what circumstances the Government might think that is justified. No doubt the Leader of the House will indicate that it would be in extreme circumstances; nonetheless, the provision is in the Bill. The Opposition is concerned that it could be abused and it sees no justification for a school's not falling under the ambit of this legislation. Therefore, we will press on with our amendment.

Clause put and a division taken with the following result -

Ayes (12)

Hon M.J. Criddle	Hon Peter Foss	Hon N.F. Moore	Hon Greg Smith
Hon Dexter Davies	Hon Ray Halligan	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*

Noes (13)

Hon Kim Chance	Hon N.D. Griffiths	Hon Mark Nevill	Hon Christine Sharp
Hon J.A. Cowdell	Hon Helen Hodgson	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Cheryl Davenport	Hon Norm Kelly	Hon J.A. Scott	Hon Bob Thomas *(Teller)*
Hon E.R.J. Dermer			

Pairs

Hon Barbara Scott	Hon Ken Travers
Hon W.N. Stretch	Hon Tom Helm
Hon Barry House	Hon John Halden

Clause thus negatived.

Clause 216: Review by Minister or delegate -

Hon KIM CHANCE: Mr Chairman, is the first amendment out of order?

The CHAIRMAN: It is, which is why I assumed the member was not moving it.

Hon KIM CHANCE: That is correct. I wanted to be absolutely certain.

Excepting the first amendment, code BF216, which was notified but will not be moved, there are nine amendments to clause 216. They all seek to achieve a single end, which is to insert the flexibility of an independent reviewer in the ministerial review process. The committee considered this matter at length and it arose from WACSSO's submissions, which called for the role of an independent review mechanism. It is probably that single issue, although not necessarily relevant to this clause alone, which occupied as much of the committee's time and its consideration of the Bill as did any other matter. The committee recognised the desire that had been expressed for not only an independent review function, but also a separate and independent office of review for the management and procedures of the Education Department of Western Australia. The committee was not able to recommend that course of action for a number of reasons. The first is that the committee determined that it would be beyond the power of the Legislative Council to do that. The prime aim expressed by WACSSO was that it sought the inclusion of the role of an education ombudsman within the formality of the Act as an independent review officer. To do so, whether under that title or otherwise, would be beyond the powers not only of the committee to make such recommendation, but also of the House to legislate because it would require a separate appropriation of funds, which would exceed the power of the House.

However, the committee noted that complaints regarding the administration of the Education Department can already be directed to an independent reviewer, and not only can be, but are on a number of occasions. That independent reviewer is already established as the Parliamentary Commissioner for Administrative Investigations, otherwise known as the Ombudsman. In its inquiries, the committee found that the Ombudsman received 21 claims, which included 25 allegations

concerning the Education Department during the financial year 1997-98. The Ombudsman is certainly playing an important role in that area.

The committee initially recommended that clause 216 be amended to note that the Office of Parliamentary Commissioner for Administrative Investigations is the appropriate place to which complainants should take their grievances concerning the Education Department. That signposting - which is all it was initially in the committee's recommendations - is still contained in the amendments. The parliamentary commissioner may undertake two forms of review about the complaints referred to him. This single point is why I have wanted to say one or two things about this set of amendments. The Government has indicated its support for these amendments. The process of review may be the review of either the procedures of the issue which is the subject of the complaint, or the merit of those decisions. This and another issue occupied some time of our committee - merit review is possible. It is not a broadscale merit review. I note that an important member in this Chamber is shaking his head. It is true that the parliamentary commissioner has powers of review over matters of both procedure and merit. The merit of decisions made by the minister is specifically excluded from the purview of the parliamentary commissioner. Effectively, one must draw two boxes within which the parliamentary commissioner can move; he can move anywhere within the matter of procedural review, and he can move anywhere within the matter of merit review except that area which is fenced off as decisions made by the minister. Clearly the parliamentary commissioner cannot go beyond that line, but it still leaves an area of merit review. It is a matter which has been considered at some length by the executive director of Fisheries WA, who is faced with a similar quandary. I believe he is involved in litigation on the matter and is holding to the view that the review process cannot go into matters of merit, whereas certain people are arguing that the scope of independent review is much wider than that.

Mr Chairman, the committee accordingly has made the recommendations which are before you and I am speaking to all nine amendments, although I will be moving only the first in order. The committee recommends these amendments to establish a procedure by which a form of independent review can be achieved, but without exceeding the powers of the Legislative Council. I move -

Page 145, after line 1 - To insert the following new subclause -

216. (1) The Minister is to appoint a person to review decisions for the purposes of this section (a "**reviewer**") and the person must —

(a) have such experience, skills, attributes or qualifications as the Minister considers appropriate to enable the person to effectively perform his or her review function; and

(b) be a person other than the chief executive officer or the chief executive officer referred to in section 145.

Amendment put and passed.

Hon KIM CHANCE: I move -

Page 145, line 7 - To delete "the Minister" and substitute "a reviewer".

Page 145, line 9 - To delete "The Minister" and substitute "A reviewer".

Page 145, line 11 - To delete "the Minister" and substitute "a reviewer".

Page 145, line 19 - To delete "Minister" and substitute "reviewer".

Page 145, line 21 - To delete "Minister" and substitute "reviewer".

Hon N.F. MOORE: The Government does not oppose these amendments.

Amendments put and passed.

Hon KIM CHANCE: I move -

Page 145, lines 23 to 26 - To delete the lines.

Page 146, lines 1 and 2 - To delete the lines.

Amendments put and passed.

Hon KIM CHANCE: I move -

Page 146, after line 4 - To insert the following new subclauses -

(6) A reviewer may determine his or her own procedure for the conduct of a review under this section.

(7) The Minister is to ensure that a reviewer is provided with such support services as the reviewer may reasonably require.

(8) The Minister may —

(a) direct that a reviewer is to be paid remuneration or allowances or both; and

(b) determine the amount of any such payments on the recommendation of the Minister for Public Sector Management.

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

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 217 to 230 put and passed.

Clause 231: Transfer of teacher to another category of employee -

Hon N.F. MOORE: I understand the amendment standing in my name is out of order, so I do not propose to move it.

Clause put and passed.

Clauses 232 and 233 put and passed.

Clause 234: Advisory panels -

Hon CHRISTINE SHARP: I move -

Page 155, after line 13 - To insert the following subclause -

(4) In performing its functions a Panel is to seek to mitigate any disadvantage arising from -

(i) gender;

(ii) geographic, economic, social, cultural or lingual factors;

(iii) specific learning difficulties; or

(iv) other causes,

that may be affecting the education of a particular child or student, or class of children or students.

I move this amendment, which has been circulated to members, instead of that appearing on the Supplementary Notice Paper. It is a repeat of amendments which I have moved with regard to the functioning of advisory panels. In this case it is to the clause which refers to advisory panels as a genus. Members will recognise the wording is in line with other amendments that have already been passed. The last line of the amendment goes beyond children generally and specifically refers to, in this case, classes of children. Under this proposed new subclause, advisory panels may be set up perhaps of a more general policy nature and may need to provide advice about the types or classes of children, rather than specific cases; therefore, the wording has been changed slightly to reflect that.

Hon N.F. MOORE: The Government is not enthusiastic about this amendment, but will not oppose it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 235 and 236 put and passed.

[Questions without notice taken.]

Clause 237: Regulations -

Hon CHRISTINE SHARP: I move -

Page 158, after line 13 - To insert the following subclauses -

(3) Regulations may be made for the purposes of paragraph (d) of section 209(2) providing for -

(a) the duration of an agreement or arrangement for advertising or sponsorship in relation to a government school;

(b) naming rights in relation to advertising or sponsorship in relation to a government school so far as naming rights are not prohibited by that paragraph;

(c) the means of ensuring that advertising or sponsorship in relation to a government school does not interfere with the normal operations of the school;

(d) the extent to which teaching materials may be involved in advertising or sponsorship in relation to a government school; and

(e) the means of ensuring the fair distribution across government schools of the benefits of advertising or sponsorship.

(4) The Minister is to establish an advisory panel under section 234 to advise the Minister on policy in respect of advertising and sponsorship in relation to government schools, and is to obtain the advice of that panel before he or she recommends to the Governor the making or amendment of regulations referred to in subsection (3).

This is not the amendment under my name on the Supplementary Notice Paper but one which has been circulated on an extra piece of paper. It deals with regulations which may be referred to under clause 209 about advertising and sponsorship. This amendment would be a useful addition to the Bill because it concerns a significant change which has taken place over time in the conduct of education in Western Australia. As members are aware, advertising and sponsorship in schools have increased considerably over recent years. I do not know when the first commercial or sponsored activities began in Western Australian schools but I know that parents and citizens associations have used commercial sponsorship to raise funds for schools for a long time. However, recently the schools themselves have seen sponsorship and advertising as a useful way of supplementing their resources to provide for interesting additional activities or required teaching materials and educational equipment. Commercial sponsorship of interschool activities such as the Rock Eisteddfod has become common. That event attracts enormous interest throughout the Western Australian school community.

The Greens (WA) are very concerned about this trend in the education system. For that reason we have moved this amendment to establish regulations for advertising and sponsorship. We believe that inevitably there is a conflict of interest of some type in allowing the commercial sponsorship of certain activities and advertising by certain commercial concerns in our schools. It seems unlikely that advertisers would proceed with advertising and sponsorship without commercial benefit. The whole concept is based on a conflict of interest. We prefer a system whereby all school activities are paid for out of consolidated revenue through school grants and that ultimately these activities are provided for by the taxpayer. If these commercial enterprises have sufficient surplus funding to enable them to sponsor schools, it is an indication that our taxation system is not working efficiently enough to enable a properly regulated approach to the funding of education.

In another context, the other day the Attorney General said that sponsorship can be a good thing because it personalises the contribution of one organisation to another. It is more a form of expression than paying taxation. He is right about sponsorship being more expressive, but I do not accept that it is a good thing. If one goes back many years beyond even the eighteenth century - which we have referred to in this debate - to the Middle Ages, when patronage was very much a part of how society functioned, it was highly personalised for the elites with sufficient surplus to patronise those without, particularly in the arts. However, we have moved well beyond that notion of social equity, and our understanding of what is desirable is quite different from what it was in the Middle Ages. Therefore, we seek to regulate this move towards the introduction of commercial notions in our education system.

The amendment refers to the necessary and prescribed steps that the regulations should follow. It covers the duration of an agreement for advertising or sponsorship and naming rights for advertising or sponsorship in so far as naming rights do not contradict any restrictions which may be prohibited in other parts of the Bill. We will come to that issue shortly in amendments we have foreshadowed.

The amendment also prescribes that advertising and sponsorship should not interfere with the normal operations of a school, the extent to which teaching materials may be involved in advertising and sponsorship, and most important, the means of ensuring a fair distribution across government schools of the benefits of advertising. Self-evidently, certain schools will be much more successful in attracting commercial sponsors than will other schools; therefore one fears this will lead to increasing inequities in our education system. If we are to go down this road it is important to devise methods to ensure that does not take place. These amendments will ensure that a system of protection is implemented. The amendments also cause the establishment of the advisory panel under section 234 which will examine the whole issue of advertising and sponsorship across school activities, materials, buildings, equipment and clothing in order to set general policy guidelines to advise the minister on this very important and increasing area.

If such an advisory panel were established, it would also provide a useful function in helping ordinary teachers and principals who were required to make difficult judgments about the suitability or proprietary nature of the sponsorship or advertising proposals made by commercial enterprises. How do they assess them? How does a teacher or principal decide whether a

new teaching material package will suitably contribute to the core skills and values the children are setting out to learn; whether the materials are tied to the curriculum; whether they provide a balanced view; and to what extent it is appropriate they acknowledge the sponsor's commercial interests? More subtle issues must be considered, such as whether messages can be provided through advertising and sponsorship which play on children's loyalties, lack of experience or fashion consciousness, etc. These are difficult decisions for principals and school teachers to make. Therefore, it would be helpful if a general policy guideline were devised which is available across the board to simplify that process of judgment.

Hon LJILJANNA RAVLICH: The Labor Party will support this amendment. I have spoken previously of the increasing devolution of responsibility to school level. This is just another area in which principals are called on to exercise discretion about arrangements with people in the private sector on sponsorship and advertising. I am aware that some preliminary work has been done by the Education Department to devise a policy framework. However, I am not sure whether it has been made available publicly. The Opposition believes the system should be standardised and parameters put in place to cover the duration and condition of agreements and the issue of appropriate sponsors. We also think it is important, as outlined in proposed paragraph (c), that sponsorship not interfere with the normal operations of a school and to ensure the issue of equity is addressed so that a school like Cottesloe Primary School does not attract more sponsorship and advertising than, say, Midvale Primary School, which I went to.

Hon Derrick Tomlinson: That is not your fault.

Hon LJILJANNA RAVLICH: No. It is important that equity be addressed. There is no doubt that sponsorship and advertising have been increasingly creeping into the state education system. It is of some concern to me that where schools increasingly rely on sponsorship and advertising the Government may perceive there is scope to abrogate its responsibility for providing resources and services. This is of particular concern to the Australian Labor Party because it does not see that sponsorship should be a substitute for anything provided by the Government. If we must accept it, it must be something extra. The impact on children of sponsorship and advertising must be considered very carefully. I am not sure the Government is undertaking any study in that area. Clause 116 deals with the way information can be disseminated at a school without impressing a viewpoint or message on the minds of students. A number of factors are identified to ensure that does not occur; yet this Government is promoting sponsorship and advertising in schools without thoroughly examining the potential negative impact on the minds of children over not only the short term but also the long term. What is the impact of sponsorship and advertising which is occurring in schools without check and which is likely to increase? I would be interested to know whether any studies have been conducted by the Education Department of WA or if any studies have been conducted overseas on the impact of exposure to advertising and the promotion of materials. We would be negligent as legislators not to assess the impact of unchecked sponsorship and advertising on students.

Hon HELEN HODGSON: The issue of advertising and sponsorship raises a number of fundamental questions that we must balance. Certain schools will be more attractive to sponsors and advertisers because of their location and the socio-demographic grouping of the community surrounding them. Those factors will always make certain schools more attractive to advertisers than others. For example, the school at Balga might have a nice big eight-foot barbed-wire fence around it to keep out people during school hours, but the same scope for advertising on that fence would not be achieved for a school located on a major road. That is an extreme example, but it illustrates a difference between schools when it comes to attracting sponsorship and advertising.

It is also important to acknowledge that parents want to have a say in the level of sponsorship and advertising in which their school is engaging. Some parents might not have any difficulty with their sports team wearing sponsored shirts, but parents at another school might feel that was further than they wanted to go. On the one hand we want to encourage uniformity and the sharing of resources, and on the other hand we want to ensure that parents have a say in the sponsorship arrangements of their school. That is why it is important that the regulations be drafted in such a way that they not only set out an overall policy, but also enable parents to have a say in the manner in which that policy may apply to a school. It should not bind the parents of a school to certain issues, which may be further than they want to go, yet at the same time it is reasonable to say there are limits to how far parents should be able to go. The amendment moved by Hon Christine Sharp seeks a way of involving parents in making these decisions. For example, paragraph (e) states -

> the means of ensuring the fair distribution across government schools of the benefits of advertising or sponsorship.

This is in addition to interfering with the operations of the school and so on. The use of the advisory panel to advise on the way in which the regulations should be set up is also very important. This proposed sublause is appropriate and the Democrats will be supporting it.

Hon N.F. MOORE: Again, we have another philosophical debate about broader educational issues. It worries me that a theme of mediocrity and conformity is coming through some of these philosophical debates. The amendments that have been moved willy-nilly in this debate all aim at significantly greater conformity. I understand socialists having that view because that is the way they operate, but it must be understood that that political philosophical view has been discredited everywhere in the world where it has been practised. We are trying to create a flexible education environment. The person who started flexibility in the Western Australian education system in recent times was Bob Pearce, a former Labor Minister for

Education, who recognised that conformity and mediocrity are not the way of the future. This is another set of amendments that is trying to put more constraints and conformity on the system, so that we will end up with mediocrity.

I was interested in Hon Christine Sharp's comments about how we are heading back to the Middle Ages. My little knowledge of the Middle Ages, particularly the late Middle Ages during the Renaissance, is that it was a period of a great flourishing of the arts, sciences and knowledge in general brought about by patronage. Some of the great achievements of mankind ever since human beings have been on this planet resulted from a patronage that applied during the Renaissance. I am not about to say that we will enter another period of renaissance in Western Australia, although I hope we might. If somebody will pay for that, I would take his money every day.

Hon Ljiljanna Ravlich: What are the consequences for the children?

Hon N.F. MOORE: The consequences are that we might get another Michelangelo, another Leonardo, and a heap of people such as those who were the product of patronage during the late Middle Ages. To trot out philosophical nonsense that we are going back to the Middle Ages by allowing patronage simply does not stand up as a good argument when one looks at the achievements of the late Middle Ages.

Hon Kim Chance: The question is about how we share that patronage fairly; it is not about mediocrity.

Hon N.F. MOORE: Let us suppose Michelangelo had not received all the money to do the job, and that they had said, "We will spread the money. Instead of giving Michelangelo all this money to paint the Sistine Chapel, we will give one-hundredth of it to each of 100 people and hope they will do a good job." The whole point is that they would have got 100 mediocre painters instead of one brilliant one. Members opposite should not trot out this argument about making everybody the same, because everybody is not the same.

Hon Kim Chance: You have missed the point.

Hon N.F. MOORE: I have not missed the point at all.

Hon Kim Chance: You do not know what we are talking about. You are off on a tangent.

Hon N.F. MOORE: I do not think the member listened to what Hon Christine Sharp said. She said that I had indicated that some of the amendments were taking us back to the eighteenth century. She said that the Government's proposal of patronage of schools takes us back to the Middle Ages. The Middle Ages was not all bad with respect to some of the great achievements of mankind. If we had had a socialist system in the Middle Ages, I suspect that we would never have had some of the magnificence of the Renaissance; it is as simple as that. One of the reasons that the countries of the old Soviet Union are in such a terrible mess is that for so long there was no reason to be different from anybody else, no encouragement to do anything. That is why this political philosophy is discredited. It has never done anything for human beings.

Hon Kim Chance: The second-greatest world power -

Hon N.F. MOORE: Which is absolutely -

The CHAIRMAN: Order, members! We must address the clause rather than broader philosophical matters.

Hon N.F. MOORE: I think the point needs to be made that patronage, whether it is somebody sponsoring a school program or putting their advertising slogan on a school roof where people flying overhead can see it, is potentially beneficial to the school. We should allow -

Hon Christine Sharp interjected.

Hon N.F. MOORE: Hang on. Hon Christine Sharp's new amendment that she has put around is virtually the whole of the Government's amendment with her bits added on. Hon Christine Sharp moved amendment Y237, which the Government found was not drafted as well as it should have been, so it drafted amendment J237, which I have on the Supplementary Notice Paper to move. It acknowledges the suggestion contained in her original proposition that there must be more explicit language in the Act relating to regulations.

Hon Christine Sharp: So you are acknowledging there is some merit in the proposal.

Hon N.F. MOORE: The member should let me finish. She has taken what I have on the Supplementary Notice Paper and added to it. The Government has two obligations: Firstly, to try to pass its own legislation, and secondly, to try to improve the drafting of some amendments that some members put on the Supplementary Notice Paper. At the end of the day, if this Bill ever gets passed - and I doubt that it will - we must live with it. Some amendments have already been moved which are totally and absolutely contrary to everything else in the Bill, so it will be impossible for some clauses to ever function. We have an obligation to ensure that when somebody mucks around with the drafting, we try to get it right. The Government accepted, somewhat reluctantly, that it should try to fix up Hon Christine Sharp's amendment Y237. From that came amendment J237, which I will move. She has then gone another step further to add more to that, and I will argue against

that. The member's problem is that she wants to take this whole thing another step further by adding bits and pieces to the Government's proposed amendment to make it even more difficult for this process to work.

I will now come to some of those matters Hon Christine Sharp has added to the Government's amendment J237. To proposed subclause (3)(b) she has added the phrase " . . . so far as naming rights are not prohibited by that paragraph". We have not dealt with clause 209; it was passed over because we had to make a decision about naming rights. I wonder whether we should even be debating this amendment before we resolve clause 209. Subparagraph (e) of the amendment mentions "fair distribution across government schools" - we can call this the socialist clause. This is in conflict with clause 214. The heading of clause 214 is: "When school fund to receive money paid for advertising or sponsorship". That clause requires the payment of sponsorship money into school funds or accounts. Again, there is a potential conflict. Let us argue about the philosophy of the clause first, then we can worry about the technicalities. The member is suggesting that there should be one big pool of money and that sponsors and advertisers put money in this one pool and then spread it across the whole system.

Hon Christine Sharp: That is not what is stated in the amendment.

Hon N.F. MOORE: The amendment states -

> the means of ensuring the fair distribution across government schools of the benefits of advertising as sponsorship.

Maybe the member is saying that whenever a school receives a sponsorship dollar, it must go into a central pool to be distributed around the system.

Hon Ljiljanna Ravlich: The regulations would determine that.

Hon N.F. MOORE: The member is talking about a fair distribution across government schools. I read that to mean that the member desires to have in place a system in which the money is spread over the entire system instead of individual schools receiving the dollars. We have heard the same argument about location and the socioeconomic status of schools.

Sitting suspended from 6.01 to 7.00 pm

Hon N.F. MOORE: I was talking about the question of a fair distribution of any revenues obtained from sponsorship or advertising and trying to work out what Hon Christine Sharp's proposed subclause (3)(e) means in practical terms; whether it means that all of the money obtained by schools for sponsorship or advertising should go to a central fund and then be distributed, presumably on a per capita basis, to all schools in the State. Let me suggest to the member that her suggestion that somehow or other the likelihood of more affluent schools doing better out of sponsorship and advertising and certain schools being advantageously placed against others may not be what happens. For example, I understand that a number of schools in the Kwinana area, which would not be regarded in the same light as schools in Peppermint Grove, do quite well by way of sponsorship and support from the Kwinana-strip industries. From what little knowledge I have, I think that they are doing very nicely. Kent Street Senior High School would also not be regarded as a Peppermint Grove school. It is sponsored by Mt McClure Gold Mine. It ties that sponsorship in with a number of courses in the mining industry. I think Canning College is sponsored by Qantas. When one looks at the various sponsorships around the State, one sees that it is not always affluent schools which get sponsorship or those located on the main highway which get the advertising dollars. Sometimes it is not a bad idea for advertisers or sponsors to sponsor schools that are less well endowed because there is a better spin-off from the point of view of representing themselves as being great supporters of the community by putting funds and support into less affluent schools.

If we go down the path advocated by Hon Christine Sharp, some of the schools that are currently doing quite well and are not considered to be affluent might lose money. Some of those dollars might go to more affluent schools. We have already debated fees to some extent and we will do so again this evening. The Government is saying that if a school can attract sponsorship dollars, it should be able to do so. Through this legislation we are simply allowing it to happen; we are not encouraging it to happen. Any suggestion that has been made that funding for schools through sponsorship and advertising is to replace government funding is not correct. It is not intended that it be the case. It is proposed that all schools continue to be funded on an equitable basis from taxpayers' dollars and that schools that are able to supplement their revenues by advertising and sponsorship should be able to do so. How successful they are will vary from school to school but they should be given the opportunity to do so without the unnecessary requirement that whatever moneys they get should be spread amongst the whole system, which is what proposed subclause (3)(e) provides for.

In respect of a question asked by Hon Ljiljanna Ravlich, I know of no studies that have been done into the effect of advertising and sponsorship on children in schools. I do know that every child in Western Australia, and probably every child in the world, is exposed to advertising of various sorts and in various quantities all of the time. I do not think that it will materially disadvantage students to find a bit of that going on at their schools because it will be minuscule compared to what they face when they leave school. At the same time, their schools can benefit quite significantly by the private sector wanting to contribute money.

The Government has put up a proposition under code J237 which it thinks places sufficient constraints on what might or might not happen in schools in respect of advertising and sponsorship. That is as far as we need to go. Hon Christine Sharp's proposed additions go too far, particularly paragraph (e), which I have described as a socialist paragraph. It seeks to spread the largesse across the system. Of course, what will happen is when money is taken away from those schools which go out and promote themselves and is given to other schools, they will simply stop doing it. At the end of the day the money will all dry up and the benefits that could be had by individual schools will not be there. I suggest to the Committee that we do not accept Hon Christine Sharp's amendment. Technically I am not quite sure how we handle this because it might have been easier had we dealt with the Government's amendment first and then dealt with the other amendments. If we vote against Hon Christine Sharp's amendment, we are in effect voting against the Government's amendment anyway because they are substantially the same.

The CHAIRMAN: The Leader of the House would need to persuade the member to seek leave to withdraw her amendment, because it is so substantially the same as the Leader of the House's that, even if it were defeated, it would be difficult to consider the Leader of the House's.

Hon N.F. MOORE: I suspect that I would have great difficulty persuading the member to adopt that line of action because she has that warm and fuzzy look on her face which indicates that she wants to look after everybody in the system, not merely those who are lucky enough to live in Kwinana.

Hon N.D. Griffiths: That is very bad use of language in describing a fellow member of this Chamber.

Hon N.F. MOORE: I would not describe Hon Nick Griffiths in those terms because he never gets that look. From time to time the member who is moving this amendment has an inner glow which becomes obvious, and it is obvious at present. The Government's foreshadowed amendment deals with the problems raised. As I have explained, Hon Christine Sharp's additional amendments to our amendments go too far. If we agree to paragraph (e), what she may be trying to achieve will be achieved and nobody will sponsor anyone. No advertising will occur in government schools and that will be to the detriment of all those schools in Western Australia, many of which do quite nicely from advertising and are in the poorer, lower socioeconomic areas. She would be surprised at how much they receive. This amendment will make it possible for them to lose what they get now.

Hon KIM CHANCE: The ideological issues raised in paragraph (e) of the amendment should be clearly stated. As the Leader of the House spent at least 60 per cent of his contribution on ideology, it is reasonable I spend a short time on it. I cannot speak for the mover of the amendment; however, I can speak for the reasons the Australian Labor Party has chosen to support the amendment. I feel sure Hon Christine Sharp's reasons are not greatly different from ours. When the Leader of the House accuses the supporters of the amendment of belonging to some kind of grey world of socialist-based mediocrity he misses the point about what has driven the Opposition's view generally on many of the important aspects of this Bill. It has nothing to do with the desire to achieve a uniform, standard, grey, mediocre socialist world in the education system. It is about achieving a fair outcome for people who are taking part in the government school system. It is as simple as that. When we examine what is driving the Government in this direction, we need look no further than the Government's policy on the sale of surplus land held by some schools. That some schools are able to withhold a substantial amount of the value of the sale of surplus land for their own use, not to be shared among every other school in the system, is an indicator of the Government's direction. If a school holds land in Swanbourne, City Beach, Nedlands, Dalkeith or even Kwinana, Balga or Lockridge, that land will have a significant value. Only that school will be able to exploit the land for the benefit of its school community. How will the children at Meekatharra benefit from that? Together with their parents, those children own the land at Swanbourne, Scarborough and Kwinana every bit as much as the school communities of the aforementioned schools and all Western Australian citizens. However, they will not be allowed to benefit. What would 2 or 3 hectares of surplus land at Meekatharra be worth? The primary school I and my children attended has 1 500-odd square metres of surplus vacant land that housed the playground adjacent to the school. It is a back block in Doodlakine which has a negative commercial value because the $3 800 it would cost to connect water to it exceeds its value. We will never be able to sell it. However, what would 1 500 square metres of land in Swanbourne be worth?

Hon N.F. Moore: Do you think Swanbourne would sell its land if it knew it was to go to someone else? Of course not. That is what will happen.

Hon KIM CHANCE: I am saying that if a school has surplus land, the State needs to make that determination.

Hon N.F. Moore: Don't you think the school should be involved?

Hon KIM CHANCE: It can have an input about a future use. It is a state asset; it belongs to the State.

Hon N.F. Moore: You should be a bit practical about things.

Hon KIM CHANCE: The Leader of the House is suggesting that that school community should benefit substantially from the sale of its land. However, that opportunity will be denied every other student in Western Australia. It is garbage, just as the Government's opposition to paragraph (e) of this amendment is garbage.

Hon N.F. Moore: The good old socialist is coming out.

Hon KIM CHANCE: Before the Leader of the House starts commenting about who is a socialist, I remind him that all paragraph (e) seeks to provide is that regulations may be made for "the means of ensuring a fair distribution across government schools of the benefits of advertising or sponsorship". If the Leader of the House objects to that, it follows necessarily that he supports an unfair distribution. That is exactly what the argument is based on. As with the sale of surplus land, he supports an unfair distribution.

I listened carefully to the 40 per cent of what the Leader of the House said about this that made sense and I agree with some of the points he made. One of his cogent points was that if exclusivity could not be offered in the sponsorship arrangement, the sponsor might not be interested. He could be right. If the sponsor particularly wanted to sponsor a school in Kwinana and the benefits of that sponsorship could not accrue to that school only, possibly no sponsorship would be offered. I do not know in how many cases that will occur or in how many cases a sponsor will require that 100 per cent of the benefits go to that school. However, the Leader of the House should note the words of the amendment again. He can make regulations for the purpose of providing for "the means of ensuring the fair distribution across government schools of the benefits . . . ". That does not mean 100 per cent or nil. It might mean that the school and the sponsor require the benefits to flow to that school. They might want 80 per cent or 70 per cent. They might be entirely happy that a school down the road or that every other school in the Kwinana district receives some of the benefits. That could be a means of implementing regulations that provide for a fair distribution. A fair distribution does not mean dividing the sponsorship dollar among the 400-odd schools in Western Australia.

Hon Ray Halligan: It could mean a separate regulation for each school, because each school's circumstances would be different.

Hon KIM CHANCE: They may well be. Notwithstanding what the Leader of the House said, the likelihood of schools favoured for sponsorship being in a high-income area is strong. Offers of sponsorship will not be made to the Doodlakine or Meekatharra schools.

Hon N.F. Moore: In Meekatharra, for example, it would be a very smart move to paint "Skywest" on the roof because every Skywest customer would fly over it. It would not affect the children you are worried about, but it would make a heap of money for the company flying over the school.

Hon KIM CHANCE: The Leader of the House may be right and perhaps Meekatharra was the worst possible example.

Hon N.F. Moore: If you fly to Carnarvon, the first thing you see is a sign saying "Endrust" on the top of a shed.

Hon KIM CHANCE: This is the vision.

Hon N.F. Moore: How does it affect education in the school? You do not even see it.

Hon KIM CHANCE: Probably not at all. This argument is degenerating into a farce simply because the Leader of the House refuses to see that the opposite of what has been proposed, the argument that he is supporting, goes to the requirement for an unfair distribution. He fails to understand the concept of fairness which he wants to paint as the grey, mediocre world of socialism. It does not have much to do with that. It has much to do with trying to reach the stage that every one of us wants for our kids where, as near as possible, they have equal opportunity wherever they are in Western Australia. If it is analysed in those terms, the Government's amendment fails by comparison with Hon Christine Sharp's amendment.

Hon CHRISTINE SHARP: The Leader of the House is not saying that he supports an unfair system; he is not as up-front as that about it.

Hon N.F. Moore: I beg your pardon.

Hon CHRISTINE SHARP: I am saying the Leader of the House is not up-front in indicating that he supports an unfair system. I interpret what he is saying as there will not be a problem of unfair distribution and, therefore, we do not need proposed subclause (3)(e). If there is not a problem, that is fine, but I am saying if there is a problem, what will we do about it? If we discover there is a problem, we must have a mechanism to deal with it. When I spoke previously, I intimated my personal solution to the problem - not the solution in the amendment - would be to deal with this in a centralised fashion. However, that is not the solution in the amendment. The amendment provides a mechanism - a means. It is up to the Government to sort it out. I am not sorting it out or imposing a solution; it can be done in various ways. Apart from putting all the funds into a central pot and dividing them equally between approximately 600 schools, a mechanism could be established to equalise sponsorship so that schools which have not received sponsorship for a certain period are not disadvantaged. The Government could provide sponsors with lists of schools which require support. An advisory panel comprising experts in this field who know the kinds of activities that are sponsored and the nature of advertising material that is used, would also be able to devise ways to solve the problem, if there is a problem. If there is no problem, we have nothing to worry about. I am sure the Government would not like to see that problem occur; it would not like to see inequities in our school system. To say that every school will be covered by this provision because an airline flies overhead

or it has some other advantage, therefore, there will not be a problem, is a nonsense. I am very surprised that the Government will not support this amendment as an addition to its proposals for regulation.

Hon N.F. MOORE: I do not want to delay this debate, but the member is asking us to write into legislation the following regulation -

(e) the means of ensuring the fair distribution across government schools . . .

I emphasise that is plural -

. . . of the benefits of advertising or sponsorship.

I read that to mean we must spread those benefits across the government school system of Western Australia. A sponsor may wish to sponsor a school but will not do so if it knows the money will not be used in that school. If the owner of the Koondoola video shop wants to sponsor the Koondoola Primary School, but is then told the $200 he is putting into the school will be spread across the whole education system, which means about one-fiftieth of a cent will go to each child across the system, he will say, "Why should I bother?" People sponsor and put money into things when there is a potential return for them.

Hon Ljiljanna Ravlich: What is the return?

Hon N.F. MOORE: When the owner of the Koondoola video shop says he will pay $200, he hopes the parents who read the school magazine will rent their videos from his shop. That is the reason he does it, not so that all the kids turn up at the video shop. Most sponsors operate on the basis that, as corporate citizens, they are contributing to the school.

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: That sounds like the member, but I get tired of her ideological claptrap. Many organisations make significant contributions to schools because they want to, and at the same time they get economic or commercial benefits. What is wrong with that? In some schools the P & C magazines are printed by local businesses and are sent out displaying the names of the businesses. That saves the P & Cs a heap of money.

Hon Muriel Patterson: Would it not be the same as a scholarship to the school?

Hon N.F. MOORE: It is the same sort of deal. Let us look at what is provided across the system: We have the Eagle Cup for primary school football and the Quit Cup for secondary school football. Money is not being spread across the whole system. The money from the Eagle Cup goes to primary school football only; the money from the Quit Cup goes to secondary school football only; the money from the Shell Music Concert goes to music only; and the Westpac Maths Competition money goes to maths only, it does not go to the whole system. If the member's argument is taken to its logical conclusion, we should put anything that anybody wants to sponsor in education into one big pool and spread it around so that everybody gets a fair go. We will not have any sponsors of schools or programs because that is seen to be elitist or it might be unfair to somebody. I am not talking about being fair or unfair; I am talking about whether we should distribute the money. Some members probably go to schools and say, "I would like to provide a citizenship prize." I wonder why they would do that?

Hon Kim Chance: To be part of the school community and to identify with it.

Hon N.F. MOORE: Is that correct?

Hon Kim Chance: Yes.

Hon N.F. MOORE: With all due respect to members, I suspect that they do it to promote themselves.

Hon Kim Chance: I did it before I was a member of Parliament.

Hon N.F. MOORE: I congratulate the member, because he is one of the few who has done that. I suspect most members of Parliament give prizes to schools so the parents know that Johnny Smith MLA supports the local school; and why do members do that? They do it to get re-elected. Perhaps all members of Parliament should put all the money they spend on citizenship and sports prizes into one big, common pool and distribute it fairly across the system, especially to those schools which do not have MLAs who give them citizenship prizes. It could all come out of the common pool so nobody would get any credit. The end result will be that sponsors simply will not offer their support. That is the reason people do these things; not to brainwash a child into supporting Labor or Liberal, buying McDonald's or the like. The member's amendment is unnecessary because it states that if somebody sponsors or advertises in a school, the money shall be spread throughout the system and the Government will be required to draw up regulations as to the manner in which the provision is to be administered. The Government will be required to draw up regulations governing how that will be done. The amendment uses the words "fair distribution"; I presume by the word "fair" the member means everybody will get an equal go.

Hon Kim Chance: Not necessarily.

Hon N.F. MOORE: What does "fair" mean if it does not mean everybody will get the same opportunity?

Hon Christine Sharp: All the examples you have given us would be considered fair, like the Shell concert being restricted to music.

Hon N.F. MOORE: Is that fair? What about the children who do not study music?

Hon Kim Chance: They might be footballers.

Hon N.F. MOORE: What about the children who study tae kwon do, which does not receive funding from anybody? Is that fair? Perhaps we should give the Shell money to those children who do tae kwon do to make it fair. It is ridiculous to put words like this into legislation.

Hon Christine Sharp: Can you suggest better words?

Hon N.F. MOORE: I suggest that the provision is not needed.

Hon Christine Sharp: You would rather take the risk of being unfair.

Hon N.F. MOORE: What risk is Hon Christine Sharp talking about?

Hon Christine Sharp: You understand the risk exactly.

Hon N.F. MOORE: It happens now. The world has not ended because of the way the system works now. Many schools are learning of good ways to enter into arrangements with the commercial sector to benefit both parties. The other day I answered a question about the use of a school's grounds as a parking area for Christmas shoppers at the Karrinyup Shopping Centre during the school holidays. In exchange the school will receive some money and the services of security guards during the holidays. That is a good deal. If that deal had to be shared around, some cars would need to be parked at Balga, Balcatta and Kwinana and the security guards would be running all over the State to look after all the schools just to make it fair. It cannot be done.

Hon Christine Sharp: What you are proposing is increasingly unfair. That is the kind of world you are enforcing.

Hon N.F. MOORE: I know when I am beaten. Here we have one shopping centre paying $1 500. If one spreads that $1 500 among 700 000 schoolchildren in Western Australia, how much does each one get? My maths is not too flash, but I know it is not much money. Then spread the parking all over the State? This is how ridiculous it has become. Under this amendment, if the Karrinyup school accepts this deal, it must send the $1 500 into some head office arrangement. It will do nothing. Nobody would do it.

Hon Kim Chance: It is more a fee-for-service than sponsorship, in any case.

Hon N.F. MOORE: Obviously I am wasting my time. The Government is vigorously opposed to paragraph (e). It is totally unnecessary and, if agreed to, the result will be to ensure nobody sponsors anybody and there is no advertising in our schools.

Hon LJILJANNA RAVLICH: Paragraph (e) is critical. Equity and fair distribution are critical to this issue. The Leader of the House says that the Government believes schools should attract sponsorship dollars if they can. It should just happen and the degree of success will vary from school to school. I do not have a problem with that, but I would have a problem with a school principal who spends most of his time chasing the sponsorship dollar, perhaps at the expense of managing the school -

Hon N.F. Moore: You have spent this whole debate criticising school principals.

Hon LJILJANNA RAVLICH: I have great regard for school principals, but some schools will take the opportunity to seek the sponsorship or advertising dollar and consider it a high priority.

Hon N.F. Moore: You continue to underestimate school principals in this State. You have done it all through this debate.

Hon LJILJANNA RAVLICH: The Leader of the House is trying to suggest that I am making adverse comments about school principals. I have a healthy regard for the work of school principals, but people like the Leader of the House have burdened them with too much devolution and change at too fast a rate and have not given them the resources to perform the functions expected of them. The Government has now given school principals the task of chasing sponsorship dollars, and they will need them if they want resources. It is inequitable. The Government's position is that some schools will be better at attracting these dollars. Somebody who lobbies on behalf of a school is likely to have a greater degree of success than somebody who has taken a back seat and is not lobbying for the advertising or sponsorship dollar but may be more interested in the educational outcomes of the students at the school. Education is about education and educational outcomes. The Leader of the House should not try to project his disgrace onto me, because I will not cop it.

Hon N.F. MOORE: That is the most outrageous thing I have heard about school principals since this debate started. Hon

Ljiljanna Ravlich used to be a schoolteacher and here she is suggesting that a school principal would put the education of his students to one side when seeking sponsors. I will send a copy of her speech to every principal in Western Australia so they know what she has said about them. It is outrageous of her to suggest that. Hon Ljiljanna Ravlich has done this all through the debate; she has said principals cannot do this, they need help on discipline and this, that and the other. She has not stopped criticising from the day this debate started and the principals need to know about it, and they will.

Amendment put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon Helen Hodgson	Hon J.A. Scott	Hon Ken Travers
Hon J.A. Cowdell	Hon Norm Kelly	Hon Christine Sharp	Hon Giz Watson
Hon E.R.J. Dermer	Hon Mark Nevill	Hon Tom Stephens	Hon Bob Thomas *(Teller)*
Hon N.D. Griffiths	Hon Ljiljanna Ravlich		

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson *(Teller)*
Hon Peter Foss			

Pairs

Hon Cheryl Davenport	Hon Barry House
Hon John Halden	Hon B.M. Scott
Hon Tom Helm	Hon Dexter Davies

Amendment thus passed.

Clause, as amended, put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon Helen Hodgson	Hon J.A. Scott	Hon Ken Travers
Hon J.A. Cowdell	Hon Norm Kelly	Hon Christine Sharp	Hon Giz Watson
Hon E.R.J. Dermer	Hon Mark Nevill	Hon Tom Stephens	Hon Bob Thomas *(Teller)*
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Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson *(Teller)*
Hon Peter Foss			

Pairs

Hon John Halden	Hon B.M. Scott
Hon Tom Helm	Hon Dexter Davies
Hon Cheryl Davenport	Hon Barry House

Clause, as amended, thus passed.

Postponed clause 209: Powers of Minister -

Hon CHRISTINE SHARP: I move -

> Page 139, line 1 - To insert after the word "sponsorship" the words ", of the kind and to the extent that is authorized by regulations,".

Hon N.F. MOORE: We have just dealt with the regulation-making power. All I can say is that this Bill is now reaching the point where the administration of education will be an exceedingly difficult exercise. We will now have regulations which talk about the kind and extent of support to schools through sponsorship and advertising. The regulations about which we have just spoken will include this provision. I guess it is inevitable that these words will be added, but because the Government did not support the regulations to the extent they have been amended so far, we will oppose the amendment.

Hon LJILJANNA RAVLICH: The Australian Labor Party did support the regulations and will support the amendment.

Amendment put and passed.

Hon LJILJANNA RAVLICH: I move -

> Page 139, line 3 - To insert after the word "schools" the words "provided that there shall be no naming of any educational activity in government schools in relation to such advertising or sponsorship".

This clause refers to the power of the minister specifically to allow persons to undertake advertising or sponsorship in connection with educational activities in government schools. We have just gone through a fairly extensive debate about advertising and sponsorship. The Australian Labor Party has concerns about the extent of advertising and sponsorship and is of the view that checks and balances should be put in place. Hon Helen Hodgson also seeks to move an amendment which defines "educational activity" to include any activity that forms part of an educational program, except that it does not include any public event or activity undertaken by a school, or in which two or more schools participate. Members do not have to be too smart to imagine the Government will oppose this amendment vehemently and will argue that if there are restrictions, sponsors and people who want to advertise their products will not be interested in doing so. I argue that if these people have a legitimate regard for education, they will want to make a contribution, regardless of whether their name is plastered all over the place in that educational activity. We would not want to see, for example, a Mitre 10 manual arts course or a McDonald's Family Restaurants home economics course becoming part of the school curriculum. We have moved the amendment to try to restrict the naming of products and to ensure there shall be no naming of any educational activity. We would not want to see a Black and Decker woodwork course. I ask members to support the amendment.

Hon N.F. MOORE: I will go through a list of sponsored events, which now take place, which will not be permitted under this proposal. One is the Eagle Cup. The Eagles is a football team sponsoring primary school football. Another is the Quit Cup, which is for secondary school football. "Quit" means that one should stop smoking. That is advertising. Another is the Smarter than Smoking Schoolgirls' Breakfast. Many members here sponsor that event by inviting girls from schools to attend. However, we cannot have it called Smarter than Smoking, even though we are trying to get across the message that children should not smoke! Others are the Fruit and Veg Gymnastics Program, the Be Active School and Community Project, the Shell Music Concert, the Westpac Maths Competition, the CSIRO awards, the Institute of Engineers awards and the Rock and Roll Eisteddfods, and so on. This is ideology gone a bit silly; it is right over the top now.

Hon Kim Chance: It would be if what the Leader of the House is saying is right. However, of course, he is quite wrong. He has made the wrong call. He does not understand.

Hon N.F. MOORE: Clause 209(2)(d) says -

> allow persons to undertake advertising or sponsorship in connection with educational activities in government schools;

The amendment will insert the words -

> provided that there shall be no naming of any educational activity in government schools in relation to such advertising or sponsorship

There are no naming rights. That is pretty obvious. If the member thinks there will be a further amendment down the track, I suggest he is jumping the gun a bit if we are now going to have a definition of educational activity which is different from the one that this amendment refers to. Therefore, in respect of Hon Ljiljanna Ravlich's amendment, I would have thought that one cannot have a naming right for any educational activity in government schools. I have just read out some of those that take place in government schools.

Hon Kim Chance: I am sorry. I was looking at another clause.

Hon N.F. MOORE: If the member does not mind, he should not say that I am stupid or I do not know what I am talking about when he in fact -

Hon Bob Thomas: He did not say you were stupid.

Hon Kim Chance: I withdraw that.

The CHAIRMAN: Order!

Hon N.F. MOORE: The member implied it. If we go down the path suggested by Hon Ljiljanna Ravlich, we can put a line through those types of events and activities. Is that a good thing? Perhaps it is for the ideologues on the other side: Let us get rid of any suggestion of the corporate world or the commercial world having any involvement at all with education.

Hon Christine Sharp: Yes!

Hon N.F. MOORE: There we are. We have got it. Hon Christine Sharp is the first person to put her hand up and acknowledge that that is what she wants to do; that is, get rid of anything to do with commercialism in schools, and somehow or other that will produce a race of young children who are not in any way affected by the gross world, as they would describe it, of advertising.

Hon Simon O'Brien: Minister, do you know that there is a movement in England called the monster raving loony party?

The CHAIRMAN: Order!

Hon N.F. MOORE: I think it is already here. Does the member think that by removing any exposure that children at school have to advertising from nine o'clock in the morning until 3.30 in the afternoon, it will somehow or other have a significant effect on the way in which advertising influences them? When they get out of school and go home on the bus, they see the advertising plaques along the side of the road; then they go home and watch television, and they see advertising on television; then they read the newspapers, and they see advertising in the newspapers; they listen to the radio, and they hear advertising. Does the member think that not having it for a couple of hours at school will make any difference to what they are doing? Does she think that is the case?

Hon Ljiljanna Ravlich: Does the Leader of the House think that flooding them with it will not make any difference?

Hon N.F. MOORE: Nobody is flooding anybody with anything. How many children does the member know who have been severely disadvantaged and sent spare by the Fruit and Veg Gymnastics Program? How many children have taken up petrol sniffing because of the Shell Concert? How many children are being protected by the Quit Cup? That is to stop children smoking, and the Opposition is now saying that one cannot advertise not to smoke. That is what Quit means: Do not smoke. Therefore, the member is saying that as Quit is a commercial organisation, put a line through Quit. The same applies to Smarter than Smoking. We cannot expose the children to a Smarter than Smoking advertising campaign because it might affect their mentality. What a shame! Therefore, we will send them along to this breakfast and say, "We can't tell you anything about smoking, because the upper House said we cannot have these programs affecting schoolchildren because they have an advertising slogan on them."

Hon Kim Chance: Of those sponsorships the Leader of the House read out, which dealt with educational activities?

Hon N.F. MOORE: They are all to do with educational activities. Does the member not think that programs involving interschool sport and so on are educational programs? I do.

Hon Kim Chance: Is that what the Leader of the House calls them?

Hon N.F. MOORE: Yes.

Hon Kim Chance: I would have thought it was recreation.

Hon N.F. MOORE: Heaven help us! If that is the view of the Labor Party about sport in schools, no wonder it declined dramatically during the period of time when the Labor Party was in government.

Hon Bob Thomas: Cut it out.

Hon N.F. MOORE: It did! When I became the Minister for Education, there was hardly any sport going on at all. It was a voluntary thing. When I listen to Hon Kim Chance, I now know why. I will give another example.

Hon Kim Chance: The Leader of the House calls the Quit Cup an educational activity?

Hon N.F. MOORE: I do, because it happens to be an interschool sporting competition. Glen Jakovich was a great player for Hamilton Senior High School in the Quit Cup. That is how he got into the big league.

Hon Bob Thomas: I think he got there because of his ability.

Hon N.F. MOORE: No. He got there through that competition. The Westpac Maths Competition is a very well respected competition around Australia.

Hon Kim Chance: That is certainly educational.

Hon N.F. MOORE: It is. However, sport is too. Do not forget about that. What we will be saying is that we do not want Westpac to be involved in this now; therefore, we are going to say, "Sorry, guys, you will have to take your name off it, so now it is a maths competition." Do members think Westpac will put any money into this? Will it put in all the resources to run the thing? Of course it will not, because in a subtle way it is hoping that people will bank with Westpac. However, it is making a contribution to the education system. Here we have this quite extraordinary amendment being proposed by the Labor Party which will have the effect of removing a lot of names from a lot of sponsorship that goes on within the education system in Western Australia. It is good sponsorship, and I do not know of anybody who has been adversely affected by it. What members must remember also - I repeat this in conclusion - is that there are organisations which advertise the things that I would imagine members opposite would regard as being "good" - things that are good for one like eating fruit and vegetables and not smoking. They are advertising campaigns, just as "buy McDonald's" is an advertising campaign, just as "bank Westpac" is an advertising campaign. The effect of the Opposition's proposal is to get rid of any advertising at all. I think the Opposition had not thought that through.

Hon Muriel Patterson: Would these include service groups as well, such as the Lions and other clubs?

Hon N.F. MOORE: I suppose it would. If it were the Lions Spelling Competition -

Hon W.N. Stretch: The CWA citizenship award.

Hon N.F. MOORE: That would be the same deal, I suspect. I do not know if one would call citizenship an educational program. That is drawing a long bow. However, if it were the Lions Spelling Competition at the local primary school, that would be included, because I guess the Lions are advertising to get people to join. We could not have that; that would really upset the Opposition. Therefore, this is a nonsense, and it is probably at odds with a few of the other clauses we have already passed. Clause 237(3) just popped into my head. That was moved previously by Hon Christine Sharp, and that contemplates naming rights. Therefore, I think we should dispense with this very quickly.

Amendment put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon Helen Hodgson	Hon J.A. Scott	Hon Ken Travers
Hon J.A. Cowdell	Hon Norm Kelly	Hon Christine Sharp	Hon Giz Watson
Hon E.R.J. Dermer	Hon Mark Nevill	Hon Tom Stephens	Hon Bob Thomas *(Teller)*
Hon N.D. Griffiths	Hon Ljiljanna Ravlich		

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson *(Teller)*
Hon Peter Foss			

Pairs

Hon John Halden	Hon Barry House
Hon Tom Helm	Hon B.M. Scott
Hon Cheryl Davenport	Hon Dexter Davies

Amendment thus passed.

Hon HELEN HODGSON: I move -

Page 140, after line 11 - To insert the following -

"**educational activity**" includes any activity that forms part of an educational programme, except that it does not include any public event or activity undertaken by a school or any event or activity in which two or more schools participate.

This amendment is moved in recognition of some of the issues that the Leader of the House raised during the debate on the previous amendment; namely, that in some circumstances a named event may make a valuable and appropriate contribution to the education system. I divide sponsorship issues into two categories. We do not want a named event to take the form of a web site which has been sponsored by a particular organisation so that whenever children turn on the computer, they see the name of the sponsor on the web site. Neither do we want sponsorship to take the form of the Black and Decker woodworking class, which was previously suggested might be appropriate. However, I see no problem with named events for public functions such as interschool sports carnivals. The Leader of the House read out a list of the sponsored events that already take place in the school system. They include the Quit Cup, the Smarter than Smoking Schoolgirls' Breakfast, the Eagle Cup, the Fruit and Veg Gymnastics Program and the Rock Eisteddfod. All of those events are either public or interschool events, and sponsorship is acceptable in those situations, because it does not link the educational material with the sponsor in a way that may influence the child. That is where I draw the line. If the sponsor can be readily identified with the material that is provided as part of the education curriculum and program, that suggests that in some way the sponsor and the education process are linked, and that is not appropriate. However, if schools need support to hold an interschool function or other public event, I do not have a difficulty with sponsorship.

Hon N.F. MOORE: I will be fascinated to hear the arguments supporting this amendment. We heard in the previous debate woolly, ideological claptrap about how we cannot influence children's minds with gross advertising. I will be interested to hear the Greens' position on this amendment, because they do not want any advertising at all. I will also be interested to hear the Labor Party's position, in view of the fact that only a day or two ago the ALP was promoting the idea of allowing trade unions to infiltrate the minds of children in schools. Fortunately the Committee had better sense than to agree to that amendment. The pure hypocrisy that exists in the minds of Labor Party members is unbelievable. They would like to have this Chamber agree to allow trade unions to indoctrinate young children on school grounds, and they have just had this

Chamber agree to an amendment which prohibits the use of any sponsor's name for any events in schools. We now have an amendment from the Democrats that says in effect that advertising can take place in certain circumstances, such as a public event or activity undertaken by a school, so that means a school can have the McDonald's school concert, or the Bunnings sports day -

Hon Kim Chance: Or the Quit Cup.

Hon N.F. MOORE: That is right.

Hon Kim Chance: That is why we suggested you should read one with the other.

Hon N.F. MOORE: No, that is what we cannot do, as I tried to explain to members opposite. We cannot presume that any amendments will be agreed to. It was fascinating to listen to the arguments that the Labor members used in support of the previous amendment, and I will be interested to hear the arguments they will use now, because this amendment is in complete contrast with what they have argued previously. I am convinced that Hon Christine Sharp will vote against this amendment too, because we all know that she is opposed to any advertising at all. The Democrats supported no advertising at all on the last amendment, but they are now saying we should allow some advertising. What is the difference, in respect of the net effect on children, between advertising at a school concert, which is a public event, and advertising at a Shell spelling competition for grade 5?

Hon Greg Smith: What about the Kmart promotion to provide computers to schools?

Hon Helen Hodgson: That is an example of why it should not be allowed.

Hon N.F. MOORE: That means that Kmart will not be allowed to provide computers to schools under this proposition. I cannot work out where members opposite are coming from. If Hon Helen Hodgson wanted to be straight down the line and philosophically pure, like Hon Christine Sharp, and say no advertising at all, that would be fine -

Hon Greg Smith: What is a public event?

Hon N.F. MOORE: We would need to work out what is a public event or activity. This amendment is to insert a definition of "educational activity", but I suspect the definition itself raises a number of questions about the definition of a public event or activity undertaken by a school, or a public event or activity in which two or more schools participate. I come back to the philosophy behind this whole argument: Why is the argument different in respect of the individual children whom the member is trying to protect, so that advertising cannot take place if it is undertaken by one school, but it can if it is being undertaken by two schools?

Hon Greg Smith: Better penetration.

Hon N.F. MOORE: Exactly right. If I were an advertiser, I would be waiting for more than one school to be involved. That would be allowed under this amendment, but it would not be allowed for just one school. I cannot understand the rationale behind this amendment, and I hope Hon Helen Hodgson will explain it. I am not trying to be sarcastic. Perhaps it is to preserve the Perth Modern School P & C sponsorship arrangements. I do not think the member would declare an interest if that were the case. We dealt with the philosophy in debate on the previous amendment and the Committee agreed there should be no sponsorship at all. However, Hon Helen Hodgson is now moving that it should be allowed under certain circumstances and I do not understand the rationale behind those circumstances. I look forward to hearing Hon Christine Sharp say she does not support the amendment - I am sure she does not. I look forward to hearing the Labor Party change its mind from its position on the previous amendment. Also, I would be very interested in hearing Hon Helen Hodgson explain the meaning of "public event or activity undertaken by a school" and why it is different if more than one school is involved. The effect on kids will not change. If she can explain it very well, the Government might even support the amendment.

Hon HELEN HODGSON: A line needs to be drawn between what will affect children in the classroom and what links learning materials with sponsorship and promoters of goods and products. Teaching materials in a classroom are at one extreme, and at the other extreme is a public event or function which can take place only with the assistance of organisations that cover some of the cost of putting the event together. I have attempted to find something workable between the two. For example, I do not think it is desirable for a web site promoting a particular computer provider to appear before every child who turns on a computer, because that is a classroom activity. However, the sorts of functions to which the Leader of the House referred are at the other end of the scale, and substantial sums are needed to get those competitions or events up and running. With regard to the reference to my former school, I am conscious of how much this extra sponsorship can be of assistance when sending 100 or so children overseas on a concert tour. I am well aware of that and that is why a line must be drawn somewhere. I have attempted to indicate where it must be drawn.

Hon LJILJANNA RAVLICH: The ALP will support this amendment. The Leader of the House said he will be interested to know what the ALP's position is. That position is no surprise. The ALP would not have supported Hon Christine Sharp's amendment to clause 237 if it totally opposed sponsorship and advertising. It supported an amendment which set up

regulations to look at the duration of agreements, naming rights, and means of ensuring that advertising and sponsorship did not interfere with the normal operations of the school and provided for the extent to which advertising and sponsorship can impact upon teaching materials. If we are talking about equitable distribution, obviously the ALP recognises that there are some merits in the advertising and sponsorship areas, and that benefits can accrue to schools through involvement in advertising and sponsorship. However, the Labor Party also recognises that it can be overdone, and that checks and balances are needed. That is why the ALP supported the regulations, and that is why it will support this amendment.

How hypocritical it is for the Leader of the House to draw attention to clause 116, and to say that the Labor Party in the course of an industrial dispute was happy to impress a political point on the minds of children. That was not the issue; it was about communicating with parents. The Government was worried about a 16-year-old child looking at a note on its way to his or her parents, but at the same time it wants Western Australian children to have unlimited exposure to advertising and sponsorship. The Government does not even know the potential impact. It has not carried out any research, and it cannot say that in the past five years, advertising and sponsorship in Western Australian schools have increased substantially and the Government has taken the initiative to monitor the impact of advertising and sponsorship on Western Australian schoolchildren. If the Government were to provide a report and allay people's fears, I would be the first to listen. The bottom line is that the Government has not conducted any research and, therefore, it is in the interests of Western Australian schoolchildren, communities and parents to ensure there are some checks and balances in the system. The amendment proposed by Hon Helen Hodgson will do that, and the ALP supports it.

Hon N.F. MOORE: Hon Greg Smith asked about the Kmart promotion for computers in schools, whereby when people bought goods in the store they collected vouchers and when they had collected a certain number of vouchers a computer was given to a nominated school. It does not matter whether it is working now, but the principle is interesting. Hon Helen Hodgson said that would not be allowed under her amendment.

Hon Helen Hodgson: I did not say it would not be allowed. I said it was an example that we were trying to prevent, but I appreciate that it is probably a public activity and would probably be excluded.

Hon N.F. MOORE: The member should not use the word "probably" when referring to a definition she has proposed. I suggest it would be allowed under this proposal because it is an event in which more than two schools are involved. That is an entirely allowable function under the proposal. If Kmart did it for only one school it would probably be illegal, but it would be legitimate if it involved two or 400 schools. It is a problem. I think I understand the intent of the amendment, but when members try to put all these constraints on what can or cannot happen in a school system they get into a difficult drafting mess. The attempt to define "educational activity" will cause more difficulty than not defining it. The previous amendment prohibits any advertising or sponsorship, and this amendment is at least better than that but it is a long way from the best. I was interested to hear the member's comments about the Perth Modern School band. It will be looking for sponsorship, and it will have a problem if it must share the funds it receives with other schools in Western Australia, by courtesy of the previous amendment passed. It will not be able to use all the funds for Perth Modern, but must think about kids at other schools who do not get any sponsorship.

Some of the amendments proposed by members opposite will seriously disadvantage school programs in Western Australia, and some schools will be required to give away some of the money they raise, because they will have too much. Some of those schools might be in Hon Helen Hodgson's electorate, or might be disadvantaged schools. The sum total of this will be to create a dog's breakfast of the issue, and instead of the Bill clarifying where we are going, it will make it even more difficult for anyone to understand what the law means.

Hon HELEN HODGSON: The amendment that was passed previously refers specifically to the naming of educational activities in government schools, and does not prohibit sponsorship as such. It says that if Kmart donates a computer to a school, that computer cannot display a sign saying "This is the Kmart computer". In this clause and in a flow-on amendment which looks at the definition of educational activity in that contest, we are considering the naming of the sponsorship. I remind members that we have previously voted to establish an advisory panel. In deciding what is fair across the school system, the advisory panel will give opinions and advise the minister. For those reasons some of the examples that have been used in debate tonight have been spurious in the extreme and designed specifically to generate confusion in the minds of people following the debate.

Hon N.F. Moore: I referred to the Shell concert, bearing in mind that was argued in respect of Hon Ljiljanna Ravlich's amendment.

Hon HELEN HODGSON: I agree that my amendment had not been debated at that stage, and the original amendment moved by Hon Ljiljanna Ravlich would have related to the naming of an educational activity. My amendment will ensure that because, for example, the Shell concert is a public event, it will not be considered in that context.

The other issue that has been raised a number of times is that the amendment will contravene the idea put in place by the regulations and that the money raised must be shared across the whole school system. With all due respect, if a number of schools are participating in the Shell concert, I am sure that an advisory panel would readily see that as fair and thus in

accordance with the spirit of the regulations. I hope that members on both sides of the Chamber will see the sense in the amendment before them.

Hon CHRISTINE SHARP: The Greens (WA) support the amendment proposed by Hon Helen Hodgson, although it does reflect not the pure principle that the Greens abhor the commercialisation in any form of our education system, and many other aspects of our society. However, that is our ideal and we are not living in an ideal world. We must somehow get from where we are now to an ideal world, and I congratulate the Labor Party for trying to begin to turn around the trend that is occurring in our schools towards a more principled stand. The amendment moved by Hon Helen Hodgson is workable. It is a practical compromise allowing many of the examples the Leader of the House raised to continue, but within the context that we are seriously looking at where this trend is taking us and trying to turn it around.

Hon N.F. MOORE: It is interesting to see a degree of pragmatism by the Greens. However, I am disappointed, because after listening to the member I thought that at least she was trying to put forward a fundamental position that advertising in schools is bad, and we should not have any. Now the member is agreeing to advertising provided more than one school is involved. The member either has not read the clause carefully or is being too flexible in her views.

Finally, with respect to Hon Helen Hodgson's comment that the amendment relates only to the naming of activities, how many sponsors will come forward if their names cannot be mentioned? Any serious sponsorship is about naming rights. I do not know what Hon Helen Hodgson's argument is all about if she says the sponsor cannot be named in a school, but can be named if an event involves more than one school.

Amendment put and passed.

Clause, as amended, put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon Helen Hodgson	Hon J.A. Scott	Hon Giz Watson
Hon J.A. Cowdell	Hon Norm Kelly	Hon Christine Sharp	Hon E.R.J. Dermer
Hon N.D. Griffiths	Hon Mark Nevill	Hon Tom Stephens	*(Teller)*
Hon John Halden	Hon Ljiljanna Ravlich	Hon Ken Travers	

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson *(Teller)*
Hon Peter Foss			

Pairs

Hon Tom Helm	Hon Barry House
Hon Cheryl Davenport	Hon B.M. Scott
Hon Bob Thomas	Hon Dexter Davies

Clause, as amended, thus passed.

Clause 238: Review of Act -

Hon LJILJANNA RAVLICH: I move -

Page 158, line 16 - To delete "5" and substitute "3".

This is a simple amendment which deals with the review of the Act. The current proposal is that the minister is to carry out a review of the operation and effectiveness of the Act not later than five years after its commencement. The Australian Labor Party believes that the review should happen no later than three years after commencement of the legislation. The reason for that is that this is our first such revised Act in 70 years and there has been enormous input from a variety of sources. It is important not to leave a review too long after the commencement of the legislation, so three years would be a more appropriate time within which to undertake the necessary review. Appropriate amendments could be made to the legislation fairly early in the piece rather than be left too late. It is the ALP's view that five years might be a little too late and that there would be benefits in conducting the review earlier rather than later.

Hon N.F. MOORE: Initially the Government opposed a three-year review. I have been a member of this place for a fair while and I do not recall too many Acts that have been subject to a review in less than five years. When we set up statutory authorities and pass legislation, a five-year period is pretty much the norm. I was going to argue strongly for a five-year period before a review is to take place. However, having sat here for the past couple of weeks and watched the absolute decimation of the Bill and clause after clause being amended in such a way that it is totally impossible for the Bill to operate

and that some clauses contradict other clauses, the legislation will need to be reviewed even before it is put into practice. The review should start the day the Bill finishes in Parliament. It will take somebody a fair bit of time and energy to read it and see what it means when opposition members finish meddling with it - not meddling with it, but butchering it - because it bears little resemblance to the Bill with which we started.

I am in a bit of a quandary whether to move a further amendment that it be one year or that it be immediately after the Bill is passed by Parliament, or whether to continue to argue for five years, which is the appropriate and proper period for a review. I will stick with the five years because we should try to maintain some integrity in these matters. From what the Opposition has done to the Bill, there are two possibilities. One is that the Bill will go in the bin, particularly after a few things that have happened today as well as what has happened on previous days, and that will be the end of it. If that is what members opposite have wanted all along, they will have achieved their ambition. The second possibility is that I suspect that it will take at least a year to draft regulations that fit in with what is being done to the Bill, and then opposition members will find when they are doing that that some contradict each other, because some clauses contradict each other, and they will probably find that some clauses are quite out of order. I do not see how the legislation can be implemented without a major review being done before anybody tries to do it.

During the previous division, I said to a member that I would hate to be the next Minister for Education who inherits this legislation. One of these days it will be a Labor member. That will not be for a while, but it will happen. We must understand that when we try to stop schools raising money through sponsorship or whatever, that money must come from somewhere else - out of taxpayers' pockets; Labor members will slug taxpayers. Labor members must understand that they will put up taxes or borrow money, as they did before. The Democrats and the Greens do not need to worry about that because they will never form a Government - thank God for that - but Labor members will form a Government.

Hon Kim Chance: Thank God for that!

Hon N.F. MOORE: Perhaps. After Labor members have had a go at the Bill with all the attitude they have been trotting out, they will borrow money in large dollops just to pay for the education system, because they are taking away the capacity to raise money within it. We are shortly to discuss fees - opposition members will put a big chopper through that provision, I am told. The money must come from somewhere else. Labor members will eventually get hold of the Act, if the Bill ever becomes an Act, and they will have to operate under it. They will be the first people in the Parliament to try to fix it, because their minister will say, "I can't live with this heap of rubbish that was created in 1998." As the person who started the process, I am disappointed that we have reached this stage. I had the nerve to say that the Act needed to be rewritten, for the first time since 1928, and I got the process started. I had the nerve to do that and a few other things at the same time. We now have this dog's breakfast, and I am embarrassed by it, quite frankly. Anybody who knows about education will be equally embarrassed. I will argue for a five-year review because that maintains integrity in the review process, but the legislation will not get that far - it will not even pass first base.

Hon HELEN HODGSON: I give the Leader of the House comfort on two fronts. Firstly, a three-year review is too short in view of the length of time it took to develop the legislation. Even though we have disagreed on some issues, it took a period to do the review process. Secondly, given the comments by the Leader of the House, the provision does not say that we cannot review the legislation until after five years; it says that there shall be a review, but in the meantime the minister is at liberty to start his review process the very day the legislation is proclaimed, if that is what he chooses to do. However, I will not support the amendment to three years.

Hon LJILJANNA RAVLICH: I wish to pick up a couple of points that the Leader of the House made. He is putting on a great dramatic performance tonight. I have not been to the theatre for a while so I am pleased to be here to watch it. It is quite entertaining.

Hon N.F. Moore: That demonstrates your lack of seriousness.

Hon LJILJANNA RAVLICH: This is serious. I assure the Leader of the House that no-one is more serious. I take issue with the comment by the Leader of the House that the ALP is butchering the Bill. I did a quick tally of the amendments on the Supplementary Notice Paper. The claim that the ALP is butchering the Bill just does not hold. The Standing Committee on Public Administration -

The CHAIRMAN: Order! The member will address the clause.

Hon LJILJANNA RAVLICH: It is imperative that we have the review within a three-year period. The Leader of the House has said that the Bill will be reviewed before it even gets to be an Act. I assume that that is before it even leaves this place. In the normal course of events the Bill would go to the other place and be discussed and debated again. In the other place the required goodwill was not forthcoming to deal with some issues so that we felt comfortable with the outcome. In fact, the Government used its raw numbers.

Hon N.F. Moore: It has a record majority.

Hon LJILJANNA RAVLICH: This is called a majority here. As a consequence, the amendments are bottle-necked in this Chamber. I do not have a problem with that, apart from the fact that the Leader of the House now argues that it creates an unworkable piece of legislation. I do not accept that. If he thinks that it is unworkable, a three-year revision is probably better than a five-year revision.

The Standing Committee on Public Administration is responsible for more than half the amendments. Members should make no mistake about that. All parties were represented on that committee. The ALP moved 30 amendments, the Democrats and Greens moved about 15 each, and the Government moved 10. The Leader of the House's arguments are a little fallacious. If he thinks that we have made the Bill unworkable, he should be the first to support a review within a three-year period rather than a five-year period. That would be a logical conclusion to draw if one were concerned about the legislation. No, instead, the Leader of the House just goes on and on. He is not prepared to listen or to reason; he just thinks that it is like the old days and members can do just what they like and no-one will hold them accountable. The Leader of the House is accountable and he does not like it. If he really has such grave concerns about the legislation, it would naturally follow that he would support an earlier review rather than a later review.

Amendment put and negatived.

Clause put and passed.

Clauses 239 and 240 put and passed.

Postponed clause 21: Removal from register -

Hon HELEN HODGSON: I seek some guidance, Mr Chairman. My understanding is that a number of new clauses and deferred clauses are to be considered. In at least one case a clause was deferred until after a new clause had been put. Which one comes first?

The CHAIRMAN: A specific number of clauses were deferred, upon motion, until immediately after consideration of clause 240. We are taking those in order, the first of which is clause 21.

Hon LJILJANNA RAVLICH: I move -

> Page 16, after line 17 - To insert after the word "successful" the following -
>
> > the Minister having directed a government agency or a School Attendance Panel appointed under section 39 to review the whereabouts of a child at a specified future time.

This amendment attempts to address the matter of students who disappear or are removed from the register and not followed up. Considerable talk has ensued about how schools should deal with students who disappear from the system. Clause 21 deals with the removal of students from the register, subclause (1) of which reads -

> A principal of a school is not to remove from the register for the school the name of a child of compulsory school age unless -

It then outlines certain criteria to be met in paragraphs (a) to (e). Paragraph (f) specifically states that the minister must have authorised the removal from the register on the ground that inquiries to establish the whereabouts of the child have not been successful. The amendment will add the further proviso that the minister may remove the name from the register, having directed a government agency or school attendance panel appointed under section 39 to review the whereabouts of a child at a specified future time. Therefore, under the amendment, the minister must direct the school attendance panel to review the whereabouts of a child for a specified future time. The review may be for a year if a year 9 student falls off the register and is required to attend school until the end of year 10. It may be that the child must be followed up on a six-monthly basis to prevent the removal of that child from the register. If it happens to be a year 8 child, provision may be made for reviews at six-monthly intervals until that child is no longer of compulsory age, when the child can be removed from the register. This amendment is an attempt by the Australian Labor Party to ensure that a child's name is not simply taken off the register because it is assumed that the student has gone interstate or to another school or something else has happened to the child. It will require a genuine attempt to locate the child.

In the olden days, a blue transfer form had to be submitted before a child was taken off the register. The blue transfer slip was required stating that Johnny had left Governor Stirling Senior High School three weeks ago and was now enrolled at Swanbourne Senior High School. That system appears to have broken down. I admit that I am not sure of the present system. However, given the computer technology available, I am amazed that we have such difficulty tracking down students. This lack of inquiry often results in students being abandoned by the system.

If we are genuine about child welfare and protecting the interests of children, it is beholden on the Education Department to work cooperatively with other government agencies - that might mean the police or Family and Children's Services - and to work in a spirit of cooperation to ensure that we try to locate these children and account for their whereabouts at the end of the day. When I was deputy principal at Bullsbrook District High School, the lack of interagency cooperation floored

me. Once I was dealing with an incest case and had a big problem on my hands. I remember ringing somebody from the Department for Community Services and being told that if the child was at school, it was my problem. This was about 14 years ago. I despaired at that sort of response. Although this is a slightly different situation, networks need to be established and operated effectively between the key agencies which deal with student welfare. Much work needs to be done in this area. A good start would be for the Government to have a commitment to ensuring that students do not disappear and if they do and are difficult to track or are not at school for some time, the minister will make every attempt to cooperate with another agency to find them. A mechanism needs to be put in place through regulations to ensure that in future a missing child is tracked for a specified period and every endeavour is made to locate the child. The child can then legitimately be removed from the roll. A child is not to be removed from the roll purely and simply because he cannot be found and it is all too hard. The child should not be removed from the roll until the school or the district office can say that they have taken all the proper steps and endeavoured to do the right thing. Hopefully, those endeavours will meet with success in most cases. In some cases they may not, but genuine attempts must be made. I ask members to support this amendment.

Hon N.F. MOORE: It is difficult enough to deal with amendments to this Bill which are on the Notice Paper. It is impossible to deal with amendments which are handed out as we reach the clause. If the member has other amendments for future clauses, it would be helpful for me to have them ahead of consideration of the clauses. The Bill gets complicated from here.

Hon Ljiljanna Ravlich: Sorry.

Hon N.F. MOORE: Thank you. I would appreciate that help because it is easier if we have prior knowledge of an amendment. I have some sympathy for what the member is trying to say, but she is ignoring the reality of what the Bill seeks to do and the way government agencies operate now, 14 years after the experience she described. I am told there has been a significant improvement in interagency cooperation about these issues. We are talking about a child being removed from the school register after the minister has authorised that removal, having established that the child cannot be located. If a child's location is unknown, the Minister for Education puts in place a process to locate the child. If the child cannot be found, the minister then authorises the removal of the child's name from the register. The Education Department must have done a significant amount of work to get to that stage. The school does not make the decision; the minister does. The Education Department must make every effort it can to find a child, including working with other agencies and seeking their support and assistance. To then say, as the honourable member is doing, that the minister must also direct a government agency or school attendance panel to review the whereabouts of a child at a future time is unreasonable. It means that once the minister determines that a child cannot be found and his name is deleted from the register, the school attendance panel must look for him again in six months. That is unnecessary.

I have some sympathy for what the member is trying to achieve. One cannot say that a child has disappeared and have nobody care. However, the amendment is not necessary because somebody else does care. Family and Children's Services, the Police Service and the Health Department care. These are agencies with a role in knowing about the welfare and circumstances of children, bearing in mind that they are not at school. These children have been taken off the roll because they are not at school. This is not directly a problem for the education system. Its job is to run schools and educate the children who are in schools. Other agencies have the job of looking after children who are not at school. It is not necessary to include this provision in the Bill because what the member is trying to achieve is already in place. I cannot for one moment imagine a minister making a decision that Kim Chance, year 3 from Doodlakine Primary School, cannot be located anywhere and the matter should be left at that. Before reaching a conclusion the minister would have consulted with Family and Children's Services, the police and any other agency necessary to reach the determination that the child could not be located. It is then up to those agencies to try to locate the child. Having another go at locating a child is not the job of the school attendance panel.

Hon Greg Smith: Some of those Aboriginal kids up north travel from school to school.

Hon N.F. MOORE: Yes; however, often it is known where they are, which is helpful.

Hon Kim Chance: That is covered in paragraph (a).

Hon N.F. MOORE: Yes, it covers that. However, there is a problem with the technicalities of Hon Ljiljanna Ravlich's amendment. The minister can direct a government agency only if that agency is the Education Department, the Department of Education Services or the Office of Country High School Hostels Authority. The minister cannot direct Family and Children's Services, the police or any agency outside his jurisdiction. The amendment does not stand up. It is impossible for the minister to direct other agencies. If that was removed and the school attendance panel was left, it would still be the wrong body to try to locate this child. If Hon Ljiljanna Ravlich believes the Education Department should be locating this child, the amendment should read "directs the Education Department or a school attendance panel to find the child", but it is not the job of the Education Department at that stage; it is the job of other agencies, such as Family and Children's Services or the police if there is some serious concern about the wellbeing of the child. While I understand what the member is trying to do and that she is saying an attempt should be made down the track to find this child, it happens anyway. If it does not, somebody needs to be sacked. It could be somebody in the Education Department who has not made sure that

Family and Children's Services knows about the child. If Family and Children's Services does not follow the matter up, it is not doing its job. The amendment is flawed because the minister cannot direct other agencies and the school attendance panel is not the appropriate body to deal with this matter. I suggest the member not persist with this amendment and that we ensure that the Ministers for Family and Children's Services and Education are aware of the concerns which have been raised and that protocols or interdepartmental memorandums of understanding are put in place to deal with the problem the member has legitimately raised.

Amendment put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon Helen Hodgson	Hon J.A. Scott	Hon Ken Travers
Hon J.A. Cowdell	Hon Norm Kelly	Hon Christine Sharp	Hon Giz Watson
Hon E.R.J. Dermer	Hon Mark Nevill	Hon Tom Stephens	Hon Bob Thomas *(Teller)*
Hon N.D. Griffiths	Hon Ljiljanna Ravlich		

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson *(Teller)*
Hon Peter Foss			

Pairs

Hon John Halden	Hon B.M. Scott
Hon Tom Helm	Hon Dexter Davies
Hon Cheryl Davenport	Hon Barry House

Amendment thus passed.

Hon N.F. MOORE: This Committee has just done something which I cannot believe. It has just agreed to a clause which is out of order. We cannot legislate for a minister to do something that he cannot do.

Hon Kim Chance: It is not out of order.

Hon N.F. MOORE: With respect, it is; and members opposite have just made an absolute mockery of this Bill. They are creating an enormous embarrassment for this Chamber. There was a time when I believed that this place made good amendments to legislation because it took notice of the rules of legislation. All the way through this matter the Opposition has just ignored those rules. A minute ago I put forward a very legitimate proposition about how to handle this problem and it did not even get a response. I genuinely do not know what is going on here. This is an attempt to completely decimate this Bill. Why do members opposite not just say it and tell the media, if it is listening, that that is what they are seeking to do; because this last clause is a classic example of what they are trying to do.

Mr Chairman, I am wasting my time arguing the case for these things. I put forward legitimate legal concerns and they are completely ignored. From now on, we should ignore the amendments, just vote on them and let members opposite continue to make the mess that they are making of the Bill. The Bill will definitely go in the bin. If that is what they want, they should have the guts to say it.

Hon KIM CHANCE: Mr Chairman, we have put up with enough of the Leader of the House's dummy spitting. He has had his little fits of pique because he cannot get his way and now he tells us -

Hon W.N. Stretch: Who is acting now?

Hon KIM CHANCE: Just a minute; I was very quiet when he spoke. We have just heard the Leader of the House say that we have passed a clause which is out of order. Notwithstanding the fact that it was not ruled out of order by the Chairman, he decides after the division that that clause is out of order. The Leader of the House becomes the font of all wisdom.

Hon W.N. Stretch: You read *Hansard* in the morning.

Hon KIM CHANCE: I will read what we just did. I will read the part of the clause again that the Leader of the House says is out of order. In doing so, I acknowledge that the wording could have been better. Let us have a look to see what the Leader of the House says is out of order. Is he saying that the words "the Minister has directed a government agency" mean that the minister cannot direct a government agency under his control? He told us himself. He listed the government agencies that the Minister for Education has the power to direct. How can that be out of order?

Hon W.N. Stretch: He also told you of the government agency that had the responsibility of looking for the child.

Hon KIM CHANCE: He did indeed, and he said he could not direct that agency. However, he did say that he could raise the matter with the agency. What is out of order? Nothing. The Leader of the House has been exaggerating the situation from the start.

Several members interjected.

The CHAIRMAN: Order! Members, there is only one person recognised by the Chair and that is Hon Kim Chance.

Hon KIM CHANCE: Thank you, Mr Chairman, I will not keep the Committee for long. The Leader of the House has deliberately exaggerated the effect of this clause, in fact presenting it as something which it is not - a direct misrepresentation of the effect of the clause acknowledged by himself. When members read in *Hansard* what he said, they will see that he did not raise the question of its being out of order in the context of the debate on the Bill; he did it in his little dummy spit afterwards. This clause could be phrased in a better way, I acknowledge that. However, it is not out of order. There are agencies which the minister can direct. Notwithstanding the shortfall in the wording, there is nothing which prevents the minister from raising these issues with those agencies that he might deem to be more appropriate than those which he can direct. That is the bottom line. Nothing prevents the minister from raising the matter with the appropriate department; if that is Family and Children's Services, fine; if that is Health, fine. Nothing in the clause prevents him from doing that. It allows him to direct those agencies which he can direct. It is not out of order.

Hon Ray Halligan: Why do you want the minister to direct those agencies?

Hon KIM CHANCE: It may be appropriate for him to direct the agencies which he can direct. He can direct the appropriate panel, for example, which is an agency.

Hon N.F. Moore: You really are doing your very best to get yourself out of a terrible mess and you are not doing very well at it.

Hon KIM CHANCE: The Leader of the House thinks he has proved his case that this clause is out of order, does he? What absolute rot!

Hon N.F. Moore: It is an absolute nonsense and you know it. You didn't even listen to the debate.

The CHAIRMAN: Order!

Hon KIM CHANCE: I listened to the debate very carefully.

Hon N.F. Moore: You tell me which Minister for Education's agency looks for lost children. Name one of them.

Hon KIM CHANCE: The appropriate agency to raise that matter with Family and Children's Services may well be the panel. It is the panel that has the local knowledge. It is the panel that is on the ground. The panel alerts the minister to the fact that the child is apparently missing. Why should it not be the panel which raises the question with Family and Children's Services?

Hon N.F. Moore: The minister has already said the person is missing.

Hon Ray Halligan: That is for a school attendance panel. That is mentioned specifically.

Hon KIM CHANCE: Yes, quite. However, the Leader of the House's argument was that there are no agencies that the minister can direct and that the clause is thus out of order. It is not out of order.

Hon Greg Smith: Wouldn't Family and Children's Services be directed by the Minister for Family and Children's Services and the Education Department?

Hon KIM CHANCE: We have been through that. However, nothing in this clause prevents the Minister for Education raising that matter with the appropriate minister - nothing.

Hon HELEN HODGSON: I did not speak on this proposal. Once again, I thought perhaps there were some ways in which we could be looking at saving time. I believe strongly that we should not let children fall through the cracks. I listened to the Leader of the House's arguments about the amendment being out of order, but he did not propose any viable alternative.

Hon N.F. Moore: You obviously did not hear my proposal.

Hon HELEN HODGSON: His proposal did not recognise in legislation the fact that we think this is an important need. I considered trying to amend this clause from the floor. Given the response that we have met with when we have tried over the past few days of debate on other clauses, I decided that it was probably inappropriate. The Bill will probably be recommitted. If the Leader of the House thinks that this amendment is technically flawed and there is a way of preserving what we think is a necessary principle and of dealing with the technical deficiencies in who can direct whom, I invite him to put together that proposition and raise it at that stage.

Hon RAY HALLIGAN: We have been hearing a great deal from members opposite about taking time and making sure the legislation is right. We are now hearing the opposite of that argument. What is supposed to be meant by "specified future time"? If it is specified, why is it not in the Bill?

Hon Kim Chance: A week might be appropriate or a month might be appropriate. It would depend on the case, surely.

Hon RAY HALLIGAN: Someone reading this Bill must guess what is meant by the people who put the words in the clause.

Hon Kim Chance: If we had said two months, two days and 30 seconds, you would have said that we were being overprescriptive.

Point of Order

Hon LJILJANNA RAVLICH: Why are we redebating something we have already taken a vote on?

The CHAIRMAN: There is no point of order.

Debate Resumed

Hon RAY HALLIGAN: The Opposition seems to want to put everything that is changeable into regulations. Is the member suggesting that the specified future time should be static? Does he believe it should be variable?

Hon Kim Chance: Of course.

Hon RAY HALLIGAN: Does he believe that in this instance the minister should be given full rein as to what the future time should be?

Hon Kim Chance: It should be whatever he deems to be appropriate.

Hon RAY HALLIGAN: Why does the member wish to take away so many other avenues available to the minister?

Hon Kim Chance: That is a pretty subjective question.

Hon RAY HALLIGAN: The member is doing as the Leader of the House suggested and trying to get himself out of a situation in which members opposite have emasculated this Bill. Commonsense has not prevailed.

Hon Ljiljanna Ravlich: How would you know? You have not even read the Bill. What a joke.

Hon RAY HALLIGAN: The member is the joke.

Several members interjected.

The CHAIRMAN: Order!

Hon RAY HALLIGAN: We have heard a great deal from members opposite about what amendments should be made. As the Leader of the House has rightly pointed out, the Bill is now disjointed and nothing like it was when it first entered this Chamber. Members opposite have made a complete and utter mess of it.

Hon N.F. MOORE: I understand that an attempt was made to assist in the redrafting of this clause during the process of toing and froing before the Bill got here and that the Labor Party insisted that it did not want any changes if it meant taking out "directed a government agency". That is the fundamental problem. It really worries me when I hear Hon Kim Chance say that the clause is not very well worded but it is not as bad as I say it is. The alternative to that is that it is not as good as it could be.

Hon Kim Chance: Where is that proposed change in the report?

Hon N.F. MOORE: I am not talking about the committee but about Mr Ripper and all the other people involved in looking at amendments to the Bill. When the member a while ago said that the Government had moved X number of amendments, I think 97 per cent of those were to fix up the drafting of other people's amendments. They were not initiated by us. It concerns me, as it should concern you, Mr Chairman, and as I am sure it concerns Hon John Halden, who has been here long enough to know better, when a member gets up and says it is not very well drafted, that it is not very good and could be a lot better, but we should vote for it. I offered a very reasonable proposition on this clause. We could have organised a protocol and made sure there was a proper relationship if it does not exist now. I think it does, but if it does not we could put that in place. We are legislating, not writing statements of principle or things we might like. We are writing the law that will be the law of Western Australia. Judges and courts will determine what is happening on the basis of the law that we are creating now.

Hon John Halden: I agree with you. I think there are some problems in the drafting. There is also a problem with how parties in this Chamber have handled this matter. There is a responsibility not only with the Opposition but with the Government to come up with reasonable legislation. It is a joint responsibility.

Hon N.F. MOORE: That is what we would do if there were goodwill. We have here amendments that are completely against the spirit of the legislation. As I said a minute ago, most of the amendments that the Government has put on the Supplementary Notice Paper have been prepared to fix up other members' amendments. I also said that I have an obligation to make sure that the legislation is in order.

Hon John Halden: That is not new for this Government. I remember sitting over there as parliamentary secretary and doing it repeatedly when your Attorney General repeatedly tried to stuff up legislation. It is the responsibility of Government and the Chamber to fix it up.

Hon N.F. MOORE: Yes, and I have put a proposition to the Chamber that what is being done is not the best way in which the legislation could be written. I was completely ignored. I did not even get a response. I put forward a workable proposition to solve the problem. I acknowledged the problem. I said that it was not the way to fix it. I did not get an answer. All I got was a vote saying no. It is no wonder that I get a bit irritated. I am trying very hard to find a solution to the problem. The solution is not what the Chamber agreed to. I oppose the newly amended clause on the ground, to quote Hon Kim Chance, that it could be better.

Hon CHRISTINE SHARP: We have been debating this Bill in the Chamber for about three weeks, and off and on for a good year longer than that from the first moment when we were discussing the process of how this Bill would pass through this Chamber. Almost continually the Leader of the House has been in a state of irritation. He has treated non-government members as an irritation which he barely tolerates because he thinks we are doing something which is wrong. I challenge him to tell us what we are doing which is wrong. We are trying to perform our duty as members of this place to - as we consider - improve this legislation. If there are technical difficulties, it has already been pointed out we all have a joint responsibility to work together to ensure that those technical difficulties are smoothed out. However, from the very beginning the Leader of the House has been irritated at the right of this Chamber to amend legislation. He has not come to terms with it. Therefore, he must take a large part of the responsibility for the difficulties that we have got into.

Hon LJILJANNA RAVLICH: I find it very hard to cop that the Leader of the House is interested in finding a solution. The truth is that he has shown no goodwill in regard to this Bill. When it was in the other place the amendments were not ruled out of order.

Hon N.F. Moore: They were not passed either, because some commonsense prevailed.

Hon LJILJANNA RAVLICH: If the Leader of the House were really interested in goodwill and finding solutions, many of these amendments would not have found their way into this Chamber. It is that simple. A simple amendment like this could have been solved with a bit of goodwill.

Hon N.F. Moore: Do you know when I got it?

Hon LJILJANNA RAVLICH: I know. With the exception of two words, that amendment has been circulating probably for the best part of three months. The Leader of the House cannot tell me that with all the resources of government he has been unable to come up with an alternative amendment to suit everybody's interest. The bottom line is that all he does is criticise any drafting effort. I am no lawyer. We give these things to the draftspeople. A parliamentary draftsperson drafted this. They advise us of the wording we need to achieve an outcome. The Leader of the House has had the resources of government working on this legislation for about three years. If anyone should accept responsibility, it is he. If he were demonstrating the goodwill about which he has spoken, he would have made sure resources were put aside to ensure that amendments proposed by opposition members that he did not find satisfactory were at least drafted in a form that might have been acceptable to both parties. He has not done that. He has had three and a half months to do that. It was not done in the lower House and it was not done in the upper House. Now he is squawking because he does not like the outcome. He has had plenty of opportunity to find a solution and to exercise goodwill. This amendment was not ruled out of order. Technically, Hon Kim Chance is correct. It does not mean the minister must direct an agency outside his control. He can direct an agency under his control. It is a fallacious argument. The debate should move on.

Hon N.F. MOORE: I will answer the charge that I should fix up the mess Hon Christine Sharp created.

Hon Christine Sharp: Why are you always so grumpy with us all the time?

Hon N.F. MOORE: Because Hon Christine Sharp does not seem to have worked out yet that in the other House where the Government is formed the Government has a record majority. This Government has brought forward a Bill. It is entitled to have its legislation passed in roughly the same shape as it started. This Committee has made 80 amendments to the Bill. That is emasculation. No wonder I get irritated. Members opposite are destroying a Bill for which I have much enthusiasm. This Supplementary Notice Paper is dated Thursday, 19 November, when we began all this. When we reached clause 21 Hon Ljiljanna Ravlich realised there was something wrong with her amendment and we deferred it so she could work out how she could reword it. That occurred last week. We go through all these clauses today, get back to clause 21, and what lands on my desk the moment we reach clause 21 but the new amendment from Hon Ljiljanna Ravlich. I have not even had a chance to read it, and she tells me that I should have fixed it. Her colleagues were told that we cannot include in the

legislation "a government agency" in that context. They refused to accept that advice. What more can we do about it? I suggested we not proceed with this clause so that we could find a better way of dealing with it because it was badly worded.

Hon Christine Sharp: You did not do that.

Hon John Halden: Why not recommit it?

Hon N.F. MOORE: No; it is one of countless clauses in the same situation. The Bill is almost not worth having.

Clause, as amended, put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon Helen Hodgson	Hon J.A. Scott	Hon Ken Travers
Hon J.A. Cowdell	Hon Norm Kelly	Hon Christine Sharp	Hon Giz Watson
Hon E.R.J. Dermer	Hon Mark Nevill	Hon Tom Stephens	Hon Bob Thomas *(Teller)*
Hon N.D. Griffiths	Hon Ljiljanna Ravlich		

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson *(Teller)*
Hon Peter Foss			

Pairs

Hon Tom Helm	Hon Dexter Davies
Hon Cheryl Davenport	Hon B.M. Scott
Hon John Halden	Hon Barry House

Clause, as amended, thus passed.

Postponed clause 98: Charges for provision of certain materials and services and fees for instruction -

Hon HELEN HODGSON: This clause was deferred last week in order to allow some more drafting work to be done. A separate notice paper has been circulating since about Thursday of last week. We have a different approach to the way in which the issues raised under clause 98 should be dealt with. That involves the insertion of a new clause; therefore the consequential amendments to clause 98 will be dependent on the insertion of new clause 99.

The same applies to clause 102, which I think has also been deferred; the proposed amendments on the separately circulated list of amendments is dependent on the insertion of a new clause. I regretfully therefore ask for a further deferral of consideration of clauses 98 and 102 until after consideration of new clause 99.

Hon KIM CHANCE: I think we might have a difficulty. I understand that amendment W98 has already been moved.

The CHAIRMAN: Yes, it has.

Hon KIM CHANCE: It was my understanding that there was an amended version of W98. I want to be sure we are proceeding according to -

The CHAIRMAN: The member may be aware that we are considering clause 98; that appears correct. We had arrived at W98; that is, that at page 72, after line 17, the words proposed to be inserted be inserted. However, Hon Helen Hodgson has moved to defer consideration, so that removes clauses 98 and 102 until after the consideration of new clause 99.

Hon KIM CHANCE: The procedural problem has now been clarified.

Hon N.F. MOORE: This is becoming exceedingly difficult to follow. While a member has given some notice, we now have a deferred clause that has been half passed, we have amendment W98 on the Supplementary Notice Paper and we do not know what will happen with that, and now we have Hon Helen Hodgson saying we should put clause 98 to one side and look at her brand new clause 99, which I gather is a rehash of W98. Trying to legislate in this way is one of the reasons that I get grumpy because it is very difficult to legislate when these changes are going on all over the place and we do not know the result of clause 99 and what it will mean to other clauses. I hope the member sorted them out before she had them drafted.

Further consideration of the clause postponed until after consideration of new clause 99, on motion by Hon Helen Hodgson.

The CHAIRMAN: We will now consider clause 101.

Point of Order

Hon N.F. MOORE: Because new clause 99 is a new clause, that comes at the end of all of this.

The CHAIRMAN: Yes.

Hon N.F. MOORE: Clause 101 as I recall was deferred pending a decision on clause 98. We have not made a decision on 98 because we have just deferred that again so we can do new clause 99.

The CHAIRMAN: The Leader of the House is correct. We cannot consider 101, 102, or 103 because they are subject to the contingent motion of being considered after clause 98. As we have just once again deferred 98, we cannot consider those clauses. In the light of that situation, we move to the new clauses.

Debate Resumed

New clause 11 -

Hon KIM CHANCE: I move -

Page 10, after line 7 - To insert the following new clause -

No prosecution without certificate of chief executive officer

11. (1) A complaint of an offence against section 9 is not to be made in respect of a parent unless a certificate has been given that —

(a) all reasonably practicable steps have been taken to secure compliance with section 9 by the parent; but

(b) breaches of the section have continued.

(2) Subject to subsection (3), a certificate under subsection (1) is to be given either —

(a) if the case was referred by the chief executive officer under subsection (7), by the Panel to which the case was referred; or

(b) by the chief executive officer.

(3) If a child of the parent alleged to be in breach of section 9 is a ward for the purposes of the *Child Welfare Act 1947*, and the case has been referred by the chief executive officer under subsection (7), the certificate under subsection (1) is to be given by both of the chief executive officer and the Panel to which the case was referred.

(4) If an advisory panel established under section 234 or the School Attendance Panel established under section 39 gives a certificate under subsection (1), the Panel is to also prepare a report on —

(a) the child's educational background; and

(b) the steps that have been taken to secure compliance with section 9 by the child's parents.

(5) In any proceedings under section 9 the certificate given under subsection (1) and, if a report is required under subsection (4), a copy of the report are to be given to the court.

(6) Where in any proceedings a document is produced purporting to be —

(a) a certificate given under subsection (1); or

(b) a report prepared by a Panel under subsection (4),

the court is to presume, unless the contrary is shown, that the document is such a certificate or report.

(7) Without limiting the chief executive officer's ability to obtain advice or information he or she may obtain advice from an advisory panel established under section 234 or a School Attendance Panel established under section 39 for the purposes of any decision required to be made under this section.

(8) If the chief executive officer has referred a case under subsection (7) a Panel may —

(i) inquire into the child's enrolment record;

(ii) give such advice and assistance to the child and to his or her parents as it thinks fit; and

(iii) do any of the things referred to in section 40 (3) and (4) for those purposes.

(9) If the chief executive officer has referred a case under subsection (7) then, subject to the Minister's directions, the parent and the child of the parent referred to in subsection (1) are not to be represented by another person before the Panel unless the Panel otherwise determines on the ground that the process will not work effectively without that representation but nothing in this subsection prevents the child and parent from being accompanied by another person when appearing before the Panel.

(10) If the chief executive officer has referred a case under subsection (7) then the Panel cannot deal with the case —

(a) if the child of the parent referred in subsection (1) was, immediately prior to the decision taken by the principal in section 20, 21(1)(a) or 21(1)(b), enrolled at or on the register of a government school if a member of the Panel is —

(i) a member of teaching staff of the school; or

(ii) a parent of a child who is enrolled at the school;

or

(b) if the child of the parent referred to in subsection (1) was, immediately prior to the decision taken by the principal in section 20, 21(1)(a) or 21(1)(b), enrolled or on the register of at a non-government school if a member of the Panel is —

(i) the principal of, or a teacher employed at, the school; or

(ii) a parent of a child who is enrolled at the school.

Proposed new clause 11 was arrived at after careful consideration of amendments in the Standing Committee on Public Administration's report No 9 which were initially proposed for clauses 36(1) and 9. The committee is of the view that this amendment, to insert a new clause along with the new subclause (4) of clause 13 - which we have not dealt with yet because that clause has been deferred by the Committee - will put in place the principles that were adopted by the committee and were anticipated to be dealt with by clauses 36 and 9. The committee set out to ensure that the legislation makes specific provision for all possible avenues to be utilised before a child's parents are prosecuted under clause 9, which deals with compulsory enrolment. These avenues are essentially twofold: Firstly, to ensure that all practical steps have been taken to ensure compliance with clause 9; and secondly, that an enrolment panel, as is established by the Bill, is utilised, including in that utilisation the use of its reporting function. When the chief executive officer has referred a case to a panel, which he is entitled to do under subclause (7) of the amendment, the panel has the capacity to make inquiries into a number of factors. These include inquiries into the child's enrolment record; to be able to advise and assist the child and the child's parents on issues relating to the child's enrolment; and, as a result of the empowerment under clauses 43 and 44, to do those things that are necessary to mitigate any disadvantage which might be a factor in the child's poor attendance.

If that sounds like shorthand, let me explain one of a number of issues that might arise. If a child has been a consistent non-attender for reasons of bullying at a school, that is one of the factors that might be identified by the panel and contained in the report by the panel as a factor in the child's poor attendance. On occasions in which a panel reference is made, this clause makes it clear that representation before the panel is not permitted except in some circumstances when a panel determines that a lack of representation would cause the operation of the panel to be ineffective. An example of that is where an interpreter may be needed to represent the child's parent. The committee's view is that a parent appearing before the panel should be accompanied by another person, with the emphasis on accompanied rather than represented by, where accompanied means for a person to be there with the parent for some moral support but not in any capacity to represent or in any way to speak for the parent. There are limits on the occasions where a parent cannot deal with the case. Those limits are spelt out in the proposed new section. Briefly, where a member of the school staff, including the principal of the school, or a parent of a child at the school who is at the core of the issue, is a member of the panel, that panel should not deal with that referral. Reference is also made to instances covered by clauses 20 and 21, which issues relate to cancellation of enrolment and removal from the register, being before the panel. New clause 11 - we dealt with a very similar clause what seems to be weeks ago - is to enable the panel as established by the legislation to be used in the most effective way.

Hon N.F. MOORE: The Government does not support this new clause. Members following this debate with great enthusiasm and interest will know the Government will seek to move an amendment to clause 9 to deal with the matters outlined in this new clause 11. We deferred consideration of those amendments, pending consideration of new clause 11.

I invite members to cast their minds back to the amendments proposed by me to clause 9, which take up seven lines in subclauses (3) and (4). They deal with the same issues raised by the amendment of Hon Kim Chance, which takes up nearly three pages of legislation. On occasion during this debate some members have said that the Bill is too prescriptive. Here we have all these pages of extraordinarily complicated detail which is far more appropriate in regulation, if that is where members want this.

I am told there are some drafting errors in it, but I will not say what they are because I will be told that I am being grumpy and irritable. About a year or so ago I said that somebody's drafting was wrong. I think it was in the debate on the Hairdressers Registration Repeal Bill. The way in which the Bill was drafted, the hairdressers registration board was to be abolished five years before the Bill went through the House. Fortunately that provision was fixed in the other House and that abolition did not occur. Let us get real about this: We are passing an Act of Parliament, not a set of regulations or a statement of principles.

I argue that the Government's proposed amendments to clause 9 easily deal with the matters raised by Hon Kim Chance. The addition to clause 9 provides that there must be a certificate to the effect that all practical and reasonable steps have been taken to secure the compliance of the parents with proposed subsection (1). It talks about a court hearing and the importance of that document. This provision very succinctly and clearly deals with all the matters listed in these four pages of new clause 11. I get the impression that the committee that gave us this amendment does not seem to think the people running the education system have the best interests of children at heart and for some reason want to run people off to court at the drop of a hat, so all these safeguards and rules and regulations must be included to control the system totally and absolutely. All I ask is that members give some credence to and show respect for the professionalism of the people running the system. They are quite capable of looking after and equally concerned about the welfare of children as is any member in this place.

If members want to weigh up the two proposals, all they have to do is look at the size of them. That will give an idea of the complexity of one compared with the simplicity of the other. If the intent of legislation is to look at the broad principles of things, members should be going along with the Government's proposal, rather than the prescriptive proposal put up by Hon Kim Chance. We oppose the new clause.

Hon HELEN HODGSON: I will support the amendment that has come out of the committee's deliberations. I have taken the opportunity to inform myself about the other proposition on the Supplementary Notice Paper. First, it does not deal with the committee's key concerns. The committee report makes it clear that we wanted the involvement of the school attendance panels in the process. We find that is not in the alternative draft that may, or may not, yet be put to the Chamber. The second point by the Leader of the House was the size of the amendment. The bulk of the clause utilises procedures that are established in other parts of the legislation and ensures they are tailored to suit the circumstances where they are to be applied. I am not saying that we should always pass complex, lengthy legislation for the sake of it; nor do I think shortcuts will always provide the desired results. In this case if it is necessary to have that amount of detail to ensure the panels are involved in these cases and that the intent of the committee is met, we should be inserting the full detail required to do that and, therefore, I will be supporting the new clause.

Hon N.F. MOORE: Clause 9 deals with enrolment. We are talking about a penalty concerning the enrolment of a child. What has that to do with the school attendance panel?

Hon Kim Chance: I might be able to help there.

Hon N.F. MOORE: I hope the member can.

Hon KIM CHANCE: Of course, there are differences. One reason the amendment of the Leader of the House is more concise than new clause 11 is that it does not deal with many of the issues in this new clause. In relation to enrolment, I could be attracted to the simplicity of the Leader of the House's proposed amendment; however, the text of new clause 11 deals with references to not only the school enrolment panel, but also the school attendance panel under proposed section 39.

Hon N.F. Moore: What is the school enrolment panel?

Hon KIM CHANCE: Is that the advisory panel? It is established in the Bill.

Hon N.F. Moore: There is no such thing as a school enrolment panel. I am trying to argue that clause 9 is about enrolment, not attendance.

Hon KIM CHANCE: We are dealing with new clause 11.

Hon N.F. Moore: New clause 11 relates to clause 9, the first bit of which says that "A complaint of an offence under section 9 is not to be made . . ." The offences, the prosecution and the certificate are about enrolment, not attendance.

Hon KIM CHANCE: That is partly why we chose the option of going to a new clause, because it extends some distance further than the Government has been able to do in its proposed clause 9.

Hon N.F. Moore: Clause 9 deals with enrolment. It says that one must enrol one's child; if one does not, one gets fined.

Hon KIM CHANCE: Yes, that is correct.

Hon N.F. Moore: To satisfy the Opposition's requirements, we have added a couple of additional clauses to say that one cannot proceed with a prosecution unless every endeavour is made to ensure that they do enrol. However, that has nothing to do with school attendance panels, because one can only become involved with an attendance panel once one has enrolled.

Hon KIM CHANCE: I know that. I understand what the Leader of the House is saying. However, we are talking about two completely different things. Can I take the Leader of the House back a little further to the top of page 9 in the Bill above the existing clause 9? We are dealing with part 2, which deals with enrolment and attendance. Therefore, this is not a part of the Bill which deals exclusively with enrolment; it also deals with matters concerning attendance.

Hon N.F. Moore: However, if one reads the Opposition's amendment -

Hon KIM CHANCE: The Leader of the House is quite right. I hear what he is saying. The first reference -

Hon N.F. Moore: Proposed clause 9(3) refers to a complaint of an offence against subclause (2).

Hon KIM CHANCE: Yes. Proposed new clause 11 deals with clause 9 issues. It deals with it in subclause (4) and in subclause (5). However, by the time one reaches subclause (7), one is dealing with matters which are not restricted to enrolment; one is getting into matters which deal with attendance. Indeed, when one reads subclause (8) -

Hon N.F. Moore: Attendance comes under division 3. The Opposition is putting this into division 2, which deals with enrolment.

Hon KIM CHANCE: We are in the right part. It is part 2.

Hon N.F. Moore: No, the Opposition is not in the right part. Division 1 is about compulsory education; division 2 is about enrolment; and division 3 is about attendance.

Hon KIM CHANCE: The reference is there to clause 40, which deals with the school attendance panels. I am trying to find a break here between enrolment and attendance.

Hon N.F. Moore: One gets onto attendance when one goes to division 3.

Hon KIM CHANCE: I understand what the Leader of the House is saying.

Hon N.F. Moore: The member is slotting this into division 1, which deals with compulsory education.

Hon KIM CHANCE: The Leader of the House has pointed to the fact that proposed new clause 11 has spilt over from enrolment issues into attendance issues, and that that should appropriately have been dealt with in the next division. All I can say is that this was a clause drafted by parliamentary counsel.

Hon N.F. Moore: I get criticised for not helping. However, the advice given to the Opposition was not to proceed with this. Parliamentary counsel provided that advice.

Hon KIM CHANCE: In either case, although the clause does spill into matters dealing with attendance, which might more appropriately have been dealt with a little later in this part, we are dealing with part 2, which deals with both enrolment and attendance. That is quite clearly the heading at the top of page 9. I imagine the reason for the two factors being combined in the amendment, given that there have been no difficulties raised with the drafting of any of the amendments of the Standing Committee on Public Administration thus far, is that it was seen by the draftsperson to be more appropriate to do it in that way. Indeed, the Leader of the House has pointed to some of the reasons that this clause is longer than the amendment which he has indicated that he prefers; that is, it deals with matters of attendance, it deals with specific references to what the panel should do in fulfilling its requirements, and it provides prescriptions to deal with cases in which a panel should not deal with a particular case. Those are the references to section 20 and 21 issues.

Hon N.F. MOORE: I understand this clause was drafted by the clerk of the committee. I am also advised that either the committee or the proponent of this clause was advised by parliamentary counsel that there was a better way of expressing this clause. We are dealing with new clause 11, which is in division 1 of the Bill, which relates to compulsory education. The very first sentence in the new clause talks about a complaint against section 9. It then waffles on about other extraneous things and eventually talks about attendance panels and things of that nature. However, clause 9 is all about compulsory enrolment at school - nothing else. One must enrol one's child; otherwise one is potentially subject to being fined.

Hon Ljiljanna Ravlich: What is wrong with this clause?

Hon N.F. MOORE: I have put forward a proposal under an amendment to clause 9 which requires certain things to happen in the event that somebody is to be charged for not enrolling his child. However, it is simple and concise. New clause 11

provides myriad processes that one must go through before any action can be taken against somebody. We are trying to say to the community that it is compulsory to enrol one's child. If one does not - and quite deliberately does not - one can be subject to a penalty. Under the Opposition's new clause 11, people trying to avoid enrolling their child, for whatever reason, will be able to avoid enrolling their child until the cows come home. All these processes have to be gone through, and people will get tired by about the fourth page. Therefore, people will use the new proposal the Opposition is putting up to avoid enrolment.

Please understand that what we are dealing with here is a very simple notion. Clause 9 says a child must be enrolled. Quite rightly, the Opposition has raised some concerns about whether every effort has been made to make sure that the child has been enrolled. That is why on the Supplementary Notice Paper the Government has new amendments to clause 9. That is all that is necessary. The Opposition has now gone on to require more than just reasonably practicable steps; the proposed clause refers to the Child Welfare Act, advisory panels established under clause 234 or a school attendance panel involved in preparing a report on the child's educational background, the steps that have been taken to secure compliance, and proceedings under clause 9. It goes on and on. There are advisory panels and attendance panels, and the chief executive officer becomes involved at various times. There are a couple of drafting errors mixed up in all this. Eventually the person trying to find out why the child has not enrolled will just give it away. Seriously, it is not necessary. Why does the Opposition have a school attendance panel mixed up with the enrolment of a child? It has nothing to do with it. When a child goes along to a school, if he is required to be at school, he enrols. If he deliberately does not enrol, under my proposed amendment -

Hon Kim Chance: What about home education?

Hon N.F. MOORE: They are allowed to do home education.

The Bill states the CEO must verify that every effort has been made by the parents to secure compliance. In other words, the CEO cannot arbitrarily rush off to the court but must try to convince the parents to enrol their child, and that will be the end of it; the child is either in or is out. It has nothing to do with the child's background, attendance panels or the Child Welfare Act. It has to do with whether the parents enrol their child. If members opposite have a problem with attendance, they should deal with that down the track when we deal with attendance in division 3. By combining both aspects in this amendment, members opposite will make it a very complicated process to enrol, or to take action if someone does not enrol. I strongly suggest that members opposite withdraw the amendment and deal with the Government's amendment to clause 9.

Hon LJILJANNA RAVLICH: It would be a nice world if things were as simple as the Leader of the House would have us believe. His notion is simple: A child is either in or is out. I cannot cop that, just as I cannot cop the idea that if a child is enrolled, the child is in, and if the child is not enrolled, the parents must pay a maximum penalty of $2 500 and that is the end of the story. It is not that simple. Some parents have a difficult child and go to extreme lengths to get their child enrolled at school. Under the Leader of the House's model, if parents who have a difficult child and who have gone to extreme lengths cannot get their child enrolled at school, it is just bad luck; the child is not enrolled, therefore not only do the parents have a problem in not being able to get their child to do the right thing, but also they will be penalised to the tune of $2 500 because they cannot get their child to do the right thing. That is the sort of situation that warrants the intervention that is proposed in new clause 11, whereby some very valuable information will be provided to the panel under subclauses (4) and (8) to enable it to get to the root of the non-attendance -

Hon N.F. Moore: We are not talking about attendance. We are talking about enrolment.

Hon LJILJANNA RAVLICH: It can also ask why the child does not want to be at school.

Hon N.F. Moore: They are two different things. A clear distinction is drawn. A child who is not enrolled is not absent.

Hon LJILJANNA RAVLICH: That is true, but the bottom line is that the parents need to get the child to school in the first place, and if the parents have done everything in their power to get the child enrolled but the child does not want to be enrolled, we need to get to the root of why the child refuses to be enrolled. It is not as simple as saying the child is either in or is out; and if the child is in, the parents do not pay the head penalty of $2 500, but if the child is out, they do. The Leader of the House wants the world to be simple, because he could then put in two clauses and it would fix everything up. We believe that the world is considerably more complex than the Leader of the House would have us believe, and the steps that are outlined in proposed new clause 11 go some way towards trying to find a solution to the issue of non-enrolment. I ask members to support the amendment.

Hon N.F. MOORE: Part of the process in new clause 11 is that before a person can be prosecuted for non-enrolment, the panel shall consider the child's educational background. How can the child have an educational background if the child has not been enrolled? If the child is in year 1, the panel will not have anything to investigate. Why put that in the clause? What does it have to do with enrolment anyway?

Hon Ljiljanna Ravlich: What if the child has come from interstate?

Hon N.F. MOORE: If the child has not been to school before -

Hon Kim Chance: We are talking about a child who is not currently enrolled.

Hon N.F. MOORE: We are talking about the enrolment of children in the education system, so when a child -

Hon Kim Chance: That is not to say the child has never been enrolled and has never attended school.

Hon N.F. MOORE: I know, but most of the children who enrol are enrolling for the first time in year 1, and they do not have an educational background, so why would the panel -

Hon Kim Chance: The panel is for children who have previously been enrolled but are not currently enrolled, and who would have an educational background. The child might be 12 years old.

Hon N.F. MOORE: A lot of children would have no educational background. Why is it necessary for that to be inquired into? The panel must also consider the child's enrolment record. What for? The child may not have an enrolment record because the child may not have been enrolled before. We are talking about enrolment, not attendance. If members opposite have a problem with attendance at school, fix that up, but for goodness' sake let us put in place a process that says parents must enrol their child at school unless they have a very good reason for not doing so; and they must then explain it to the director general, who will provide a certificate to say that every effort has been made to get the child to go to school; and if the parents still cannot get the child to go to school, we can then fine the parents. It is as simple as that. It is a compulsory education system. If members opposite do not want it to be compulsory, they should take that out, and we can go through the nonsense of saying, "Come if you want to, but if you have an educational background that is a problem, we will exempt you." What does a child's educational background have to do with whether the child is enrolled?

Hon Kim Chance: It has everything to do with it.

Hon N.F. MOORE: We are trying to get the child to enrol in the school system - to put down his name. That does not mean the child will go to school. That is the next problem. I wish Hon Kim Chance had been a school teacher, because then I would have had some hope of being able to explain it to him. It is not about attendance. Members opposite should worry about that in the attendance section and leave the enrolment section for enrolment only.

Hon KIM CHANCE: I must apologise, because I did rather confuse the Chamber, not to mention myself, by talking about attendance in the context of this Bill. What threw me was the reference to the attendance panel, as well as to an advisory panel established under clause 243. While I was looking at panels established under clause 243, which are advisory panels, or what I would refer to as enrolment panels, I tried to find in the Bill the functions for the panels that will be established under clause 243, and I suspect that there are not any. Therefore, the functions of a section 243 panel can be effectively what it determines its functions to be. A clause 243 panel may establish itself as a panel concerned with an enrolment issue. It is some weeks since we dealt with this matter, and that is probably what caused me to be a little confused.

The Leader of the House was concerned about proposed subclause (4)(a) at page 28 of Supplementary Notice Paper 4-3, which states that in the context of an enrolment issue, the panel shall consider the child's educational background. He said that a child would not be in difficulty with enrolment and have an educational background at the same time. Enrolment is a legal requirement under clause 9 for all the child's compulsory school years. That means when a child who is 12 or 13 years old - still within the compulsory school years - has been enrolled and attending school, but is no longer enrolled, an offence has been committed under clause 9. A 12 year old who has attended school for six years, moves to another town, is required to enrol in a school in that town and does not do so, is in conflict with the requirements of clause 9.

Hon Simon O'Brien: The parent is.

Hon KIM CHANCE: That is right. That child has an educational background. The committee wanted the Bill to address whether there was anything in the child's educational background that caused the failure to enrol.

Hon N.F. Moore: What is the relevance? Are you saying that because he has a bad educational background, he should not have to enrol?

Hon KIM CHANCE: I would not make that judgment. I am saying it would become an issue that crossed the line between enrolment and attendance. The child has been attending school. Was there something in the child's educational history that caused him to reject the option of enrolling at school again at the age of 11, 12 or 13 years? An appropriate panel would be established under the legislation to look at those reasons; that is, the school attendance panel. I know it is addressing an enrolment problem, but the question must be asked as to whether the failure to enrol stemmed back to the child's attendance record at school. If I stick with the same example of bullying, it might be that during the child's three or four years of education he was bullied at school and refused to enrol at a new school when he had the opportunity to escape.

Hon N.F. Moore: Having established that the child was bullied or had a problem in his educational background, what is the relevance of knowing that in the context of enrolling at a school? It does not say he must go to the same school.

Hon KIM CHANCE: The Leader of the House went close but not quite close enough. It is to do with the child's enrolment at the new school but also with finding the reasons that it occurred and whether something can be done about the system. Can the child's problem, which is expressed by non-enrolment, be addressed by using the processes available in the Bill?

Hon N.F. Moore: It will be a panel-run education system. Every time there is a problem, there is a panel. If a kid does not enrol there must be a panel because he may have an education problem!

Hon KIM CHANCE: The Government included the panels in the Bill to deal with children who have an attendance problem. It is an excellent idea. In the example I have given, it is still an attendance problem but it is expressed as an enrolment problem because the child has moved from one town to another. The Leader of the House asked whether it was an attendance problem, an enrolment problem or both. I submit that it is both.

Hon N.F. Moore: We are dealing with enrolment.

Hon KIM CHANCE: I know that.

Hon N.F. Moore: You would only inquire into why a child has not enrolled, to the extent suggested, if they could be exempted from enrolling if they had a problem.

Hon KIM CHANCE: I am not suggesting that they be exempted.

Hon N.F. Moore: What are you suggesting? What do you need to know?

Hon KIM CHANCE: It is necessary to know in order to fix the problem.

Hon N.F. Moore: The amendments to clause 9 will require the Director General of Education to provide a certificate. Every attempt will be made to work out why there is a problem.

Hon KIM CHANCE: The panels are there because the Government has established them for a proper reason. If it were not for the fact that the child moved to another town, the Bill would have dealt with this matter through the panel as an attendance matter.

Hon N.F. Moore: If the child does not attend, it will be looked into by an attendance panel.

Hon KIM CHANCE: The child ceased attending, but at another school. That is an attendance problem which has become an enrolment problem. If the minister does not follow the logic of the processes in his Bill, he must take the child's parents to court. Which will the Government do as the first option? Its first option is to take the parents to court.

Hon N.F. Moore: It is not that at all.

Hon KIM CHANCE: It is, because the Bill will not deal with them in this way.

Hon N.F. Moore: I spent some time trying to explain the Government's alternative, and the member was obviously reading his own amendment and did not hear what I said.

Hon KIM CHANCE: I did hear what the Leader of the House said, but I am happy to sit down and listen to him.

Hon N.F. MOORE: Again, I emphasise that we are talking about enrolment. Clause 9 is about the compulsory enrolment of children at school. If the child is not enrolled, the parent may be penalised to the tune of $2 500. That is it as far as the legislation is concerned. The Government has acknowledged that it is probably a bit blunt and, in response to the very convoluted, detailed and almost bureaucratic amendment put in place, the Government has come up with an amendment to clause 9 which is E9 on the Supplementary Notice Paper. It states that after subclauses (1) and (2) the following subclauses (3) and (4) shall be added -

> (3) A complaint of an offence against subsection (2) is not to be made against a parent unless the chief executive officer has given a certificate to the effect that all reasonably practicable steps have been taken to secure compliance with subsection (1) by the parent.

It does all the things the member wants to do, but gives the responsibility to the chief executive officer. It further states -

> (4) Where in any proceedings a document is produced purporting to be a certificate given under subsection (3) the court is to presume, unless the contrary is shown, that the document is such a certificate.

The Government has acknowledged that the first subclause is a bit blunt and it has proposed those amendments to cover the Opposition's concerns. I recognise that the Opposition's amendment was done without the knowledge of the Government's further amendment. Therefore, I am asking Hon Kim Chance to make a judgment about the best way of handling enrolment. Is it better to have the convoluted process he suggested and involve attendance panels, or is it better and easier to say to the CEO of the education system that he or she is responsible for producing a certificate to the effect that all reasonably practicable steps have been taken to ensure compliance before any action is taken against the parents? Is that not enough?

The CEO would be obliged to make all the inquiries to which the member has referred, and to make the necessary investigations into the reasons the child is not enrolled, before taking action with respect to the child. The CEO is capable of doing that investigation and concluding whether a parent should be charged. The Opposition has put in place a process that looks at the reasons, and the panel must then look at the reasons which are causing the child not to enrol. That is all irrelevant, because the child must be enrolled.

Everyone must enrol, otherwise there is a serious penalty. Everyone must attend school, but the penalty is not as strong for not attending as for failing to enrol. Once a child attends school, other issues might affect his attendance - he might be bullied, or have a problem with the teacher - and it is appropriate to investigate the reasons a child is not attending. Once the school finds out why the child is not attending, it may be that the child is taken to another school or another State, if it is very serious. However, in relation to enrolment, once the school finds out the reasons the child is not enrolled there is no way to exempt the child from enrolment. The child must still be enrolled, because that is the law. Once he has been enrolled he must remain in the system. With all due respect to the committee, it has got the two issues confused. There are enough processes in the Bill to deal with children who are not attending. The Government wants the Bill to be clear that children must be enrolled, because we have a compulsory education system. Members should say if they do not want a compulsory system, and we will change all of this. However, while we have a compulsory system, enrolment is compulsory.

New clause put and negatived.

New clause 22 -

Hon LJILJANNA RAVLICH: I move -

Page 16, after line 21 - To insert the following clause -

Review of decisions under section 20 and 21

22. (1) In this section —

"**chief executive officer**" has the meaning given by section 222.

"**person**", in relation to a child, means —

(a) a parent of the child;

(b) if the child is a prescribed child, the child; or

(c) a person whose details have been provided under section 16(1)(b)(ii)(II).

(2) A person who is aggrieved by a decision of a government school principal under section 20, 21(1)(a) or 21(1)(b) may apply in writing to the chief executive officer for a review of the decision.

(3) The application is to be made within 14 days after —

(a) in the case of a decision made under section 20, the person received written notice of the cancellation notified under subsection 20(2)(a); and

(b) in the case of a decision made under section 21(1)(a) or (1)(b), the name of the child was removed from the register.

(4) The chief executive officer, after reviewing the decision may confirm, vary or reverse the principal's decision and is to give written notice to the applicant and the principal of the chief executive officer's decision and written reasons for that decision.

(5) Without limiting the chief executive officer's ability to obtain advice or information, he or she may obtain advice from an advisory panel established under section 234 or a School Attendance Panel established under section 39 for the purposes of any decision required to be made under this section.

I seek leave to amend a typographical error in proposed subclause (5) by deleting the words "under section 39".

Amendment, by leave, amended.

Hon LJILJANNA RAVLICH: Proposed new clause 22 deals with the review of decisions relating to cancellation of enrolment under clause 20, and removal from the register under clause 21. The Public Administration Committee considered this clause, which caused concern to the Catholic Education Authority and the Association of Independent Schools of

Western Australia. Proposed new clause 22 refers to the definition of chief executive officer in clause 222 of the Bill, which refers only to government schools. The original clause referred to the definition in clause 145, so that in a review of a decision under clause 20 or 21 a non-government school would have to go through a review process conducted by the Department of Education Services. I want to put the matter on record for the Catholic Education Authority. A letter from Therese Temby of the Catholic Education Authority addressed to Hon Kim Chance states -

> I am referring specifically to the new clause 22 where in the case of student exclusion from a Catholic school there is a process of review by a Panel and the potential for a school/system decision to be overturned by the Chief Executive Officer of the Department of Education Services (DES).
>
> Firstly, the Chief Executive Officer of the DES has no operational responsibility for Catholic schools and it is entirely inappropriate that he should be mentioned and given the same line management responsibility as the Chief Executive Officer of the Education Department.
>
> Secondly, the procedures in Catholic schools regarding "the means by which disputes and complaints about the provision of education at the school may be dealt with" . . . are required to be outlined in the system agreement.

I want to allay the concerns of both the Catholic Education Authority and the Association of Independent Schools of Western Australia. The proposed new clause addresses that problem because it now relates only to the government school sector.

Where a party is aggrieved because the principal of the school has cancelled the enrolment on the basis the enrolment was obtained by giving false or misleading information; or, in the case of removal from the register, a principal of the school believes on reasonable grounds that the child is enrolled in another school, and therefore has removed the child from the register, or alternatively the principal believes on reasonable grounds that the child no longer resides in the State and has removed him from the register, when in effect he should not have been removed from the register, new clause 22 would enable a review of those decisions. It is a fairly straightforward amendment. The application is to be made within 14 days of a decision being made under clause 20. The committee wanted to signify a requirement for a review and recommendation procedure. New clause 22 goes a long way towards providing procedural fairness, because it gives people an opportunity to be heard about decisions that have been made on the cancellation of enrolment or removal from the register. It ensures that people can present evidence before the panel. I urge members to support the amendment, otherwise enrolments could be cancelled and students removed from the register without recourse.

Hon N.F. MOORE: I am pleased that the member has introduced an amendment which sorts out the problems of the non-government sector. In a sense it might create another anomaly in that there is a different set of rules for the non-government sector and for the government sector in terms of whether there is a right of appeal. Anyway, that is another story for another day. The Government does not think that the new clause is necessary. It understands why the member wants to move it, as it provides a right of appeal to the chief executive officer if a person is affected by clauses 20 and 21, but there is sufficient ground for review of such a decision under clause 216. Just to remind members, clause 216, which is headed "Review by Minister or delegate" states that a person who is aggrieved by a decision can take certain action. I think that might have been amended today to make it even more reviewable. There is enough protection within the Bill to deal with the issues that the member raised in respect of children having their enrolment cancelled or being removed from the register. The new clause is unnecessary, although I acknowledge that there is probably a need for an appeal, and that appeal is available already under clause 216.

New clause put and passed.

New clause 99 -

Hon HELEN HODGSON: I move -

> Page 73, after line 12 - To insert the following new clause -
>
> **Compulsory fees and charges that cannot be prescribed under section 98(1)**
>
> **99.** (1) Regulations referred to in section 98(1) cannot provide for the making of any charge, except an optional charge, for -
>
> (a) the supply by any means to students at a government school of any item, being -
>
> (i) a book or document;
>
> (ii) a consumable item such as paper or art or craft material; or
>
> (iii) sporting equipment,
>
> that is a necessary item; or

(b) access by students at a government school to any service or facility, including a library service, a book-hire scheme, computer and associated equipment and photocopying equipment, that is a necessary service or facility.

(2) Regulations referred to in section 98(1) cannot provide for the payment of any fee, except an optional fee, for instruction provided at a government school by persons other than any member of the teaching staff if that instruction is necessary instruction.

(3) For the purposes of this section -

"**necessary**", in relation to an item, service, facility of instruction, means required for the provision of schooling to the students concerned in accordance with the curriculum framework under the *Curriculum Council Act 1997* applicable to those students;

"**optional**", in relation to a fee or charge, means payable only by agreement as mentioned in section 103.

Last week we debated fees, charges, basic principles and whether there were differing points of view. We reached the point at which it became apparent that there was a difficulty in the drafting of the amendment on the Notice Paper. At that stage, we were discussing an amendment to clause 98 in the name of Hon Ljiljanna Ravlich. I had been working independently on that model prior to the Notice Paper being put together and in the interests of lessening confusion at an early stage, I signalled that I would not proceed with the amendment. Given the confusion that resulted, the new clause is better constructed and it achieves the aims of the amendment that caused difficulty last week, therefore I reinstated it.

The model specifically states that certain things cannot be charged for except by way of an optional charge. Certain things are necessary to a child's education, and those things are defined in terms of what is necessary under the curriculum framework established under the Curriculum Council Act. It is based on the premise that if there is an item that is part of a school's curriculum, parents should not be charged fees to access the necessary items to pursue that curriculum choice, therefore fees should not be payable. Optional charges are covered by section 103. Last week, by way of interjection, the Leader of the House sought clarification of which amendments on the Notice Paper were to be proceeded with. Now that the modified version has been brought forward, I intend that section 103 stand as it is currently drafted to make the model hang together and to ensure that in respect of an optional fee for a necessary item the Education Department or the school will be able to enforce that the parent pay for non-curricular items.

I stress that we are making a clear distinction between a curricular item and what is necessary in order for children to have access to education. When we considered the Curriculum Council Bill we said that there should be a uniform standard of education. That means that basic needs should be provided in government schools without parents being required to pay additional fees. Regulations would limit the amount that could be paid for what is currently a school fee. Beyond that, it hinges on what is necessary and parents being required to pay only for extracurricular items. That achieves some goals that we debated last week and I hope that members will consider it seriously.

Hon LJILJANNA RAVLICH: This matter has been of enormous interest. It has probably been one of the hardest matters in which to come up with a fair solution that will meet the community's needs. The new clause is supported by the Labor Party because it defines that which is necessary under the Curriculum Council Act and it is part of the school curriculum. Clearly, students should not be charged for undertaking certain subjects. The amendment clearly defines that which is optional. Clearly, "optional" is subject to the application of clause 103. The Australian Labor Party will support the amendment because it goes a long way towards reintroducing the concept of free education. When the Australian Labor Party comes to office, it will implement that policy, so it is not a case of our saying to the Government, "You do that, but we will abrogate our responsibility for it." We are aware of the implications of the amendment. We have worked cooperatively to ensure that we achieve a positive outcome for children and for their parents.

It amazes me at the beginning of every school year to see the number of people who seek the support of financial counselling services because of the cost of sending their children to school. Just the other day a fellow who works in a sawmill came to my office on an unrelated problem. He had earned about $20 000 to $21 000 in the whole year. That is after he did at least two hours overtime per night and additional work on Saturdays. If members want the definition of the working poor, that gentleman, who probably put in a 60-hour week and was taking home $21 000 annually, would fit into that category. It costs in the vicinity of $650 each to send two high school students to school, which represents a substantial part of that gentleman's income. Therefore, it is beholden on us to ensure that the State plays a key role in the provision of education to all students. It should knowingly provide an opportunity for many students who, had the State not participated in the provision of that education, would not have had such opportunity. The Labor Party supports the Democrats' amendment, and urges other members to do the same.

Hon CHRISTINE SHARP: I am pleased to support Hon Helen Hodgson's amendment. The approach she has taken in these amendments originated in lengthy discussions in the Standing Committee on Public Administration. They are very sound and reflect the discussions of the committee, some of which are outlined in the committee's report.

Hon N.F. MOORE: I make general comment on the question of fees before moving to the detail of the amendment. The Bill essentially provides for the making of regulations for the charging of fees. That is it. It does not say how much the fees will be, or whether there will be payment of fees. It provides for the framework by which the Government of the day can determine by regulation what will be charged in government schools. Of course, these regulations are subject to disallowance. Hon Ljiljanna Ravlich told us that a future Labor Government would get rid of fees. Under this Bill, no regulations could be applied for fees, or regulations could say that no-one will pay for anything. I will be interested to hear what the member says it will cost to get rid of fees. Has the member costed it? I do not know the cost in total in the government system. I want to know how much members opposite will forgo if they ever attain government. The member will need to find tens of millions of dollars.

Hon Ljiljanna Ravlich: It would be less than the belltower.

Hon N.F. MOORE: That is not the case - the belltower will cost $4m.

Hon Ljiljanna Ravlich: Take in the whole project, including the sinking of the road.

Hon N.F. MOORE: The member should make up her mind to which matter she refers. The Labor Party said it would abolish school fees at the last election. It was one of the costs added to the spiralling list of promises made.

Hon Ljiljanna Ravlich: I did not say we would go to the election with it; I said we were happy to support the amendment.

Hon N.F. MOORE: The member said the Labor Party would abolish school fees. That is interesting as members opposite will need to find money from somewhere to compensate schools for moneys presently received. Also, if school fees are abolished, the member will run the risk of getting rid of costs which parents should be required to pay as a result of the nature of some courses students undertake. As a taxpayer, I have no intention of paying for the flying lessons of a student who wants to fly. That is up to the parent of the child, or the child himself or herself.

It would be possible to achieve what the member wants under clause 98 as it stands. She is trying to change the provision by defining all the things for which one cannot charge. Before going into the detail of Hon Helen Hodgson's amendment, I would like some examples of items for which one can charge under this amendment.

Hon HELEN HODGSON: Some discussion was held on this point by the committee. The report of the school charges panel which was tabled in this place in April of this year listed the way in which the Government viewed the relationship on different items. Firstly, infrastructure, administration and tuition is to be covered by government. Materials and services provided through the school includes the cost of teaching materials, such as reading schemes. The present voluntary contribution of $9, which has increased to $60, fits under the third component, which is personal materials and other charges. There is no problem with a regulation stating that a certain amount of the school fee contributes to the first two categories of cost. However, problems arise when a school booklist includes items which are not necessary for a student's instruction. In some cases, students' booklists ask them to provide one or two reams of photocopying paper to be placed in common store for the school. It is a common practice at some schools. Many charges relate to neither the student's personal activity nor extracurricular activity.

I have no difficulty with parents paying for genuine extracurricular courses. I gave the example last week of a parent who wanted a child to take extra music tuition on a one-on-one basis, organised by the school but not part of the school curriculum. Parents do not mind paying for such tuition. It is not appropriate that the hidden cost in children's booklists should contribute to infrastructure cost and the basic materials schools should be providing. It is not appropriate for parents to pay for those items, on top of the current fee which increased from $9 to $60 for primary school children -

Hon N.F. Moore: It has not gone up.

Hon HELEN HODGSON: It is proposed to increase from $9 to $60 a head. Essentially, this amendment attempts to draw a line between items which are necessary and those which should be charged for as they are of a truly personal or voluntary nature. The best way to determine that is to consider what is necessary under the curriculum.

Hon N.F. MOORE: As I understand the member, one cannot charge for anything that is necessary under the curriculum. Let me consider a couple of examples. What about food consumed in home economics? Should that be paid for by taxpayers or parents? It is part of the curriculum. Under the member's proposal, the Government will pay for food used in home economics. Does the taxpayer pay for photographic film and equipment used in photography classes? I am asking questions rather than stating the case. Fabrics and materials used in a sewing class are necessary items in that part of the curriculum. Does the member suggest that we pay for the clothing of children produced in sewing classes? What about wood and other material used in manual arts classes which might end up as a table or a metal structure in someone's home? Does the Government pay for the wood and metal? What about batteries, microchips and other consumable items in computers or calculators used as part of the curriculum? Does the school pay for those as well? Does the member regard them as necessary items and, therefore, not chargeable under this proposed provision?

Hon HELEN HODGSON: I regard them as necessary items. I refer the Leader of the House to proposed new clause 99(1):

"Regulations . . . cannot provide for the making of any charge, except an optional charge". If a school identifies specific costs for materials, such as dressmaking and woodworking materials, the school can levy an optional charge. However, the provision restricts the school in pursuit of any form of enforcement, as the fees are optional and payable only by agreement. If a parent enters into an agreement, it will be enforceable under clause 103. However, we want to ensure that parents who cannot afford such courses are not penalised and their children will still have access to those subjects.

Hon N.F. MOORE: Forgive me if I am a little confused. The member is saying that one can make some of the charges optional; however, manual arts and home economics materials could be optional items. I asked what happens to the children of parents who will not pay. They are opting to undertake the course but will not pay. Who then pays?

Hon HELEN HODGSON: If it is a part of the curriculum, the child is required to do the course, should have access to that course and should not be penalised because the parents cannot afford to pay these fees. That is what the word "optional" means. We want to ensure that all children have access to the curriculum as laid out by the Curriculum Council. In this place last year we agreed that there needed to be a minimum standard of education, to be monitored and set up through the Curriculum Council. It is reasonable to expect that all children should have access to that standard of education. If the materials and so on become a problem in that context, the child should not be penalised because the parents cannot pay for the materials.

Hon N.F. MOORE: The member is saying that it is now optional to pay for consumable items which at the present time are paid for by students. What the member is in effect saying is that nobody will pay. If we say to parents, "Your child can enrol in the cooking class. We would like you to pay for the ingredients, but it is optional", the vast majority of parents will say, "If it is optional, I will not pay for it because my child can enrol without my having to pay, so why should I pay for it?"

Hon Helen Hodgson: Current experience is the exact opposite.

Hon N.F. MOORE: No, current experience is that one is required to pay unless there is a good reason not to and then there is some assistance provided to those who cannot. However, the general rule is that parents do pay for consumable items. I am a taxpayer, like Hon Helen Hodgson, and there are many taxpayers in the community who would resent having to pay for the food for children in home economics classes across Western Australia, would resent having to pay for the materials for children who are making clothes for themselves, would resent having to pay for the wood that is used in making furniture for home in schools, and would resent having to pay for the materials used to make jewellery in jewellery classes. People would resent all of that having to be paid by taxpayers when the beneficiaries are the family of the child. To make this optional will mean that nobody will pay; then members opposite will say to the Government, "You have to pay because somebody has to." When the Government seeks to pay, it will not have the resources to pay for all of these things. What will happen is that schools will gradually begin to reduce the number of optional programs that they provide where consumables are used because they will not be able to afford it. The net result of all of this will be a reduction in the number of optional programs or additional curriculum programs that involve the consumption of money.

Looking at some of the other proposed amendments, we cannot charge for various other things. For example, subparagraph (b) reads -

> access by students at a government school to any service or facility, including a library service, a book-hire scheme, computer and associated equipment and photocopying equipment, that is a necessary service or facility.

A book-hire scheme relates to fundamental text books and they are a necessary part of the child's education. Does the member mean that a book-hire fee cannot be charged? It makes a bit of a nonsense of the term "book-hire" if it is free.

Hon Helen Hodgson: Again, it is an optional charge.

Hon N.F. MOORE: Again, who will pay? When things are made optional, as we all know, people choose the option not to pay. Therefore, we will have a book-hire scheme that nobody pays for. Therefore, why do we not call it a book-giving-away scheme instead of a book-hire scheme? Similarly with photocopying equipment; everybody but everybody who uses photocopying equipment somewhere or other pays for it. If one goes to a lawyer - I do not know if Parliament House charges, it probably does - or anywhere else and asks for a number of pages to be photocopied, it costs so much a page, vastly more than the cost of a page usually, particularly with lawyers. However, normally people pay for these things because if people do not pay for photocopying equipment, they just consume it by the bucketful. I know that schools have a very serious problem trying to keep the level of consumption of photocopying material down to a reasonable level; without care it could send them all broke. That is perhaps one of the reasons why some schools say, "We are sending home with your child all these work sheets photocopied on our photocopier. In exchange, you send us a ream of paper. That saves us giving you a text book; however, we are giving you the paper on which all the information is provided." That is a fair and reasonable approach with the use of modern technology. However, when the member says that parents do not have to pay for photocopying equipment, I presume that means paper.

Hon Helen Hodgson: That is access to services and facilities, as opposed to paper.

Hon N.F. MOORE: Paper is covered under subparagraph (ii). Therefore, in the proposed amendment they do not have to pay for paper or the use of the machine. I do not know where we get onto things like school excursions. Can the member tell me where that is part of her proposition?

Hon HELEN HODGSON: The Leader of the House has raised a procedural point which I had intended to raise during my opening comments. On this same sheet of circulated amendments there are some proposed amendments to clause 98. Because of the point at which we left clause 98, those amendments cannot be dealt with at this stage of the proceedings. However, if clause 99 is passed, in order to make the whole scheme of amendments sit together the way it is intended to I will seek the recommittal of clause 98 to deal with those issues then. At that point the participation in school camps and excursions will be dealt with. However, because it is ahead of the point at which we left the amendments last time, I cannot deal with it at this stage.

Hon N.F. MOORE: We will deal with that in due course. However, what is being proposed will place an enormous burden on the education system. The amendment seeks to reverse a process where people pay for consumables, which is fair. A vast number of parents in parents and citizens associations across the State think that is fair too because they become irritated when having to pay for items in schools when they know that some parents who can pay do not. There are some people in the community who have a very strong view about these things. Some people in our community receive allowances from the Government, one of which is an allowance for school fees, and they still do not pay their school fees. If we add that to what is going on here now, we will create a situation where either nobody will pay at all or the schools will stop running programs. This is a very backward step indeed. What we are doing here will add an enormous burden to schools in the first place because they will seek to compensate for getting no fees, because voluntary or optional fees means no fees. Nobody will pay until such time as the education system tries to pay for it itself. The Opposition keeps demanding more teachers; it keeps demanding more pay for teachers; it keeps demanding more schools; it keeps demanding better facilities; it keeps demanding everything that opens and shuts. At the same time, it is saying that it will not ask parents to pay for anything. Where the Opposition thinks the money will come from is beyond me. I am quite worried about this. If the member talks to a few school principals around the place, she might find that they are as worried as I am.

Hon LJILJANNA RAVLICH: The Leader of the House has said that voluntary fees means no fees. My understanding is that although fees are currently voluntary in primary and secondary school, approximately -

Hon N.F. Moore: They are not voluntary in secondary school.

Hon LJILJANNA RAVLICH: They are voluntary fees: $9 in primary school and $225 or whatever it is in high school. My understanding is that about 90 per cent of parents pay those fees. It is an incredibly high figure, given that they are voluntary fees. I wonder if the Leader of the House could clarify for us what that percentage is. He seems to be saying that no-one is paying the voluntary fees, and that if we go down this line, no-one will pay the optional charges. I would argue that the vast majority of parents will pay their optional charges, just as they pay their voluntary fees. Perhaps those that we might classify as the working poor, many of them having been put on workplace contracts by this Government, might have some difficulty paying the additional fees and optional charges. I wonder if the Leader of the House could give us a percentage of the voluntary fees that are collected in primary and secondary schools.

Hon Helen Hodgson has handed me a document. It is a report of the school charges panel dated March 1998. On page 3 it says -

> Under the provisions of the School Education Bill (1997), no fee or charge may be imposed or collected for the cost of providing an educational program in a government school. However fees for instruction, as prescribed in regulations, are able to be collected for overseas students and some persons over 18, or for other students when instruction is provided by persons other than the teaching staff of a government school.

That seems to be at odds with what we have in the Bill. This document is dated March 1998. I am wondering whether the Government's representative may not be going out and saying one thing to communities about the provisions of this legislation and then attempting to do another thing in this place. Will the Leader of the House comment on what I have just read out from the report of the school charges panel from earlier this year? Could he explain why the panel would have made such a comment on page 3 of this document when clearly it is not the intent of this Government that fees and charges not be paid under this proposed Bill? It sounds odd.

Hon N.F. MOORE: There are lots of odd things around here tonight, so it would not be out of the ordinary. As I understand the current arrangement, it is not compulsory to pay the $9 fee for primary schools. It is an optional fee. Most schools give the impression to parents that it is compulsory. They also whack on the parents and citizens association charge. Therefore, when my bill comes for my child at Booragoon Primary School, it is about $45: $9 optional and $36 optional for the P & C. Although they are optional, the school wants parents to pay them tomorrow, and that is what I do because I make a contribution. As I understand it, secondary school fees are compulsory and are required to be paid. In addition to that, consumable materials are also required to be paid for.

What we are trying to do with this Bill is to remove all the myth and the doubt that surrounds the whole question of charging fees and to put in place a process that everyone understands. That is why all clause 98 does is to provide for the making of regulations. As I said earlier, the regulation might be that nothing is charged, if that is what the Government of the day decides to do, or it can decide to charge a compulsory fee to be paid by everybody and to charge for other consumables. It is an attempt here to put some certainty into the system. Once there is certainty in the system so that people know where they stand, those people who cannot pay can be assisted. At present there are people who cannot pay and do not pay; there are people who can pay and do not pay. That is what people get angry about, because they think everybody should be making a similar contribution. Therefore, we are hopefully going down the path here of putting in place a process to allow Governments to make decisions relating to their policies on the charging of fees.

I suggest that the Opposition should wait to see what the Government puts in its regulations before trying to change all this. It should then look at those and say whether it agrees with them; if it does not, it can toss them out. However, to try to put into the Act all these things that one can and cannot do, and to put in all sorts of potential disputable material, is not helpful in the legislative sense. I went through a few things with Hon Helen Hodgson which will now be optional, which I do not think the system can cope with.

As to how many people pay school fees, at some schools 100 per cent pay; at some schools less than 40 per cent pay. It depends on the circumstances, such as how hard the school tries to get the money. In secondary schools it varies considerably from school to school. Although it is compulsory, many parents do not pay. I know a lot of parents who get the money paid to them to pay the school, and they do not pay. Therefore, those secondary schools where parents do pay have a reasonable bank balance, whereas those schools where the parents do not and will not pay suffer a disadvantage. In the event that people cannot pay for reasons of some disadvantage they suffer, we need to put in place a process to ensure that somebody pays on their behalf. It should not be a process whereby somebody pays them and they must pay the school. We can then work out which schools need additional support and assistance. However, we need some certainty in the fee-charging structure to be in a position to provide assistance to those who genuinely cannot pay.

We should stop changing clause 98; we should not worry about having a new clause 99; we should have a debate about this when the Government comes forward with its proposition on fees by way of regulations. The Opposition will have the capacity to disallow them, just as it has disallowed other regulations in the past.

Hon LJILJANNA RAVLICH: The Leader of the House has just asked us not to do anything about this until such time as we see what is prescribed by regulation. I would feel much more comfortable about this issue if he could tell me where in the School Education Bill it says that no fee or charge may be imposed or collected for the cost of providing an educational program in a government school. On the issue of regulations, the report which I have in front of me, which is a government policy document, leads the reader to believe that fees for instruction will be prescribed by regulation to deal only with overseas students. That certainly is not an issue that will be addressed with regard to local students. I will be interested to see where that first statement is found in the legislation, and what it means. To me no fees and charges means no fees and charges.

Hon N.F. MOORE: Clause 97 states that -

> Except as provided by section 98 or 99, no fee or charge may be imposed or collected for the cost of providing an educational programme at a government school.

Hon Ljiljanna Ravlich: That is clever! Most of the participants would think they would be offered free education.

Hon N.F. MOORE: Section 98 states that regulations may be made to provide for charges for materials used in an educational program, and for services or facilities used in association with an educational program.

Hon Ljiljanna Ravlich: Why not explain that to parents?

Hon N.F. MOORE: I am not the minister. I am telling the member what this Bill does. I am trying to encourage members to support what I am saying.

Hon Ljiljanna Ravlich: That is very misleading.

Hon N.F. MOORE: I have not read that policy document. I do not know what is in it. The Bill states that no fee or charge may be imposed or collected for an educational program, except as provided for in sections 98 and 99. Section 98 provides for the making of regulations to charge for items which are consumed; namely, materials that are provided in addition to the provision of the educational program. Those regulations will be made, and they will be subject to agreement or disagreement by the Parliament. If members opposite were the Government of the day and did not want to have any charges for the items listed under clause 98(1), they need not have any.

The framework of this Bill is to allow Governments of various persuasions, with different philosophies and approaches, to change the Act by regulation, rather than to have to change the Act every time they want to make changes to an issue such as the charging of fees. This Bill is written in such a way that it will last for more than five minutes. The last Act lasted from

1928 to 1998. One can assume that this Act will last for 30 or 40 years. Therefore, it should not reflect the ideological position of members opposite as it exists at this time. It does provide for members opposite to introduce their ideological position, by way of regulation, as a Government.

Hon John Halden: When you bring in the new Bill in 40 years, will you set aside a year of the Parliament's time to debate it?

Hon N.F. MOORE: I give the member an absolute assurance that I will have absolutely nothing to do with it. I will be alive and well, and I will be watching what is happening, but I will not be getting involved. This is the first and last time! I was silly enough to start this process -

Hon Max Evans: It is all your fault!

Hon N.F. MOORE: Yes. We are not asking members opposite to vote to charge children fees. We are asking them to put in place a framework whereby flexible decisions can be made about the question of fees. Members opposite are trying to put in a pile of things which are relevant to them at the moment but which may be totally irrelevant in five years. So many anomalies and arguments will be created by this amendment that no-one will know for what they can and cannot charge. The amendment also provides for voluntary and optional charges. It will be an absolute dog's breakfast. I would hate to be a principal trying to run a school under these rules.

New clause put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon Tom Helm	Hon J.A. Scott	Hon Giz Watson
Hon J.A. Cowdell	Hon Helen Hodgson	Hon Christine Sharp	Hon E.R.J. Dermer
Hon N.D. Griffiths	Hon Norm Kelly	Hon Tom Stephens	*(Teller)*
Hon John Halden	Hon Ljiljanna Ravlich	Hon Ken Travers	

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson *(Teller)*
Hon Peter Foss			

Pairs

Hon Bob Thomas	Hon Barry House
Hon Cheryl Davenport	Hon B.M. Scott
Hon Mark Nevill	Hon Dexter Davies

New clause thus passed.

Point of Order

Hon B.K. DONALDSON: Mr Chairman, I seek clarification. I do not want to reflect on the Chair in any form, but I have been a bit mystified about the call in the Chamber. Clearly the no vote was yelled out very loudly, and you tend to always call on the very quiet voices. I am a bit mystified about how you can judge so perfectly, and about your success in this matter.

The CHAIRMAN: The member may well be mystified, but that is not a point of order. The question before the Chair is proposed new clause 119.

Debate Resumed

New clause 119 -

Hon LJILJANNA RAVLICH: I move -

Page 85, after line 9 - To insert the following new clause -

Corporal punishment

119. A principal or teacher shall not discipline any student by administering corporal punishment.

The Australian Labor Party has moved this amendment because there is nothing in this legislation with regard to corporal punishment. The reasons for this are fairly straightforward. We oppose this because we believe that it flies in the face of

all good behaviour management techniques. We do not believe that students are criminals. Therefore, they should not be subjected to corporal punishment. The amendment applies only to government schools. We recognise that in the private sector most people choose whether to send their child to a private school that does or that does not exercise corporal punishment on its students when thought necessary. Parents who do not like corporal punishment always have the option of taking their children out of the school and re-enrolling them elsewhere. In the government education system parents do not have that level of choice and so they cannot simply pull their children out. Many are prohibited from doing so because of the cost of sending their children to non-government schools.

There is much evidence to suggest that corporal punishment results in a variety of negative rather than positive impacts on students. A Western Australian Council of State School Organisations document on managing student behaviour asks whether the cane was really effective. It identifies a number of negative impacts from the use of corporal punishment, including the risk of physical harm, retaliation against teachers, increased aggressiveness and destructive behaviour, increased disruption in the classroom, poor achievement, poor attention span, and increased dropout rates. One must question the use of this technique for managing student behaviour. Most schools have a behaviour modification program in place. A range of models are at work in the state school system. I am familiar with the one in which students who misbehave repeatedly are sent to a time-out room, an isolation chamber or wherever, where they are isolated for a period of time and work under supervision until such time as it is deemed that they can go back into the classroom. People have different opinions about how effective that is. I do not believe that the use of physical punishment is extensive in the state school system.

Hon Derrick Tomlinson: It has been abolished over the years.

Hon LJILJANNA RAVLICH: The fact that it has been abolished should be clearly written in law. In view of that, I ask members opposite to support the amendment. Section 257 of the Criminal Code provides that it is lawful for a schoolmaster to use, by way of correction towards a pupil, child or apprentice under his care, such force as is reasonable under the circumstances. Perhaps the Government could also have a look at amending the Criminal Code to ensure that it too is in line with modern thinking.

Hon N.F. Moore: What if a child is about to assault a teacher in the classroom? Is the teacher supposed to stand there and get assaulted? You are saying that we should change the Criminal Code to prevent somebody being able to use necessary force.

Hon LJILJANNA RAVLICH: Defence is different from corporal punishment.

Hon N.F. Moore: I thought I heard you say that we should change the Criminal Code.

Hon LJILJANNA RAVLICH: The reference to the use of reasonable force in section 257 of the Criminal Code is somewhat different from corporal punishment. The section refers to it being lawful for a schoolmaster to use, by way of correction towards a pupil, child or apprentice under his care, such force as is reasonable under the circumstances. One would have to judge each case on its merits. I was bashed in my first few years of teaching, which seemed to be pretty much the order of the day when I first started out. On a few occasions I had to defend myself, but that is by the bye. It is quite separate from the administration of corporal punishment, which in this day and age is not a suitable behaviour management technique. Given the lateness of the hour, I simply ask members to support this amendment.

Hon N.F. MOORE: The Government does not have a policy that provides for the reintroduction of corporal punishment. Hon Bob Pearce removed corporal punishment from the state education system, so it would have been abolished in about 1982 or 1983. It has not been reintroduced. Government policy at present is that corporal punishment is not appropriate. Personally, having administered corporal punishment from time to time to students -

Hon Tom Stephens: I bet you did.

Hon N.F. MOORE: I regret that the Leader of the Opposition was not one of them.

I suspect, having contemplated this matter for some time since then, on most occasions it was probably a total waste of energy and effort because it achieved absolutely nothing. It might have made me feel better but it did not do very much for the attitude or demeanour of the child involved. On a number of other occasions I suspect that the threat of it was enough to ensure that some children did not go down a particular path that they had in mind; and the fact that it occurred once meant that they learnt the error of their ways fairly quickly and it did not happen again. Some children have benefited from corporal punishment, albeit administered in a sensitive way. I have many stories about how some children knew their rights better than I did and how we had some interesting occasions when the cane came out. It has been decided that we will not have corporal punishment in our schools. We have not had it for well over 15 years. I might add that I have not noticed an appreciable improvement in the behaviour of students now that we do not have corporal punishment; in fact, I suspect that it is the other way around. If we ask teachers in schools these days whether children are better behaved than they were 10 years ago, they would say that they are not. It is often a matter of judgment and opinion.

We will not be supporting this new clause, only because we believe it should be in regulations, which are provided for in

clause 118. It provides for the making of regulations for the discipline of students, the powers of students in respect of that and other matters relating to the management of schools. We think that it is appropriate that it be in regulations drawn up as a result of clause 118 rather than being a separate clause in the Bill.

Hon PETER FOSS: There is an interesting legal question arising out of this because of section 257 of the Criminal Code. The words "it is lawful" give both civil and criminal immunity to any person who carries out the action that is referred to in the section. What has been done by regulation is to limit the behaviour of individuals; in other words, to stop them using a power they have under the Criminal Code to administer punishment. Section 257 applies to private schools and government schools. The interesting question is what would happen if a person administered corporal punishment. It is rather like saying a person may smoke and if regulations are introduced that people may not smoke in a school, therefore that is limiting the way people can exercise the rights they have at general law. The Criminal Code Act specifically states in section 5 that the wording "it is lawful" prevents any form of civil or criminal action. It is more than there merely being a right to do so. It is impossible for any form of action to be taken against it. The appropriate way of dealing with this is by regulation because that can more appropriately be seen as telling teachers what they should do, but it does not in any way seek to result in a conflict of law between section 257 of the Criminal Code and the School Education Act. It would be unwise to make this amendment. It is far better to see it in terms of an administrative matter, which can plainly be done in the same way as a teacher can be told to behave in a certain way. This sort of change will alter the character of the provision and it could result in some form of conflict.

Hon SIMON O'BRIEN: The Chairman has just indicated that there may be a typographical error on page 32 of SNP 4-3. It currently reads that the proposed new clause shall be inserted after line 11, which places it in division 8, subdivision 1 of the Bill. The current clause 119, which is not replaced, contains the following definition -

> In this Subdivision -
>
> **"school"** means a government school and includes, where section 120(2) applies, all relevant government schools.

Therefore, the proposed new clause relates only to government schools. However, if it were in the previous division, it would refer to schools generally. I might stand corrected.

Hon N.F. Moore: That is right.

Hon SIMON O'BRIEN: Then it is about only government schools. I thank members for that clarification, because this provision should not be allowed to intrude on private schools. Apparently, it does not.

I might offer some background. When I was at a government primary school up to and including grade 4, I did not receive any form of corporal punishment. If I did, it was a slight smack that I do not remember receiving. I then went to St Louis Jesuit School in Claremont and got the cuts on 32 occasions in my first year at the school. As members can see, it has made a better man of me.

Hon Ljiljanna Ravlich: How do you know?

Hon SIMON O'BRIEN: The member should have seen me before! My observation is that corporal punishment, if ever employed, should be employed only with younger children and generally as a correctional measure when reason does not prevail. Generally with adolescents or post-adolescents, it is very counterproductive. I recall an incident when I was 14 or 15 years of age when that actually occurred. I did not get a belting on that day but as a result of what happened, it was suggested that I be expelled from that school. I was a good student.

Hon Kim Chance: I had a similar experience.

Hon SIMON O'BRIEN: I expect it is a common experience. Although corporal punishment can, in certain limited ways, be a useful tool in the armoury, as the Leader of the House pointed out, it is more the threat of corporal punishment than the actual corporal punishment that does any good in maintaining discipline. We have probably moved on from any sensible debate that corporal punishment is a valuable weapon in the armoury of troublesome situations, particularly at high schools. It certainly has no place. It would be interesting to see where this debate would go if it were conducted in the British House of Lords.

New clause put and passed.

New clause 126 -

Hon HELEN HODGSON: I move -

> Page 90, after line 14 - To insert the following new clause -
>
> **Functions that cannot be prescribed for a Council**
>
> **126.** Regulations cannot be made as mentioned in sections 123(f), 124(2)(b) or 125(1) prescribing any of the following as a function of a Council for a school -

(a) the selection for appointment to the school of members of the teaching staff referred to in section 230(b);

(b) any function in relation to the management or operation of the school fund;

(c) the function of having vested in it property used for the purposes of the school,

but this does not prevent a Council or a member of a Council being given a function of taking part in decisions relating to such functions or being consulted on them in relation to the school.

We debated clauses 124 and 125 at some length. Essentially, those two clauses give the school council certain functions, which include the function of participating in selection of a principal. Other functions are prescribed by regulation and they were to be dependent on whether or not the council was incorporated. In debating that, I recognise the model the Government is promoting of schools choosing to change, and some schools choosing to go further than others in the extent of responsibilities taken on by the school council. I indicated at that stage that I had some concerns about how far these delegations of functions might go. In particular, this new clause has been drafted in response to certain moves in Victoria for self-managed schools, and the possibility that the delegation of functions under clause 125 may allow WA to proceed down the path of self-managed schools as they are in Victoria.

Reference was made in the debate today to charter schools. There is not much difference between charter schools and self-managed schools. I understand that the main difference between a self-managed school as it has been established in Victoria and the charter school concept is the nature of the contract between the State Government and the school council. Essentially, if it were a true charter school the contract would be based on outcomes. I understand Victoria has not gone quite that far. However, three of the functions that are specifically delegated to self-managed schools are appointment of staff, operation of the school fund and the vesting of property in the school council.

It is inappropriate for school councils in this State to be given those functions by way of delegation. The idea of a government school system is to ensure they are part of the government school system. That involves ensuring that certain standards are met and that the school retains community ownership of the school facilities and with respect to accountability the managing of the school fund and so on. Appointment of members of the teaching staff is an issue to which we have already referred. The problem is how far we go in allowing the school council to select staff. I note, however, the important rider to this that it does not prevent a council or member of a council from taking part in such decisions. This clause will ensure that the decision cannot be fully delegated, which means the school will effectively remain part of the government school system. If we delegated these functions to school councils we would be setting up a system in which, in some respects, the school operated outside the government school system, yet not within the private school system. These are three important functions that should be reserved to the department.

That is not inconsistent with what happens in the private school systems. I have had access to a document in respect of the constitution of Catholic school boards under the Catholic Education Commission of WA. There are a number of functions on which the school council can advise the principal. Ultimately the school council does not have the full power to make that decision. It ultimately retains the power to make those decisions in the Catholic Education Commission, although with the full involvement of the council and the principal. That is an appropriate model here. Parents who choose to be involved in the decision-making process can be, by being allowed to participate in decisions on finances, property and appointment of staff, but the function should not be able to be delegated because it must be reserved to the Education Department.

Hon LJILJANNA RAVLICH: The ALP supports this amendment. It provides us with some degree of comfort knowing functions cannot be prescribed by council. This goes some way to allaying some of our concerns. I spoke fairly strongly in favour of deleting both clauses 124 and 125. I spoke to a range of people about those clauses, including the State School Teachers Union and representatives from the WA Council of State School Organisations. It was the Labor Party's position to delete clauses 124 and 125 as a result of its concerns about lack of information about some of the additional functions, particularly for incorporated councils. I went over the top in what I thought was WACSSO's position on clauses 124 and 125. I was probably a bit too enthusiastic about it. I have been advised that I might have got it slightly wrong. I am a great believer that if a mistake is made it is best to address it. I will put on record part of the correspondence sent to me by the President of WACSSO in a letter dated 30 November which reads -

We are aware that the task of amending the Bill is both onerous and complex.

We have been pleased with many facets of the debate and ensuing changes, however we are concerned that our position relating to clauses 124 and 125 (School Councils), was inaccurately portrayed by you during debate on Thursday 26 November.

Although WACSSO has expressed some concern about the lack of transparency of council functions, we have been advised that regulations would be forthcoming, and we were being offered a "choosing to change" model. As a result of this advice and despite our concerns, we saw no reason to seek any formal changes to clauses 124 and 125 . . .

> We wish to make our position on the matter of School Councils crystal clear in order there be no misunderstanding. WACSSO is on the record as being positive of parent partnership . . .

Given the number of amendments it is not always easy to be crystal clear about exactly whose position is what on every single thing. I apologise to any member of WACSSO who might feel as though they were misrepresented. That has not changed the Labor Party's position on clauses 124 and 125, nor does it change my concerns about those amendments. However, I was fully aware that both clauses 124 and 125 would be defeated and that new clause 126 was to address some of the concerns of WACSSO. I am very pleased that some functions cannot be prescribed for a council, particularly that which I know is of major concern especially to the teachers union; that is, the selection of teaching staff. The new clause moved by Hon Helen Hodgson gives me a degree of comfort and has given me an opportunity to address that matter. The ALP supports the new clause.

Hon N.F. MOORE: This new clause is unnecessary. In its undoubted wisdom the Chamber has already got rid of the general exemption clause 215 which would have given the minister the right to exempt schools or classes from the requirements of the Act. That means that every school in Western Australia will operate strictly in accordance with the Act, with some difficulty with respect to some clauses - but that is another story. New clause 126 covers the selection of staff. I draw the member's attention to clause 229(2), which provides that the powers to engage and transfer are vested in the chief executive officer. Any function related to the management of the school fund is covered by clause 106(1), which provides that the management of a school fund is to be vested in the principal unless some other officer is designated by the chief executive officer to perform that function at the school. Perhaps one could say that the chief executive officer might allow the council to get involved in it, so perhaps there is a rough, outside chance of that occurring, but essentially clause 106 requires that the school funding be managed by the principal.

I draw Hon Helen Hodgson's attention to clause 208, which states that property held or acquired for the purpose of the Act is vested in the minister. Councils cannot make decisions about the issues to which Hon Helen Hodgson referred, because other parts of the Bill say that they cannot. It is an unnecessary clause. I was pleased to hear Hon Ljiljanna Ravlich's comments about the position of the Western Australian Council of State School Organisations. When I read "WACSSO" these days, I take it to mean Dianne Guise, who we all know is a political person. I wonder whether she met with the WACSSO executive before she wrote to the member or whether she wrote on her own behalf.

I am interested that the ALP has not changed its position even though it has been advised by the WACSSO president that what the member said was not strictly in accordance with what WACSSO believes. I wonder what WACSSO's views are, as opposed to the views of its president. It would be interesting to know whether the decision making in WACSSO involved a lot of people or a limbed number. I notice that the Labor Party is again trotting out the views of the teachers union. All the way through this debate the Labor Party has promoted the views of the president of WACSSO and the teachers union, which is regrettable because their aim is to constrain schools, to reduce their flexibility, and to maintain a heavily centralised system which does not reflect the education system in the future. We do not need new clause 126 because the issues raised in it are covered by other clauses in the Bill.

Hon HELEN HODGSON: I appreciate the Leader of the House's comments. I was aware that those clauses and subclauses existed. I am concerned about two issues: Firstly, what would happen if the regulation-making power was used to delegate these functions? Although I appreciate that the rules of statutory interpretation would come into play, we would have to interpret the question of which took precedence and that would cause unnecessary confusion. It is better to indicate that these are functions that cannot be prescribed to the school council. Secondly, the suffix to the clause states that the clause does not prevent the council, or a member of the council, being given a function of taking part in decisions relating to such functions, being consulted in relation to the school. The clause will strengthen the parents-as-partners concept and the choosing-to-change model by saying that they have a role. If the minister puts forward the appropriate regulations the councils can have a say. Although, ultimately, decisions will be restricted and all of those functions will be vested in the Education Department through its various delegates, it reinforces the likelihood of parents being able to at least participate and to be involved in the decisions in the same way they are involved in the plan and the other issues that we addressed earlier in the Bill.

Hon N.F. MOORE: Again this creates a potential difficulty in the construction of the Bill. Regulations cannot override the Bill; the clauses of the Bill must take precedence over regulations. We have a situation in which some aspects of the Bill provide for what can and cannot be done. Clauses 229, 208 and 106 refer to the issues raised in the member's amendment, so they are covered in that part of the Bill. Now the member is saying that we will cover them again but add a different bit to it. There is no reference in clause 106 to parents being involved, yet the member wants to add it to clause 126, which is about the making of regulations. This will create more confusion, rather than less, because provisions in some parts of the Bill are specific about who can and cannot do things and the new clause talks about the same things but adds other rules to it. That will create even more confusion.

New clause put and passed.

New clause 144 -

Hon LJILJANNA RAVLICH: I move -

Page 98, after line 27 - To insert the following new clause -

WACSSO

144. (1) For the purposes of this Subdivision the Western Australian Council of State School Organisations (Inc.) ("WACSSO") shall be regarded as the peak parent body in relation to government schools.

(2) The chief executive officer shall within 6 months from the day on which this section commences enter into an agreement with WACSSO to enable WACSSO to —

(a) operate as a representative body to the Western Australian Education Department and the government;

(b) provide guidance, support and training for its affiliated members and parents in general;

(c) participate effectively in panels, committees and councils constituted under this Act; and

(d) do such things as are necessary generally to pursue WACSSO's objects.

(3) Any Council or any Parents and Citizens' Association has a right to affiliate with WACSSO.

This deals with WACSSO and provides a framework to enter into a service agreement with WACSSO. It recognises the importance of WACSSO in the educational landscape. WACSSO has been a peak body organisation since 1921 and is referred to in the 1928 Act. Clause 22(2) of the current Bill provides parents and citizens associations with the right to affiliate with WACSSO. The organisation has provided outstanding service for 77 years to the school community, the Education Department and Governments of the day. It is interesting that provisions which will increase the functions prescribed for councils under clauses 124 and 125 recognise WACSSO for its outstanding contribution to state education. It is a body which everybody on the educational landscape expects will be around for a helluva lot longer and no doubt will still be around when we write a new education Bill in 70 or 80 years' time to supersede this one. The amendment proposes to recognise WACSSO as a peak parent body in relation to government schools. It enables the chief executive officer to enter into an agreement with WACSSO which would enable WACSSO to undertake a number of functions: Firstly, to operate as a representative body to the Western Australian Education Department; secondly, to provide guidance, support and training to affiliated members and to parents in general; thirdly, to participate effectively in panels, committees and councils constituted under the Bill; fourthly, to do such things as are necessary generally to pursue WACSSO's objectives; and, finally, any council or parents and citizens association has the right to affiliate with WACSSO and they too are mentioned in various parts of legislation. Given the amazing contribution which has been made by WACSSO to state education, it should have a place in the Bill, and its role within that context should be clearly defined - as it is under proposed clause 144(2). I ask members to support the amendment.

Hon HELEN HODGSON: I will be moving an amendment to amendment AKNC just moved by Hon Ljiljanna Ravlich. The basis for this is that two similar amendments are on the Supplementary Notice Paper. However, I feel some of the phrasing in the amendment just moved can be dealt with more tidily and with fewer ambiguities. Therefore, the amendment that I move, if successful, will mean that I will not be moving amendment LNC. I have circulated this separately, but I will read it into the record. I move -

To delete all words in subsection (1) and substitute the following -

An association or a Council may affiliate with the body known as the Western Australian Council of State School Organisations (Inc.) ("WACSSO").

To delete subsection (3).

Hon Ljiljanna Ravlich has explained the reasons that the recognition of WACSSO should be continued. As with any organisation of this nature, people will be occupying senior positions and members in this place may agree or disagree with them on different matters of personality and policies; however, the role this organisation plays in bringing together all the P & C associations in Western Australia that choose to be affiliated, and being a voice for them, is a very important role and not one I would like to see withdrawn, especially after it has existed in the current legislation. For those reasons I ask members to support the amendment and the principle.

Hon LJILJANNA RAVLICH: The Australian Labor Party believes the amendment enhances the amendment currently on the Supplementary Notice Paper and will support it.

Hon N.F. MOORE: The Government will oppose the clause ultimately. This amendment improves the ALP's amendment, but it does not improve the clause totally. However, we will go along with this.

Amendments put and passed.

Hon N.F. MOORE: The Government opposes this clause as it believes it is unnecessary. It is another example of corporatism, where we see the need of members opposite to create peak bodies and operate on a deal-based arrangement between peak bodies; it is the old tripartite approach. There is no reason that a peak body of parents is needed in legislation, just as we are not legislating for anybody else to be the peak body for students, the peak body for teachers or anything such as that, although I should not say that because I might prompt somebody to make the State School Teachers Union the peak body for teachers. That would be an absolute outrage. Why do Labor members not do that? We would then have a very good reason to make certain that the Bill goes under the chopper.

Hon Ljiljanna Ravlich: What was the suggestion again?

Hon N.F. MOORE: It is interesting the member should say that, because I have been saying all along that the Labor Party did not want the Bill passed anyway.

There is no need for any peak bodies in this Bill. There is no reference to any other peak body in the legislation. For some strange reason the member has chosen to put WACSSO in the amendment and I wonder if this is to do with the politics of WACSSO at present. It is certainly the politics of the President of WACSSO, who is a current Labor Party candidate. She should have resigned as President of WACSSO when she was a candidate, and remained resigned. That would have been a good idea, as she now works for a Labor member of Parliament. As I said the other day, I have high regard for the lady. It is a pity she has let her politics intrude into her position of President of WACSSO. There is no reason that I can think of why there needs to be a peak body in this legislation. It is accepted for the time being that WACSSO is the peak body for parents; it is accepted by this Government, as it was by the previous Government. It does not mean to say WACSSO must be accepted by Governments forever as the peak body representing parents. It may be that WACSSO gets into a complete bind and is no longer respected as an organisation. It is largely funded by the Government, and if a Government were to withdraw the money for the funding of WACSSO, I suspect it might collapse tomorrow. It seems strange that we should be elevating this organisation to a special place in the Bill.

Fortunately we got rid of the first subclause that Hon Ljiljanna Ravlich had in her new clause, including the words "peak parent body", so we are not recognising it as a peak parent body; we recognise that it exists. Proposed new clause 144(2) states -

> The chief executive officer shall within 6 months from the day on which this section commences enter into an agreement with WACSSO to enable WACSSO to -
>
> (a) operate as a representative body to the Western Australian Education Department and the government; . . .

What is the representative body?

Hon Ljiljanna Ravlich: Representative of parents. You do not have to be too smart to work that out.

Hon N.F. MOORE: One of the problems that the member has is that she has been here for such a short time that she does not understand that we are making law. We are not simply writing down things that pop into her mind. People will interpret this in due course and they will go to court over the words that we put into this Bill. When we include words that are ambiguous, phrases that are ambiguous, clauses that contradict other clauses, it will finish up in court and it will be on her head if she is the person who insisted upon a set of words. I do not know what "operate as a representative body to the Western Australian Education Department and the government" means. It does not say a representative of whom. It does not say what a representative body does or what is the process with its relationship with the Education Department and the Government. Paragraph (c) states -

> participate effectively in panels, committees and councils . . .

How does one legislate for something to participate effectively? I do not know how to do that. We can legislate that somebody should participate and then say how they should participate, but it is nonsense to include a word such as "effectively" in respect of participation. We cannot legislate for that. There is reference to pursuing WACSSO's objectives. Again, that is very broad language that means virtually nothing. What will happen if the chief executive officer does not enter an agreement with WACSSO? Why is it necessary for the chief executive officer to enter an agreement with WACSSO to do those things? What will the agreement contain? What will it be about? Will there be responsibilities on the part of WACSSO in respect of what it does? Will it be obliged to do other things in the terms of the agreement?

We are being asked to agree that the chief executive officer, within six months, should enter an agreement with WACSSO which will enable WACSSO to do certain things. What WACSSO does has nothing to do with the chief executive officer.

The member says that it is to enter an agreement with WACSSO so that WACSSO can operate as a representative body of the Western Australian Education Department and the Government. That makes no sense. We are then told that the chief executive officer must engage in an agreement with WACSSO so that WACSSO can provide guidance, support and training to its affiliated members and parents in general. What has that to do with the chief executive officer? Absolutely nothing. The new clause then refers to entering an agreement to allow WACSSO to participate effectively in panels, committees and councils. I can see something in that. Maybe that is where there can be some agreement.

The chief executive officer might say, "Okay, in respect of this agreement WACSSO can go on all these panels, committees and councils provided it meets the requirements." Perhaps we have found one matter on which we have agreement. The new clause refers to doing things that are necessary to pursue WACSSO's objectives. What do WACSSO's objects have to do with the chief executive officer of the Education Department? Absolutely and totally nothing. It is an independent organisation - it is independent to the extent that it is largely funded by the Government - which Hon Ljiljanna Ravlich says should be the peak parent body, and in order to operate it must enter into an agreement with the chief executive officer of the Education Department. What for? It just does not make sense other than some agreement in respect of participation in the processes for which the legislation provides.

I oppose the amendment for two reasons: Firstly, as I have explained, it makes no sense and there is no need for it; there is no need for an agreement between the CEO and WACSSO because they are separate, independent bodies. There can be agreement in respect of participation by WACSSO in the processes, but that is the sum total of it when we consider what is listed in new clause 144. Secondly, there is no need for a peak body for parents to be inserted in the legislation any more than there is a need for a peak body of any other organisation that has an interest in education. It is completely unnecessary for those two reasons.

Hon LJILJANNA RAVLICH: I wish to take up a couple of points that the Leader of the House made. Firstly, opposition members are not preoccupied with the creation of peak bodies. Secondly, I did not know that WACSSO was a tripartite body. I am not sure that it has that -

Hon N.F. Moore: I did not say that it was.

Hon LJILJANNA RAVLICH: The Leader of the House said that it is into tripartitism - I have written that down.

Hon N.F. Moore: I said that it is into that.

Hon LJILJANNA RAVLICH: Not that I am aware of or not that I can see. The Leader of the House said that it is funded by the Government and that it could collapse tomorrow. That might be the case, but the bottom line is that it is funded by the Government. I will bet that for the amount of funding that it receives from the minister, it probably gives a thousandfold in terms of effort and input, certainly judging by the tasks that the Leader of the House has proposed for it. It is laughable that the Leader of the House can say that it is funded by the Government and that it should be lucky that it gets what it gets.

Hon N.F. Moore: Don't say what I said when I didn't say that.

Hon LJILJANNA RAVLICH: No, the Leader of the House said that it is funded by the Government and it could collapse tomorrow. I have written that down. I also wrote "makes a mess of things", but I was not going to say that because I cannot remember the context in which the Leader of the House put it. The Leader of the House cannot have it both ways. He cannot dismiss the organisation when it suits him and then pile it up with functions in the legislation when it suits. It requires a little give and take and a bit more of a positive commitment on the part of the Leader of the House. It is not asking for too much. The Leader of the House said that he could see some function for it, probably in participating in panels and committees. Given some of the proposed functions that the Leader of the House has outlined in the legislation -

Hon N.F. Moore: There is none. Name one function for WACSSO in the Bill.

Hon LJILJANNA RAVLICH: Specifically WACSSO, school councils or P & C associations?

Hon N.F. Moore: We are talking about WACSSO.

Hon LJILJANNA RAVLICH: But the Leader of the House is talking about a structure in which P & C associations affiliate with WACSSO, so he is talking about pretty much the same thing and he is trying to split hairs.

Hon N.F. Moore: I am not. There will be functions for P & C associations but not for WACSSO, and they are different organisations, as you well know.

Hon LJILJANNA RAVLICH: Given WACSSO's role in conducting meetings with respective P & C associations throughout the State, there is indeed a function for it to provide guidance, support and training to affiliated members and parents. That should be one of its functions. If the Leader of the House wants it effectively to participate on panels and committees, which it is willing to do - it does not have a problem with being an active member - it will require a little goodwill on the part of the Leader of the House. That might mean that he will need to support the notion that some people require support, guidance and training so that they can train other members to be more active in their participation. I disagree with the Leader of the House and we will press our amendment.

Hon N.F. MOORE: Let us get a couple of things absolutely clear. There are no functions in the Bill for WACSSO.

Hon Ljiljanna Ravlich: There are for P & C associations.

Hon N.F. MOORE: And it is not necessary for P & C associations to be part of WACSSO. However, the Bill provides a role for P & C associations, parents and councils but it does not provide a role for WACSSO. Hon Ljiljanna Ravlich is trying to create a role for WACSSO. That is why I talked about tripartite bodies. I talked about the process that has been around for a long time - the Swedish model, in which peak bodies represent employers and every other organisation they like and they make all the decisions and deals. The member is trying to create a role for WACSSO and she is trying to write into it that somehow or other WACSSO is the peak body for parents, in effect saying to P & C associations and other parent organisations that might not want to be part of it, "If you want to be in the process of decision-making you must get with the big guys" - that is, WACSSO. The member is trying to write in a role for WACSSO which is in no other part of the Bill.

It is another example of people who share the member's thinking who want to create peak bodies and then make sure that everybody must be part of them because that makes it easier to control them. That is why all the unions are affiliated with peak bodies. That is why Hon Ljiljanna Ravlich wants all parent organisations to be affiliated and part of WACSSO. If she can control the peak body, she will have no trouble with the rest of them. It is a simple process of controlling large numbers of people, and that is not what WACSSO should be all about. It should be a forum, as much as anything else, to represent the collective views of P & C associations that want to be part of it, but to give WACSSO a special role in the legislation accords it a status which it does not deserve. As I have said, no other organisations in education have that in the Act. Many organisations have an equally significant role in education processes as parents have.

It is quite obvious that this clause is unnecessary for about three reasons. First we do not need a peak body. Secondly, we do not need it for the reason I have just outlined; that is, nobody else gets a guernsey as a peak body. Thirdly, I went through the things - I did not get a response from the member - that are supposed to go into the agreements. They are not the sorts of things that would go into an agreement between the chief executive officer of the department and an organisation such as the Western Australian Council of State School Organisations. It is illogical and does not make any sense.

Hon LJILJANNA RAVLICH: The Leader of the House does not support the view that a chief executive officer should enter into an agreement. That is a matter of judgment. My judgment is that there would be many advantages in an agreement being set up. New subclause (2)(a) states that WACSSO is to operate as a representative body. The Leader of the House is saying that he does not know what is meant by a representative body. Given the function of WACSSO as a representative of the parent body, a person does not need to be Einstein to put two and two together and work out what it is representing. We can argue until the cows come home on this issue. The Leader of the House has a position opposing mine. He cannot see any relevance in anything we on this side of the Chamber have done for the past week. The Leader of the House can see nothing good in what we have done. On this amendment, we may as well beg to differ.

Hon N.F. Moore: I have supported a number of amendments, if you think back.

Hon LJILJANNA RAVLICH: There are not that many. In terms of the Public Administration Committee I will grant the Leader of the House that; however, he has not been supportive of subsequent amendments that have been moved by me, in particular. I understand that is a part of the process. It is a matter of judgment in terms of whether the Leader of the House thinks anything good will come from this amendment. Given the role and performance of WACSSO over many years, I do not think it will go away. It has earned a place in this legislation and should be treated as the peak body and enshrined in legislation as such. The functions in paragraphs (a) to (d) will assist in its being able to carry out its role as peak body. I ask members to support the new clause. The Australian Labor Party will pursue it. It will not shift from its position in this regard.

New clause, as amended, put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon Tom Helm	Hon J.A. Scott	Hon Ken Travers
Hon J.A. Cowdell	Hon Helen Hodgson	Hon Christine Sharp	Hon Giz Watson
Hon N.D. Griffiths	Hon Norm Kelly	Hon Tom Stephens	Hon E.R.J. Dermer *(Teller)*
Hon John Halden	Hon Ljiljanna Ravlich		

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson *(Teller)*
Hon Peter Foss			

Pairs

Hon Cheryl Davenport	Hon Barry House
Hon Mark Nevill	Hon Dexter Davies
Hon Bob Thomas	Hon B.M. Scott

New clause thus passed.

New clause 147 -

Hon N.F. MOORE: I move -

Page 101, after line 6 - To insert the following new clause -

Minister may give directions to the chief executive officer

147. (1) The Minister may give directions in writing of a general nature to the chief executive officer with respect to the performance of a function that is vested in the chief executive officer by this Act, and the chief executive officer is to give effect to any such direction.

(2) The Minister cannot under subsection (1) give a direction in relation to a particular person.

(3) The text of any direction given under subsection (1) is to be included in the annual report submitted by the accountable authority in respect of the department under section 66 of the *Financial Administration and Audit Act 1985*.

This provision relates to the minister giving direction to the Chief Executive Officer of the Department of Education Services. The Bill provides for direction of the Director General of Education. However, the minister should also be able to direct the CEO of the Department of Education Services. Also, the amendment provides for any direction to be included in the department's annual report.

Hon HELEN HODGSON: I move the following amendment to the amendment moved by the Leader of the House -

To insert after the words "is to be" in subsection (3) the words "tabled in both Houses of Parliament within 7 sitting days of the direction being made and".

The intention behind this amendment has been raised in this place before in other legislation; that is, when directions are given, it is important that the public be aware of their content within a reasonable period. The problem of waiting for the annual report is that it can be 18 months or two years after the direction that the process is followed and the report is tabled in the Houses. That is too long before people become aware of the text of the direction. Given that the directions are supposed to be purely administrative and non-contentious, no difficulty should arise in making the report available within seven sitting days of the giving of the direction.

Hon LJILJANNA RAVLICH: The Australian Labor Party will support this amendment. We believe that it makes the whole exercise more accountable.

Hon N.F. MOORE: The Government opposes the amendment as it is unnecessary. There is a proper process for tabling directions within annual reports. That is the process that applies to the vast majority of current statutory authorities and that is how it should remain. Secondly, this amendment creates a difference in the processes relating to the Chief Executive Officer of the Department of Education Services and the Director General of the Education Department because we have already passed a clause which does not require a direction of the director general to be tabled within seven days. Again, we are creating another inconsistency within the Bill; however, I guess that is understandable.

Hon HELEN HODGSON: While the Leader of the House was speaking to his original clause, I realised that a similar amendment had not been moved to clause 224. That in no way means that we do not believe it should have been done. That amendment was overlooked in the process of the complex and numerous amendments made in this legislation. That does not mean that we resile in any way from our position that as a matter of principle these directions should be made available promptly through the tabling process. In our opinion, tabling with an annual report is not timely enough.

Amendment put and passed.

New clause, as amended, put and passed.

Postponed clause 9: When enrolment compulsory -

Resumed after the Leader of the House had moved the following amendment -

Page 9, after line 23 - To insert the following subclauses -

(3) A complaint of an offence against subsection (2) is not to be made against a parent unless the chief executive officer has given a certificate to the effect that all reasonably practicable steps have been taken to secure compliance with subsection (1) by the parent.

(4) Where in any proceedings a document is produced purporting to be a certificate given under subsection (3) the court is to presume, unless the contrary is shown, that the document is such a certificate.

I will not prolong the debate because we had a prolonged debate on new clause 11. I thank members for not supporting new clause 11. This amendment to clause 9 covers the issues raised by new clause 11 in a way which is more concise and relevant to the section with which we are dealing.

Amendment put and passed.

Clause, as further amended, put and passed.

Postponed clause 13, as amended, put and passed.

Postponed clause 98: Charges for provision of certain materials and services and fees for instruction -

The CHAIRMAN: Members will be aware that amendments S98 and R98 have been passed. When this clause was postponed, we were considering W98, on the motion of Hon Ljiljanna Ravlich.

Hon LJILJANNA RAVLICH: I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon N.F. MOORE: I move -

Page 73, line 6 - To insert after the word "child" the words "itemizing each component of those charges and the charge for each component".

Essentially this is to require that when the total charges payable are notified to the parent, there is an itemised account of the charges and how much is being charged for each component. I think that is a fair and reasonable proposition.

Amendment put and passed.

Hon HELEN HODGSON: At this stage I simply indicate that because of the difficulties we have had with this clause, there are some amendments that were previously passed which will need to be recommitted and dealt with to ensure consistency. There are also a couple of amendments standing on the separate Supplementary Notice Paper which are unable to be put at this time but will be put during the recommittal phase.

Postponed clause, as amended, put and passed.

Postponed clause 101 put and passed.

Postponed clause 102: Recovery -

Hon HELEN HODGSON: I move -

Page 74, line 12 - To insert before the word "Any" the words "Subject to section 99,".

Now that new clause 99 has been included, this amendment will ensure that the new scheme for the fees clauses hangs together and will simply clarify the issue.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 103 put and passed.

Schedule 1 -

Hon KIM CHANCE: I move -

Page 162, after line 23 - To insert the following subclause -

(2) An area described in a notice under section 21(2) of the repealed Act having effect immediately before the commencement is to be taken on the commencement to be an area that has been defined for the purposes of section 60(1)(b).

I understand that the Government supports this amendment.

Hon N.F. MOORE: The member's understanding is correct.

Amendment put and passed.

Schedule, as amended, put and passed.

Schedule 2 put and passed.

Title put and passed.

Bill reported, with amendments.

Recommittal

HON CHRISTINE SHARP (South West) [1.16 am]: I move -

> That the School Education Bill be recommitted for the purpose of reconsidering clauses 3, 4, 39, 46, 97, 98, 221 and 222.

The reason is the desire for the House to reconsider clauses 4, 97, 221 and 222 and move amendments; to reconsider amendments A3 in clause 3, D3 in clause 3, D39 in clause 39, M46 in clause 46 and S98 and R98 in clause 98 on Supplementary Notice Paper No 4-3; and to move amendments h198, h298 and h398 of Hon Helen Hodgson's circulated amendments.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [1.18 am]: We have now almost reached the state of total insanity. This Bill has been around for about a week. It has been debated clause by clause. Now some people want another go. I do not know when they will be satisfied with the end result. I can assure you, Mr President, that what is happening to this Bill, as I have said on countless occasions, is that it is heading for the rubbish bin. I find it extraordinary that members should now find the need to come back and by moving to recommit it have another go at the clauses on which they did not get the right result last time. I do not know that we will ever get some credibility back into the committee stage of this House if we adopt this sort of process. Although I have given an undertaking to the House to finish the committee stage tonight, we can easily finish the committee stage by not recommitting the Bill. That would satisfy any commitment that I gave in respect of what might happen tonight.

Hon Ljiljanna Ravlich: You should be ashamed of yourself.

Hon N.F. MOORE: I beg the member's pardon? Members opposite have had about 15 000 hours of this and now they want to start again because they have not made a big enough mess yet. They want to make a bigger mess still.

Hon Kim Chance: Do you know of the breakdown of the pairing arrangements?

Hon N.F. MOORE: We might have some breakdowns of pairing arrangements in the future as well. I do not believe there is any necessity to recommit this Bill. It is in a big enough mess as it is without attempting to make it worse.

Question put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon Tom Helm	Hon J.A. Scott	Hon Ken Travers
Hon J.A. Cowdell	Hon Helen Hodgson	Hon Christine Sharp	Hon Giz Watson
Hon N.D. Griffiths	Hon Norm Kelly	Hon Tom Stephens	Hon E.R.J. Dermer *(Teller)*
Hon John Halden	Hon Ljiljanna Ravlich		

Noes (13)

Hon M.J. Criddle	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson *(Teller)*
Hon Peter Foss			

Pairs

Hon Bob Thomas	Hon Barry House
Hon Mark Nevill	Hon B.M. Scott
Hon Cheryl Davenport	Hon Dexter Davies

Question thus passed.

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 3: Objects -

Hon LJILJANNA RAVLICH: I move -

> Page 3, line 4 - To insert after the word "education" the words "which best promotes their life opportunities and assists each child in achieving her or his educational potential".

The Opposition went to some length to debate this earlier in the week. The clause has been recommitted because I understand there was a problem regarding pair arrangements on the Government side.

Hon N.F. MOORE: I acknowledge that a mistake was made in the pairs and that this clause was not passed so I do not oppose the addition of these words.

Amendment put and passed.

Clause, as further amended, put and passed.

Clause 4: Definitions -

Hon CHRISTINE SHARP: I move -

> Page 3, line 17 - To insert after the word "in" the words "Division 6 of Part 2 and".

This amendment will enable me to move a subsequent amendment to clause 46 regarding the home education division so that the chief executive officer can be the same as the home educator in part 4 of the Bill.

Hon N.F. MOORE: I do not know why we are dealing with this now, having gone past it before. The member intends to ensure that home education comes under the Department of Education Services rather than the Education Department. We did not get an explanation, so I do not know the reason for the amendment. The Government has a policy that education of children in the home comes under the administration of the Education Department. It is structured in order to supervise that aspect of education. Now the member is trying to alter the whole policy of the way these children are supervised. The Department of Education Services is not established to control home education. It is an amalgamation of a number of subagencies. It is not an agency that is involved in delivering educational services in a sense that the Education Department does; in other words, it does deliver an educational environment.

It is outrageous that members opposite seek to change policy in the way this member is trying to do. It is like saying the Committee will decide the administration of government or that the tourism industry should be run by the Department of Sport and Recreation. It is nonsense. I suggest that members of the Labor Party have a good, hard think about this. If they start having Parliament telling the Government how to organise the administration of government and which function should come under which department, what is the point of having a Government? The Parliament might as well be the Government, as some of these members are seeking to do at the moment. The Government is strongly opposed to this for obvious reasons. I expect the Labor Party to support the Government on this.

Hon CHRISTINE SHARP: The source of this amendment is the proposal from the Standing Committee on Public Administration which was ruled out of order. This amendment is to enable that proposed amendment to be moved.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Kim Chance	Hon Helen Hodgson	Hon Christine Sharp	Hon Giz Watson
Hon N.D. Griffiths	Hon Norm Kelly	Hon Tom Stephens	Hon E.R.J. Dermer
Hon John Halden	Hon Ljiljanna Ravlich	Hon Ken Travers	*(Teller)*
Hon Tom Helm	Hon J.A. Scott		

Noes (12)

Hon B.K. Donaldson	Hon Ray Halligan	Hon M.D. Nixon	Hon W.N. Stretch
Hon Max Evans	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Peter Foss	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson *(Teller)*

Pairs

Hon Cheryl Davenport	Hon Dexter Davies
Hon Bob Thomas	Hon Barry House
Hon J.A. Cowdell	Hon M.J. Criddle
Hon Mark Nevill	Hon B.M. Scott

Amendment thus passed.

Points of Order

Hon N.F. MOORE: I seek your ruling, Mr Deputy Chairman. I believe that the passage of the last amendment requires the appointment of staff by the Department of Education Services in order to fulfil its requirements. This will involve an appropriation by this Chamber, which does not have such power.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): The Leader of the House has raised a proposition which can be argued. However, it was not argued before the amendment was moved and voted upon. Therefore, the amendment must stand. If there is to be an objection to this matter, it must come from the other place.

Debate Resumed

The DEPUTY CHAIRMAN: The question is that the clause, as amended, be agreed to.

Point of Order

Hon N.F. MOORE: Now we have finalised the amendment can I take a point of order on the matter I just raised?

The DEPUTY CHAIRMAN: The Leader of the House may take a point of order.

Hon N.F. MOORE: The advice I have received is that for the Department of Education Services to administer home educators and home education processes will require the appointment of staff. As the department does not engage staff in operational issues of that nature - it is essentially a policy organisation - no appropriation already agreed to by Parliament will be available to provide necessary staff appointments. I suggest that this Chamber is not capable of agreeing to the amendment.

The DEPUTY CHAIRMAN: The Leader of the House has presented a point of view. Before I rule, other members must be given the opportunity to present opposing points of view.

Hon CHRISTINE SHARP: I disagree with the Leader of the House's argument. Essentially, the department's function will not change at all. There will still be home education and home education inspectors and the ultimate supervision of the home education inspectors. No new government functions are proposed by the amendment. A reallocation of funding may be involved, but certainly no new operations, of which I am aware, are required by the amendment.

Hon N.F. MOORE: As I understand it - I do not have the Budget Statements with me - appropriations are made to the separate Department of Education Services and the Education Department. It is not a matter of swapping staff between departments to suit the member's purposes. It is a requirement for the Department of Education Services to fund this activity which the member wants it to perform; however, it does not have the resources to do so. The Chamber cannot act in this way.

Hon TOM STEPHENS: If by chance you were to uphold the point of order, Mr Deputy Chairman, would the clause as amended not be inserted into the Bill? What would be the result?

Deputy Chairman's Ruling

The DEPUTY CHAIRMAN: The answer to the Leader of the Opposition's questions is yes and yes. Clause 4 has been amended. If I were to rule in favour of the Leader of the House, clause 4 would be ruled out of order. In that case, it is not the amendment to clause 4, because we have accepted the amendment, but the entire clause which will be out of order. In the light of that point, I think the Leader of the House has presented a defensible argument. It is not within the power of this House to initiate legislation which imposes a charge against government. Therefore, I must rule that it is out of order, in which case, clause 4 is out of order.

Clause, as amended, ruled out of order.

Point of Order

Hon N.F. MOORE: I seek clarification. Clause 4 is a whole string of definitions. The clause cannot be ruled out of order, although it obviously has been, as -

Hon Tom Stephens: On your point of order.

Hon John Halden: Reflecting on your comment about how you wanted the debate of the Committee of the Whole, do you regret that decision now?

Hon N.F. MOORE: No, I do not. The member can be as smart as he likes.

The DEPUTY CHAIRMAN: Order!

Hon N.F. MOORE: I seek your advice, Mr Chairman, as to whether once this set of recommittals has been completed there can be a recommittal of clause 4. If so, that is what I propose to do.

The DEPUTY CHAIRMAN: Quite clearly it can and I suggest that we order breakfast! The Bill can be recommitted after we have dealt with this. There are two rulings: One is that clause 4 is out of order. The second is that if it is the will of the House the Bill can be recommitted.

Hon N.F. MOORE: Mr Chairman, I need your clarification. In respect of the motions that this Chamber has already contemplated in clause 4, the first division was on the first motion to insert after the word "in" the following words.

The DEPUTY CHAIRMAN: To insert "Division 6 of Part 2 and", and I ruled that that was agreed to by the Chamber, therefore, the words were inserted. If there are no further questions, we shall go to clause 39.

Debate Resumed

Clause 39: Appointment of School Attendance Panels -

Hon CHRISTINE SHARP: Mr Deputy Chairman, there is more confusion. I have just received the Supplementary Notice Paper and it is incorrect with regard to clause 39, if I understand what it is saying. I am not seeking to insert any new subclause. I seek to delete the amendment C39 on the previous Supplementary Notice Paper. We had already passed that amendment when it was drawn to my attention that subsequent similar amendments were unsuitable and I withdrew all the subsequent ones. I now wish to withdraw the original one which had already been passed. I am not sure whether that is what it says on the Supplementary Notice Paper.

The DEPUTY CHAIRMAN: I am about as confused as the member is.

Hon Christine Sharp interjected.

The DEPUTY CHAIRMAN: Hold on, I will give Hon Christine Sharp the opportunity to speak at the appropriate time. Since the amendment is in Hon Christine Sharp's name, I will assume it was in her name.

At an earlier stage of the Committee, Hon Christine Sharp moved the amendment which is shown on Supplementary Notice Paper No 4-3 as D39. That sought to insert subclauses (5), (6), (7) and (8). That amendment was carried. I understand that Hon Christine Sharp now wishes to delete those subclauses (5), (6), (7) and (8), in which case the motion is that the words inserted by D39 be deleted. Is that what the member wishes to move?

Hon CHRISTINE SHARP: That is correct. I move -

To delete the amendment, previously passed, as follows -

Page 29, lines 22 to 25 - To delete the subclause and substitute the following subclauses -

(5) A Panel is to give a child whose case is before the Panel, and the child's parents, an opportunity to be heard.

(6) In performing its functions a Panel is also to observe all other principles of natural justice, including the duty of procedural fairness.

(7) Subject to subsections (5) and (6), the Minister may give directions in writing to a Panel as to its procedure.

(8) Except as is otherwise provided by or under this section, a Panel may determine its own procedure.

Hon N.F. MOORE: The Government agrees with this, obviously. It is a pity that a few other members would not delete some of the other stuff they have put on the Supplementary Notice Paper.

Amendment put and passed.

Clause, as further amended, put and passed.

Clause 46: Definition -

Hon KIM CHANCE: I move -

Page 36, after line 10 - To insert the following definition -

"chief executive officer" means the chief executive officer referred to in section 145;

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): I will have to rule this out of order, because to insert those words will impose a cost upon the Government. It is not appropriate for this Chamber to legislate a cost upon the Government; therefore I rule that amendment out of order.

Amendment ruled out of order.

Clause put and passed.

Clause 97: Limitation on matters for which fees for instruction and charges may be imposed -

Hon HELEN HODGSON: I move -

Page 71, line 22 - To insert after the word "collected" the designation "(a)".

Page 71, after line 23 - To insert the following paragraph -

(b) for participation in activities outside the educational programme of a government school that is classified as a primary school.

The amendment to clause 97 is one that originally stood on the Notice Paper but was not moved because of the form of subsequent amendments that were going to be moved. At that stage I deemed it best to leave it; however, in view of the insertion of clause 99 and the whole scheme of the way in which amendments to clause 99 were constructed, I have been advised that it is appropriate to insert this subclause as it will ensure that the design of clauses 97, 98 and 99 fits together. I hesitate to say this: The insertion of amendment B97 is tied into the new amendment to clause 98 relating to participation in school camps, excursions and activities which we have not yet considered. The drafting of clause 97 needed to be tidied up to ensure that that would allow clause 98 to be inserted. We have had so many clauses taken in different orders today, I am not sure whether we should be dealing with clause 97 after clause 98 or to proceed with them in the order in which they appear on the Notice Paper.

The DEPUTY CHAIRMAN: We will have to sort through the deck of cards we have in front of us. Can Hon Helen Hodgson clarify one point? We assume that the clause 99 referred to is new clause 99.

Hon HELEN HODGSON: Yes, new clause 99.

The DEPUTY CHAIRMAN: It being new clause 99, we shall have to deal with clause 98 before clause 97.

Further consideration of the clause postponed until after consideration of clause 98, on motion by Hon Helen Hodgson.

Clause 98: Charges for provision of certain materials and services and fees for instruction -

Hon HELEN HODGSON: I move -

Page 72, line 4 - To insert after the words "may be made" the words ", subject to section 99,".

Thank you for your advice on the previous point, Mr Deputy Chairman. It is appropriate to deal with C98 next because that depends on a clause which has already been finally resolved which is subject to clause 99. It is merely a matter of tidying up to ensure that the appropriate priorities are given in interpreting the legislation.

Amendment put and passed.

Hon HELEN HODGSON: I move -

Page 72, after line 9 - To insert the following paragraph -

(c) participation in school camps, excursions and activities outside the educational programme of a government school that is classified as a primary school.

D98 is a redraft of a matter that was previously incorporated in the amendment W98 that was ultimately withdrawn. By inserting paragraph (c) into clause 98, we are saying that regulations may be made in order to regulate the amount that can be charged for such activities. We must read that in light of new clause 99, which refers to what is necessary and optional fees. However, to actually say that there should be regulations providing for any ceilings and the sorts of things that can be charged for in the nature of school camps is, I hope, not objectionable to the Government. It is a matter of ensuring that parents know where they stand when it comes to budgeting for the year and working out what they may be liable to pay on behalf of their children to attend these things. Merely providing that it be subject to regulations is not inappropriate.

Hon N.F. MOORE: I have virtually lost patience in respect of this fees and charges question. I do not propose to argue the point any longer. Members opposite have inflicted their philosophical views on the system. When it is introduced, it will cause serious problems in every school in Western Australia, and members opposite can wear it.

Amendment put and passed.

Hon HELEN HODGSON: I need your indulgence, Mr Deputy Chairman, at this stage. Basically, we have another situation where, with the haste with which this Supplementary Notice Paper was put out, there has been a change which has come to my attention in the meantime. At page 72, line 10, the first time around, we inserted some words under amendment S98, being "subject to subsection (2),". We may have to deal with F98 before we deal with E98, because we will be proposing to delete the subsection (2) to which page 72, line 10, refers. These are the two amendments that were previously S98 and R98 on the former Supplementary Notice Paper. One inserted the subsection; the other made reference to that subsection. I think they both need to be deleted.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Let me get this correct: E98 was previously S98, and F98 was previously R98.

Hon HELEN HODGSON: Yes.

The DEPUTY CHAIRMAN: Before the member proceeds with further explanation, I point out that the amendment F98 on Supplementary Notice Paper No 14-2, which was R98 on Supplementary Notice Paper No 4-3, is already in the Bill.

Hon HELEN HODGSON: I understand that. That was the second typing error that came to my attention after this was circulated. F98, which was previously R98, should be deleted.

The DEPUTY CHAIRMAN: The member does not want to put it in; she wants to take it out.

Hon HELEN HODGSON: Yes, I want to take it out.

The DEPUTY CHAIRMAN: With that explanation, the motion of Hon Helen Hodgson would be to delete the words inserted by R98 in the Supplementary Notice Paper No 4-3. We will then deal with E98.

Hon HELEN HODGSON: I move -

To delete the amendment, previously passed, as follows -

Page 72, after line 11 - To insert the following new subclause -

(2) Regulations referred to in subsection (1) cannot provide for the payment of any fee, other than a fee payable only by agreement as mentioned in section 103, for instruction provided at a government school by persons other than any member of the teaching staff if that instruction is required for the provision of schooling to the students concerned in accordance with the curriculum framework under the *Curriculum Council Act 1997* applicable to those students.

The reason for that deletion is that the subject matter has now been covered in the clause subsequently inserted, which was the new clause 99. Therefore, it is no longer required.

Amendment put and passed.

Hon HELEN HODGSON: I move -

Page 72, line 10 - To delete the words "subsection (2)" and substitute the words "section 99".

Amendment put and passed.

Clause, as further amended, put and passed.

The DEPUTY CHAIRMAN: Clauses 221 and 222 on that Supplementary Notice Paper are out of order because they offend in the same way as the other matters on which I have ruled.

Postponed clause 97: Limitation on matters for which fees for instruction and charges may be imposed -

Resumed after Hon Helen Hodgson had moved the following amendments -

Page 71, line 22 - To insert after the word "collected" the designation "(a)".

Page 71, after line 23 - To insert the following paragraph -

(b) for participation in activities outside the educational programme of a government school that is classified as a primary school.

I will speak to both A97 and B97 together, because they are basically two parts of the same thing. Essentially this is to ensure that clause 97, which sets the scheme for the way in which the fees can be dealt with under this part of the Bill, makes reference to the educational program in respect of the amendment we have just dealt with, being participation in school camps and so on. Therefore, it is to make the scheme of the Bill work as it was originally designed to do. I realise the policy is now different.

Section 97 was originally inserted in order to say with what sections 98 and so forth would be dealing. Therefore, we need to tidy it up by adding paragraph (b).

Amendments put and passed.

Clause, as amended, put and passed.

Bill again reported, with further amendments.

Recommittal

On motion by Hon N.F. Moore (Leader of the House) resolved -

That the Bill be recommitted for the purpose of reconsidering clause 4.

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Hon N.F. MOORE: I move -

That clause 4 be reinstated as it appears in School Education Bill 47-2A.

Amendment put and passed.

Bill again reported, with a further amendment.

NATIVE TITLE (STATE PROVISIONS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.08 am]: I move -

That the Bill be now read a second time.

I give members some background before addressing the detail of the Bill. For several years this Government has publicly stated that the commonwealth Native Title Act is an unworkable piece of legislation, and we have done everything possible to make successive Commonwealth Governments aware of this problem. Inordinate delays have occurred in the release of residential and industrial land in regional centres. There is a backlog of over 5 500 mining titles unable to be granted because of the unworkable procedures of the Native Title Act. Also, over 300 native title claims in Western Australia are unresolved, with up to 17 competing claims in a single location.

It has always been the policy of this Government that native title should be dealt with as part of the normal land and resource management process, which has always been the responsibility of the State Government and ultimately this Parliament. However, this Government was not prepared to take on the responsibility for native title while the federal Native Title Act remained fundamentally flawed and imposed an unworkable regime on any complementary state-based system.

It has taken much longer than we had hoped to have the federal legislation amended. However, in July this year the Federal Parliament finally passed the Native Title Amendment Act. The Act, proclaimed on 30 September, now provides a basis for State Parliament to put in place a comprehensive native title regime that will be administered by a state Native Title Commission. The commission will have responsibility for the administration of native title claims within Western Australia as well as the important task of registering indigenous land use agreements. The commission will also have administrative and determinative powers to deal with objections by native title parties to future land, mining and petroleum grants by the State Government.

The Western Australian Native Title (State Provisions) Bill has been drafted in accordance with the relevant provisions of the amended Native Title Act. Parts of the Bill will require a determination by the commonwealth minister before the Bill can be functional, and the minister's determination must also be laid before both Houses of the Commonwealth Parliament.

The Bill aims to establish a state Native Title Commission, which will be an equivalent body under section 207B of the Native Title Act. The commission may also take on the role of recognised body in relation to future acts. In practice, the commission will take over the role of the National Native Title Tribunal in Western Australia. The commission will function as an impartial facilitator in registering native title claims and helping claims to be resolved by negotiation. The commission will also play a role in resolving future acts.

The Bill will enable the State Government to replace the right to negotiate on pastoral leases and certain reserves with a prescribed regime of consultation. The right to negotiate will remain on vacant crown land and Aboriginal reserves, and a new process is to be applied for consultation for infrastructure titles and developments within towns and cities.

I now deal with the clauses of the Bill. First, the Bill largely relies on the definitions used in the Native Title Act to ensure consistency. Certain provisions regarding the proclamation of the Bill are restricted by the need to have certain sections approved by the commonwealth minister. As a result, commencement of parts 3 and 4, division 2 of part 6 and proposed section 8.2 cannot occur until determinations under the Native Title Act come into force.

Part 2 of the Bill allows the state commission to be nominated as a recognised body for the purpose of carrying out functions under the right to negotiate. This nomination occurs under section 207A of the Native Title Act. Part 2 also allows the commission to be nominated as an equivalent state body under section 207B of the Native Title Act for the purpose of performing specified functions of the National Native Title Tribunal or the registrar. It allows for the making of regulations for transitional provisions in connection with the commission's becoming an equivalent body and an arbitral body. The State is also able to agree to a delegation under section 199F of the Native Title Act in regard to the registration of indigenous land use agreements.

Part 3 of the Bill provides consultation procedures for "alternative provision areas" in accordance with section 43A of the Native Title Act. The provisions deal with future acts which relate to an area of land or waters that is an "alternative provision area"; that is, non-exclusive land tenure such as pastoral leases and some crown reserves. Areas subject to a grant for the use and benefit of Aboriginal persons where native title has not been extinguished are excluded from the operation of this part under clause 3.1.

Part 3 acts can be validly done only where no objection is lodged to the act, all objections are withdrawn or dismissed, an agreement is made, a recommendation made by the commission to allow the act to be done is not overruled, or a recommendation by the commission that the act is not to be done is overruled by a state minister. A provision allows acts which would ordinarily fall under part 3 to be dealt with under part 4 on request from the applicant. This provision is intended to allow applications which transverse both parts 3 and 4 areas to be dealt with under part 4 to avoid the need for multiple processes for a single title. Before the act can be done, there must be notification to registered bodies corporate, registered native title claimants and any representative bodies in accordance with the Native Title Act. The notices must nominate a closing date for objections which must be at least three months after the notice is given.

Notice is to be given by the government party in the case of certain compulsory acquisitions or persons prescribed by regulation in other cases. Regulations can be made about the giving of notice. Any registered body corporate or native title claimant may object to the act on the grounds that the doing of the act would affect the person's registered native title rights and interests in relation to the land or waters to which the act relates. The commission has discretion to extend the closing date for objections in cases where there are exceptional circumstances.

If the objection is not made by a registered native title body corporate or a registered claimant, or the rights and interests claimed to be affected are not registered rights and interests of the objector, the Native Title Commission has the power to dismiss the objection. The Bill defines the consultation parties as being the objector/s and the proponent in the case of mining, or the objector and the government party in the case of compulsory acquisitions. The consultation parties are required to consult about minimising the impact of the act on registered native title rights and interests, including about access to the land and waters or the way in which anything authorised by the act may be done.

The provisions allow for the commission to mediate if requested to do so by any of the parties. They provide the commission with a power to request the parties to meet together if either of the parties is not making sufficient attempts to consult. Provisions ensure that applications to do an act can be withdrawn and that the parties will be notified. An objection may also be withdrawn by the objector and any agreements may be lodged with the commission.

If after four months, the objection/s are not withdrawn and no agreement resolving the issues on which the objection is based has been lodged, the commission may give notice that it intends to hear and determine the objection. The commission may also hear an objection at the request of a consultation party prior to the end of the consultation period as long as the commission is satisfied that reasonable endeavours have been made to resolve the issues and that further consultation is not likely to resolve the matter. The commission must attempt to make a determination within four months of the notice and the period may be extended at the minister's discretion. Consultation between the parties may continue while the commission is hearing the matter. The commission is able to make a recommendation that the act may be done, may be done subject to conditions or may not be done. The commission must not determine that the objector is entitled to payments by reference

to profits, income or things produced. The minister may overrule the commission's determination in the interests of the State after consultation with the minister responsible for indigenous affairs and taking into account any recommendation or advice from that minister. Provisions provide for judicial review by the Supreme Court of recommendations by the commission and determinations by the minister.

Part 4 of the Bill deals with provisions for future acts in areas other than alternative provision areas; that is, land which has always been vacant crown land and Aboriginal land excluded from part 3. Provisions allow for part 4 acts to be validly done only where no objection to the act is lodged, all objections are withdrawn or dismissed, an agreement is made, a recommendation made by the commission to allow the act to be done is not overruled, or a recommendation by the commission that the act is not to be done is overruled by a state minister.

Notification of the act must be made to the public and by written notice to registered bodies corporate, registered native title claimants and any representative bodies. The notices must nominate a closing date for objections which must be at least three months after the notice is given. The notice may relate to two or more acts and may relate to project acts.

Any registered body corporate or registered native title claimant in relation to the land to which the act relates may object. The objection must state the manner in which the act would affect the registered native title rights and interests. The commission has the discretion to extend the closing date for objections in exceptional circumstances. The commission has the power to dismiss an objection if it is not made by a registered native title body corporate or a registered claimant, or the rights and interests claimed to be affected are not registered rights and interests of the objector.

The negotiation parties are the objector/s and the proponent, who may be the government party. The negotiation parties are required to negotiate in good faith with a view to the objections being withdrawn or obtaining the agreement of the objectors to the doing of the act, which may be subject to conditions.

The provisions allow for the commission to mediate if requested to do so by any of the parties and to cause the parties to meet together if insufficient progress is being made toward reaching an agreement.

The objection may be withdrawn by the objector, and a copy of any agreement made may be given to the commission. The agreement will be accepted by the commission if it has been made by the appropriate parties, executed properly, and no party has alleged and proven that the agreement was not entered into freely and voluntarily.

Where any objection/s are not withdrawn within four months of the closing date, or if no agreement has been lodged, the commission may give notice that it intends to hear and determine the objection. The commission must attempt to make a determination within six months of the notice, and the period may be extended at the minister's discretion. The commission may determine that the act may be done, may be done subject to conditions, or must not be done. The commission must not determine that the objector is entitled to a payment worked out by reference to income, profit or things produced. The criteria to be taken into consideration in making a determination are listed in clause 4.47 of the Bill and reflect section 39 of the Native Title Act.

The minister is able to make a determination where the commission is not likely to do so within a reasonable time frame, if it is in the State's interest to do so, and after consultation with the commonwealth minister. Any such determination must be laid before both Houses of State Parliament. The minister may also overrule a determination of the commission within two months of the decision if it is in the interests of the State to do so.

Part 5 of the Bill implements a regime for the operation of section 24MD(6B) of the Native Title Act. The provisions apply to certain permissible leases and so on, renewals, compulsory acquisitions wholly within a town or city or for infrastructure purposes, and the creation or variation of a right to mine for infrastructure associated with mining. Acts can be validly done under part 5 where no objection is lodged to the act, all objections are withdrawn or dismissed, an agreement is made, a recommendation made by the commission to allow the act to be done is not overruled, or a recommendation by the commission that the act is not to be done is overruled by a state minister. Notification must be given to registered bodies corporate, registered native title claimants and representative bodies. The closing date for objections must be at least two months after the notification is given.

Registered native title bodies corporate and registered native title claimants may object to the act on the grounds that it will affect their registered native title rights and interests in relation to the area the subject of the act. The commission may dismiss an objection if it is not made by a registered native title body corporate or a registered claimant, or if the rights and interests claimed to be affected are not registered rights and interests of the objector.

The consultation parties are defined as being the objector and either the proponent, in the case of mining titles, or the government party, in the case of compulsory acquisitions - see clause 5.18.

Hon Tom Stephens: That is the wrong clause.

Hon N.F. MOORE: If it is a mistake, I will correct it tomorrow. I do not carry that around in my head. Under clause 5.20 -

Hon Tom Stephens: That is the wrong clause.

Hon N.F. MOORE: I am pleased we have an expert in the House.

Hon Tom Stephens: It is good to get the speech right. That is all.

Hon N.F. MOORE: As I said, I will check it out tomorrow.

Under clause 5.20, or whatever it is, the consultation is to be about minimising the impact of the act on registered native title rights and interests. The objector may withdraw the objection, and any agreement resolving the objection may be lodged with the commission. The commission may hear and determine objections if the matter has not been resolved four months after the closing date. The commission may hear the objection earlier if a consultation party requests. The commission must determine the objection within four months of being asked to do so and may recommend that the act be done, the act be done subject to conditions, or the act must not be done. The minister is able to overrule a recommendation of the commission if it is in the interest of the State, and after first consulting with the minister for indigenous affairs and taking into account any advice given by that minister.

Part 6 provides for the commission to determine, on application, compensation in relation to future acts other than compulsory acquisitions which are already covered under the Land Administration Act. An entitlement to compensation is created for native title holders in relation to part 3, part 4 or part 5 acts where there is no entitlement to compensation under another written law. The commission is able to determine compensation, and the determination is to be in accordance with provisions that reflect sections 49 and 51 of the Native Title Act. The Bill also contains provisions in relation to the recovery of compensation and the holding of compensation in trust. The provisions also deal with the payment of compensation from the trust, non-monetary compensation, situations where no compensation is payable, and the jurisdiction of the commission.

Part 7 establishes a Native Title Commission to exercise functions under the Native Title Act, and to provide mediation services, to compile and maintain a database of information, and to give assistance in connection with applications to the Federal Court. The commission is obliged to perform its functions fairly, justly and expeditiously and to ensure that its procedures are informal and accessible. The commission is also able to take into account the cultural and customary concerns of Aboriginal people.

The commission will comprise a full-time chief commissioner and a number of other commissioners who may be employed on a full or part-time basis. In compliance with the Native Title Act, a member of the commission must have been enrolled for at least five years as a legal practitioner of the Supreme Court of Western Australia or another State or Territory, or the High Court, or have special knowledge in relation to Aboriginal people. The Bill also allows the appointment of members who have knowledge in relation to land and resource management or dispute resolution. One member of the National Native Title Tribunal must also be on the commission.

The commission will hold hearings in general accordance with the provisions of section 154 of the Native Title Act. The Bill contains provisions relating to matters such as offences, confidentiality, conflict of interest and use of interpreters, which generally conform to those provisions in the Native Title Act. The commission will also have an executive director and other staff appointed under normal public service conditions to undertake the administrative functions of the commission. Part 8 allows for the making of regulations and contains consequential amendments.

Before concluding, it must be said the processes covered in this legislation, designed to comply with the federal legislation, are incredibly complex. The Government is totally committed to making the processes workable, although it fully appreciates that in practice this will be a difficult task. It represents a compromise on a compromise.

This Bill is critical to ensure that Western Australia has a workable land and resource management system in place which appropriately recognises the native title rights and interests of Aboriginal people. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

ACTS AMENDMENT (LAND ADMINISTRATION, MINING AND PETROLEUM) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.22 am]: I move -

That the Bill be now read a second time.

With the proclamation of the amendments to the commonwealth Native Title Act on 30 September 1998, Western Australia is now able to establish its own regime to deal with native title issues. The establishment of this regime is the subject of the

Native Title (State Provisions) Bill. To facilitate the proposals within that Bill, consequential amendments are required for the Land Administration Act, the Mining Act, the Petroleum Act and the Petroleum (Submerged Lands) Act.

For the Land Administration Act, this Bill seeks amendments relating to part 9 dealing with the taking of interests in land. The Bill also contains other amendments to the Land Administration Act which have been identified as being necessary to improve the procedures for dealing with native title and Aboriginal land issues.

Section 83 deals with the granting of freehold and leases to Aboriginal persons. Clause 5 of the Bill seeks to remove any doubt that such tenure can be granted to bodies corporate representing Aboriginal people as well as individual Aboriginal persons.

Section 152 outlines the objective of parts 9 and 10 dealing with compulsory acquisition of interests in land and compensation. It is proposed to amend this section to reflect amendments to the Native Title Act. To accommodate the provisions within the proposed Native Title (State Provisions) Act, the inclusion of a new section 152A is also sought. Sections 153 and 154 outline the procedure for the giving of notices where native title rights and interests are intended to be taken. It is proposed to replace these sections with provisions consistent with the new procedures now contained within the Native Title Act. It is also proposed to repeal section 155 and replace it with a provision which allows the extinguishment of native title when compulsorily acquired but only to the extent allowed under the Native Title Act. Section 156 deals with compensation, and the proposed amendment to subsection (3) makes it clear that compensation will be awarded under the provisions of the Native Title (State Provisions) Bill. Section 158 deals with the refund of compensation if the purpose of a taking is cancelled. Subsection (2) requires native title holders to be notified of such a cancellation. The proposed amendment seeks to ensure that notification is in accordance with the Native Title Act.

Section 165(2) allows the minister to take interests in land and grant land for development to achieve a social and economic benefit of the State. The proposed amendment allows the taking of land for use or development, or both. Amendments to section 167 are proposed to merely reflect the provisions of the Native Title Act and the Native Title (State Provisions) Bill. Section 170 in part relates to the time a notice of intention has effect. However, no provision exists within the Land Administration Act allowing the minister to extend such notices whether it be for either native title or any other purposes. The proposed amendments to this section seek to rectify the situation.

Section 177 deals with procedures for the final taking of interests in land. It is proposed to amend this section to allow the taking to proceed without the usual statutory approvals for development yet being in place. Not all these statutory approvals can be gained until the acquiring authority holds an interest in the land. The proposed amendments also seek to provide for the publishing in a daily newspaper of an extract of the compulsory acquisition notification known as a notice to take. These amendments essentially aim to streamline administrative matters relating to general matters of compulsory acquisition.

The Bill also contains amendments to the Mining Act, the Petroleum Act and the Petroleum (Submerged Lands) Registration Fees Act. These amendments shift the compensation liability for future acts to the holder of the mining or petroleum title. The Native Title Act provides that when compensation is payable to native title holders, it shall be paid by the State unless the liability has been passed on to another party. This amendment will provide a statutory basis for passing on that liability to title holders. The new section provides that when compensation is payable to native title holders, the person liable to pay that compensation is either the applicant for or the holder of the mining or petroleum title at the time the compensation is to be paid or when a decision is made that compensation is payable. When the title has been surrendered or forfeited or has expired, the last holder will be liable for compensation.

This Bill contains amendments which are essential to ensure that the land and resource development of Western Australia can function efficiently and consistently in light of the changes to the management of native title. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.26 am]: I move -

That the House do now adjourn.

By way of explanation with regard to the two Bills that have just been received in the Council, I will deal with them first-up tomorrow and move that they be referred to the select committee established today to consider native title legislation.

Question put and passed.

House adjourned at 2.27 am (Wednesday)

QUESTIONS ON NOTICE

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

HARDWOOD SAWMILLS, SOUTH WEST

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

(1) What hardwood sawmills are currently in operation in the South-West?

(2) How many workers does each sawmill employ?

Hon MAX EVANS replied:

This list covers sawmills that submitted a summary of log timber processing (CLM 182) for customers which have a contract of sale with CALM and operated during the six month period January to June 1998, or a summary of sawmilling operations (CLM 439) for private property mills operating during 1997/98.

(1)

Mill Name	Location
Adelaide Timber Co	East Witchcliffe
Adelaide Timber Co	Wilga
AGK Quality Woodware	Cuballing
Austwest Timbers P/L	Busselton
Bedford Bros	Kirup
Bungarra Craftwood Supply P/L	Mandurah
Bunnings Forest Products	Nannup
Bunnings Forest Products	Collie
Bunnings Forest Products	Yarloop
Bunnings Forest Products	Deanmill
Bunnings Forest Products	Pemberton
CALM	Harvey
Appadene Forest Prod	Manjimup
Chowerup Timber Mill	Boyup Brook
Clark Construction	Busselton
Cockburn Sawmill	Spearwood
Coli Timber Products P/L	Argyle
Coli Timber Products P/L	Dwellingup
Coli Timber Products P/L	Darkan
Coli Timber Products P/L	Mandurah
Colli & Sons	Mundijong
Colli & Sons (CARDOSO)	Dwellingup
de Russett BL BF	Northcliffe
Darradup Contractors	Nannup
Denbarker Sawmill	Denbarker
Desert Timber Products	Kalgoorlie
Franey & Thompson	Albany
Fredricks JG	Bridgetown
Gandy Timbers	Jardee
Gatti/Redmond Sawmill	Redmond
Gilchrist RJ & R	Alexandra Bridge
Gisborne Timber Products	Hester
Hamilton Sawmills	Osborne Park
House J. A. Sawmilling	Yallingup
J & K Sawmillers	Yanmah
Jarrah Case Factory	Bayswater
Keogh	Baldivis
Lewisaw P/L	Busselton/Nannup
Mangee Milling	Picton
Midway Sm.	Northcliffe
Millwood Forest Products	Bunbury
Middlesex Mill	Manjimup
Minorba Grazing CO	Mt Barker
Mottram	Manjimup
Muller F & Co	Wandering
Pickering Brook SM	Pickering Brook
Power K.D.	Busselton
Roper G.A.	Serpentine
Roycroft K & C	Nannup
Rocky Gully Sawmills P/L	Rocky Gully
Saunders GW & NL	Collie

SF & PJ Contracts	Manjimup
Simcoa	Kemerton
South West Sawmill	Waterloo
Southwest Timber	Pemberton
Stefanelli	Middle Swan
Taylor B & PM	Northcliffe
Tilbrook	Collie
Timeless Timber Treasures	Nannup
Thomson	Northcliffe
WA Pemberton Timbers	Pemberton
Wake & Beacham	Narrogin
Waughs Forest Services	Manjimup
Whitelands Milling	Busselton
Whittakers	Greenbushes
Worsley	Palgarup
Yornup Mill Pty Ltd	Yornup
Mangini	Gidgegannup
Manolini	Kojonup
Bandmilling	Pemberton
Hamilton	Darradup
Shaw	Manjimup
Hart	Qualeup
Dawson	Donnybrook
Milentas	Chapman Brook
Clarke	Parkerville
Turton	Spring Valley
Denmark Spot Mill	Albany

(2) CALM cannot provide the level of detail required in this question. Information submitted in summaries of log timber processing is subject to confidentiality provisions and cannot be presented unless in an aggregated statistical form. The total number of employees in hardwood sawmills according to most recent returns is 943. Some redistribution has occurred between the sawmill and processing sectors since December 1997 when employment in hardwood sawmills was 1,050.

PETROL STATION SITES, CONTAMINATED

390. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

(1) How many contaminated petrol station sites have been identified in the Perth metropolitan area?

(2) How many contaminated petrol station sites are currently being cleaned up/ remediated?

(3) How many of these remediations/clean-ups are being formally assessed by the Department of Environmental Protection ("DEP")?

(4) How many of these contaminated petrol station site clean-ups have residential properties, schools or daycare centres located in close proximity(within 100m) to them?

(5) What community consultation process is available for residents and other stakeholders who are in close proximity to contaminated petrol station site clean-ups?

(6) What method of assessment is used by the DEP to determine whether or not a contaminated petrol station site is to be formally assessed?

Hon MAX EVANS replied:

(1) The DEP has recorded information on the remediation of approximately 80 contaminated metropolitan petrol station sites. This number was determined from reviewing historical information recorded on the DEP's Records system. Information received by the DEP is transferred to file. Under the proposed contaminated sites management legislation, a contaminated sites register will be established.

(2) The DEP is aware of five petrol station sites which are currently being remediated or have had Environmental Site Assessments completed. There may be other sites being voluntarily remediated. The DEP is not aware of all site remediations because the submission of information to the DEP on contaminated sites is voluntary and is often initiated by the land transfer process. There are presently no statutory requirements for this information to be referred to the DEP. Notification of sites will be required under proposed legislation.

(3) None. The DEP has an advisory role in the management of contaminated petrol station sites. The DEP is not empowered under legislation to provide "sign-off" but gives a general indication as to the acceptability and/or appropriateness of investigations and remediation strategies, and whether or not the land is suitable for its intended use. If at any stage the DEP considers that a remediation strategy was inadequate, it would issue a regulatory

directive such as a pollution abatement notice to ensure that remedial activities met its requirements. The DEP will have regulatory authority in these matters once legislation is implemented.

(4) The DEP has indicated that three of the five petrol station sites have residences within 100 metres of them. One of these is the BP Guildford site, which is also in close proximity to the Guildford Primary School. As in all cases of contaminated sites management, where the DEP is made aware of sensitive issues, the available information is used to determine whether the management is acceptable and this is conveyed to the concerned parties.

(5) In accordance with Australian and New Zealand Environment and Conservation Council Guidelines for the Assessment and Management of Contaminated Sites (1992), public consultation is undertaken with members of the public who are perceived to be most likely affected. This consultation may include speaking directly with residents, letter drops, public meetings and press releases. The remediation of service station sites is currently undertaken on a voluntary basis.

(6) Criteria used by the DEP to determine whether or not a contaminated petrol station site might require a formal assessment by the Environmental Protection Authority (EPA) are:

future land use and the sensitivity of this land use;
whether or not the site cleanup can be managed under the pollution control provisions of Part V of the Environmental Protection Act 1986;
the significance of the potential environmental impacts on the receiving environment;
potential impacts of the technology used in the cleanup; and
the need for public input.

Where remediation leads to beneficial impacts, formal assessment is not warranted.

FOREST AND PLANTATION VALUATIONS

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

In the 1997/1998 Department of Conservation and Land Management ("CALM") annual report, a dollar value has been put on Western Australia's native forests and plantations. For each of the native forest valuations and the plantation valuations -

(1) Why has the valuation been undertaken and for what purpose will it be used?

(2) At whose instigation was the valuation undertaken?

(3) What methodology was used to arrive at the valuation?

(4) Did any part of Government, other than CALM, have input into the valuation?

(5) If so, which departments?

(6) Over what time period does the valuation operate?

(7) What was the exact type or category of resource that was valued, for example was each resource broken down into log grades or some other form of sub-category?

(8) What was the area of each resource that was valued?

(9) What was the volume of each resource that was valued, in total, and with any sub-categories?

(10) What is the value per cubic metre of each resource?

(11) Has the valuation been independently reviewed and has it been confirmed by the Office of the Auditor General?

(12) If the Office of the Auditor General has reviewed the valuation, will the Minister for the Environment table the review?

(13) Was a value placed on the timber industry's access to the public native forests?

(14) Was a value placed on the land?

Hon MAX EVANS replied:

(1) Australian Accounting Standard AAS 29, Financial Reporting by Government Departments, required government departments to value all assets by 30 June 1998. The purpose of the valuation was for CALM's audited annual financial statements.

(2) The Accountable Officer and the Principal Accounting Officer of CALM.

(3) The valuation is in accordance with the Australian Accounting Exposure Draft 83 and is consistent with the subsequently released Australian Accounting Standard AAS 35 Self-Generating and Regenerating Assets.

(4) Yes.

(5) The Valuer General's Office, Treasury Department and the Office of the Auditor General.

(6) The valuation will be reviewed at 30 June each year.

(7) Native forests and associated infrastructure were valued by taking the average annual net cashflow from the sustainable yield for the past 3 years up to and including 1997-98 and projecting this forward on a discounted net cashflow basis. Apart from the sharefarm rights noted below, the valuation for plantations and associated infrastructure was based on individual stands and took account of forecast harvesting schedules, volumes, stumpages and future growing costs. The Department's rights in Pinus pinaster sharefarming contracts have been initially valued on an historic cost basis due to their young age, and rights in the bluegum and pine sharefarming contracts in the Albany region have been valued on a market value basis as tenders were called in 1997-98 for their sale.

(8)-(10) The valuation method applied to native forests and associated infrastructure related to overall net cashflow of the sustainable yield rather than to areas and volumes. The valuation method applied to Pinus pinaster sharefarming contracts and the bluegum and pine sharefarming contracts in the Albany region related to specific areas, but not volumes. The areas are Pinus pinaster sharefarms 2,215 ha, Albany region bluegum sharefarms 1,669 ha and Albany region pine sharefarms 5,003 ha. For other plantations, volumes, areas and value per cubic metre are not constant for the valuation in the audited financial statements because both areas and volumes change with time as trees grow and plantation areas are felled. The estimated commercial values reported in the audited financial statements were based on the future volumes estimated to be available for harvest on a one-rotation basis from existing plantations.

(11)-(12) The Auditor General conducted an audit to enable him to issue an opinion on the financial statements. A clear opinion was issued and is opposite page 78 of CALM's 1997-98 Annual Report.

(13) Australian Accounting Standard AAS 29 requires that only assets of the reporting entity can be included in financial statements.

(14) The value provided by the Valuer General's Office was reported in the Department's audited financial statements.

OMEX CONTAMINATED SITE - REDEVELOPMENT

501. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to the Minister for the Environment's response to questions on notice dated September 17, 1998 concerning the rehabilitation of the Omex Contaminated Site -

(1) With reference to part (4) is it appropriate for the alleged polluter to negotiate with Crown Law on the proposed transfer of 700m² of land (which is under the WA Planning Commission's Improvement Plan for the site), to the adjacent Peak petrol station?

(2) If the proposal is accepted will the redevelopment of land next to this site prevent the development of residential properties?

(3) Is the Minister aware that the Bellevue community strongly raised this concern at the public meeting in Bellevue for the redevelopment options for this site?

(4) Is the Minister also aware that all options proposed by the WA Planning Commission for the site, to the Bellevue community, had already excluded this 700m² of land in their proposals?

(5) Has a decision about this proposal been taken?

(6) If not, then how does the Minister explain the WA Planning Commission's land use options for the site?

Hon MAX EVANS replied:

(1) Where there are legal issues involved it is appropriate for Crown Law to be involved in land transfer negotiations. It should be noted, however, that an area of about 700 square metres of land adjacent to the Peak Petroleum service station is not being acquired for the purposes of Improvement Plan No. 30.

(2) The State has determined not to acquire this portion of land to enable the continuing operation of the service station. This should not prevent the development of residential properties.

(3) There were a variety of responses expressed by different representatives of the Bellevue Community. All of these responses are being considered by the Western Australian Planning Commission and the Shire of Swan before a final decision will be made on the future land use.

(4) Yes.

(5)-(6) No firm decision has been made about the redevelopment options for the site. I am aware that as part of the consultation process, the Western Australian Planning Commission has provided several land use options for the site to the community for comment prior to formulating a final decision. I am also aware that this process is still being undertaken and that no decision has been made to date. Once a decision has been made, then there will be opportunity for further comment once a formal subdivision application is made.

MR DARREL DUKE - POLICE CLEARANCE

502. Hon TOM HELM to the Attorney General representing the Minister for Police:

With reference to the answers provided to parts (1) and (4) of question on notice 303 asked on September 8, 1998, where it states "Police cannot make comments or recommendations" and according to a decision handed down by the WA Industrial Relations Commission by Commissioner A R Beech, it was established that the Gold Detection Unit contacted the Area Manager from Byrnecut Pty Ltd Mariners site -

(1) Can the Minister for Police supply the name of the Officer/s who did this?

(2) What disciplinary action is to take place now that it has been established that comments were made by Police around May 28, 1998 on the telephone?

(3) Is the Gold Detection Unit able to comment to an employer on information that is still under investigation and can the Gold Detection Unit state to an employer, that a similar crime to what Mr Duke was convicted of in Telfer, occurred in the Widgiemooltha area in Western Australia, and state that they believe Mr Duke is responsible for it, to his employer?

(4) Under what circumstances is the Gold Detection Unit or Police Service able to act on behalf of one party involved in a civil matter to the benefit of one party over the other?

Hon PETER FOSS replied:

(1) No. The allegation that a Gold Stealing Detection Unit officer contacted Brynecut Pty Ltd is currently being investigated by the Western Australia Police Service Professional Standards. The Internal Investigations Unit is currently undertaking further inquiries into matters raised by Mr Duke.

(2) The matter is currently being investigated by the Western Australia Police Service Professional Standards Section. Any action taken will be based on the result of that investigation.

(3) The Gold Stealing Detection Unit does not comment to an employer on information that is still under investigation. During the normal course of police inquiries it may be necessary to contact many individuals who may, or may not, possess information that may assist the matter under investigation. There is no evidence to support the allegation that Gold Stealing Detection Unit made comment that Mr Duke was responsible for a crime that occurred in the Widgiemooltha area or that they spoke to his employer.

(4) The Gold Stealing Detection Unit or the Western Australia Police Service does not act on behalf of parties involved in civil matters.

SCHOOLS - TRUANCY

536. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

(1) How many juveniles came before the Children's Court in Western Australia on charges relating to truancy or chronic absenteeism in the following years -

(a) 1996;
(b) 1995;
(c) 1994;
(d) 1993; and
(e) 1992?

(2) What was the cost of bringing these juveniles before the Court for each of the following years -

(a) 1996;
(b) 1995;
(c) 1994;

(d) 1993; and
(e) 1992?

Hon N.F. MOORE replied:

(1) Data is only available for financial years 1996/97 and 1997/98:

1996/97 21
1997/98 25

(2) Data is only available for the 1997/98 financial year and for the average cost of processing a case in Perth Children's Court, which is $346. This cost only includes the cost of processing a case in the court. It does not include other costs such as those of the Education Department, WA Police Service, legal defence costs, salaries of the judicial officers or other costs not borne directly by Perth Children's Court.

1997/98 $8650

ABORTION - COMPLAINT TO POLICE

560. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

(1) Is the police force in receipt of a complaint from Edward David Watt alleging that post May 26, 1998 breaches of the Criminal Code with respect to abortion took place at the King Edward Memorial Hospital?

(2) If so, on what date was the complaint received?

(3) What action was taken with respect to the complaint?

(4) What are the reasons for the action taken?

Hon PETER FOSS replied:

(1) Yes.

(2) September 29, 1998 and October 10, 1998 (same particulars).

(3) The matter was examined by police and discussed with the Director of Public Prosecutions and no further police action is to be taken.

(4) The issues have been extensively canvassed by Parliament, legislative change has occurred and it is considered in view of the direction taken by Parliament, that it is not in the public interest to pursue the complaint.

LOTTERIES COMMISSION - ADVERTISING CONTRACT

594. Hon KEN TRAVERS to the Minister for Racing and Gaming:

(1) Which company has the advertising contract for the Lotteries Commission?

(2) When was the contract awarded?

(3) When does the contract expire?

(4) Did any other firms tender for the contract?

(5) If yes, can the Minister name those companies?

(6) How much was paid to this advertising firm by the Lotteries Commission in -

(a) 1995/96;
(b) 1996/97; and
(c) 1997/98?

(7) How much does the Lotteries Commission expect to pay the firm for advertising in 1998/99?

(8) Who had this contract before the current contractor, and for which period?

Hon MAX EVANS replied:

(1) Marketforce

(2) (a) Lotto - 10 January 1997.
(b) Scratch'n'Win - 14 December 1995.

(3) (a) Lotto - 9 July 1999, plus one year option to be exercised by Contracts and Management Services (CAMS).
(b) Scratch'n'Win - 30 June 1999 (recently extended).

(4) Yes.

(5) (a) Lotto - Adlink.
Intoto
John Davis Advertising
MJB & B
Marketforce

(b) Scratch'n'Win - Marketforce
Vinten Browning
Mojo Australia
Adlink Advertising
Stratagem
Clemenger
MJB & B Advertising
Alternative Advertising
Interaction
Benchmark Advertising

(6) (a) 1995/96 $2,094,659 was paid to Marketforce of which $1,903,159 was for the advertising of lottery products.

(b) 1996/97 $2,660,179 was paid to Marketforce of which $2,246,455 was for the advertising of lottery products.

(c) 1997/98 $2,814,776 was paid to Marketforce of which $2,416,272 was for the advertising of lottery products.

(7) $1,998,800

(8) (a) Lotto - Marketforce have held the Lotto advertising account since the inception of Lotto in February 1979.

(b) Scratch'n'Win - FCB Shorter 1 June 1990 to 13 December 1995.

LOTTERIES COMMISSION - MEDIA PLACEMENT CONTRACT

595. Hon KEN TRAVERS to the Minister for Racing and Gaming:

(1) Which company has the media placement contract for Lotteries Commission advertisements?

(2) When was the contract awarded?

(3) When does the contract expire?

(4) Did any other firms tender for the contract?

(5) If yes, can the Minister name those companies?

(6) How much was paid to this media placement firm by the Lotteries Commission in -

(a) 1995/96;
(b) 1996/97; and
(c) 1997/98?

(7) How much does the Lotteries Commission expect to pay the firm for media placement in 1998/99?

(8) Who had this contract before the current contractor, and for which period?

Hon MAX EVANS replied:

(1) Media Decisions - under the "whole-of-Government" contract awarded by CAMS

(2) 1 July 1996.

(3) 30 June 1999.

(4) CAMS advise that no other firms tendered for the contract.

(5) Not applicable.

(6) (a) 1995/96 $4,059,389
(b) 1996/97 $4,272,908
(c) 1997/98 $4,093,981

(7) $4,055,762

(8) CAMS advise that the campaign contract was awarded to Media Decisions in 1994 to 1996

CITY OF ROCKINGHAM - INQUIRIES

598. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Local Government:

Further to question on notice 325 on September 10, 1998 when the Minister for Local Government promised that enquires with the City of Rockingham would be made -

(1) Has the Minister made enquiries about the City of Rockingham to determine if an assessment by the Department of Local Government needs to be undertaken?

(2) If yes -

(a) who conducted the enquiries;

(b) from which council officers did the investigator seek information;

(c) were any residents of the City of Rockingham approached or questioned during the enquiries; and

(d) what was the outcome of that enquiry?

(3) If no enquiry has taken place, why not?

Hon M.J. CRIDDLE replied:

(1)-(3) The Port Kennedy Community Group wrote to the Minister for Local Government on 16 June 1998 expressing concerns about the actions of the City of Rockingham in relation to issues involving development at Port Kennedy. An assessment of the issues raised by the Community Group concluded that the claims could not be substantiated and the establishment of a formal inquiry was not warranted. The Community Group wrote again to the Minister on 27 August 1998 and indicated that it would provide the Minister with additional information to justify its complaints. As the additional information had not been received by 2 November 1998 the Community Group was advised by mail that if the information was not received by 20 November 1998 it would be recommended to the Minister that the file be closed. The additional information was subsequently received on 13 November 1998 and has been referred to the Department for assessment. Consequently, at the time of submitting the question further inquiries had not been made with the City of Rockingham.

POWER SUPPLIES TO NEW SUBDIVISIONS

623. Hon KEN TRAVERS to the Leader of the House representing the Minister for Energy:

(1) Who is responsible for providing power in new subdivisions?

(2) What proportion of the costs does each party contribute?

(3) Who is responsible for the cost of providing underground power on major roads in new suburbs?

Hon N.F. MOORE replied:

(1) The developer.

(2) The developer meets all costs. It has the option to have Western Power to complete all of the work, or the developer can complete all of the work with Western Power supplying the cables and completing the commissioning of the system.

(3) The developer is responsible for all power services within the subdivision.

UNDERGROUND POWER PROGRAM

624. Hon KEN TRAVERS to the Leader of the House representing the Minister for Energy:

In relation to the program to replace overhead wires with underground power -

(1) What areas have had this work completed?

(2) What areas are currently having work carried out?

(3) What areas have been programmed for future work?

(4) When will other areas be able to access this program?

(5) How are the costs of the program apportioned?

Hon N.F. MOORE replied:

(1) Parts of Albany (Middleton Beach and Mira Mar), Applecross, parts of Cottesloe, Claremont and Wembley under the pilot programme.

(2) Parts of Wembley and Claremont as works are completed on the pilot projects and the East Ward of Cottesloe.

(3) Peppermint Grove, Swanbourne, Dalkeith, South Perth (Como West area), Rossmoyne, East Fremantle and Doubleview/Woodlands for Major Residential Projects. Dowerin, Collie, Nannup, Margaret River, Dongara and Donnybrook for Localised Enhancement Projects.

(4) Local government authorities will be invited to submit applications for funding through Round Two of the Programme in approximately 12 months time.

(5) The State (including Western Power) contributes 50 per cent and the local government authority involved contributes the remaining 50 per cent.

UNDERGROUND POWER, STIRLING HIGHWAY

632. Hon KEN TRAVERS to the Leader of the House representing the Minister for Energy:

(1) What is the total cost of providing underground power along Stirling Highway?;

(2) How long will the work take and when will it be completed?

(3) Who is contributing to the cost of this project?

(4) What contribution is each party making?

Hon N.F. MOORE replied:

(1) Approximately $5 million as an individual project, but costs are expected to be lower as Stirling Highway will be undergrounded progressively in conjunction with the projects surrounding the Highway.

(2) The work will be undertaken as part of the State Underground Power Programme. Only the portions adjacent to those project areas selected in Round One of the Programme will be completed over the next two years. Those portions extend from the southern end of Cottesloe to the northern end of Cottesloe.

(3) Under the Programme the cost of the project will be shared between the State (including Western Power) and the local government authority supporting the particular project.

(4) Each party (the State, including Western Power, and the local government authority) contributes 50 per cent of the cost of the individual project.

LAND RESUMPTIONS, LEGISLATION

640. Hon KEN TRAVERS to the Attorney General:

Under what Acts can land be resumed by local or State Government in Western Australia?

Hon PETER FOSS replied:

The Acts under which land can be resumed by the State Government, local governments or statutory authorities include the following:

Aboriginal Heritage Act 1972
Albany Port Authority Act 1926
Bunbury Port Authority Act 1909
City of Perth Improvement Act 1913
City of Perth Parking Facilities Act 1956
Conservation and Land Management Act 1984
Country Areas Water Supply Act 1947
Country Towns Sewerage Act 1948
Dampier Port Authority Act 1985
East Perth Redevelopment Act 1991
Electricity Act 1945
Energy Corporations (Powers) Act 1979
Esperance Port Authority Act 1968
Fremantle Improvement Act 1913
Fremantle Port Authority Act 1902
Geraldton Port Authority Act 1968
Government Employees' Housing Act 1964
Health Act 1911

Heritage of Western Australia Act 1990
Housing Act 1980
Jetties Act 1926
Land Administration Act 1997
Local Government (Miscellaneous Provisions) Act 1960
Local Government Act 1995
Main Roads Act 1930
Marine and Harbours Act 1981
Metropolitan (Perth) Passenger Transport Trust Act 1957
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Water Supply, Sewerage, and Drainage Act 1909
Millstream Station Acquisition Act 1982
Mining Act 1978
Perth Market Act 1926
Petroleum Act 1967
Petroleum Pipelines Act 1969
Port Hedland Port Authority Act 1970
Public Works Act 1902
Resumption Variation (Boulder-Kambalda Road) Act 1973
Soil and Land Conservation Act 1945
Special Lease (Lake Clifton) Act 1916
Special Lease (Stirling Estate) Act 1916
Subiaco Redevelopment Act 1994
Town Planning and Development Act 1928
Water Agencies (Powers) Act 1984
Water Boards Act 1904
Western Australian Land Authority Act 1992

State Agreement Acts:

Alumina Refinery (Mitchell Plateau) Agreement Act 1971
Alumina Refinery (Pinjarra) Agreement Act 1969
Alumina Refinery (Worsley) Agreement Act 1973
Alumina Refinery Agreement Act 1961
Camballin Farms (AIL Holdings Pty. Ltd.) Agreement Act 1985
Casino (Burswood Island) Agreement Act 1985
Chevron-Hilton Hotel Agreement Act 1960
Collie Coal (Griffin) Agreement Act 1979
Collie Coal (Western Collieries) Agreement Act 1979
Dampier Solar Salt Industry Agreement Act 1967
Dardanup Pine Log Sawmill Agreement Act 1992
Diamond (Argyle Diamond Mines Joint Venture) Agreement Act 1981
Evaporites (Lake MacLeod) Agreement Act 1967
Forrest Place and City Station Development Act 1985
Goldfields Gas Pipeline Agreement Act 1994
Industrial Lands (CSBP & Farmers Ltd.) Agreement Act 1976
Industrial Lands (Kwinana) Agreement Act 1964
Iron and Steel (Mid West) Agreement Act 1997
Iron Ore (Channar Joint Venture) Agreement Act 1987
Iron Ore (Goldsworthy-Nimingarra) Agreement Act 1972
Iron Ore (Hamersley Range) Agreement Act 1963
Iron Ore (Hope Downs) Agreement Act 1992
Iron Ore (Marillana Creek) Agreement Act 1991
Iron Ore (McCamey's Monster) Agreement Authorization Act 1972
Iron Ore (Mount Bruce) Agreement Act 1972
Iron Ore (Mount Goldsworthy) Agreement Act 1964
Iron Ore (Mount Newman) Agreement Act 1964
Iron Ore (Murchison) Agreement Authorization Act 1973
Iron Ore (Rhodes Ridge) Agreement Authorization Act 1972
Iron Ore (Robe River) Agreement Act 1964
Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act 1964
Iron Ore (Wittenoom) Agreement Act 1972
Iron Ore (Yandicoogina) Agreement Act 1996
Iron Ore - Direct Reduced Iron (BHP) Agreement Act 1996
Iron Ore Beneficiation (BHP) Agreement Act 1996
Iron Ore Processing (BHP Minerals) Agreement Act 1994
Leslie Solar Salt Industry Agreement Act 1966
Manjimup Canned Fruits and Vegetables Industry Agreement Act 1969
Mineral Sands (Eneabba) Agreement Act 1975
Morley Shopping Centre Redevelopment Agreement Act 1992
Nickel (Agnew) Agreement Act 1974
Nickel Refinery (Western Mining Corporation Limited) Agreement Act 1968
North West Gas Development (Woodside) Agreement Act 1979
Northern Developments Pty. Limited Agreement Act 1969
Oil Refinery (Kwinana) Agreement Act 1952 Section - (4)
Onslow Solar Salt Agreement Act 1992

Ord River Hydro Energy Project Agreement Act 1994
Perth Town Hall Agreement Act 1953
Pilbara Energy Project Agreement Act 1994
Port Kennedy Development Agreement Act 1992
Poseidon Nickel Agreement Act 1971
Railway Standardisation Agreement Act 1961
Shark Bay Solar Salt Industry Agreement Act 1983
Special Lease (Lake Clifton) Act 1916
Tailings Treatment (Kalgoorlie) Agreement Act 1988
The Kalgoorlie and Boulder Racing Clubs Act 1904
The Western Australian Turf Club Act 1892
Uranium (Yeelirrie) Agreement Act 1978
Western Mining Corporation Limited (Throssell Range) Agreement Act 1985
Wood Chipping Industry Agreement Act 1969

LIQUOR LICENCES

645. Hon NORM KELLY to the Minister for Racing and Gaming:

(1) How many liquor stores are currently licensed in Western Australia?

(2) Of these, how many are controlled by the Liquorland group?

(3) How many applications for new liquor store licences are currently being processed?

(4) Of these applications, how many have been made by Liquorland?

(5) How many current applications have Liquorland lodged objections to?

(6) How many licence transfer applications do Liquorland currently have lodged?

Hon MAX EVANS replied:

(1) 444

(2) 73

(3) 61

(4) 2

(5) Details of each objector to a licence application are not maintained by the Office of Racing, Gaming and Liquor and I am not prepared to devote resources to reviewing each application file to ascertain the information requested.

(6) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

653. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Disability Services:

(1) Have any agencies or departments under the Minister for Disability Services' control awarded any contracts to the following companies since July 1, 1996 -

(a) Triad Constructions, Triad Contractors or Achron Pty Ltd;
(b) R J Vincent & Co Pty Ltd;
(c) Highway Constructions;
(d) Henry Walker Contracting Pty Ltd;
(e) Ertech Pty Ltd;
(f) Moltoni Corporation;
(g) Brierty Contractors;
(h) Barclay Mowlem Construction Pty Ltd;
(i) Jonor Construction;
(j) Jaxon Construction;
(k) Doric Construction; and
(l) Entact Clough or Clough Engineering?

(2) If yes, can the Minister provide the following details of those contracts-

(a) the name of the contractor;
(b) the contract number;
(c) the date it was awarded;
(d) the project the contract was awarded for;
(e) the cost of the contract;
(f) if the contract has been completed, the final cost of the contract; and
(g) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

(1) No.

(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

656. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

(1) Have any agencies or departments under the Minister for Water Resources' control awarded any contracts to the following companies since July 1, 1996 -

(a) Triad Constructions, Triad Contractors or Achron Pty Ltd;
(b) R J Vincent & Co Pty Ltd;
(c) Highway Constructions;
(d) Henry Walker Contracting Pty Ltd;
(e) Ertech Pty Ltd;
(f) Moltoni Corporation;
(g) Brierty Contractors;
(h) Barclay Mowlem Construction Pty Ltd;
(i) Jonor Construction;
(j) Jaxon Construction;
(k) Doric Construction; and
(l) Entact Clough or Clough Engineering?

(2) If yes, can the Minister provide the following details of those contracts-

(a) the name of the contractor;
(b) the contract number;
(c) the date it was awarded;
(d) the project the contract was awarded for;
(e) the cost of the contract;
(f) if the contract has been completed, the final cost of the contract; and
(g) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

(1) Yes.

(2) (a) Achron Pty. Ltd. trading as Triad Contractors;
Henry Walker Environmental Pty. Ltd. trading as Henry Walker Water Treatment;
Ertech Pty. Ltd.;
Brierty Contractors;
Clough Engineering Pty. Ltd.

(b)-(d) [See paper No 520.]

(e)-(f) Commercial in confidence.

(g) [See paper No 520.]

QUESTIONS WITHOUT NOTICE

TEACHING HOSPITALS, SURGERY WAITING LIST

626. Hon TOM STEPHENS to the minister representing the Minister for Health:

I refer to the minister's response to question 595 on Wednesday, 25 November. Will the minister table a list of the number of people deleted from the teaching hospital surgery waiting list, and the reason for the deletion, in each month between November 1997 and June 1998 inclusive?

Hon MAX EVANS replied:

This answer comprises 88 figures. Therefore, I suggest, as I did last time, that I table the list, which contains figures for

booking dates, doctor-medical requests, bed unavailability, patient requests, patients not reporting and so on. The member will be disappointed with the answer he receives. I seek leave to table the answer.

Leave granted. [See paper No 519.]

TAX PACKAGE, TREASURY ANALYSIS

627. Hon TOM STEPHENS to the Leader of the House representing the Premier:

I refer to state Treasury's analysis released on 6 September 1998 of the impact of national tax reform on Western Australia's budget. In the light of the outcome of the Premiers Conference, I ask-

(1) Has Treasury revised its analysis on the impact of the Howard tax package on Western Australia's budget?

(2) If yes to (1), will the minister table the revised analysis?

(3) Will the minister table the Treasury briefing and other notes provided to the Treasurer in preparation for the meeting?

(4) Will the minister table any written material produced as a result of the Premiers Conference?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1)-(2) The Treasury analysis released on 6 September 1998 was based on a set of assumptions which were clearly stated. A number of alternative analyses, based on alternative assumptions, have been generated by a joint commonwealth-state working group, which included Treasury officers. These analyses are in the nature of working papers, which include information relating to other States and Territories, and would be inappropriate to table. Considerably more work of this nature will be done in the lead-up to the April Premiers Conference.

(3) In accordance with standard practice, Treasury provided briefing notes to the Premier and the Minister for Finance to assist in discussions at the 13 November Special Premiers Conference. It would not be appropriate to table such briefing material.

(4) The Premier issued a press release following the Premiers Conference which is publicly available. Similarly, the Commonwealth Government issued a press statement and the "Agreed Principles for the Reform of Commonwealth-State Financial Relations".

BANDYUP WOMEN'S PRISON, MUSTER REVIEW DATE

628. Hon N.D. GRIFFITHS to the Attorney General:

In correspondence I received from the Attorney last week he referred to overcrowding at Bandyup Women's Prison placing intolerable strains on staff, inmates and the justice system as a whole.

(1) What is the target date for reducing the muster at Bandyup so it accommodates no more prisoners than it was designed for?

(2) If there is no target date, why is that so?

Hon PETER FOSS replied:

(1)-(2) I think the member is setting the wrong target. Very few prisons operate on the basis of the number of prisoners for which they are designed. We certainly intend to reduce the Bandyup muster to what we believe to be a reasonable and expected number. I do not know that anyone in Australia expects a prison to operate only to the number of prisoners for which it is designed - that is, people expect to have a few extra. In dealing with the target, I hope tomorrow we will have some reduction in prisoner numbers. I assure the member that the alternative accommodation is temporary, as the Women's Electoral Lobby and others have indicated that this alternative is not acceptable. I agree with them; we considered this accommodation as an alternative and rejected it on the basis of its unsuitability. However, it is acceptable on a temporary basis. The proposal is to put women in Nyandi, which was today declared a prison under the Prisons Act. Women have already been accommodated at Nyandi on a section 94 basis, but they will now be able to stay there under this arrangement. I emphasise that this is a temporary measure. The Government accepts that Nyandi is not an appropriate alternative for the accommodation of women. I am being looked at carefully by Hon Cheryl Davenport.

Hon Cheryl Davenport: I've been to Nyandi.

Hon PETER FOSS: I assure the member that it is not our intention that it be a permanent arrangement.

Also, we hope shortly to have some alternative male accommodation provided which will relieve conditions resulting from regional female accommodation being taken over by males. I hope that the major part of some areas of overcrowding will be dealt with very quickly. We will move towards a more permanent solution in the new year provided that Pyrton proceeds appropriately. We hope by June to have all work completed to provide appropriate work programs. We aim to do two things for women prisoners: First, to relieve overcrowding, and second, to start providing proper programs for women in prisons. I hope that by June next year we will not only have the overcrowding relieved, but also provide facilities for appropriate program provision.

PORT KENNEDY LAND CONSERVATION DISTRICT COMMITTEE, RELOCATION

629. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

In relation to the Port Kennedy Land Conservation District Committee relocation, I ask -

(1) (a) Have the Port Kennedy LCDC and the Port Kennedy Sea Rescue Group been provided with a new compound?

(b) Has the property of the Port Kennedy LCDC and the Port Kennedy Sea Rescue Group been moved to the new compound?

(2) What was the total cost of relocating these groups, including court costs?

(3) Who paid the relocation costs?

(4) Why have the Port Kennedy LCDC and the Port Kennedy Sea Rescue Group not been using the new site?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) (a) A new compound has been constructed with the intention that it be leased to the Port Kennedy Land Conservation District Committee and the Port Kennedy Sea Rescue Group.

(b) Yes.

(2) Unknown. LandCorp was responsible for all relocation costs.

(3) LandCorp.

(4) The Port Kennedy LCDC and the Port Kennedy Sea Rescue Group have not accepted the terms of the proposed lease. Consequently, a proposal to lease the compound has been withdrawn.

REGIONAL FOREST AGREEMENT, NO DRAFT DOCUMENT

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

In response to a question without notice asked on 18 June 1997, the Minister for the Environment said that "the Commonwealth and Western Australia have agreed to define a cooperative environmental impact assessment of the draft Regional Forest Agreement". Recent comments from the minister suggest that there will not be a draft RFA, which is also contrary to the scoping agreement.

(1) When was the decision made that there would not be a draft RFA?

(2) Who made that decision?

(3) Why has there been an apparent change in policy in regard to an environmental impact statement?

(4) Is the minister aware that the federal Minister for Forestry and Conservation has strongly criticised the New South Wales Government for breaching its RFA scoping agreement?

(5) Will this apparent conflict of views between the Commonwealth and Western Australia jeopardise the progress of an RFA or possible draft RFA?

Hon MAX EVANS replied:

To provide the information in the time required is not possible, and I request that the member place the question on notice.

POLICE, STUDENTS IN SOUTH WEST

631. Hon MURIEL PATTERSON to the Attorney General representing the Minister for Police:

With the recent problems with antisocial behaviour by school and university students in the south west, can the minister indicate what resources were made available to deal with these problems, and whether sufficient resources will be made available for the Christmas and New Year break?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

In years past the Dunsborough police subdistrict has become a popular destination for students from educational institutions throughout the State celebrating the completion of tertiary entrance examinations and end-of-year university examinations. Experience has demonstrated a need for police in the area to be ready to respond to antisocial behaviour often associated with these celebrations.

Operation Creche in Dunsborough has been operating since 16 November 1998 and is to continue to 6 December 1998. The operation covers a three-week period, with personnel deployed to perform foot and mobile patrols within the Dunsborough area. Dunsborough police have been assisted by the secondment of officers from stations within the Bunbury police district including Australind, Bunbury and Manjimup. Officers from the independent patrol group based in Perth are also assisting. Sufficient resources are stationed at Dunsborough to meet policing requirements.

Operation Down South targets the 1998-99 Christmas and New Year period within the Bunbury police district, which includes Dunsborough, and will operate for the period 26 December 1998 to 4 January 1999. Local police resources within the district will be assisted by metropolitan groups including the independent patrol group, the canine section and the mounted section. The Bunbury police district will be sufficiently resourced to provide policing requirements.

BUSES, DELIVERY OF NEW MERCEDES BENZ BUSES

632. Hon KIM CHANCE to the Minister for Transport:

(1) How many of the initial order of 133 new Mercedes buses will be delivered this year?

(2) What is the timetable for delivery of the remainder of this order?

(3) What is the sulphur content of the diesel that will be used to fuel these new buses?

(4) What arrangements have been put in place to ensure the availability of that diesel in Perth?

(5) Who will be responsible for bearing the cost to the private bus operators of installing special tanks and consoles for this fuel?

Hon M.J. CRIDDLE replied:

(1) As previously advised, the first new Mercedes Benz bus is expected to be delivered in January 1999.

(2) It is expected that the initial order of 133 new Mercedes Benz buses will be delivered in January 1999.

(3) No decision has been made at this point with regard to the choice of either 0.2 per cent or 0.05 per cent sulphur content of distillate fuel. The investigation of the difference in the quality of the comparative outcome is not yet complete.

(4) Both BP and Shell have confirmed availability of 0.2 per cent sulphur content distillate. Arrangements regarding the supply of 0.05 per cent sulphur content distillate are in process but not concluded, as the choice of fuel will depend upon the outcome of the investigation referred to in the answer to question (3).

(5) Most Transperth depots have multiple fuel storage tanks. In such cases it is understood that it will not be necessary to install new tanks. It is probable, however, that some modification to fuel pipes between tank and pump may be necessary, as well as modification to the pumps themselves. The cost of modifying fuel installations at depot facilities which are leased by Transport to the private operators will be a matter for discussion between fuel suppliers, bus service operators and the Department of Transport.

"TIME ON OUR SIDE" POLICY

633. Hon CHERYL DAVENPORT to the minister representing the Minister for Seniors:

According to the recently launched policy paper entitled "Time on our Side", the Government intends to coordinate the preparation of a state carers policy.

(1) Which department or agency will coordinate the policy?

(2) What organisations, service providers and consumers will participate in the policy development?

(3) When will the policy be announced?

(4) What financial resources will be devoted to preparing the policy?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) The Office of Seniors Interests, the Health Department and the Disability Services Commission are working together in coordinating the development of this policy.

(2) Other government agencies to be involved include the Office of the Public Advocate, Family and Children's Services and the Women's Policy Development Office.

(3) At this early stage the policy is provisionally scheduled to be announced during Carers Week in October 1999.

(4) Preparation of the policy will be undertaken within existing resources.

REGIONAL FOREST AGREEMENT, VEGETATION MAPPING

634. Hon GIZ WATSON to the minister representing the Minister for the Environment:

In the detailed vegetation mapping done for the comprehensive regional assessment as part of the Regional Forest Agreement process -

(1) How many different types of forest ecosystems were identified?

(2) Was the type "pure marri" identified?

(3) If not, why not?

(4) Will the minister advise the public of the areas and locations of the stands of pure marri?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Twenty-seven.

(2) No.

(3) The mapping of forest ecosystems for the south west forest region of Western Australia was undertaken as an outcome of a panel of independent scientists and experts. Subdivisions of the jarrah forests into 11 ecosystems and the karri forest into six ecosystems was undertaken based on overstorey and understorey communities, climate, soils and landforms. The methodology is described in a paper "Forest Ecosystems Mapping for the Western Australian RFA" by Bradshaw and Mattiske, August 1997.

(4) An approximate area of 2 500 hectares of pure marri has been estimated from aerial photo interpretation of the forest. However, this interpretation has proved to be unreliable and requires verification by ground checking. Stands of marri classified as "pure" may contain up to 20 per cent of other overstorey species, principally karri and jarrah. The API maps, at a scale of 1:25 000, are available from the Department of Conservation and Land Management.

VIOLENT PRISONER, TRANSFER TO WOOROLOO PRISON FARM

635. Hon TOM STEPHENS to the Minister for Justice:

Can the minister explain how a violent prisoner described as potentially dangerous by the Police Force can be transferred to the minimum security Wooroloo Prison Farm after serving six years of a 14-year sentence?

Hon PETER FOSS replied:

We have always had a problem with the way in which people are described by the police and the way they are described after they have been through the prison system. As the Leader of the Opposition would understand, on a 14-year prison sentence - I will work out the amount of time when they would be released - but -

Hon N.D. Griffiths: Seven years and four months.

Hon PETER FOSS: I thank the member. The fact is that after a certain time these people are ready to be released into the community pursuant to the current laws. In the period before they are released into the community, we carry out programs and generally try to adjust those prisoners to being ready to go back into the community. Part of those programs is an assessment under the Prisons Act with a view to their being eventually moved into a minimum security prison.

This particular prisoner met all of those requirements. He had behaved himself in prison. Of course, if a prisoner does not behave himself, he does not have an opportunity to be transferred to a minimum security prison. This prisoner appeared to meet all the requirements related to his security risk. On the face of it, from the point of view of the prison system, he was ready to go to a minimum security prison and then to be released into society, which is what the law as it currently stands was about to do to him in a bit more than a year's time.

When a prisoner escapes, there is a tendency for the police to consider the character of that person at the time he was sentenced to prison and to describe him according to the crime for which he was sentenced. There is some logic in that because, as far as the police are concerned, that is the information they have about that person; and in view of the person's untoward behaviour in escaping, the police may draw the conclusion that he has returned to his former behaviour and habits.

However, the prison system must work on the way a prisoner behaves in the prison system. If we were not to give people some credit for their behaviour in prison and for the imminent expiry of their time in prison, people would not be sent to a minimum security prison because they would not have been sent to jail in the first place unless the court thought it was necessary for them to be locked up. Therefore, in order for a person to have a greater chance of being released and of successfully reintegrating into society, moving him to a minimum security prison prior to release is standard; and unless the person misbehaves significantly so as to lose that minimum security rating, he would go on to a minimum security prison. His having escaped does have an impact on his security rating.

PUBLIC RECORDS OFFICE, WATER CORPORATION DISPOSAL SCHEDULES

636. Hon HELEN HODGSON to the minister representing the Minister for Water Resources:

Has the Public Records Office received disposal schedules from the Water Corporation established by the Water Corporation Act 1995 since its incorporation?

Hon MAX EVANS replied:

I thank the member for the short, simple question and will give a short simple answer. The Water Corporation submitted an ad hoc retention and disposal authority to the Public Records Office in March 1996. This document was endorsed by the standing committee on public records on 7 March 1996.

SECOND NARROWS BRIDGE, FREEWAY NORTH TRAFFIC DELAYS

637. Hon RAY HALLIGAN to the Minister for Transport:

Does the Department of Transport expect major traffic delays to the freeway north during the construction of the second Narrows Bridge?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. Main Roads anticipates that the works will be undertaken in a manner that ensures there is no reduction in the number of freeway lanes available to traffic during peak periods. However, some increased congestion may arise during the construction period.

TAXI USER SUBSIDY SCHEME

638. Hon LJILJANNA RAVLICH to the Minister for Transport:

(1) How many people have been taken off the taxi user subsidy scheme since July 1998?

(2) What have been the total cost savings to the Government so far?

(3) How many of these people are over the age of 70 years?

(4) How many of these people are over the age of 80 years?

Hon M.J. CRIDDLE replied:

(1)-(4) I thank the member for some notice of this question. A range of changes were introduced to the taxi user subsidy scheme, commencing 1 July 1997. The changes resulted from significant consultation with the disability community. The modified scheme criteria meet the needs of those disability groups who believed that they were unfairly disadvantaged under the old scheme. They included wheelchair users, people with severe vision

impairment and people with temporary disabilities. Feedback to the Department of Transport indicates these groups are satisfied with the new scheme. However, I understand that one of the unintended consequences of the modified scheme is its impact upon some old and frail members of our community. When the modified scheme was introduced a commitment was given to examine its impact. I understand that the Department of Transport has almost concluded a report on this matter. I expect to announce shortly further changes to the scheme in order to take account of the needs of such people.

BEDDINGFIELD LODGE NURSING HOME

639. Hon J.A. COWDELL to the minister representing the Minister for Health:

(1) Is it true that the current catering arrangements by which meals are provided by the Pinjarra Hospital to the Beddingfield Lodge Nursing Home will cease during 1999?

(2) If yes, why will this arrangement cease and what alternative arrangements are being considered for the lodge?

Hon MAX EVANS replied:

I thank the member for some notice of this question. You will notice, Mr President, short questions and short answers.

(1) No.

(2) Not applicable.

KEMERTON INDUSTRIAL PARK, INDUSTRIES ESTABLISHED

640. Hon BOB THOMAS to the Leader of the House representing the Minister for Resources Development:

On 27 October, in answer to a question on the number of industries that have expressed an interest in locating in the Kemerton Industrial Park, the minister said, "It is not possible to list all the industries and companies which have expressed an interest." I now ask -

(1) Since the creation of the Kemerton Industrial Park a decade ago, how many industries have actually located there?

(2) When did these industries locate in the KIP?

(3) How many hectares do these industries occupy?

(4) How many hectares are still available for industry within the current boundaries of the KIP?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Five.

(2) Late 1980s.

(3) The existing industries, together with land required for service corridors and roads, have taken up about 370 hectares.

(4) Approximately 780 hectares.

ELECTIVE SURGERY WAITING LISTS - 'PATIENT DECEASED'

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

How many people were deleted from the metropolitan hospitals' elective surgery waiting lists for the reason "patient deceased" at each hospital in the past year?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

1 July 1997 to 30 June 1998	Number
Royal Perth Hospital	94
Fremantle Hospital	62
Princess Margaret Hospital for Children	6
King Edward Memorial Hospital	1
Sir Charles Gairdner Hospital	57
TOTAL	220

AGRICULTURE - GENETICALLY ENGINEERED CROPS

642. Hon CHRISTINE SHARP to the minister representing the Minister for Primary Industry:

Has the minister conducted any market research to determine whether Western Australia might lose export earnings if genetically engineered crops prove to be difficult or impossible to market successfully to our major trading partners in Japan and the European Union?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The Minister for Primary Industry has indicated no. Currently the percentage by volume of Western Australia's four major crops - wheat, barley, lupins and canola - exported to Japan is 13 per cent and to the European Union 5 per cent.

MINIMUM SECURITY WOMEN'S PRISON, PYRTON SITE

643. Hon N.D. GRIFFITHS to the Minister for Justice:

(1) Which sites beside Pyrton are still being considered for a minimum security women's prison?

(2) Which sites have now been eliminated from consideration?

(3) Why have they been eliminated?

Hon PETER FOSS replied:

(1)-(3) The only site currently being considered is Pyrton. That is what the process was which we recently went through. We have looked at all the places that we have been asked to look at - including, interestingly enough, Nyandi. No other sites are being considered at the moment, mainly because by comparison with Pyrton they do not match up. They are in some way unsuitable, such as Nyandi. They are wrongly placed, difficult for families to visit, do not have the appropriate training facilities or do not house people appropriately. It is a matter of looking at all the various factors. When one does that, Pyrton comes out ahead by a long way because, as I have said before, it almost appears to have been purpose built and is ideal for being used as a minimum security prison for pre-release women.

FIRE AND RESCUE SERVICE, PRIVATE SECTOR SPONSORSHIP

644. Hon NORM KELLY to the Attorney General representing the Minister for Police:

(1) Are negotiations currently taking place to arrange a sponsorship arrangement between the private sector and the Fire and Rescue Service and/or the Bush Fires Board?

(2) If so, with which companies are negotiations being conducted?

(3) When is a contract expected to be signed?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) No.

(2)-(3) Not applicable.

ESPERANCE POWER STATION, EMISSIONS

645. Hon GIZ WATSON to the minister representing the Minister for the Environment:

In respect of the Esperance power generation site, as a result of concerns raised in July 1998 regarding the levels of smoke and air pollutants from the operation of the power station -

(1) Was an investigation into the cause of the excessive emissions carried out by the Department of Environmental Protection?

(2) If so, what were the results of that investigation?

(3) Will the minister table the report/investigation into the matter?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The Department of Environmental Protection undertook a site inspection of the Esperance power generation site on 24 November 1998.

(2) A report relating to the findings of the departmental inspection is currently in preparation. Western Power investigated concerns relating to air emissions, which were determined to be the result of vent pipes in the bulk oil tanks. Since this investigation, carbon filtration systems have been fitted at the site and are currently being trialled. Prior to their installation, laboratory tests on these systems have indicated that they would be effective in reducing emissions of this type.

(3) The DEP inspection report will be tabled as soon as it is available.

ABORIGINES, DISABILITIES

646. Hon CHERYL DAVENPORT to the minister representing the Minister for Aboriginal Affairs:

(1) Does the Aboriginal Affairs Department receive funding to assist Aboriginal people with disabilities?

(2) If so, into what specific government and non-government programs are moneys directed?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) No.

(2) Not applicable.

SOUTH WEST HEALTH CAMPUS, MATERNITY BEDS

647. Hon J.A. COWDELL to the minister representing the Minister for Health:

In relation to the provision of maternity services in the new south west health campus, how many maternity beds will be available in the public hospital and how many at St John of God Hospital?

Hon MAX EVANS replied:

I thank the member for some notice of this question. There will be 10 public maternity beds at the public hospital and six private maternity beds plus two delivery suites at St John of God Hospital.

RIPON HILLS ROAD, COST

648. Hon TOM STEPHENS to the Minister for Transport:

(1) What is the estimate of the total cost of constructing the Ripon Hills Road?

(2) Are any mining companies contributing to the cost of the project?

(3) If yes, which companies and what are their respective contributions?

(4) Did the contract for construction initially specify that the road should be sealed?

(5) Does the contract specify that the road should be sealed?

(6) Can the minister confirm that a survey has been undertaken for an extension of the road beyond Woody Woody mine to the Kintyre deposit?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) The current estimate is $54.4m to gravel stage.

(2)-(3) Main Roads Western Australia is providing the full funding for construction to gravel stage. Contributions will be required from mining companies if the companies wish to seal the road.

(4) Yes, for stage 1.

(5) The flood crossing and crests, which total 20 kilometres out of 132 kms, will be sealed.

(6) A preliminary survey has been carried out between Telfer and Kintyre.

ESPERANCE POWER STATION

649. Hon GIZ WATSON to the Leader of the House representing the Minister for Energy:

In respect of the Esperance power generation site -

(1) What is the current mix, by percentage, of fuel to oils being used as a power source at this power station?

(2) Has the proportion of waste oil, by percentage, been increased since the original licence was granted?

(3) If so, can the minister provide details of the yearly increases?

(4) What methods are used to monitor airborne emissions?

Hon N.F. MOORE replied:

I thank the member for some notice of this question and ask that it be placed on notice.
