WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE ASSEMBLY

Wednesday, 24 March 1999

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 12.00 noon, and read prayers.

NATIONAL PARKS, FEES FOR ACCESS TO BEACHES

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 659 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned petitioners call on the State Government to reverse its decision to impose visitor entry fees for people accessing surfing beaches within Leeuwin Naturaliste National Park and further call on the Government to recognize that free access to our beaches is fundamental to our way of life.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 166.]

WIN TV, BROADCASTS TO THE PILBARA

Petition

Mr Riebeling presented the following petition bearing the signatures of 53 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned wish to show our opposition to WIN television's decision not to broadcast to the towns of Wickham, Point Samson & Roebourne in the first stage of transmission.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 167.]

SPEED LIMITS, SWAN VIEW HIGH SCHOOL

Petition

Mrs van de Klashorst presented the following petition bearing the signatures of 494 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned people of Western Australia wish to express the need for the section of Morrison Rd, between Swan View Rd, and the Swan View High School to be reviewed in order that permanent measures are undertaken to ensure that drivers adhere to the 40 km/h school zone limit and the existing 60 km/h limit for the remainder of this particular section of road.
>
> Currently, speeding and reckless driving is an ongoing everyday occurrence placing at risk the lives of all other road users.
>
> A major vehicle accident, resulting in loss of lives on the 10th Feb, 1999 shocked the local community and has highlighted the above issues.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 168.]

BANK SERVICES

Petition

Mr Kobelke presented the following petition bearing the signatures of 23 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned believe that it is unacceptable for our banks to desert their responsibilities to provide basic across the counter services through an easily accessible network of suburban branches.
>
> Banks in neglecting their social obligation are making it much more difficult for elderly members of our community to remain independent and they are left more vulnerable to being the victims of attack when they have to use automatic teller machines.
>
> We call on Governments at both the State and Federal level to require our banks to provide secure and easily accessible banking facilities for all members of the community, particularly the elderly and those who have to rely on public transport.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 169.]

WATER CORPORATION, NEW BILLING SYSTEM

Petition

Mr Riebeling presented the following petition bearing the signatures of 153 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned seek a full investigation into the Water Corporation's new billing system and its impact on the residents of The North West.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 173.]

VACATION SWIMMING CLASSES

Petition

Mr McGinty presented the following petition bearing the signatures of 20 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned petitioners, call on the Minister for Education to abandon plans to contract out vacation swimming classes as it could risk:
>
> - the current high standard of teaching
> - the affordability of classes
> - the availability of classes, particularly in country areas
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

A similar petition was presented by Mr Kobelke (13 signatures).

[See petition Nos 171 and 172.]

ROEBOURNE MINGGA PATROL, FUNDING

Petition

Mr Riebeling presented the following petition bearing the signatures of 99 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned seek your support in gaining sufficient funding to guarantee the continuation of Roebourne Mingga Patrol. We firmly believe that the Mingga Patrol is one of the most important services to have commenced in Roebourne to deal with alcohol abuse problems in the community.

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

[See petition No 170.]

DEPARTMENT OF TRAINING INITIATIVES

Statement by Minister for Employment and Training

MR KIERATH (Riverton - Minister for Employment and Training) [12.10 pm]: I inform the House of the details of training programs referred to in my answer yesterday to a question from the member for Joondalup.

The "Creating Links Within Schools" program is designed to establish links with schools through the Access All Areas campaign to ensure programs are focused on those most in need of employment services. It is also designed to ensure cooperation between schools and the vocational education and training sector. A major focus post-December was to ensure the provision of employment and career service to school leavers, their parents and service providers.

The shopping centre displays program involved shopping centre displays carried out in January with local Joblinks, the Western Australian Training Information Centre and technical and further education staff in areas of high unemployment. The idea was to target youth at a time when choices were being made and assist with providing increased opportunities.

Speaker's Packs: Speaker's kits were produced to promote the messages of the Access All Areas campaign to school students in years 10 to 12. Kits will also be used to target school and associated bodies, such as P & C associations, principals' associations and career councillor groups. Senior departmental staff will also be making presentations to community groups on the Access All Areas initiative.

International Conference 2001: The department is developing an implementation plan to host an international conference in 2001 following the success of the 1998 "Working 2001: Employment Futures" conference. The follow-up conference will review current trends in the global and national labour markets and set directions for the future employment market of Western Australia.

"You're the Boss" is a publication to assist recently qualified trades people to establish themselves as subcontractors, which has been sent out to each graduating apprentice with his trade certificate. The publication is also online on the AAA website. The AAA chat line is a moderated forum assisting youth identify where the jobs are to be found. Approximately 300 hits on the site are being recorded weekly. The site has recently won the *Internet.au* editor's monthly award clearly indicating that the State is leading the way.

The enterprising options are as follows: Willetton Job Link, also known as building out business, provides information and support on self-employment. Joondalup Job Link, also known as employment performance in Joondalup, seeks to develop additional enterprise opportunities for young people in the arts industry. That program was of interest to the member for Joondalup. Albany Worklink, a home-based jobs program, will generate job growth by directly contacting self-employed, home-based business owners, reviewing their business positions, opportunities and needs with them, identifying specific government assistance programs and ensuring that contact is made with business owners by the assistance program providers.

PERCENT FOR ART AWARDS

Statement by Minister for Works

MR BOARD (Murdoch - Minister for Works) [12.14 pm]: The Percent for Art awards were launched earlier today at Banksia Hill Juvenile Detention Centre. The Percent for Art scheme is a project managed by the Department of Contract and Management Services, with the creation and the driving policy originating from ArtsWA. The scheme uses a percentage of the cost of state capital works projects to commission artists to work as part of the project team. These artists then create art works which are integrated with the building or its landscape. The initiative now includes all new state government buildings and major additions over $2m.

CAMS and ArtsWA have used their cross-agency alliance to develop a public art contracting process which is an industry benchmark standard. The Percent for Art scheme is widely acknowledged as having achieved world's best practice in its area. CAMS, in administering this project, has seen an opportunity to reward and recognise participants involved in Percent for Art. This year's inaugural awards have given the Government a chance to recognise the outstanding work of private sector artists on public projects.

Percent for Art represents a partnership between the public and private sectors that benefits the whole community. CAMS is committed to attracting the best possible people to do the best possible job. Private sector involvement allows for a wider

choice of contractors. This in turn gives way to an increased level of creativity, and excellence in design and variety. Good contracting is about providing a strong framework within which people are free to access an unlimited range of talent for certain projects. It provides an opportunity for the private sector to gain government business, as well as a chance for the Government to tap into the creativity of the private sector. There are now 40 completed Percent for Art projects across Western Australia, and another 30 projects are planned or under way. I take this opportunity to thank Hon Peter Foss and ArtsWA for their valuable support, without which the project could not boast its success.

Some of the projects that Percent for Art has initiated illustrate the rich diversity of Western Australian artistic talent that can be fostered. The projects that have been recognised as part of the inaugural awards are Kununurra Police Station, O'Connor Primary School in Kalgoorlie, Broome Health Service and Banksia Hill Juvenile Detention Centre. The award winning projects involved the work of 20 Western Australian artists and some 30 works. These artworks in buildings and public spaces are changing the perception that public buildings are sterile or intimidating. They are visually engaging and help to create a more approachable, people-centred environment. Aboriginal elders worked at the Kununurra Police Station to create paintings, mosaics, stone carvings and totem poles representing their culture and dreaming. This work has softened the austere nature that police stations once evoked, especially in the Aboriginal community.

The Percent for Art scheme involves no additional costs to government. It is a partnership project that creates private sector opportunities and adds value to public buildings. The Government is working hard at maintaining a strong contracting partnership with the private sector and I would like to commend everyone involved in the Percent for Art scheme for its success.

STATE TRADING CONCERNS AMENDMENT BILL 1999

Introduction and First Reading

Bill introduced, on motion by Mr Barnett (Leader of the House), and read a first time.

SELECT COMMITTEE ON THE HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991

Extension of Reporting Date

On motion by Mr Barnett (Leader of the House), resolved -

> That the date for the presentation of the final report of the Select Committee on the Human Reproductive Technology Act 1991 be extended to 22 April 1999.

CHILD WELFARE AMENDMENT BILL

Document Tabling

MRS PARKER (Ballajura - Minister for Family and Children's Services) [12.17 pm]: I was asked during debate last night to table the "Case Practice Manual - Department of Family and Children's Services". I will make an explanation on the manual when we go into committee.

[See paper No 821.]

Committee

Resumed from 23 March. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mrs Parker (Minister for Family and Children's Services) in charge of the Bill.

Clause 4: Part VIIIA inserted -

Progress was reported after the following amendment had been moved -

> Page 10, lines 17 and 18 - To delete the lines and substitute "shall".

Mrs PARKER: I have tabled the "Case Practice Manual - Department of Family and Children's Services", and I now read a letter from Dr Barbara Meddin, the senior advisor of social work services. I arranged to have the letter delivered to my office this morning following a request last night; it reads -

> This manual is the department's primary document that provides case practice advice, guidance and standards of practice. . . . Family and Children's Services is the only child and family service agency in Australia to identify standards of practice which guide departmental intervention.

It is significant that we have a manual such as this. It is the only child and family service agency in Australia which has identified standards of practice. It further reads -

> Because the document will be available as a public document, the department is tabling the Freedom of Information version. Under the Freedom of Information legislation the department is allowed to exempt from public circulation any information that relates to criteria used for assessment and investigation in such matters as child protection investigations, foster carer and adoption assessments. The FOI version of the Case Practice Manual will therefore not provide details about how child maltreatment allegations are assessed and substantiated. This FOI version has been prepared in consultation with the departments FOI Co-ordinator who has consulted with the Office of the Information Commissioner in regards to exempted material.

I believe that manual will satisfy the member for South Perth's inquiries. I will also make a statement and respond to the issues raised by the member during committee debate yesterday on two cases before we return to discussions on the amendments on the Notice Paper, recognising that we do not have unlimited time to debate this Bill. I am anxious to deal with all amendments on the Notice Paper. It is important that we made the distinction on the one hand of the purpose of this legislation - that is, the establishment of a child protection services register - and on the other hand internal systems within government agencies themselves. I mentioned to the member for South Perth that I considered his issues related to the latter. As a reminder, the child protection services register is intended to improve the coordination of service delivery across government to children who have been abused. It will record the information about the child and information about convicted offenders. I absolutely reject any notion of direct access to the child protection services register by members of the community or by almost any public servant, either in my or other departments, as has been stated in the media. Access to the register is limited to the manager and his two assistants. Parties concerned by the registration are notified of that registration; that is, the responsible parent, and the child if he or she is over a certain age. The manager will determine whether it is in the best interests of the child for him or her to be so notified, and in the case of a convicted offender, that person would also be notified of his or her registration. Internal systems within Family and Children's Services and other agencies are necessary for those agencies to fulfil their statutory responsibility.

Members of Parliament and the public expect the department to be accountable for its performance. How would we as members of Parliament or the individuals concerned be able to scrutinise the standards of performance if good files and records were not kept or if there was not a comprehensive system of record keeping within the department? This applies to a range of issues, including the response times in investigating allegations, proper checks on the quality of work, and the professionalism of the case worker who is responding to the needs of the child and the family. I am concerned to ensure that this information is as confidential as is required and appropriate and that the recording of information follows proper procedures, and that if incorrect information - that was a concern of the member for South Perth - is contained on a departmental file, the person concerned has access to that information and can have it corrected.

I will comment on those two broad principles and on the cases that the member for South Perth has raised and on which I have had a chance to obtain some detail. Again, I reiterate that I want to separate the issues relating to this register in the legislation and issues regarding practice within agencies. As I said yesterday, I am happy to have debate about practice in agencies. I am concerned to get on with debate here, but I wanted to give this statement at the beginning to satisfy the concerns raised. How can people have access to information? Firstly, the question regarded access to information through the consumer advocate. I am advised that under departmental protocols and procedures the consumer advocate would discuss the case over the telephone only if the person calling was able to provide sufficient identification to the advocate. Some of those questions would concern the dates of meetings, who the worker is, the name and date of birth of the child, dates of any hearings and so on. The consumer advocate has a process whereby he or she must be satisfied that the person who is asking the questions has suitably identified himself. One must remember that the people who are involved in this case work and in these positions are professionals in the department and have some seniority. They do not achieve that level of seniority without having developed professional respect. In addition to that professionalism and that seniority, we have practice procedures in place. If the member knows of a case in which practice requirements may not have been followed, I invite him to raise it with me and I will follow it up, but the practices protocols are in place to cover the issues that the member has raised. Last week I invited the person concerned to come forward and speak to me; that did not happen.

As to information called for in regards to service delivery, an open case, that inquiry would be referred to the case manager, who would generally know the family and would discuss a case only if the identity of the caller was certain. Clearly, if there had been an ongoing contact, the identity of that person and the contact details would be established. If the inquiry concerned a new case, I am advised that the protocol in the department would mean that the call would be taken by the duty officer and only general matters would be discussed, not specific case issues. The caller would be advised to call into a service delivery office, which are throughout the State or the metropolitan area, wherever is appropriate, and make an appointment to discuss further the case with the case worker.

If a person seeks access to personal information held on departmental files, he can do so directly with the department. As the member is no doubt aware, if an individual is not satisfied that he has received all the information, he may make an application under the Freedom of Information Act. Under the FOI Act all personal information is to be given provided it is not exempt material under the Act. When it can be proved that information about an individual is inaccurate, incomplete, out of date or misleading, a certain process is followed. Individuals may liaise with the senior case work staff and provide

documentation stating what information they believe to be wrong. This is placed on the relevant file. If the person is not satisfied with the process, section 45 of the FOI Act gives the right to an individual to apply for information to be amended in any of the following ways: By altering the information, by striking out or deleting information, by inserting information, or by inserting a note in relation to information. I have outlined the process to be applied by the department. If any member has a specific grievance about a constituent, I urge them to raise the matter with me and I will ensure that it is followed up.

I will now address the case raised yesterday by the member for South Perth about a gentleman who was referred to as Tom.

Mr NICHOLLS: I want to give the minister the opportunity to continue her remarks.

The CHAIRMAN: I remind the minister that although this is extremely interesting and it was a query raised in committee, it is normally not the job of committees to enter debates about various people and other matters. However, I have allowed it to occur so I will allow the minister to continue, but I ask her to remember that we are supposed to be dealing with clause 4.

Mrs PARKER: Mr Chairman, I entirely agree with you. That is why I am trying to clarify this matter so that we can get the debate back to the amendments in the legislation before us.

Mr Pendal: You cannot separate the amendments from real life situations. That is the most nonsensical thing that has been said in this debate so far.

Mrs PARKER: I disagree with the member for South Perth. The issues he is raising refer to procedures within departments, not to the register and not this legislation. We are talking about legislation to establish the child protection services register. A very clear difference exists between the two. If I may go to the case where the gentleman was referred to as Tom, the Government is committed to protecting children and minimising the likelihood of people, who have previously abused children, gaining employment where they have contact with children. That is the purpose of our safety screening procedures. I have said in this Chamber that this Government is committed to ensuring that we have the best access to the best information to ensure that our safety screening procedures are the best practice that we have available to us. I believe that there is broad support in this place and the community for effective safety screening procedures.

From the information that is available to me in the case of Tom, and as I outlined last night, I do not believe the response was inappropriate. On applying for the job, Tom was asked to sign a consent form for a check through departmental files, not the child protection services register departmental files. He was asked to agree to be safety screened, and he agreed. What would be the value of our safety screening and the integrity of our commitment to it, if we were to say that, because we find information in the safety screening process that makes a person unsuitable for employment, we do not use that information? However, before the release of the information, as I outlined last night, the person was advised about the information the department intended to release under that safety screening release advice that he had signed. He was given an opportunity to comment and give reasons that the information may not be accurate. The member for South Perth raised a valid point when he said only one week was given. I said that would be the one point I would concede, and perhaps a more reasonable amount of time could have been given.

We must remember that the degree of evidence required for a conviction is clearly higher than the degree of evidence required for substantiation. This is not an issue for the register because the register will record only convicted offenders. We are not talking about the register, which is the point the chairman made. It is an issue of whether we are prepared to concede that in a range of cases the professional makes the decision that abuse has occurred by the alleged offender, but evidence of that abuse will not be strong enough to be tried successfully in a court and a conviction recorded. If a person agrees voluntarily to be checked against departmental files, that departmental check will include substantiated abuse as well as convictions. The cases the member for South Perth raised go right to the heart of some of the dilemmas involved in child protection. On the one hand, the desire is to continually improve the protection we provide to our children, and the quality of the safety screening is an important part of that protection; on the other hand, we must consider the principles of natural justice, which is where we had agreement about not transferring the information on alleged offenders to the register from the relevant departments. I categorically agree that is inappropriate. For me as the minister and for Family and Children's Services the primary responsibility is the protection of our children. That will always and unequivocally be my first responsibility and priority. It will also always be the first priority of the department. I make no apology for that, nor will I move away from it.

Mr PENDAL: Many issues have been raised in the first 20 minutes of this morning's sitting which I want to deal with. I will put new information to the Committee which I came by overnight. I will raise several other new cases. However, before I do that I will say something in the broad. I said to the Chamber last week that I intended to support the Government's legislation. With a great deal of regret, I now say that I intend to vote against the Government's legislation; in other words, in the course of a week I have gone from a position of believing that the Government's methodology and proposed solution were good, to a position one week later in which I think that we are creating such a monster that we will live to rue the day we created it.

The end of the committee debate today would be an appropriate time for the Government to acknowledge that yes, it is trying to achieve the very things the minister referred to in the last 20 seconds of her final speech - things with which I agree. However, as a result of this debate the mechanism has now been found to be so fatally flawed that this Parliament cannot sanction it. I am suggesting that the minister should report progress and the Government should agree to withdraw the Bill. It should then spend another six months or however long it takes - because the legislative process is intended to be slow and cumbersome in order that we get it right - and then bring back into the Parliament a Bill that we can all support.

Let me state the obvious, given that the minister did so: I also support the Government's efforts to protect the children in our society against predators of the kind with whom we have dealt in the past week. I support that unequivocally. A reporter to whom I spoke last night about this matter asked me a very good question. He asked, "How do we know that in this case we are not dealing with another Philip Bell?" I said, "We do not". I do not know, but I must come to the best conclusion I am able to, on the evidence available to me. That best conclusion is that we are dealing with an innocent man. Here I am referring to the case of Tom. Whether it is tedious, I will raise that and new issues in the course of the next hour or so. That and new information should lead the Government to no other conclusion than that the Bill must be withdrawn. If we all agree on the objective - that is, to put in place the best, most watertight and just mechanism available by which we can keep track of known paedophiles - I will support that. I said that a week ago. That is why I supported the passage of the Bill. However, why would a member in the course of the debate agree to change his mind? I am not agreeing to change my mind and to withdraw my support because I have nothing better to do. I am changing my mind because I think the debate has shown that the system that the Government is about to impose on us, and that we are being asked to put in statutory form, is fatally flawed. It cannot be recovered by any amendments. That means that it must be taken away and redrafted with all of these matters taken into account. That is the first thing I wanted to say because in the course of the next half an hour I will raise additional information which is terribly relevant to the debates during the last week and is cause for the Government to withdraw the Bill.

The CHAIRMAN: I remind members that we are dealing with the amendment moved by the member for Mandurah, which is at page 10, lines 17 and 18, to delete the lines and substitute the word "shall".

Mr CARPENTER: Now that the member for South Perth has arrived at the position that we were at several days ago, I am most interested, in the context of this amendment, to hear more from him.

Mr PENDAL: I signify that I will not be supporting the member for Mandurah's amendment.

The CHAIRMAN: That is what we should be discussing at this moment.

Mr PENDAL: That is right. That is why I said I disagree with the amendment. I place on the record some matters that came to my attention overnight which indicate why we should be not only seeking to defeat the amendment, but also seeking to defeat the Bill or have it withdrawn.

This morning I contacted my constituent Tom because I wanted to better understand the procedure involved when he signed the release to the department which allowed it to then prepare a clearance or otherwise to the Activ Foundation. Members will recall that was central to my comments last night. My constituent was given legal and legitimate access to the file. He subpoenaed it late last year in preparation for his application in the Family Court of Western Australia for custody of and access to the children. Not only did he subpoena the file, but also it would appear that so too did the Family Court, because the Family Court judge dealing with the matter knew from past experience that he would need to satisfy himself whether, in the case of Tom of South Perth, he was dealing with a person in respect of whom paedophilia had been proved. In other words, two people subpoenaed the file.

I inform the House what my constituent found when he subpoenaed the file. He told me this morning that he received and read the file. He saw no reference in it whatsoever - he is quite adamant about this - to substantiation of these abuse allegations. That can mean one of two things. It may mean that the record was sanitised. He claims to me emphatically that there was no reference to that in that file. I have not checked with the judge - it would be improper for me to do so - but if he came to the same conclusion that there was no evidence against my constituent, is it not a reasonable conclusion that what the department says in the letter was on the file was not on the file? Was any information removed from that file prior to it being subpoenaed by the Family Court?

What did my constituent find, if he did not find those references to substantiated allegations? I will inform the House. Indeed, I have what appears to be a photocopy of some of the file contents. My notes indicate that my constituent said that he saw, among other things, psychiatric reports and so on. He also saw remarks by an officer of the department, whom he specifically identified as a Mr Peter Johnston, that he, as the team leader - I will provide dates and titles - had carried out investigations into my constituent Tom, and there was no reason to believe that there was evidence of sexual abuse.

On 27 October 1992, Mr Johnston, the team leader, Belmont division, wrote a cover note to my constituent which does not particularly throw any great light on the affair, but attached to it is annexure D and a document which says "Report/Summary and Recommendations Re: X Case". This is vital information.

Dr CONSTABLE: The information that the member for South Perth is presenting to the House is crucial to this debate and I want to hear more from him.

Mr PENDAL: I refer to the general conclusions of Peter Johnston, team leader, Belmont division, on 14 October 1992. The first of those general conclusions states -

> There is no substantiable evidence to support the allegations that Mr . . . is inappropriately touching the children in a sexual way, as has been alleged, on access visits.

The fourth point states -

> Allegations of inappropriate touching, made during the course of Departmental involvement, were unable to be substantiated and, similar to Dr Manner's findings, -

Members will recall my comments about him last night -

> - the accounts of what occurred, on close questioning, lacked credibility, particularly because of the variability of . . . -

That refers to the daughter. It continues -

> . . . accounts and supporting explanations.

I repeat that this document was signed on 14 October 1992. The reason that is significant is that the letter sent to my constituent by Mr McCulloch on 5 March 1999 states that allegations of child sexual abuse by Tom were investigated in December 1991 by Family and Children's Services, the conclusion being that the allegations were substantiated. How can it be concluded that they were substantiated in 1991 when Peter Johnson, team leader, Belmont division, carried out the investigations in 1992 and said -

> (1) There is no substantiable evidence to support the allegations that Mr . . . is inappropriately touching the children in a sexual way . . .

If I have misread those documents, I would be delighted to back off. This matter has taken more of my time than I can afford to give to it. Members should not forget that what we are being asked to do here is to give legislative sanction to something that the department has been doing for two years as part of a pilot project. At the start of the debate, I thought the system would be a good one. A week later, I think it is a monster that can have no outcome other than to entrap people unfairly. I want the minister to address that because she keeps saying that if I give her information, she will have it investigated. I have done nothing in the past 24 hours except give information to her. At this stage I do not want private meetings with people, because I do not want to be told things with a wink or a nudge that cannot be said officially. I want the answers to these matters to be on the public record.

Mrs Parker: I hope that is not an indictment on the sort of discussion I would have with you.

Mr PENDAL: I am simply saying that last night I was not reflecting on the minister's honesty, and I accept her as an honest person. However, she is a minister in charge of a Bill pushing a particular line that has come to her from the department, and I have lost confidence in what the department is telling the minister. The minister is required to defend the department. In a few minutes I will raise another case, as a result of a telephone call this morning from a man in Fremantle. He told me of a particular case and of a remark he found, through freedom of information procedures, written into the file by Mr Bob Fisher, the Director General, as to his opinion on the veracity of those allegations.

Mrs PARKER: I have tried to be patient with the member for South Perth but debate has been going for almost an hour this morning and he has not yet raised any matter related to the register, and nor has he raised one matter related to the amendment before the Committee. The member for South Perth has raised matters regarding alleged malpractice within Family and Children's Services about which he has concerns.

Mr Pendal: Because they are central to your creation of a register.

Mrs PARKER: The member has not shown in any way that his concerns relate to the establishment of the child protection services register. I have said repeatedly in this Chamber that I do not want to be involved in particular cases, but on this occasion the member for South Perth has made a judgment about a case that has borne the scrutiny of the department over a number of years.

Mr Pendal: That has been judged by two Family Court judges and an expert child psychiatrist, and do not say you know better.

Mrs PARKER: A number of allegations have been the subject of scrutiny for a number of years. In fact, the gentleman concerned was charged but the charges were dropped by the Director of Public Prosecutions because it was thought that the evidence would not be strong enough in court for a range of reasons - as is commonly the case and a predicament in child

abuse cases. The member for South Perth must be very careful about passing judgment on a case that has received the scrutiny of the highest and most senior professionals in the department.

The legislation does not create that which the member criticises. He has criticised the practice in the department, but that has been the practice in the department for some time.

Mr Pendal: And which has now been shown to be fatally flawed.

Mrs PARKER: This debate is about a register and the member for South Perth should speak about the register. I understand the member for Mandurah wants to amend his amendment, and I suggest that the matter be put to the Committee so that this can be progressed. The member for South Perth is not debating the legislation before the Committee, and he is putting himself in the very dangerous position of passing judgment on a matter when I am not confident that he has all the information about allegations that have been made over a number of years.

Mr Pendal: I reckon we have flushed out more and taken it up to the department's door. The minister must justify the position, not I. I have two judges in the Family Court and a child psychiatrist on my side.

Mrs PARKER: It gets back to the dilemma of practice in child protection issues, and the different level of proof required in a court of law as opposed to that required to substantiate an allegation. It was not an easy task but in the most professional and thorough investigation that followed when a request was made for clearance from the file, the department re-established that the substantiation must stand. Is the member suggesting that it should be withdrawn because the person wants a job in an agency in which he will have care of children?

Mr Pendal: Yes, because your Mr Johnson says there is no substantial evidence.

Mrs PARKER: An allegation was made in 1991 and proceeded over a number of years. This gentleman has a right of appeal, and that was offered to him by the department. It is in process right now and he should take it through the correct channels. He has been invited to do so by the department. I commend the amendment to members.

Mr CARPENTER: The Committee is faced with a most difficult circumstance because I understand, albeit informally, that this will be the last day on which we will debate this issue. Some very important amendments must be addressed before the debate is truncated. On the other hand, the member for South Perth is determined to introduce information which he considers relevant. I suggest to the minister that we allow the member for South Perth to speak uninterrupted so that his concerns can be put before the Committee and placed on the record. We can then move on as quickly as possible to the other amendments, rather than argue with the member for South Perth about the relevance of his statements.

Mrs PARKER: I appreciate the suggestion. If I thought we would receive cooperation from the member for South Perth and that he would be timely in his remarks, I would agree. The member for Willagee raises the point that we need to get to other issues. I propose in due course to move an amendment to the amendment moved by the member for Mandurah. He has moved that lines 17 and 18 on page 10 be deleted and that the word "shall" be substituted. I shall move to delete the word "may" and substitute the word "shall" so that new subclause (1), will read -

> On receiving a report in respect of a child, the manager shall, if the manager is satisfied that it is in the best interests of the child to do so -

Mr NICHOLLS: I have foreshadowed with all the interested parties in the Chamber my intention to seek to alter the amendment. The advice I have received is that I cannot move an amendment or incorporate a change in my current amendment, because an amendment is on the Notice Paper in the minister's name to change in line 22 the word "it" to the words "that information". I am seeking to delete lines 17 and 18 and to substitute the word "shall". To address the issues in the debate about other approved persons having access, I will then seek to insert at the beginning of paragraph (b) of clause 120J(1) the words "if the manager is satisfied that it is in the best interests of the child to do so". I am seeking to incorporate my amendment to remove any doubt about who can have direct access to the information, and who that information should be provided to by the manager but, in doing so, not giving open access to that information to everybody who is an approved person.

The CHAIRMAN: I ask the member to repeat what he is seeking to do.

Mr NICHOLLS: My amendment, which we are currently debating, seeks to delete the words on lines 17 and 18 and insert the word "shall". After negotiation, I will seek to insert before the word "permit" at the commencement of paragraph (b) on line 23 the words "if the manager is satisfied that it is in the best interests the child to do so". I understand that I cannot do that as an amendment to my amendment because the minister also has an amendment on the Notice Paper relating to line 22 of the Bill. The advice I have received is that we must deal with them as two separate amendments. I suggest we take a vote on my amendment as it stands now, with people fully understanding my intention to move a further amendment to line 23 of the clause to address some of the concerns that have been raised. I suggest that we move to a vote on that amendment without any further debate.

Mrs PARKER: I will explain what I intend to do. I will support the deletion as moved by the member for Mandurah, and then the insertion of the word "shall". I will then seek to move to insert after the word "shall", the words "if the manager is satisfied that it is in the best interests of the child to do so". In short, I will support the amendment of the member for Mandurah, and then I will seek to move the proviso regarding the manager.

Mr CARPENTER: I am probably running the risk of being unnecessarily disruptive or provocative, but this has developed into almost a farcical situation. From the start of this legislation, we said that it was deficient in many ways and any person who examined the ramifications of it in any objective way could see gaping holes in it that should be patched up and fixed. The member for South Perth has now said that he recognises that is the case and has withdrawn his support for the legislation. In summary, this minister has brought into this place a chronically deficient piece of legislation. The former minister, the member for Mandurah, who is from the same side of the Chamber, has moved a raft of amendments, some of which would have made the legislation worse and some of which will improve it. The minister and the members for Mandurah and South Perth have taken up 90 per cent of the time of this committee arguing about the validity or otherwise of their amendments. The whole situation is regrettable.

I realise in a democracy members of Parliament have the right to come into this place and put their points of view; however, here we have members of the Government fighting between themselves over a piece of legislation which is obviously deficient, and which should have been sorted out before it was brought into the Parliament. The Government has had six months to do that. The minister knows, and I agree with her, that this is a very sensitive and important piece of legislation. For it to be dealt with in this way is a sad joke.

The CHAIRMAN: Because a lot of changes have been proposed to these amendments, I would like to put them to members and see the response when the questions are put. The member for South Perth and all other members will be given every opportunity to bring forward issues. I ask members to bear with me, while we deal with these amendments.

Amendment put and passed.

Mrs PARKER: I move -

Page 10, line 17 - To insert after the word "shall" the following -

"if the manager is satisfied that it is in the best interests of the child to do so."

Mr Pendal: Could the minister just explain what she is doing in this amendment?

Mrs PARKER: This is a sensitive piece of legislation, as the member for Willagee says. There has been a large amount of interest in it. It has been important for me to take on board some of the comments and suggestions. That is a strength, not a weakness, of the democratic process. The member for Mandurah has on the Notice Paper some amendments to which I have objected categorically and which I have no intention of accepting because they violate certain principles. He has raised other matters - for example, reporting - and I have been able to negotiate with him an acceptable amendment with which I am quite happy because I think it adds to the process. I would have been happy had that amendment been raised with me last year, but it was not. I also would have been happy for Opposition members to raise amendments they felt would strengthen some areas of the legislation, but they have not. In this amendment, the member for Mandurah wants to strengthen the clause so that the manager shall do something, rather than may do something. To ensure there is a discretion for the manager to operate only in the best interests of the child, I will support the strengthening of this clause as long as the discretion is included. I understand from the debate that took place about this issue last night, that it has the in-principle support of the member for Willagee.

Mr NICHOLLS: This is an absolute joke. We have debated removing the word "may" on the understanding that we will put into paragraph (b) the words "if the manager is satisfied it is in the best interests of the child". That relates to providing that discretion to other persons. We have gone through a long debate. We deleted certain lines and removed the word "may", but now the minister wishes to reinsert the words "if the manager is satisfied that it is in the best interests of the child to do so ". I am used to negotiating with people who tell me what they mean and who then back that up.

The clear agreement was that the prerogative would be removed from the manager not to provide information to those approved people; that is, on receiving a report in respect of a child, the manager shall notify the approved persons who made the report of the existence of other information. I understand the intention was to provide the prerogative in respect of any other approved persons who may wish to access the information. If the minister now intends simply to reinsert the words that have just been deleted, only to change "may" to "shall", we will have spent much time debating an issue which the minister indicated she supported but which she no longer supports.

Mr CARPENTER: It is possible that there is a slight misunderstanding or that the drafting of the amendment is wrong, but let me go by the wording of the amendment. It takes us back to where we were last night. It is an example of how fast the process has been. Last night, when the member for Mandurah moved his amendment, which deleted "may", removed the discretion of the manager and inserted "shall", the minister supported it. I said to the minister and to the member for

Mandurah that that was a mistake because they had not understood the potential outcomes of what they were doing. I believe that the minister now recognises that it was a mistake, and instead of reverting to the original wording of the motion, somehow or other to satisfy to an extent the desire of the member for Mandurah, she has simply substituted "may" for "shall". Is that right?

Mrs Parker: There was concern about paragraph (b). We did not want a requirement to permit any other approved people to have access. That is why we needed to have the discretion of the manager so that the manager shall notify the approved person. It will provide that discretion over paragraph (b).

Mr CARPENTER: That was my understanding as well, after some discussion after the debate. Let us admit that it was an inadvertent error to support the original amendment moved by the member for Mandurah and get on with it, rather than try to play with words and keep the member for Mandurah on side. The minister clearly has not done that.

Mrs Parker: I have been unable to satisfy the member for Mandurah at almost every point in the debate. He has very strong views. I do not share his views on several matters, particularly the reporting of allegations, about which he feels very passionately.

Mr CARPENTER: I am happy for the discretion for the manager to be reintroduced into the legislation, but it is most regrettable that it has taken so long to close the loop from where we departed last night. We have had a series of debates about the advisability of proceeding down that route. It is now 1.10 pm, when time is running out, and we get back to the point which we should never have left.

Mrs PARKER: If we had debated the amendment, I would have been happy, but in fact -

Mr Carpenter: I did.

Mrs PARKER: The member for Willagee largely addressed matters before us, but we have not spent much time on -

Mr Carpenter: What about this morning?

Mrs PARKER: This morning we spent only a little time when the member raised a concern regarding the second part of the clause. There was discussion with the member behind the Chair after the debate. I have taken on board the issues that the member for Willagee has raised. I still believe that "shall" is appropriate, just as it is appropriate in regard to another amendment which we shall discuss in a moment. After taking on board the issue regarding that second part, I still propose to press my amendment and I would like to move on with it.

Mr NICHOLLS: I will not support the minister's change in thought. The whole intention of my amendment was to require the manager to provide information held on the register to the approved people who report a substantiated allegation of harm to a child. It is nonsense to have a register with information about services and the harm or allegations that have been substantiated when the manager can choose whether to provide that information to an agency that is actively involved in investigating allegations or providing protection to a child who is at risk. I understand the dilemmas that have been expressed and I understand also the conspiracy theories. The reality is that children in society are unable to protect themselves, and departments, whether they be Family and Children's Services, the Health Department or the Police Department, in effect are guardians of the statutory protection provisions that we put in place. It is nonsense to have a register that supposedly is put in place for the very reason of ensuring that services and protection are provided to children who are at risk of being harmed or are being harmed and then to say that the manager can choose, on his or her prerogative, whether to provide information to people who are actively involved in supposedly protecting children from harm. Therefore, I will not support the minister's supposed amendment. Frankly, I am disappointed with the way in which she has handled it.

Mr BAKER: I agree that we should ensure that all comments regarding the clause actually address the clause. The fact remains that, as the clause is presently worded and disregarding the minister's proposed amendment, there are two discretions within subclause (1); that is, "may" followed by "if". I will not explain that in detail, but it clearly indicates that there are two discretions. For example, at the moment if the manager is satisfied that it is in the best interests of the child to do so, in terms of notifying the approved person, he does not have to notify the approved person. That is what the present wording permits. The intention is that if the manager is so satisfied, he or she should be under an obligation to notify the approved person in paragraph (a). Therefore it stands to reason that "may" should be substituted with -

Mr Nicholls interjected.

Mr BAKER: I know that the member for Mandurah has argued that point. We have been going around in circles; it is a sensitive piece of legislation. I accept what the member is saying, but it follows suit that the discretion should follow the mandatory provision. "Shall" is a mandatory word. There should be some discretion attached to that mandatory word - it is just commonsense - otherwise unintended, unforeseen, hypothetical matters could arise which may give rise to an abuse of the wording if, for example, "shall" remained without a discretion. It stands to reason that some discretion should be attached to any mandatory anything in any statute, generally speaking. Exemptions and special circumstances can always

arise. It makes sense, as the minister has indicated, to retain, even if we are reinserting it, that initial discretion in favour of the manager. It has been argued that we are going around in circles - well and good - but at the end of the day it is important to get the legislation right. The clause is central to the scheme of the amendment Bill, and I support the minister's amendment.

Amendment put and passed.

Mrs PARKER: I move -

Page 10, line 22 - To delete "it" and substitute "that information".

The amendment has been on the Notice Paper in response to issues that were raised in the second reading debate regarding clarifying exactly to what the approved person might have access. There was early concern that the approved person would have direct access to the register. We are talking about an amendment simply to clarify the intention that the approved person will have access to the information as provided by the manager.

Mr CARPENTER: I apologise for my confusion about this matter. Who are the approved persons? Are they narrowly identified as Family and Children's Services and the police only, or is it any approved person from any agency as identified earlier in the legislation?

Mrs Parker: I gave indications last week of who would be the approved persons.

Mr CARPENTER: Are we talking about an approved person from the reporting agencies, Family and Children's Services, the Police Force, public hospitals, etc? We may have dealt with this by amendment but I have forgotten.

Mrs PARKER: The legislation provides that on receiving a report in respect of the child the manager shall, if the manager is satisfied that it is in the best interests of the child to do so, notify the approved person who made the report; that is, the approved person from any of the reporting agencies.

Mr Carpenter: Who are they?

Mrs PARKER: They are listed in the legislation. The amendments are no longer on the Notice Paper. They include the Police Service, the Disability Services Commission, the Education Department, approved persons in the Health Department and the Ministry of Justice. The manager will notify approved persons who made the report of the existence of any other information in the register of the child and permit that person to have that information.

Mr NICHOLLS: The minister has lost me. I thought I was well versed in what she was trying to achieve. Yesterday we went through this and the member for Willagee raised the same issue. The minister said that every agency that was part of the reciprocal arrangements was required to provide the details of any allegation to either Family and Children's Services or the police because they were the only two investigating agencies. She then said those agencies were the only two that would provide the information of substantiation to the register. The member for Willagee was sitting in here when the minister said it. When the member for Willagee raised the issue last night I said that we were talking about two agencies that are the approved agencies because they are the only two agencies that can do the investigation and determine whether a case is substantiated and that can provide that information to the register because none of the other agencies could substantiate it. Is that not what the minister said?

Mrs Parker: I also said to the member for Willagee when he raised the issue that there were matters regarding the protocols in which he has been genuinely interested. I said that we have not yet had a chance to explain what occurs after that process. I am happy to explain that protocol.

Mr NICHOLLS: My clear understanding from the minister's advice to this Committee is that the only two agencies that can provide verification of substantiation of any allegation are the police and Family and Children's Services.

Mrs Parker: In terms of the investigation. I have not had a chance to talk about what would happen after those investigations and when it is reported back to the agencies because this debate has been all over the place. Here I am supporting the Opposition, but the member for Willagee has tried to address issues -

Mr NICHOLLS: The minister clearly indicated to me in response to my questions about sharing information and access, when debating the issue of offenders' names on the record, that only two agencies could substantiate allegations; they were the police and Family and Children's Services. When I was making the point to the member for Willagee the minister was nodding in agreement.

Mrs Parker: I have always said that the two agencies who have the investigating role in government to substantiate claims are Family and Children's Services and the Police Service. However, we have not reached that part of the debate concerning what would happen if either two agencies did not substantiate -

Mr NICHOLLS: We are talking about the situation when the manager of the register receives a report. Who else but the

people involved in the investigation - the only two agencies who can make a decision about substantiation - can make a report to the register saying these cases are substantiated?

Mrs Parker: If the member for Mandurah allowed this debate to progress further we could reach that issue. It has been an issue of interest to the member for Willagee and we cannot reach it because we have been sidetracked all along the way.

Mr NICHOLLS: The information the minister provided created a very clear impression. Her comments put me in a dilemma as to whether I can rely on her comments. I was under the clear impression from her statement that only two agencies can make a decision about substantiation and provide that information to the register - or do we send it back through the channels and allow everybody to rake over it before it somehow arrives at the register?

Mr CARPENTER: Since this legislation was introduced into Parliament, on almost every clause I have expressed the view that the legislation is poorly presented and poorly framed, confusing and with sufficient potential problems to constitute a minefield. The minister has been contradictory in explanation to various members of the Committee about the impact of aspects of this legislation. This is another example of that. The member for Mandurah was clearly working under an impression that only two agencies would be in receipt of the sensitive information. However, the wording of this clause and other sections of the Bill indicate that that is not the case.

Mr Nicholls: Only two agencies can investigate and make the decision about substantiation.

Mr CARPENTER: A large number of people under clause 120J of this Bill will have access to all of the information on file about children. That is contrary to what the member for Mandurah was led to believe was the intent of the Bill. Luckily his amendment failed, otherwise by compulsion all those people, such as a principal of a school, etc, could be informed of all the information. Thankfully, the discretion remains with the manager. It may well be that the manager believes that some people who are reporting persons should not be given all the information on the file because it would not be in the best interests of the child.

If we wanted a casebook study of how a piece of legislation should not be dealt with, this is a living example.

Amendment put and passed.

Mr NICHOLLS: My attempts to accommodate the minister's desire with paragraph (b) are now unnecessary. I move -

> Page 11, line 5 - To delete the words "may, if the manager is satisfied that it is" and substitute the word "shall"
>
> Page 11, line 6 - To delete the words "to do so".

In essence, the information that a person has been identified as a person who has caused harm to a child shall be provided to an approved person.

The intention is to require the manager to inform the approved person of the name of the convicted person which is held on the register. If an agency is dealing with a child, and is concerned about the protection or the welfare of the child, the information about a conviction is public information and I see no reason the manager should have the prerogative to determine whether that information is provided to the agency. Furthermore, if the manager is required to provide that information, no agency will be in a position to indicate that it was not given information about a convicted person who is part of an allegation of harm to the child.

Mr PENDAL: The amendment moved by the member for Mandurah returns us to this central issue of data access and release. I will be a bit more forthcoming than I was yesterday in putting to the minister the case that was highlighted by Channel 10 last week through Brian Seymour, because that goes to the heart of the matter of access. The minister made the point that that sort of information would not have been given to a person unless certain processes and procedures were followed which would satisfy the consumer advocate that she was dealing with the correct person. We are talking about the sacrosanct nature of the information, because the child's name is on the register. I will make the record clear. In the case of the woman who was identified only as "Cathy" by Channel 10, the information the consumer advocate asked her to provide in order to access the records over the telephone were her name, her daughter's name, and the fact that she was interviewed at the Mirrabooka office. No dates were mentioned. That is how easy it is. I have already gone through the process that occurred with my constituent Tom, and that is how easy it was in the case of Cathy. It could have been Cathy's neighbour or a stickybeak Cathy had met down at the bowling club. That person thought, "Well, I know a bit about it and I will pursue it simply because I do not like her and it gives me the opportunity to access information that otherwise should be sacrosanct." We have heard that for a week too. That is how poor a custodian the consumer advocate of the department was in that case.

I also want to ensure that the record is clear in terms of substantiation. I received another call this morning from a Fremantle man whose middle-aged son is on one of these registers. He carries that burden with him all the time. He obtained access under either freedom of information or a subpoena - I am not sure which, and it does not matter. I was told that a notation on file by the director general, Mr Bob Fisher - a person highly regarded by people across the spectrum - written apparently

in his own hand is that the allegations against this man are thin and vague. However, they continue to be part of these records which show up as having been substantiated. That is not a satisfactory state of affairs. It is as bad a case as that which I brought to the Chamber on behalf of Tom, or of any that we have heard. It demonstrates that there are so many deficiencies and flaws in this Bill that it needs not another six months' work but probably a lot longer. Having gone from a position of support for the Bill a week ago I will vote to throw the Bill out, which is what its fate should be.

Mrs PARKER: The issue that the member for South Perth raises regarding the lady referred to as Cathy does not relate to information on the register. The issue raised about the Fremantle man, as reported by the member for South Perth, concerns information held on a departmental file and appears to be about allegations that have been substantiated. In debate last week I said that, because of the principle of natural justice, I would not accept that allegations appear on the register. The amendment from the member for Mandurah concerns information on the register about convicted offenders.

Mr PENDAL: No, minister. The question put by Cathy to the consumer advocate was, "Is my daughter's name on the register?"

Mrs Parker: She can obtain the information from the departmental file.

Mr PENDAL: No-one should be able to obtain that information over the telephone with that level of identification. I will not, because I have better things to do, but I could telephone the consumer advocate at lunchtime to prove the point. I will prove the point based on that tiny amount of information, which could have come from the cleaner at the front of the building saying, "Hello. My name is Cathy. My daughter's name is on the register because of the incidents that affected my daughter at her school, which resulted in counselling. It is now three or six months later, and we have all put it behind us and think it was a misunderstanding" - and that is the family's attitude - "I want to know as the mother whether my daughter's name is still on the register." The person who took the call did not say, "Hold the line. I will ring you back after I have verified that you are who you say you are." The person asked for the basic and minimum information: The daughter's name, and the fact that she was interviewed at Mirrabooka. No dates were mentioned. If the minister believes that is adequate, she is in more trouble than I had thought until now. That is a disgrace and a travesty on the part of every one of these people, but in particular on the part of a mother who rings up to find out whether she can get to the stage where she can obliterate a record, only to find that any Tom, Dick or Harry can ring up and get access to that information. That is wrong, and if the minister keeps perpetuating that, it will cost her enormously in the future.

Mr CARPENTER: The member for South Perth raised some serious matters which the minister has a responsibility to address before we proceed.

Mrs PARKER: I know that I will not be able to convince the member for Mandurah of certain things with regard to this legislation, particularly the registration of allegations. It appears also that no matter what information I present to the member for South Perth, he does not understand that he is talking about a process and alleged malpractice within my department, Family and Children's Services rather than the register. I have described the protocols for determining the identity of a person who makes an inquiry. The member for South Perth believes that there has been a breach of that practice. I have said that if that were the case, I would be very concerned, and I would be happy to follow it up. I said to that lady last week that I would like her to contact me, as the minister with responsibility for ensuring that the practices within the department are adhered to and that appropriate protections are in place, because if that were not the case, I would like to know about it.

Mr PENDAL: The minister should be able to understand why this lady has lost faith in the department, when she has been able to access that information so easily; and if she has lost faith in the department, she also does not have a great deal of faith in approaching its minister. That is the reality, and one can hardly blame her.

Mrs PARKER: It is important that people who have a grievance call my office; and they do, and we do follow up the matters they raise. It is also important that members of Parliament who have a grievance raise individual cases with me so that we can get to the bottom of them and so that we can balance what one person says against what may be on the file. I have said often in this place that I do not like to talk about specific cases in this Chamber, but I am happy, if a briefing is provided, for members to raise a grievance, or to raise a matter as part of the parliamentary process. With regard to this lady, information she raised was confirmed with her. If the member for South Perth has a problem, I would like to sit down with this lady and balance her information against the information that I have received from the department overnight. The member for South Perth and this lady believe that there has been a breach of practice in the department. We are not talking about the violation of the protocols involved in the register.

Mr Pendal: I have just received a note from the person concerned, and I can tell the minister that the girl's name is on the register. The minister keeps making this differentiation. We are not talking about departmental files, which is what we were talking about a few moments ago. We are talking about the register, and the girl's name is on the register.

Mrs PARKER: The member for South Perth is usually an intelligent man. I have always said that if abuse is substantiated, it automatically is on the register, but the consumer advocate did not access the register to confirm the inquiry that the mother

had made; she was able to fulfil her role as a consumer advocate by checking the information of an aggrieved client on the departmental file.

Mr Pendal: Access in a way that was unconscionable.

Mrs PARKER: If the member for South Perth has a grievance about the practice, I am happy to discuss that with him. We are talking about the legislation and the register. The member for South Perth has failed to understand the distinction between the two.

Progress reported and leave granted to sit again.

CULTURE, LIBRARIES AND THE ARTS BILL

CULTURE, LIBRARIES AND THE ARTS (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

Resumed from 23 March.

MRS EDWARDES (Kingsley - Minister for the Environment) [1.47 pm]: A number of matters were raised in the debate yesterday on these Bills, and I propose to go through each of those matters. One of them was the entities that will be created as a result of the Bill. While the minister is not created as a result of the Bill, under the provisions of the Constitution Acts Amendment Act a minister will be charged with the administration of the Bill, and the minister will have all the usual executive powers of a minister. It is intended to replace a number of bodies corporate with one body corporate. All the property will be vested in that body corporate, which will have limited powers, which will be prescribed by the regulations, and which will be brought into effect at the same time as the Bill. When considering what sort of corporation that body corporate should be, the Government prefers for accountability reasons to have corporations sole - that is, a corporation constituted by a single person; and in this case, the minister has been assigned the responsibility for the administration of the Bill. That is a common arrangement. Most ministers are body corporates, although in most legislation it is clear without special definition when the Act is referring to the minister as part of the Executive Government and when the Act is referring to the minister as the corporation sole in legislation. This Bill does need to highlight this difference by defining the more limited role of the corporate minister. That means that all property will be vested in the same authority, which will also facilitate easier management of land such as crown reserve 37000, commonly known as the Cultural Centre. All other properties, such as the collections of the current statutory authorities, will also be formally vested with the corporate minister on behalf of the Crown or the people of Western Australia. The functions and powers of the corporate minister are defined in the Bill, but they relate generally to property matters.

The Bill is also explicit in prescribing that, before the corporate minister can exercise any of the prescribed corporation functions in relation to the Art Gallery, the Library and Information Service of Western Australia or the Museum Council, he or she must seek advice from those bodies respectively. The current boards have been asked to specify those functions. If the corporate minister disagrees with that advice, the text of that advice must be tabled in both Houses of Parliament. That makes any action on the part of the corporate minister transparent and accountable to the people of Western Australia through the Parliament.

Ms McHale: This legislation requires that that advice be tabled only after the event. Will you change the legislation to provide that it must be tabled before the event? That is the critical point.

Mrs EDWARDES: The point is the transparency. If the corporate minister disagrees with the advice from the respective bodies from which he must seek it, he tables that advice in the Parliament. That is therefore available to everyone, along with the evidence of his actions. Everyone will accept that that is accountable and transparent, particularly as part of the Westminster system.

Previously many transactions in corporations were within the corporation and not accountable to the Parliament. This is a significant difference. The member for South Perth referred to the Markham collection and the decision by the Trustees of the Museum of Western Australia to sell part of it. There was no requirement that that decision be tabled in the Parliament. If the minister, as the corporate body, were to disagree with the advice he has been given, that advice must be made available to the Parliament. From that perspective, it is an improvement in accountability in the decision-making process.

A number of other points were raised. One related to the partnership with local government. Local governments are responsible for public libraries and the like. They carry out a very important function within our community. The Bill requires the corporate minister to enter into an agreement with the Western Australian Municipal Association for the purposes of establishing, promoting, organising, registering or supervising public libraries. Any existing agreements under the transitional provisions stand until such time as a new agreement is reached. That protects the existing arrangements with the Libraries Board and allows proper time for the negotiation of a new set of arrangements and for them to be put in place. As such, the partnership with local government will be continuing.

Another issue of concern was the potential for censorship and control of exhibitions. This exists under the current arrangements by virtue of influence and control over budget allocations and chief executive officer and board appointments. Under the proposed arrangements, exhibitions and acquisitions would be governed primarily by policy. However, if the minister were to issue a direction contrary to the advice from the relevant board or council, that advice would be tabled in Parliament. That is a more open and transparent process than is currently the case and shifts the responsibility for that transparency back to the minister. If there were intervention, it would be transparent and the minister would be accountable to the people of Western Australia. Current decisions by the boards are not accountable and potential ministerial intervention can be subtle and undetected. Under the new arrangements it will be much more open and transparent, whereby any direction contrary to the advice of the relevant board or council will have to be tabled in Parliament. That addresses some of the concerns previously raised.

Ms McHale: The point is that, unlike a board with up to 10 or so members, we are talking about one minister who is susceptible to a great deal of influence. The board's ultimate accountability is to the people via the minister's being able to sack the board if he or she were dissatisfied with its performance. That argument does not hold up to scrutiny. Perhaps we can debate this later.

Mrs EDWARDES: The member may want to raise that point in Committee. However, the critical element of those key issues is that any direction or decision that is contrary to the advice of those respective bodies or boards to which the minister must go for advice must be tabled in the Parliament. That makes his actions much more transparent.

Members referred to the statutory advisory boards and councils from which the corporate minister must seek advice. The Bill provides for the establishment of the Libraries Council, the Museum Council and the Art Gallery Advisory Board. These advisory structures will exist according to the law. Their powers and functions, as defined in the Bills, are wide-ranging. They will not be concerned with the day-to-day management or financial control of the collecting institutions and can focus exclusively on policy and the collections. They have the power to initiate advice and must respond to a ministerial direction to provide advice. Of course, they can be informed on financial matters and advise on them. Members will recall the debate about the Kings Park Board. That board felt constrained in its ability to seek advice. When updating legislation relating to such bodies, we must understand that they need that power.

The corporate minister is also required to consult those bodies and obtain written advice before undertaking certain actions. Again, that must be done in accordance with an agreed policy and will be covered by the regulations. These specifically prescribed actions will be able to be further developed in the regulations, which will be drafted in consultation with the relevant agencies and other advisory boards and councils. This provision provides a check and balance on the corporate minister's powers and ensures that decisions about property or the collections are transparent and open. In addition, the operations of the corporate minister are subject to the accountability requirements of the Financial Administration and Audit Act and, therefore, to the Parliament.

The three foundations are specifically provided for in the two Bills. They are the Art Gallery of Western Australia Foundation, the Museum, Science and Humanities Foundation and His Majesty's Theatre Performing Arts Foundation. While the Bill makes some changes to the functions and powers of the Art Gallery of Western Australia Foundation, it does so to make them consistent with the functions and powers of the other two foundations. Those functions include attracting and retaining for the Art Gallery, the Museum or the performing arts theatre the continuing interest and financial support of the community and encouraging donations from the community to allow them to maintain, improve or develop those services. All the funds raised by those foundations will be maintained separately. The current funds will be subject to the existing trust and the existing conditions. Therefore, future fundraising will be defined for various purposes. However, that will be on the advice of the various statutory advisory boards or councils, as approved by the minister.

Ms McHale: If an item is bought with that money, is it separate from the collection or does the minister own it?

Mrs EDWARDES: I will provide a specific answer to that question at a later stage.

Ms McHale: That is another critical point. The answer seems to be that the item is owned by the minister.

Mrs EDWARDES: Under the assets test - I will confirm that. I believe the member is right. It means that all the funds are maintained separately so that the people who contribute or donate know how their funds will be used. However, I will confirm that when I continue my remarks.

[Leave granted for speech to be continued.]

Debate thus adjourned.

WIN TV, BROADCASTS TO THE PILBARA

Petition - Speaker's Ruling

THE SPEAKER (Mr Strickland): Before we proceed with question time, I advise members that part of the petition

presented by the member for Burrup relating to television broadcasting to certain north west towns is out of order because it has an attachment printed on the back of several pages. Accordingly, I have directed the Clerk to remove the out-of-order pages and adjust the total number of petitioners to 53.

[Questions without notice taken.]

SCHOOL EDUCATION BILL

Council's Amendments

Amendments made by the Council now considered.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Barnett (Minister for Education) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 3, page 3, line 4 - To insert after the word "education" the following words -

which best promotes their life opportunities and assists each child in achieving her or his educational potential

No 2

Clause 3, page 3, after line 8 - To insert the following paragraphs -

(d) to promote a high standard of education in government schools and to ensure that education is provided to all children without discrimination on the grounds of sex, race or religion;

(e) to have a child's education be provided at a government school in the child's local area unless the school can satisfactorily demonstrate why it is unable or it is inappropriate to enrol the child;

No 3

Clause 3, page 3, line 9 - To insert after "of" the words "and encourage,".

No 4

Clause 3, page 3, after line 11 - To insert the following paragraphs -

(e) to ensure that all parents and students have the right to an independent review of a decision made by the chief executive officer (or equivalent) which affects the educational interest of the child;

(f) to ensure that the principles of natural justice are applied in any decision making process affecting the education of a child;

(g) to mitigate educational disadvantage arising from a child's gender, or from geographic, economic, social, cultural, linguistic or other causes; and

(h) to develop a teaching staff that is skilled, dedicated and professional.

No 5

Clause 9, page 9, line 23 - To delete the line and substitute the words "Penalty: $2 500".

No 6

Clause 9, 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.

No 7

Clause 13, page 11, line 14 - To insert before the word "require" the following words -

having produced the certificate provided to the authorized person under section 14,

No 8

Clause 14, page 12, lines 5 to 8 - To delete the subclause.

No 9

Clause 21, page 16, line 17 - To insert after the word "successful" the following words -

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.

No 10

Clause 26, page 21, after line 9 - To insert the following paragraph -

(c) in giving advice and assistance as mentioned in paragraph (b) (ii) in relation to a child, a Panel is to seek to mitigate any disadvantage arising from -

(i) the child's gender;

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

(iii) specific learning difficulties; or

(iv) other causes;

that may be affecting the child's education;

No 11

Clause 34, page 26, after line 25 - To insert the following new subclause -

(4) A school attendance officer must wear an identification badge in the prescribed form when exercising any of the powers of a school attendance officer.

No 12

Clause 37, page 28, line 11 - To delete the figure "$1 000" and substitute the figure "$250".

No 13

Clause 38, page 28, line 17 - To delete the figure "$1 000" and substitute the figure "$500".

No 14

Clause 38, page 28, line 17 - To delete the words "and a daily penalty of $25".

No 15

Clause 39, page 29, after line 8 - To insert the following subclause -

(3) At least one person on each panel must be a parent or community representative.

No 16

Clause 39, page 29, lines 16 to 21 - To delete the subclause and substitute the following subclause -

(4) A Panel cannot deal with the case of a child -

(a) who is enrolled at 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) who is enrolled 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.

No 17

Clause 39, page 30, line 2 - To insert after the word "representation" the following words -

but nothing in this subsection prevents the child and parents from being accompanied by another person when appearing before the Panel

No 18

Clause 40, page 30, line 23 - To insert after the word "to" where it first appears, the words "the school,".

No 19

Clause 40, page 30, lines 23 and 24 - To delete the words "to his or her" and substitute the words "the child's".

No 20

Clause 40, page 30, after line 24 - To insert the following subclause -

(3) In giving advice and assistance as mentioned in subsection (2) (b) in relation to a child, a Panel is to seek to mitigate any disadvantage arising from -

(a) the child's gender;

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

(c) specific learning difficulties; or

(d) other causes,

that may be affecting the child's education.

No 21

Clause 40, page 31, lines 15 and 16 - To delete the words "and recommendations about the way in which the child had been" and substitute the following words -

, comments about how the matter had been dealt with and recommendations about how the matter should be

No 22

Clause 47, page 36, line 15 - To delete the words "make an application for registration" and substitute the words "be registered ".

No 23

Clause 47, page 36, line 16 - To delete the words "apply to" and substitute the word "notify".

No 24

Clause 47, page 37, line 7 - To delete the words "An application" and substitute the words "A notification".

No 25

Clause 47, page 37, line 8 - To delete the words "an application" and substitute the word "notification".

No 26

Clause 47, page 37, lines 12 and 13 - To delete the words "make an application for registration" and substitute the words "be registered".

No 27

Clause 47, page 37, lines 13 and 14 - To delete the words "the application is to be made" and substitute the words "notification is to be given".

No 28

Clause 48, page 37, line 21 - To delete the words "completed application" and substitute the word "notification".

No 29

Clause 56, page 46, line 2 - To insert after the word "determines" the following words -

in accordance with the regulations prescribed for the purpose of this section

No 30

Clause 57, page 46, after line 19 - To insert the following paragraph -

(a) whether grounds exist on which the Minister could determine under subsection (4) of section 56 that there are significant educational, economic or social reasons for not complying with subsection (3) of that section;

No 31

Clause 57, page 47, lines 1 to 4 - To delete the subclause and substitute the following subclause -

(3) The consultation required by this section -

(a) is to be carried out by the Minister in accordance with the regulations; and

(b) may in addition be carried out in any other way that the Minister thinks appropriate.

No 32

Clause 58, page 47, lines 21 to 25 - To delete subclause (3).

No 33

Clause 60, page 48, line 5 - To delete the words "The chief executive officer may" and substitute the following words -

Subject to subsection (2), the chief executive officer must

No 34

Clause 60, page 48, line 7 - To delete the word "any" and substitute the word "each".

No 35

Clause 60, page 48, after line 10 - To insert the following new subclause -

(2) The chief executive officer is not required to declare a government school to be a local-intake school if, in the chief executive officer's opinion, it would be inappropriate to do so -

(a) because of the educational programme at the school; or

(b) because the matter of whether a child should be enrolled at the school should be determined by the availability, or lack, of suitable means of transport for the child to attend the school; or

(c) because of geographical isolation of the school from other schools.

No 36

Clause 60, page 48, line 18 - To delete the words "their intake areas" and substitute the following words -

a list of schools that have not been declared to be local-intake schools

No 37

Clause 62, page 49, after line 22 - To insert the following subclause -

(4) Nothing in subsection (2) prevents a person from being appointed as a principal and being classified as a school administrator at the same time.

No 38

Clause 63, page 50, line 13 - To insert after the designation "(e)" and before the word "to" the words "subject to section 123,".

No 39

Clause 63, page 50, line 13 - To insert after the word "school" the words "in conjunction with the school's teaching staff".

No 40

Clause 63, page 50, line 16 - To insert after the designation "(f)" and before the word "to" the following words -

in conjunction with the council and teaching staff

No 41

Clause 73, page 55, line 22 - To insert after the word "officer" the following words -

provided that the educational programme for that child is part of a system of individual education programmes implemented by the school for students with disabilities and specific learning difficulties whereby -

(a) each programme is developed and regularly reviewed in conjunction with the child, the child's parents, the child's teachers and any relevant specialist teacher; and

(b) each programme moves with the child as she or he progresses through the school or moves from one school to another.

No 42

Clause 73, page 55, after line 22 - To insert the following subclause -

(3) The Minister must ensure that appropriate resources are provided to a school where a child with a disability is enrolled.

No 43

Clause 77, page 57, after line 14 - To insert the following new subclause -

(1) In this section a reference to a "community kindergarten" means a community kindergarten registered under Part 5.

No 44

Clause 77, page 57, line 15 - To delete the word "particular".

No 45

Clause 77, page 57, line 16 - To insert after the word "school" the words "or local community kindergarten".

No 46

Clause 77, page 57, line 18 - To insert after the word "school" the words "or community kindergarten".

No 47

Clause 78, page 58, lines 1 to 18 - To delete the clause and substitute the following new clause 78 -

78. Enrolment at local-intake school of children who live in the school's intake area

The following persons are entitled to be enrolled at a local-intake school -

(a) a child of compulsory school age; and

(b) a child whose post-compulsory education period falls in a year, for that year,

if -

(c) the child's usual place of residence is in the intake area for the school;

(d) an appropriate educational programme is available for the child at that school; and

(e) the enrolment would conform with other criteria prescribed by the regulations for the purposes of this section.

No 48

Clause 79, page 58, line 19 to page 59 line 3 - To delete the clause and substitute the following new clause 79 -

79. Enrolment at local-intake school of children who do not live in the school's intake area

The following persons are entitled to be enrolled at a local-intake school -

(a) a child of compulsory school age; and

(b) a child whose post-compulsory education period falls in a year, for that year,

even though the child's usual place of residence is not in the intake area for the school if -

(c) an appropriate educational programme is available for the child at that school;

(d) classroom accommodation is available for the child at that school; and

(e) the enrolment would conform with other criteria prescribed by the regulations for the purposes of this section.

No 49

Clause 80, page 59, lines 4 to 15 - To delete the clause and substitute the following new clause 80 -

80. Enrolment of children at schools that are not local-intake schools

The following persons are entitled to be enrolled at a particular government school that is not a local-intake school -

(a) a child of compulsory school age; and

(b) a child whose post-compulsory education period falls in a year, for that year,

if -

(c) an appropriate educational programme is available for the child at that school;

(d) classroom accommodation is available for the child at that school; and

(e) the enrolment would conform with other criteria prescribed by the regulations for the purposes of this section.

No 50

Clause 84, page 62, line 14 - To insert after the word "accrue" the word "to,".

No 51

Clause 84, page 62, line 15 - To delete the word "all" and substitute the words ", the child and all other".

No 52

Clause 87, page 65, after line 9 - To insert the following paragraph -

; and

(c) who is not a parent of a student at a school to which the matter relates.

No 53

Clause 87, page 65, line 19 - To insert after the word "representation" the following words -

but nothing in this subsection prevents the applicant from being accompanied by another person when appearing before the Panel

No 54

Clause 90, page 66, line 14 - To insert after the word "may" the words "wholly or partially".

No 55

Clause 90, page 66, after line 20 - To insert the following subclause -

(3) Regulations under subsection (2) are to provide for the educational instruction to be given to a suspended student.

No 56

Clause 92, page 67, after line 24 - To insert the following subclauses -

(2) Within 3 days of making a recommendation to the chief executive officer, the principal is to

notify the student and a parent of the student that the recommendation has been made and provide the parent with the reasons why the recommendation has been made.

(3) If the chief executive officer is satisfied that all reasonable steps have been taken to deal with the breach of school discipline, or the behaviour, that is the subject of the recommendation, he or she is to refer the recommendation in accordance with subsection (5).

No 57

Clause 92, page 68, line 6 - To insert after the word "officer" the following words -

, setting out comments about how the matter had been dealt with and recommendations about how the matter should be dealt with

No 58

Clause 92, page 68, after line 9 - To insert the following new subclause -

(4) In its examination and report under subsection (2) in relation to a student, other than a child to whom paragraph (b) of that subsection applies, a Panel is to advise the chief executive officer whether in its opinion the child's behaviour could be improved if -

(a) economic, social, cultural or lingual factors;

(b) specific learning difficulties; or

(c) other causes,

were addressed.

No 59

Clause 93, page 68, line 19 - To insert after the words "3 persons," the following words -

one of whom must be a parent or community representative

No 60

Clause 93, page 69, after line 3 - To insert the following new subclause -

(4) A Panel cannot deal with the case of a child if a member of the Panel is -

(a) a member of the teaching staff of the school at which the child is enrolled; or

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

No 61

Clause 93, page 69, line 6 - To delete the word "and".

No 62

Clause 93, page 69, line 6 - To insert after the words "child's parents" the words "and the school's principal".

No 63

Clause 93, page 69, line 12 - To insert after the word "representation" the following words -

but nothing in this subsection prevents the child and parents from being accompanied by another person when appearing before the Panel

No 64

Clause 96, page 71, lines 15 and 16 - To delete the subclause and substitute the following subclauses -

(4) Within 28 days of the chief executive officer receiving an application made under subsection (1) -

(a) the chief executive officer is to refer the matter to a School Discipline Advisory Panel under section 93; and

(b) the Panel is to examine the matter and report to the chief executive officer with its recommendation.

(5) The chief executive officer is to provide the School Discipline Advisory Panel with any information or material relating to the application that is requested by the Panel and that is in the possession or control of the chief executive officer.

(6) The chief executive officer after considering the report and reviewing the decision in terms of subsection (2), may confirm, vary or reverse the decision and, within 14 days after receiving the report, is to give the applicant notice of that decision.

No 65

Clause 97, page 71, line 22 - To insert after the word "collected" the following designation "(a)".

No 66

Clause 97, 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.

No 67

Clause 98, page 72, line 4 - To insert after the words "may be made" the words ", subject to section 99,".

No 68

Clause 98, 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.

No 69

Clause 98, page 72, line 10 - To insert after the word "or" the words ", subject to section 99,".

No 70

Clause 98, page 73, line 6 - To insert after the word "child" the following words -

, itemizing each component of those charges and the charge for each component

No 71

Clause 99, page 73, lines 16 to 20 - To delete the lines and substitute the following words -

who is a non-resident is to pay such fees for instruction as may be prescribed and in accordance with the regulations.

No 72

Clause 99, page 73, line 21 - To delete the designation "(a)".

No 73

Clause 100, page 74, lines 2 to 4 - To delete the words "the remission or reduction in circumstances of financial hardship of any fee or charge provided for by this Subdivision" and substitute the following words -

(a) the reduction, waiver or refund, in whole or in part, of any fee or charge provided for by this Subdivision; or

(b) deferred payment, payment by instalments or other forms of assistance for the payment of any fee or charge provided for by this Subdivision.

No 74

Clause 102, page 74, line 12 - To insert before the word "Any" the words "Subject to section 99,".

No 75

Clause 116, page 84, after line 5 - To insert the following new subclause -

(4) In this section '**student**' means a student enrolled at a government school who is on school premises at a time when the student is required to attend the school as a part of her or his educational programme at that school.

No 76

Clause 122, page 86, line 25 - To insert before the word "community" the word "general".

No 77

Clause 122, page 87, line 13 - To delete words "(c) cannot" and substitute the words "(a) and (b) must".

No 78

Clause 122, page 87, lines 14 and 15 - To delete the words "but otherwise the majority of the members of a Council is as prescribed by the regulations".

No 79

Clause 140, page 96, after line 28 - To insert the following new subclauses -

(7) An association to which this section applies is not liable for the payment of any government fee or charge which might otherwise be required in order to fulfil the provisions of this section.

(8) The Minister shall ensure that arrangements are put in place for the waiving of all government fees and charges referred to in subsection (7).

No 80

Clause 171, page 118, line 4 - To delete the words "whenever asked to do so by" and substitute the word "to".

No 81

Clause 178, page 121, lines 2 to 4 - To delete the subclause and substitute the following new subclause -

(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.

No 82

Clause 178, page 121, lines 6 and 7 - To delete the words "any report required by the Minister" and substitute the words "a report".

No 83

Clause 209, page 139, line 1 - To insert after the word "sponsorship" the words ", of the kind and to the extent that is authorized by regulations,".

No 84

Clause 209, page 139, line 3 - To insert after the word "schools" the following words -

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

No 85

Clause 209, page 140, after line 11 - To insert the following definition -

"**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.

No 86

Clause 215, page 144, lines 7 to 24 - Clause deleted.

No 87

Clause 216, page 145, after line 1 - To insert the following new subclause -

(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.

No 88

Clause 216, page 145, line 7 - To delete the words "the Minister" and substitute the words "a reviewer".

No 89

Clause 216, page 145, line 9 - To delete the words "The Minister" and substitute the words "A reviewer".

No 90

Clause 216, page 145, line 11 - To delete the words "the Minister" and substitute the words "a reviewer".

No 91

Clause 216, page 145, line 19 - To delete the word "Minister" and substitute the word "reviewer".

No 92

Clause 216, page 145, line 21 - To delete the word "Minister" and substitute the word "reviewer".

No 93

Clause 216, page 145, lines 23 to 26 - To delete subclause (4).

No 94

Clause 216, page 146, lines 1 and 2 - To delete subclause (5).

No 95

Clause 216, 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*.

No 96

Clause 234, 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.

No 97

Clause 237, 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).

No 98

New clause 22, page 16, after line 21 - To insert the following new clause -

22. Review of decisions under section 20 and 21

(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.

No 99

New clause 99, page 73, after line 12 - To insert the following new clause -

99. Compulsory fees and charges that cannot be prescribed under section 98 (1)

(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 or 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.

No 100

New clause 119, page 85, after line 9 - To insert the following new clause -

119. Corporal punishment

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

No 101

New clause 126, page 90, after line 14 - To insert the following new clause -

126. Functions that cannot be prescribed for a Council

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.

No 102

New clause 144, page 98, after line 27 - To insert the following new clause -

144. WACSSO

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

(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.

No 103

New clause 147, page 101, after line 6 - To insert the following new clause -

147. Minister may give directions to the chief executive officer

(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 tabled in both Houses of Parliament within 7 sitting days of the direction being made and 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*.

No 104

Schedule 1, clause 10, 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).

Mr BARNETT: I move -

That amendment No 1 made by the Council be not agreed to.

As members will be aware, this is an extremely important piece of legislation which will replace the 1928 School Education Bill. It is an administrative framework for education in both the government and non-government sectors. It sets up the rights and responsibilities of parents, students, educators and the minister of the day. However, it is critical for the conduct of education into the future. The Bill underwent extensive and constructive debate within this Chamber which focused on the issues. In the upper House 104 amendments were made to it.

Over the summer recess I had discussions with the Deputy Leader of the Opposition. The Government will accept a number of the amendments, but not all, and we will debate a small number of amendments in this House. I hope we can work relatively efficiently through these amendments and bring this debate to a conclusion on a Bill that, broadly, has bipartisan support, although there are significant areas of difference.

Mr RIPPER: The Opposition appreciates that the 1928 Education Act needs replacing and supports the principle of a school education Bill. In fact, it endorses the great majority of this Bill. However, we have supported in this place and in the upper House amendments to the legislation, some of which won the support of the minor parties in the upper House. I met with the minister on 16 February to discuss ways that we might pursue our mutual objects of a new school education Bill and what compromises would be accepted in order to ensure its passage.

I am a bit disappointed that the debate has come on this afternoon. The outcome of that discussion I had with the minister reached my electorate office while Parliament was sitting last week in the form of this document, which is not quite a telephone book but which is a lengthy document. We have had only a couple of working days in which the suggestions the Government has included in the document could be considered. I thought the debate would come on tomorrow. Surprisingly, it has come on today.

In reality we will have only about an hour and a quarter of debate. I suppose I could complain for that long and that would meet the objective of the remarks I am making. I am making these remarks because, to a certain extent, the Opposition has not had sufficient time to consider some of the proposals put by the Government following my discussion with the minister. Nevertheless, as we are required to do, we will proceed to debate the legislation. Obviously the crunch will come when the Bill is returned to the Legislative Council. On matters that we have not had sufficient time to consider we might take a position here and leave open the possibility of a slightly different position in the upper House if our final considerations dictate that.

Mr Barnett: I hope we can move through those amendments we agree to reasonably quickly. We will come back for the more contentious ones.

Mr RIPPER: On some of the matters contained within this message in which the Government has put forward substitute proposals, which we have had for only a couple of working days, we will reserve the right to perhaps take a refined position in the upper House if we have not had time to consider our final position in this place. At this stage we should move to the specifics of the minister's motion. Why does the minister reject amendment No 1?

The CHAIRMAN: I am not sure that we can postpone motions.

Mr BARNETT: This proposed amendment and amendments Nos 2, 3 and 4 relate to virtually a preamble to the Bill in which some objects are set down. They are clear and refer to the right to education, responsibilities of parents and the like and the responsibility of the State to provide an education. The amendments moved in the upper House have sought to give those objects a preamble status almost like that at the centre of the current constitutional debate. I do not have a difficulty with the concept of inspirational words. However, the fundamental point is that this Bill is essentially an administrative Bill. All these objects might sound fine and might have considerable support, but they relate to the way in which the coalition sees education in 1999. They may well become inappropriate as our education system evolves or as attitudes change. Given that the last Bill was around for 70 years I have some aspirations that this Bill will be around for at least a few decades. There is a danger in including those preamble-type, broad, social-cum-policy objectives. The setting of education policy in a practical sense lies with the Government and the minister of the day. The objectives of members on this side of the House may differ from those of members opposite. Any given political party or Government may change its view over time. We do not endorse this approach.

The objects of the Bill should explain what this Bill is about. It is about the administration of education. It is not about some idealistic statement on what education should be. Governments of the day can do that by policy statements. There is a range of other issues. One might argue, as I would, that the most important aspect is the curriculum which is taught and learned in schools. However, this Bill is not about our curriculum. That is addressed within the curriculum framework and the Curriculum Council Act.

Mr RIPPER: The Opposition supported these expanded objects because it wanted a statement of education principles, philosophies and values to be at the front of the Bill. If the Bill is to retain its current minimalist objectives it should be renamed; it is not a school education Bill, it is a school administration Bill. The minister virtually admitted that with his defence of the Government's refusal to accept the Opposition's amendments. The Government has approached our amendments to the objects of the Bill as if the issue were one of legal interpretation. The Government has argued that objects have a function to assist in the clarification of potentially ambiguous specific clauses in the Bill, and if objects do not contribute to that function they should not be in the Bill. Opposition members do not approach this matter as lawyers, but as people interested in the philosophy that will apply to the operation of our education system. We think that educators would welcome a statement of educational philosophy at the beginning of the Bill. We think that people involved in the education system would be guided in some of their decisions by such a statement of educational philosophy. It seems strange that there would be an education Bill with such a limited statement of educational values and philosophies.

I have considered some of the Government' s objections to the objects that we have sought to incorporate into the legislation. In some cases the Government says that the objects are not reflected in the specific clauses and therefore they should not be proceeded with. In other cases the Government says that the objects are reflected in the specific clauses and therefore are redundant and should not be proceeded with. It seems that the Government is trying to have it both ways: If a specific clause which reflects an object cannot be found it will not proceed with it; if a specific clause does reflect an object it will not proceed with it either. The Government cannot have it both ways. My understanding is that the Government disagrees with the objects contained in proposed clause 3(1)(e) and (g) because, allegedly, they are not covered by specific clauses. It also disagrees with proposed clause 3(1)(h) and (i) because they are covered by specific clauses and therefore in the Government's view are redundant. The Government thinks about the objects only as an aid to legal interpretation. The Opposition thinks of the objects as an indication to people involved in our education system of the values which this Parliament thinks should be applied in the operation of that education system. It may be that the minister is correct and that what we have in mind is more suited to a preamble than to a set of objects. It is a pity that the Government has not approached this in a more creative fashion. The Government has batted back all of the Opposition's attempts to enlarge and improve upon the objects. The Government has said, "No, we do not like that clause; there is a technical error there, a grammatical error there." I wish that the Government had approached the matter of objects in a more constructive and creative way. The Government could have responded to attempts by the Opposition in other place to improve the objects of the Bill by coming back with something better of its own or by suggesting that we should move to a preamble for some of the sentiments that we thought should be expressed in the objects. Unfortunately, the Government is presenting us with a choice that we either insist on our objects or contribute, perhaps, to the failure of the Bill.

Mr BARNETT: I am ready to accept that the Government and I are dull, colourless, boring and bland. However, this Bill is about the administration of education. At the same time I would not be too dismissive of the objects as they are: To recognise the right of every child to education. That is not a trivial object of the legislation. To recognise choice between government and non-government education is a fundamental principle. To provide for government schools that meet the educational needs of all children has implicit in it the need to recognise isolation, disability and the like. To acknowledge the importance of involvement of a child's parents recognises the broader community and family responsibilities. I will not be dismissive of those objects. The Opposition may want to take them further and I understand that argument, but they are appropriate objects.

Some of the language contained in the amendments passed in the other place talks about "life opportunities". What is that?

"Educational potential" is a bit clearer. Reference is made to "local area issues", which are addressed elsewhere in the Bill. "Independent reviews of decision making" is covered by the appeals process. Whether the reviews relate to disciplinary action or to the criteria for children with disabilities is talked about elsewhere in the Bill. "Natural justice" is implicit in this Bill, and some situations may end up in the justice system. We cannot rewrite the justice system through this Bill. I am advised by Crown Law that many of those proposed changes would create all sorts of problems of interpretation and would in an unintended way limit the interpretation of not only this Bill but other pieces of legislation. We would create something which members opposite might think is inspiring and should be done; however, that is a matter of policy. The objects in clause 3(1) are proper objects that will stand the test of time. If we put in other things we will open up a can of worms that will prove difficult. The current debate about the preamble to the Australian Constitution is proving my point.

The objects have been debated over the years during the Education Act project and the Government thinks that the four objects have survived the test of debate through the drafting process and in this Parliament. The Government wants to stay with those objects. I note the intent of what the member opposite says and should he become an Education minister he will have the opportunity to publicly espouse what he thinks are his broad policy objectives of good education. I hope my children have finished their schooling by that day.

Mr RIPPER: The minister was paraphrasing clause 3(1)(a) "to recognize the right of every child in the State to receive a school education". That does not mention quality or equity, which is why we seek to add the words "which best promotes their life opportunities and assists each child in achieving her or his educational potential". It is an example of the difference in philosophy between the Government and the Opposition. A child in Leonora certainly is benefitting from the right every child has to receive a school education, but there is an inequity. The child in Leonora is not getting the same quality of education as the child in Nedlands because the Government is unable to provide sufficient teachers to staff the Leonora school. The performance of children in some of our regional areas on statewide testing programs is way below the state average. While children in Leonora are enjoying the right of every child to receive a school education they are not enjoying it in the same measure as the children in Nedlands or Duncraig and in consequence their life opportunities - the opportunities that will be available to them throughout their life - will be consequently restricted and they will not necessarily achieve their full educational potential. That is the sort of example that the Opposition had in mind when it sought to amend clause 3(1). The objects do not go far enough in recognising the need for everyone to have a quality education and fair access to educational opportunities. We want to advance our arguments on this point, but we do not intend to have the School Education Bill fail because the Government has insisted on rejecting our proposed amendments to the objects. We believe the Bill would be improved with the objects that we have proposed, but we will not sacrifice the Bill if the Government continues to disagree with us.

Mr BARNETT: This Bill relates to both government and non-government education, and that may limit to some extent the objects that the member for Belmont has proposed.

Mr Ripper: I agree that that is a complicating factor in the drafting.

Mr BARNETT: For example, one of the proposed amendments refers to educational disadvantage and discrimination. That immediately raises the issue of discrimination on the grounds of gender; namely, what do we do with girls' schools and boys' schools in the non-government sector, where clearly there is discrimination because boys cannot go to a girls' school? All sorts of complications can arise. That is why the objects need to be reasonably straightforward.

Mr RIPPER: I agree with the minister that complications arise because this clause of the Bill applies to both the government and non-government sectors. A number of these amendments are targeted at the operation of the government school system and the values which should apply there. I do not pretend that the amendments we have proposed with regard to the objects are technically perfect. I am disappointed that the Government did not engage in further dialogue with us in the hope that we would arrive at a more rounded set of objectives which better expressed the values which the community would like to see apply to the education system. The Government has adhered pretty strictly to the original set of objects that it presented to the Chamber, and those will be the objects unless the Opposition and the minor parties insist on their amendments with regard to the objects and put the Bill at risk. While there are some things on which we do want to insist, the objects are perhaps not as important as some of the other clauses, and we would not want the Bill to fail on the basis of the arguments that we have put about these amendments to the objects.

Question put and passed; the Council's amendment not agreed to.

Mr BARNETT: I move -

That amendment No 2 made by the Council be not agreed to.

Mr RIPPER: The arguments that applied to the first amendment apply also to this amendment. It is very important in the government school system that we make a commitment to all children in the State, no matter where they are located, and no matter what is their gender, ethnicity or religion. The important role of a public school system is to provide a good quality education to all comers, no matter what their circumstances. The public school system is the only school system in

this State that accepts that obligation. It is an important feature of our society that we have a strong public school system that provides opportunities for children from all types of families across society. It is equally important that schools be regarded as local community institutions. That is why we want to state strongly in the objects of the Bill that a child should have the right to attend his or her local school, putting to one side some limited circumstances. The Government may have some technical reasons for rejecting these amendments, but that is the reason that the Opposition was motivated to pursue these amendments in both this and the other place.

Mr BARNETT: The issue of a child's right to attend a local school is addressed in further amendments that have been proposed, and hopefully we will reach some agreement about that matter. I recognise that that is one of the fundamental points of debate. However, I do not believe that matter should appear as one of the objects of the Bill. Is a child's local school the school that is geographically the closest, or is it the one that offers the program that best suits that child; and for a child in a remote area, is it the School of the Air or a school 200 kilometres down the track? All sorts of complications arise. Paragraph (d) of the proposed amendment refers to providing education without discrimination. We would all agree with that, but how do we define discrimination? The amendment refers also to discrimination on the grounds of sex, race or religion. It is probably an oversight, but impairment is missing from that list. Other things may also be missing.

Mr Ripper: One of the reasons that impairment is missing is that education must be tailored to the needs of children with disabilities, and we need to provide a different education for children with disabilities in some circumstances.

Mr BARNETT: That raises a dilemma: We may list the bases upon which there should not be discrimination, but we cannot foretell what may be a basis for discrimination in society in the future. I understand and do not have a problem with the motive, but it is an inappropriate amendment in this part of the legislation.

Question put and passed; the Council's amendment not agreed to.

Mr BARNETT: I move -

That amendment No 3 made by the council be not agreed to.

Mr RIPPER: This is a fairly mild amendment and one that the Government might have been able to accept but will not accept. Clause 3(1)(d) states that one of the objects of the Bill is to acknowledge the importance of the involvement and participation of a child's parents in the child's education. We are seeking to insert the word "encourage" so that it will be an object of the Bill to encourage the involvement of a child's parents in the child's education. That is not a huge change to the objects, but it is an advance on simply acknowledging the involvement and participation of a child's parents. We believe that this is not a trivial matter, and that a child whose parents are involved in his or her education will achieve better educational outcomes. Had the Government not been so rigid on this matter, it could have found a way to accept the word "encourage" so that the Bill would do more than simply acknowledge that the parents are the first and most important educators of their child but would encourage principals and teachers to actively involve the parents of the child. It is unfortunate that our education system has traditionally had a gulf between teachers, principals and school administrations on the one hand, and parents on the other hand. That gulf has been breaking down and improving over the past decade or two, but we still have some way to go before there is full acceptance of the right of parents to be involved in the education of their children.

Mr BARNETT: I believe that paragraph (d) of the Bill as originally drafted achieves what the member is seeking to achieve. This Bill clearly defines the role of parents within our schools. The wording of paragraph (d) states implicitly that parents have a real and important role. Therefore, that matter is covered. We all want to encourage parental participation, and this sets up a structure to allow that to happen. However, the Bill does not set in place a series of encouragements. It does not contain incentives and some of the disciplinary procedures might seem mandatory. The member might not see them as encouraging but as forcing some things to happen.

I do not believe that the word "encourage" adds to the Bill. It would be easy for me to agree to the amendment and members opposite would be happy, but that does not contribute to good legislation. It has been considered carefully. The use of the words "the importance of the involvement of a child's parents" is appropriate at this stage.

Amendment put and passed; the Council's amendment not agreed to.

Mr BARNETT: I move -

That amendment No 4 made by the Council be not agreed to.

Mr RIPPER: This amendment deals with people's rights when they are aggrieved by decisions taken within the education system. It gives people the right to an independent review of a decision and for principles of natural justice to be applied in decision-making processes affecting the education of a child. It also makes it an object of the legislation to mitigate educational disadvantage arising from certain social circumstances and provides for the development of a teaching staff that is skilled, dedicated and professional. Again, the Opposition is seeking to expand the range of objects to reflect some of the values that the community would like to see applied to the education system.

The first two parts of the amendment, which relate to the right to review and principles of natural justice, have been reflected in many of the amendments that the Opposition has moved to specific clauses throughout the Bill. Those issues were the theme of those amendments. In fact, in this Chamber we pushed the concept of an education ombudsman. That was not accepted and the Constitution would not allow the Opposition to move the amendments in the form it preferred in the other place.

Once again, it is the specific clauses that are more important than the objects. The Opposition would like a statement of values such as this to guide educational decision makers in what principles they should apply to the myriad decisions they must make that might affect children or parents.

Mr BARNETT: Again, this refers essentially to the right to an independent review of decisions. That is getting down to the detail of the administration of education and does not fit within an objects clause. A number of clauses throughout the Bill refer to rights of appeal and processes. Clause 54 refers to the review by the minister of the chief executive officer's decision to cancel a home educator's registration; clause 96 refers to review by the chief executive officer of a principal's decision; clause 161 refers to the review of the minister's decision concerning registration of a non-government school and so on. Throughout the legislation a number of clauses deal specifically with the review of decision-making processes.

We had a debate about this, the education ombudsman and the like during the Committee. I still hold the view that parents need the ability to go directly to the minister of the day. I have a concern about legislation generally that our society is falling into the trap of setting up independent reviews with so-called independent, objective people. They are human and they have their own biases and prejudices. We should ensure that we do not deny the public at large the ability to go to the minister responsible. I am always aware of that, and I think it is covered by the legislation.

Mr PENDAL: I refer to proposed additional paragraph (f), which seeks to guarantee the principles of natural justice as they apply to any decision-making processes at a school, although specifically in respect of a child. I can support the Opposition in this respect. However, this does not go far enough. Should that provision be extended to teaching staff and principals? I am aware that disciplinary processes are contained in proposed new section 232. It is interesting also that where an officer of the school - I presume that also means a principal - contravenes any directions given by the chief executive officer, a number of penalties are available, including a $5 000 fine and even six months imprisonment.

I want to put this into context, because it takes on a new hue against the background of the suspension of the principal of the Como Senior High School, Mrs Laura Longley. The inquiry into her suspension has been completed, so there is no question of our dealing with something currently under consideration. This is a clear case of a very senior individual being denied natural justice. What is my basis for saying that? I am grateful for the minister's intervention in January, which resulted in the reversal of the departmental order that had Mrs Longley suspended without pay. That is a tough penalty to impose on someone whose case is yet to be tried. To his credit, the minister stepped in and said that was unfair and that her pay should be restored, and it was.

However, other elements of natural justice apply in that case. Members should consider that the person who is charged - who incidentally is facing an all or nothing situation in respect of her future - notwithstanding the serious penalties that could be involved, was denied the right to representation. It would have been natural justice to have someone representing her at what was otherwise a secret hearing. She was certainly not permitted to have legal counsel or even a dispassionate observer present during the proceedings. As members are aware, often when justice must be seen to be done - for example, in the international community and in the supervision of elections around the world - observers are appointed to ensure that the process is fair and that natural justice principles are applied. None of that occurred in this case. A person charged under current section 7C is not privy to what other people say, in this case about why she should or should not be removed as the principal. They can say anything behind the closed doors of that inquiry and the person concerned does not know what is being said. That is denial of natural justice. There was certainly no suggestion that the proceedings be open to the gaze of the public or the media.

It is clear that the Government will not support the Opposition's amendment. That is sad in itself, because if it did I would amend it to take into account teachers and principals as well as students. I am interested in the minister's response to my general thesis that there are grave deficiencies, even in the new Bill, in the natural justice process for any school personnel.

Mr BARNETT: We must recognise that this inclusion is largely redundant. A range of appeal processes is in place. Implicitly, natural justice applies to any administrative decision that is made. At the end of the day, if people are not satisfied they have access to the civil courts. We believe that the drafting of the Bill reflects those principles and in that sense is quite proper.

The member for South Perth raised an issue concerning a staff member. I understand his views. Although he may not agree with me, in the case of that staff member the process has been handled carefully and properly.

Mr RIPPER: We had the second leg of the Government's arguments that I predicted in my earlier remarks; that is, this amendment is not acceptable because it is reflected in the specific clauses, whereas some of the earlier amendments

apparently were not acceptable because they were not reflected in the specific clauses. We could debate objects at length. I do not intend to do that. It would be terrific if the Government gave some thought to a preamble stating its educational philosophy or values which could be put at the front of this Bill, if it does not agree with the approach of amending the objects. However, given the Government's record on this question of objects, I doubt that we will see that otherwise desirable development.

Mr PENDAL: I do not want to prolong the earlier remarks. However, I want to put a couple of points on record, particularly in view of the minister's remark that the processes followed had been fair, with which he suggested I might disagree. I disagree with him for the reasons that I have outlined. It is no argument to say that the woman, in this case Mrs Longley - or any other employee - has recourse to civil litigation. Everyone knows that is an invitation to send a person broke. It probably hits middle-ranking, middle-income people more than any other group in our society. If a person is a base-grade teacher, he may be able to obtain some legal aid; if a teacher inherited $15m from his wealthy father, it would not be a problem. However, most people fit into the category of middle-ranking, middle-income people to whom recourse to the law and litigation is simply not an option.

I do not know what will be the outcome of this case. Maybe it will be good for Mrs Longley - I hope it will be. Perhaps she will be reinstated to her position. I hope that is the case. However, the inherent injustice in what I have described and taken up with the minister in correspondence is following simply a set of procedures that no other section of society nowadays would even begin to tolerate.

In a party environment, suppose it was announced tomorrow by the Liberal Party that you, Mr Chairman, were to lose your endorsement as the member for Geraldton. There was no public process. You had the opportunity to be made aware of the things that you had done that offended, in that case, the party - in this case it would be the department. However, from there on everything is absolutely imprecise. The person concerned is interviewed in secret. Unlike in a court of law, the allegations are not made in the open, and they are not supported by people, who in this case are interviewed in camera. None of it is a public process. In this case the principal is totally unaware of what might have been said behind her back. Mr Chairman, if that happened to you in your work, you would be outraged.

What I am trying to argue in this case is that a person is entitled to know, firstly, what people have given "evidence", and, secondly, the nature of that evidence; and, thirdly, that it is reasonable in terms of natural justice that the person so accused is able to respond and say, "No, goodness me, you have got it wrong. You misunderstood what was said". In other words, our process of cross-examination in a public court system allows information to be brought forward that might result in an acquittal. In this case the person does not even know who said what. None of us knows the extent to which any due weight should be given to it. Therefore, what the Opposition is proposing is not only sensible so far as a child is concerned but is also eminently sensible so far as professional staff at a school in Western Australia are concerned.

I end on this note: If we were talking about some trivial outcome in which the person might be growled at and have a little black mark put on the staff record, one might not be so concerned. However, the penalties range from a minor fine through to dismissal. I could refer to various university studies which have come to the conclusion that a person may be one of the most highly qualified people in the State, yet that person is ultimately, in a real sense, denied natural justice because proceedings are conducted behind closed doors, and allegations made and evidence given which one cannot dispute. The Government must seriously address that issue.

Mr BARNETT: I think the member understands that I am not in a position to comment on that case. However, I acknowledge his concerns. He has expressed them to me, both publicly and privately.

Question put and passed; the Council's amendment not agreed to.

Mr BARNETT: I move -

> That amendment No 5 made by the Council be agreed to.

This amendment relates to the maximum penalty that could apply to a parent in the case of a child not attending a school program. Again, there has been a great deal of debate about the penalty levels contained in the Bill. The Opposition in the other place has moved that the penalty be reduced from $5 000 to $2 500. The Government is willing to accept that. It is a maximum penalty in any case which can be imposed only by a magistrate. Without some penalty specified within this Bill, there is no ability, in the case of truancy or a parent deliberately frustrating the education of a child, for that matter to end up in the judicial system. We need a penalty, and the Government accepts this reduction.

Mr RIPPER: I am pleased that the Government has accepted both the reduction of the penalty and the abolition of the daily penalty. The daily penalty provision could have created some difficulties, in particular for children in regional areas, and perhaps, it could be argued, for children from some Aboriginal communities. The fact that the Opposition supported a reduction from the maximum penalty does not indicate that it does not consider truancy to be a serious issue. It is a serious issue which needs to be dealt with vigorously and comprehensively by the Government. The answer is not to be found in the application of penalties; it is to be found, on the one hand, in enforcement action - in other words, making sure that some

intervention occurs if a child is consistently absent from school - and, on the other hand, in attention to the social and family circumstances of the child or the educational circumstances at the school which might in some way be contributing to the truancy problem. Is the Education Department centrally monitoring the incidence of truancy in the government school system? There is now a devolved administrative structure under which schools are responsible for districts, and I want to know whether the Education Department is monitoring the overall incidence of truancy across the State or whether it is left to districts or particular schools without any oversight.

Mr BARNETT: The Education Department does not have a central register for monitoring truancies. It is done at the school or district level. One of the difficulties is that the criteria vary from school to school, according to their attendance programs and policies. If a student is absent for a short period, is it a truancy situation or otherwise? A great deal of information is available on truancy and the view is that in broad terms across the school system on any given day 1 per cent of students will be absent without any explanation. That transcribes into a significant number of students. Obviously lack of attendance varies greatly geographically throughout the State. It is prevalent in remote schools and in Aboriginal communities, and varies between different socioeconomic areas. This clause amends the maximum penalty and the Government will accept it.

A point was made that if a magistrate erred when faced with this situation, he would have the discretion to recognise the circumstances of the parents concerned and to determine whether a penalty should be imposed. The penalty may be some order to comply with attendance at school. The magistrate will have the discretion to do what is proper. The objective is to ensure that parents accept their responsibility to assist their children to attend school.

Question put and passed; the Council's amendment agreed to.

Mr BARNETT: I move -

That amendment No 6 made by the Council be agreed to.

The intent of the amendment is that before a complaint can be made against a parent which could end up in the judicial system, the chief executive officer must provide evidence and a certificate to show that all reasonable efforts have been made to ensure the child's attendance at school. It puts another step into the process and provides parents with the protection that the CEO must certify in writing that every effort has been made, because when a matter goes into the judicial system it is the last straw.

Mr RIPPER: This amendment reflects the arguments which the Opposition has advanced on the question of truancy. There must be a response which attends to the social, family and school circumstances before the final resort of legal sanction is invoked. I am happy that the Government has accepted this amendment.

Question put and passed; the Council's amendment agreed to.

Mr BARNETT: I move -

That amendment No 7 made by the Council be agreed to.

This amendment inserts the word "require" and the Government accepts that as a further check.

Mr RIPPER: This series of amendments demonstrates that our legislative process works, albeit in a crab-like fashion and not especially speedily. Much debate was had on the ways in which checks and balances should be provided in the exercise of the powers of authorising persons, and arguments were made about whether people should produce some identification or badge or wait to be asked for identification. The upper House seems to have reached an acceptable compromise that people will wear a badge and the question of whether they identify themselves or are asked to do so is therefore neatly bypassed. Our upper House colleagues have done well with regard to this set of amendments; they have found the compromise that eluded the lower House.

Mr BARNETT: I do not know how it will work in practice because the school principal exercises his role when calling in a parent, and he will be required to wear a badge.

Mr Ripper: Perhaps he will always do that.

Mr BARNETT: It is not a major issue. Invariably, some peculiar circumstances occur in these matters.

Mr Ripper: The principal will be umpiring a football match and will not be wearing his badge.

Mr BARNETT: Something like that.

Question put and passed; the Council's amendment agreed to.

Mr BARNETT: I move -

That amendment No 8 made by the Council be agreed to.

This is an editorial matter that follows on from amendment No 7, to which the Government has agreed.

Question put and passed; the Council's amendment agreed to.

Mr BARNETT: I move -

That amendment No 9 made by the Council be not agreed to, and that the following amendment be substituted -

Clause 21, page 16, after line 21 - To insert the following new subclause -

(3) A person who exercises a power of authorization conferred by subsection (1)(f) in relation to a particular child is to take reasonably practicable steps to establish the child's whereabouts in each year of the child's compulsory education period.

Mr RIPPER: The Opposition accepts the rejection of amendment No 9, and the substitution proposed by the Government. The issue is the removal of the child's name from an enrolment register at a school when the child's whereabouts are unknown. The Opposition was concerned that follow-up would not be required once that happened. It felt there should be a coordinated interagency approach and that other government agencies should be involved in finding out whether the child was missing an education. The Government has pointed out that the minister responsible for administering this Bill lacks the power to require other government agencies to become involved, and the Government has, therefore, rejected the amendment and proposed this substitution, which gives the Education Department a continuing responsibility to make efforts to determine the child's whereabouts throughout the child's compulsory education period. It is not quite the solution I had in mind, but it is an advance on the previous situation in which the Education Department could have washed its hands of its responsibility to ensure that a child received an education during the compulsory education period once his name had been removed from an enrolment register at a school. I am pleased that the minister and his advisers have adopted this approach which preserves responsibility for this issue somewhere within the Government.

Questions put and passed; the Council's amendment not agreed to and the Assembly's substituted amendment agreed to.

Mr BARNETT: I move -

That amendment No 10 made by the Council be not agreed to.

Again I foreshadow that a substitute amendment will be moved in its place.

Question put and passed; the Council's amendment not agreed to.

Mr BARNETT: I move -

Clause 26, page 21, line 5 - To insert after "record" the following -

including the social, cultural, lingual, economic or geographic factors, or learning difficulties, that might be affecting the child's attendance record

The purpose of this reworded amendment is to reflect what the Opposition had moved, and is to ensure that an attendance panel gives full consideration to the relevant factors, both in relation to the school or the school system and the circumstances of the child and parents. I think this reflects what the Opposition was to seeking to achieve.

Mr RIPPER: The Government's proposed substitution reflects what the Opposition was seeking to achieve. We have argued with regard to all of the matters relating to school attendance that attention must be paid to all of the social and educational circumstances confronting the child which might be contributing to the child's pattern of poor or non-attendance at school. The Government has come up with an acceptable version of the requirements which the Opposition sought to have placed in the legislation in the other place. I have looked at the wording of both our amendment and that of the Government, and I wonder whether the word "lingual" is appropriate. I have not taken out my dictionary to check it, but I will have to take the word of the draftsperson that that is the appropriate word in that spot.

Mr BARNETT: I am not sure. I assume the drafting is correct. If a wrong term is used, we will correct it later; however, I think it is correct.

Question put and passed; the Assembly's substituted amendment agreed to.

Mr BARNETT: I move -

That amendment No 11 made by the Council be agreed to.

Mr RIPPER: Naturally we support the motion. I seek clarification from the minister and his advisers whether we have now covered all the circumstances where people are exercising the powers of authorised officers and attendance officers with regard to this check.

Mr Barnett: Yes.

Mr RIPPER: I have not had time to follow through all the complexities in the legislation.

Mr Barnett: I am advised that both with respect to school attendance and checking on enrolment that has now been satisfied.

Mr RIPPER: We are pleased the Government has accepted the version of a check and balance which the Opposition proposed with regard to the exercise of the fairly extensive powers of school attendance officers and authorised officers.

Question put and passed; the Council's amendment agreed to.

Mr BARNETT: I move -

That amendment No 12 made by the Council be not agreed to.

I foreshadow a substitute clause.

Mr RIPPER: This relates to whether the penalty should be $1 000, $250 or $500. In the spirit of bipartisanship, we are happy to accept the proposed Government compromise on this matter.

Question put and passed; the Council's amendment not agreed to.

Mr BARNETT: I move -

Clause 37, page 28, line 11 - To delete the figure "$1 000" and substitute the figure "$500".

As the member opposite says, this is an unholy compromise.

Question put and passed; the Assembly's substituted amendment agreed to.

Mr BARNETT: I move -

That amendment No 13 made by the Council be not agreed to.

Mr RIPPER: Originally we disagreed with the full scale of penalties the Government proposed in the Green Bill. The Government made compromises on the scale of penalties in the final Bill presented to this Chamber. More compromises were made when the matter was last debated in the lower House, and the Government has also accepted some reductions in penalties as a result of consideration of the Bill by the upper House. Given all of the decisions that have been made following the community reaction against the scale of penalties proposed in the Green Bill, this is not a matter on which we would allow the Bill to fail.

Mr BARNETT: This relates to a maximum penalty a court would impose on a parent for frustrating the attendance of a child at school. In the original draft Green Bill, that penalty was specified at $2 500. Following the consultation period, we agreed to reduce it to $1 000. This amendment sought to reduce it further to $500. We do not accept that. We think it should stay at $1 000, although we agree to deleting the reference to a daily penalty of $25, which on reconsideration would have been quite difficult to achieve and would not have served any useful purpose.

Question put and passed; the Council's amendment not agreed to.

Mr BARNETT: I move -

That amendment No 14 made by the Council be agreed to.

This has the effect of simply removing the daily penalty of $25.

Question put and passed; the Council's amendment agreed to.

Mr BARNETT: I move -

That amendment No 15 made by the Council be not agreed to.

Again I foreshadow a substitute clause.

Question put and passed; the Council's amendment not agreed to.

Mr BARNETT: I move -

Clause 39, plage 29, after line 8 - To insert the following subclause -

(3) At least one person on a Panel must be a parent or community representative.

This is simply a matter of rewording.

Mr RIPPER: As this is simply a rewording of the Opposition's amendment, naturally we will support it.

Question put and passed; the Assembly's substituted amendment agreed to.

Mr BARNETT: I move -

That amendment No 16 made by the Council be agreed to.

This relates to panels dealing with the children. The amendment is intended to ensure the impartiality of a panel in respect of a child, and the Government accepts that.

Question put and passed; the Council's amendment agreed to.

Mr BARNETT: I move -

That amendment No 17 made by the Council be agreed to.

The Government agrees with the amendment. It is intended to provide an explicit right for persons appearing before the panel to have a friend or supporter or, in some cases, an advocate to accompany them. The issue was debated at length, and with the benefit of hindsight and under duress, we have agreed to it.

Mr RIPPER: This is another example of the final working out of the legislative process. Originally, the Opposition argued that everyone should have the right to be represented if they were required to appear before the panel. The Government did not like the idea of representation, fearing that lawyers would become involved in a way which would make the process expensive and cumbersome. The Opposition was concerned about parents who themselves may not be well educated, who may have had unfortunate experiences with the school system when they were children and who may not be well equipped to argue a case on behalf of their family or child before the panel. Eventually the Government accepted that the panel should be able to make a decision about a parent's ability to advocate and it provided for a parent to be represented. The Opposition has continued to press the matter. Now we have a situation in which parents have a right to have someone come along with them but not necessarily to advocate for them. If my understanding is correct, the panel will still have the right or the ability to provide that someone may be represented by an advocate when the panel considers that it will not otherwise be able to deal effectively with the matter which confronts it. I would appreciate it if the minister confirmed that in certain cases people will still be able to be represented before the panel.

Mr BARNETT: The amendment allows a person to be accompanied when he appears before the panel. It does not give a right of representation as such, but the panel may, at its discretion, agree to representation. We are trying to avoid a legalistic environment, but I recognise that for all sorts of reasons such as culture, shyness and so on, some people may feel unable to represent their position properly, so they can be accompanied by someone who can assist them.

Mr Ripper: An interesting question has occurred to me. Would a member of Parliament be entitled to accompany a parent to such a panel?

Mr BARNETT: I do not think there is anything to preclude that, if the member of Parliament has a friend. It would be a point to test. He or she would have to be a person as well.

Question put and passed; the Council's amendment agreed to.

Mr BARNETT: I move -

That amendment No 18 made by the Council be not agreed to.

The amendment would require that advice and assistance be given to the school. A subsequent amendment, No 21, achieves that purpose, and in fact it does it more strongly in the sense that the school must be advised or alerted.

Mr RIPPER: I appreciate the Government's point. There were several cases in which the upper House, to make doubly sure of a matter, did that. Perhaps there is some element of redundancy in several of the amendments.

Question put and passed; the Council's amendment not agreed to.

Mr BARNETT: I move -

That amendment No 19 made by the Council be not agreed to.

Again, it is a similar situation.

Mr RIPPER: We are reaching a point at which I have not been able to consider some of the amendments. Could the minister explain what is happening?

Mr BARNETT: I am advised that amendment No 19 is a direct consequence of what we agreed with respect to amendment No 18. It is essentially an editorial matter; there is no particular substance to it.

Question put and passed; the Council's amendment not agreed to.

Mr BARNETT: I move -

That amendment No 20 made by the Council be not agreed to, and that the following amendment be substituted -

Clause 40, page 30, line 22 - To insert after "section 23" -

including the social, cultural, lingual, economic or geographic factors, or learning difficulties, that might be affecting the child's failure to comply

This substitution is similar to the one which we previously discussed with respect to attendance panels.

Mr RIPPER: The Opposition supports the substitution. However, I draw attention to one slight difference in the implications of the two amendments. The upper House amendment required the panel to seek to mitigate disadvantage arising from those social, cultural and family circumstances, whereas the Government's proposed substitution requires the panel only to inquire into those matters without necessarily making recommendations that would go to mitigating disadvantage. The Government's substitution is neater than the amendment which was passed by the upper House. Nevertheless, I am a little concerned at the removal of the requirement to mitigate disadvantage. Has the minister any comments on that matter?

Mr BARNETT: They can attend and they can also give advice on the report if they wish to do so.

Question put and passed; the Council's amendment not agreed to and the Assembly's substituted amendment agreed to.

Mr BARNETT: I move -

That amendment No 21 made by the Council be agreed to.

The amendment enables a school attendance panel to make comments to the school about the way in which a child's case has been dealt with. That seems to be a practical suggestion.

Mr RIPPER: The amendment takes up the Opposition's point that there might be circumstances at the school which are contributing to a child's non-attendance. Aboriginal people in particular continue to comment on the racism that they see their children experiencing at school. That is their view of the circumstances. If that is the way that they look at it, it would certainly make it more difficult to encourage their children's attendance at school. In particular with regard to Aboriginal children the amendment has merit. There are other circumstances in which, with the best will in the world, schools might make mistakes in their handling of particular children. For example, the curriculum might not meet a particular child's needs. There are many matters on which panels can advise schools and which, if schools accepted that advice, might produce a better result in terms of attendance.

Question put and passed; the Council's amendment agreed to.

Progress reported and leave granted to sit again.

ATLAS WASTE SITE - ENFORCEMENT OF ENVIRONMENTAL PROTECTION STANDARDS

Motion

MR KOBELKE (Nollamara) [4.00 pm]: I move -

That this House regrets that the Department of Environmental Protection has failed to require the Atlas site in Noranda to be managed to standards which will protect the environment and local residents in that the department has -

(a) not prosecuted for the illegal dumping of putrescible waste at this site;

(b) not enforced the licence conditions for the land-fill site while knowing that they have been breached on numerous occasions;

(c) condoned the deception that the City of Stirling has reduced the percentage of householder waste going to land-fill when the waste to energy plant is not yet working; and

(d) failed to collect the required land-fill levy from the Atlas operation,

and calls on the Minister for the Environment to grant only a limited period of extension to the works approval for the Atlas plant in order to enforce full compliance with all licence conditions or to immediately close it down.

The issues here go back for some considerable time. However, the current state of the situation deserves urgent attention from the Government because there is a clear perception that the Department of Environmental Protection has failed and that the Government has failed to live up to promises it made at the last election. The problem existed during the previous Government and was being addressed by the Labor Government through a series of processes by which licensing could be enforced.

Mrs Edwardes: It should not have built the houses there.

Mr KOBELKE: That is not an out. I have researched the planning. That area was laid down for housing in 1971. The Tonkin, Charlie Court and Burke Governments and this Government have been involved. This Government has continued to allow houses to be built even closer to the site than the Labor Government allowed. That is not an issue today; that is political point-scoring.

I hope the member for Ballajura will make a contribution because at a local level in an effort to have something done about the matter she has worked on a consultative committee with the DEP. She is conversant with the issues and is helping to find a solution.

The DEP has clearly failed to manage the site. It has not ensured that the problems impinging on the local residents, both within the electorate of Nollamara and the electorate of Ballajura, have been reduced. A press release of 1 May 1997 from the Minister for the Environment reads -

> Environment Minister Cheryl Edwardes said that the Atlas landfill in Mirrabooka would be closed to the dumping of putrescible waste from today in keeping with its environmental protection licence. . . .
>
> In February this year the Department of Environmental Protection licensed the landfill under State environmental protection legislation.
>
> The licence is comprehensive and includes conditions to improve the operation of the site such as air and water pollution control conditions, scaling of the surface and enhanced landfill gas recovery to improve odour control, and heightened and width constraints on the active disposal area.

I accept that when the minister issued that press statement in May 1997 she did so with the best of intentions. However, the intentions have not been fulfilled. I could go through all the points relating to improvements promised in this press statement and in hardly any of those areas have there been improvements. In a number of them the situation is now far worse. Clearly the changes sought by the Government have not been delivered. I hope they will be. There has been no overall improvement in the management of the site and additional problems have been created since the start of the licensing. This is difficult for local residents to stomach on a site which the DEP claims is the most monitored site in Western Australia. It allocated resources to get it right but has failed. It was the first waste site to be licensed; yet things have gone backwards. Local residents have had to put up with disruption to their quality of life, odour, dust and waste blown off the site. They are not willing to accept further excuses and undertakings that the situation will improve.

The first two points in the motion relate to lack of conformity or compliance with the management of the Atlas site. It is a requirement under the licence, and has been for some little time - a licence was put in place early in 1997 - that there be adequate control of dust. Clause A(2)(a) of the licence provides that the licensee shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust emissions cross the boundaries of the premises.

On several occasions I, and on numerous occasions local residents, have rung the DEP when a south westerly wind was blowing to complain that the whole area was being covered with dust. We had photographs of it. The DEP inspects it and says, "Naughty, naughty, do something about it." Atlas stops operations for an hour or two and the next day the situation is just as bad. No effective action is taken to suppress dust being blown from the site.

The next point refers to the need to control waste water. Evidence was given to the DEP by former employees earlier this year that waste water pouring into one of the unlined sumps goes straight into the groundwater. That is in contravention of one of the licence conditions. I could go on about breaches of licence conditions and of the promises by the minister in her press statement.

Mr Cunningham: What about the stench?

Mr KOBELKE: The stench is unbearable and it has, in some cases, been caused by the company digging down and opening up old putrescible cells, which is a banned activity. As indicated in the minister's press statement, the dumping of putrescible waste was to cease in May 1997. However, evidence was given to the DEP officers by former employees who had worked there that the dumping of putrescible waste had continued outside the licence for the site. I received a telephone call about 10 o'clock one night from local residents who said Atlas was still dumping waste at night under the cover of darkness. I and three other local residents went up into the sand hills with a video camera and we filmed the putrescible waste being dumped without even being covered with sand.

Mrs Edwardes: When was that?

Mr KOBELKE: In early February when I wrote to the minister outlining some of these matters.

The very next day I went with Hugh Cahill, a local resident and chairman of the Mirrabooka Action Group, to see Dr Jenkins head of the DEP and showed him the video and pointed out the clear contraventions of the licence requirement. Just after

midnight that very night I rang through on the emergency line to the DEP and pleaded to have an officer down there first thing in the morning to obtain evidence so that action could be taken. I do not have faith that anything effective was done to get that evidence. I now have further documentary evidence that two or three weeks later Atlas was still dumping putrescible waste at night. The DEP has not been effective in ensuring that the licence conditions are being upheld. I could go on and on about the failure of Atlas to comply with the licence conditions and the total ineffectiveness of the DEP to ensure that the licence is complied with.

I refer now to the deception regarding the solid waste treatment plant. When the Government started to tighten up on the conditions it became clear to Atlas that in managing that landfill site it would have to close it down or spend a great deal of money to conform to the conditions. At that stage it decided it would build a high- tech solid waste treatment plant. Unsorted waste would be put through that plant, and out of the other end of the plant would come gas that could be used to generate energy that could be fed back into the grid system or sold. The plant would also produce a soil conditioner that would add humus and nutrients to the soil, and to which fertiliser could be added. According to Atlas, to date that proposal has cost in the order of $20m. The planning approval for that proposal went through in four weeks. I have never heard of a major new industry in the middle of a residential area being approved by this Government in four weeks. That approval was clearly rushed through without any real public consultation.

On the surface, it is a great project. We are all concerned about how to dispose of the waste that is created by our community in a way that will have the least impact on the environment. Therefore, it appeared to be a godsend that unsorted municipal waste could be used to produce energy which would reduce the amount of methane that is going into the atmosphere, with the problems that creates, and that could also be used to produce a soil conditioner in a State like Western Australia with sandy soil that does require products of that nature. However, it is simply not working. That has led people to suspect that the whole proposal is just a con. This type of plant has never worked anywhere in the world. It is a world first. Biodigestors have been established in many countries, and they work extremely well with a fairly specific waste stream. However, to my knowledge, no biodigestor has been able to work with a large volume of unsorted waste. It is critical to the successful operation of such a plant that the front-end sorting process achieve a high standard of waste separation. This plant has not been able to do that.

I turn now to the deception. There is clearly no deception in trying to do something. The deception is that this plant has been heralded as a great success. In early 1997, the City of Stirling put out a flyer headed "Clean and Green." The caption at the bottom of that flyer states, "Save our recyclables from landfill!" The flyer states -

> The City's commitment is to eliminate all kitchen and green waste from landfill by 1998. Kitchen and other organic waste collected from domestic "wheelie bins" is already being composted in a state of the art plant commissioned in May 1997.

It states that this state-of-the-art plant that was commissioned in May 1997 is already composting waste. However, in March 1999, the plant is not yet operational, and to my knowledge it has not produced one handful of what may be considered to be the soil improver that was promised at the commencement of the project. What the company handed around at the start of the project was little bags of pellets that had been produced by a chemist in a research kitchen. It continued to depict those pellets in its photographs as product from the plant. However, that product came from that research kitchen and not from the plant, because to date the plant has not worked. The plant has been seeded with biomass to trial start the decomposition, but it has not yet started to treat in any volume domestic waste from the City of Stirling. A clear impression has been created that this wonderful high-tech plant is working, but it is not working, and that is clearly a deception. The Government has been caught up in this deception, whether by oversight or otherwise, because it gave a green award to this company for what it was supposed to be doing, when the plant is not working at all. That is clearly a major embarrassment for the Government.

Two years after the establishment of this plant, it is not working, yet the company is claiming it is working. What is the company doing? It is dumping the waste illegally at night, or during the day if no DEP inspectors are around. We have received statements from the workers and former workers - not disgruntled workers, but workers who had to resign from the company because of the health problems from which they were suffering as a result of this waste treatment process, and who received letters of commendation from the company. The DEP claims that it knows nothing about this matter. The reason is that when the DEP tells Atlas that it is coming to the plant, the workers are told," Do not put it on the landfill for the moment because some government inspectors may come here", so the waste is kept on the trucks and is dumped after the DEP inspectors have moved on. The claim that the plant is working is false, and the company is flouting its licence conditions to get rid of the waste.

Another aspect of the problem that is even more concerning is that a lot of the waste that has gone through the sorting plant is loaded onto trucks and taken to a farm at Calingiri. The DEP has licensed that dumping. I told Dr Jenkins when he informed me that he had licensed that dumping that I found it difficult to believe that any other metropolitan council would be allowed to put its domestic rubbish through a trundle and cut it into small pieces, and dump it on a farm, yet claim that met the conditions for landfill disposal. That is ludicrous. No standards have been established for the levels of heavy metals,

bacterium and pathogens that will be allowed. Therefore, anyone could set up a process and say, "We are recycling; we are putting it on a farm." That is absolute nonsense and cannot be supported in any way. I have known that this has been taking place for some time, yet I stood back and waited, because the promises that had been made about this plant were so great that I thought this was just an interim measure until the plant was up and running. However, two years later, Atlas is still dumping this waste on a farm at Calingiri, and the DEP seems to think that is okay. It is totally unacceptable that the full stream of domestic waste can be simply dumped on a farm; that is what it is. The sorting plant extracts some of the elements of that waste, but it is simply a sizing operation where the waste is shredded down to size so that it can be dumped on that farm; and any waste that cannot be shredded is dumped on the site illegally. Tens of thousands of tonnes of municipal waste is being dumped illegally, because the waste stream from the City of Stirling is about 60 000 tonnes per year, and the DEP has been totally ineffectual in controlling that dumping. We hope the minister will tell us what will be done to try to pull this company into line, because the way it is operating now is making a joke of the DEP.

I commend the Government for putting in place a landfill levy that is to be applied even if municipal waste from metropolitan Perth is dumped outside of the metropolitan area. That landfill levy still applies, but, to my knowledge, no landfill levy has been imposed on Atlas for all the rubbish that it has taken to Calingiri. Atlas is circumventing a law that has been passed by this Parliament which requires that a levy be paid on landfill. To my knowledge, the DEP has done absolutely nothing about that matter, and when I discussed it with its officers, they said they calculate the levy on the amount of waste that is recorded by the weighbridge. Does anyone honestly believe that a company that flouts so many sections of its licence will keep an accurate record at the weighbridge? I can give the minister evidence of where rubbish has been deposited on that site but has not gone over the weighbridge, just to prove that the minister cannot rely on Atlas to keep accurate records of what has been trucked to that site. A landfill levy of $3 per tonne is simply not being collected on tens of thousands of tonnes of waste, because the DEP has not gotten around to doing that, or whatever other excuse it may put forward. The minister should be aware by now that the Atlas site has an appalling record of total mismanagement by the DEP, and an appalling record of Atlas trying to flout the law at every turn when that will be to its advantage.

I commend the Government for putting in place the guidelines for landfill, even though I may want to argue about how good they are, because the Government watered down the guidelines that we had in place. I also commend it for amending the Environmental Protection Act to allow licensing to take place. However, that is of no value whatsoever if enforcement provisions are not put in place so that the end standards are improved. At Mirrabooka the end standards have not been improved, despite all the things that have taken place in this Parliament, as well as the issuing of licences. We need to ensure that they are applied and that the penalties are increased. If the penalties are increased with a view to using them, this is a case in which the maximum penalty should be applied.

My view of the Department of Environmental Protection is that the officers have been caught out. Like most government agencies, it is underresourced, with not enough people to do the job. The officers' approach was naive. They thought that they were there simply to check that Atlas was doing the right thing and were conforming with the standards. Over many years, Atlas has shown itself to be a rogue operator. It is not a company that can be trusted to conform to the letter of the law.

In addition to that, there have been major changes in the DEP staff in the past year or so. The previous staff, who were starting to realise the problem with which they were confronted and were trying to address it, moved on. The new staff numbers who came into reasonably senior positions gave Atlas the benefit of the doubt, and Atlas took total advantage of them and took them for a ride. In my opinion, they are the reasons that the Department of Environmental Protection has failed.

It has also failed in major ways with respect to consultation with the local community. That has left the local community with a much less forgiving view of the DEP. The minister may be aware of that. Fortunately, I live a couple of kilometres on the right side of the Atlas site when the wind blows. Therefore, I do not get the smell very often. However, the people who live in that vicinity - in Mirrabooka and Noranda - have to contend with it from day to day, week to week, and month to month. If the minister had to live in that situation, she would not be forgiving of a government department which totally failed to uphold the standards that had been laid down, compliance with which had been promised to the people in that area. My constituents, who have been long-suffering because of the Atlas site, can only blame corruption or the total incompetence of the DEP.

Mrs Edwardes: Are you saying that the department is corrupt?

Mr KOBELKE: The minister should listen. I gave four reasons why I can rationalise the total failure of the DEP.

Mrs Edwardes: That is a very serious allegation.

Mr KOBELKE: It is, and there are hundreds of people in Mirrabooka and Noranda who believe it is corruption. That is what I am saying to the minister. Hundreds, if not thousands, of people who live in that area see the failure after failure of the DEP, and they are led to believe that the actions of the DEP result from total incompetence or corruption. I could continue for hours with the litany of failures which I have attributed to under-resourcing, the general approach of the

department and the change of staff. I am willing to give the DEP the benefit of the doubt. However, the minister should be in no doubt that the voters in Ballajura and Nollamara view this as total incompetence or, worse, corruption. Let us consider the litany of failure. The minister can change the views of the electors of Nollamara and Ballajura by delivering. It is that simple. They do not want more undertakings and promises from her.

Mrs Edwardes: I am disappointed in your behaviour. I held you in much higher regard. I did not think you would make such allegations against officers based on what people have said. It is almost as if you are supporting their comments. It is absolutely appalling.

Mr KOBELKE: It is not the scuttlebutt of one or two residents who are sick of the nonsense. It is common talk among people in all those suburbs. The Liberal Party has been in government for six years, and these people have seen the problem getting worse. Despite the statements that the minister made in her press release nearly two years ago, she has not delivered. I presented video evidence to Dr Jenkins when I saw him. Numerous letters have been sent and meetings have been held in which people who have worked at the site have said what is happening. Why has Atlas not been prosecuted?

Mrs Edwardes: When your constituents raise the issue of corruption, do you ask them for evidence? Do you say that it is a serious matter? Do you support the public servants because of the complex and difficult job that they are required to perform, particularly in regard to this matter, or do you just nod?

Mr KOBELKE: In this place previously I have acknowledged the hard work of those people. If the minister had been listening to me, rather than being so busy with her notes, she would have heard me point out what I was willing to accept as the reasons for this total failure. However, the views of people in the community will not change if the minister is not willing to act decisively. We want stringent compliance with the conditions of the licence and full enforcement of it. I will give an example of how the minister can do that. There is a need for a works approval extension. Is that currently before the minister?

Mrs Edwardes: That is the one under appeal, yes.

Mr KOBELKE: Thank you. In relation to that works approval, the minister can set the time for which a further extension will be given. If she gave it six months, 12 months or two years, she would have no leverage over the company to make it comply in an effective way. I am calling on the minister to give a minimal extension of that works approval and ensure that strict conditions go with it. Therefore, if within three or four months the plant is not operational and the company has not complied in every way with the requirements of the licence, that should be the end of the matter. There should be no further extensions; the plant should be dismantled and removed. If I had my way, I would simply close it down tomorrow and tell the company to remove it from the site. The minister must comply with the laws she administers.

Mrs Edwardes: How many employees are at the plant?

Mr KOBELKE: The employees there are an issue which should not be dragged up to try to get around -

Mrs Edwardes: I am asking how many employees are at that plant?

Mr KOBELKE: That is not an issue, because if the City of Stirling waste was dealt with according to the law, there would be many more jobs. The workers will not be with Atlas, but there will be more jobs if the waste goes to Red Hill or Tamala Park. It will cost the ratepayers more -

Mrs Edwardes: I asked how many employees are on the Atlas site?

Mr KOBELKE: I do not know the answer. However, that is a red herring because compliance with the regulations will create more jobs. It will mean some people will have to change to other companies, but it will create more jobs. This company employs few people because it does not comply with the standards laid down in the licence. The request I make of the minister is that with respect to the works approval, she should ensure that there are stringent conditions, that a limited extension of time is granted, and if the company does not reach the required standard, she should grant no further extensions, require the plant to be closed and, with the assistance of the Western Australian Planning Commission, have it removed from the site.

This matter has gone on for far too long. We were hopeful that the minister was addressing it in an effective way. On the surface, the steps she has taken have been in the right direction, and I give her credit for that. However, there must be enforcement. It is pointless increasing the penalties in the Act if they are not enforced. We have ample evidence that they have not been enforced. I hope that the minister will be on our side on this matter, that she will ensure that the highest standards are maintained, and that she will use the administrative procedures available to her to immediately require Atlas to conform with all requirements. If it does not conform, she should follow all the procedures with respect to fines and withdrawal of the various approvals to ensure that the plant is closed down and that there is no longer a waste disposal operation on the Atlas site in Noranda.

DR EDWARDS (Maylands) [4.29 pm]: In 1995 I was a member of the Select Committee on Recycling and Waste

Management. I first came across Atlas and its proposals at that time. In fact, the committee was rather impressed with what the company was trying to do. On page 15 of the committee's report, reference was made to Atlas, and the new technology that involved the biodigestion plant was described.

We went through how that would work in some detail; waste would be degraded in an anaerobic environment, methane and carbon dioxide would be produced and the methane would be used as a power supply for the nearby brickworks. The committee praised this idea. Obviously it was a system which private enterprise was putting into effect and the energy component meant that it was cost effective for it to do so. It also meant that the City of Stirling could address its problem of running out of landfill. At that time, some of us thought it was too good to be true but when we looked into the proposal in detail and cross-examined witnesses who appeared before us, we received a lot of information which seemed to indicate that the proposal could work; therefore, the committee supported it. An item we raised which is pertinent today was food waste. Food waste is a problem because it is organic waste and decomposes. The committee was somewhat sympathetic to Atlas' notion that with its biodigestives there might soon be an alternative to disposing of food waste in landfill. Such an alternative would be a very good idea.

This afternoon I will describe the chronology of events to show that the select committee's optimism was ill-founded and that local residents and the surrounding communities have been left with a potential environmental disaster. As early as 1995 there were problems with the Atlas site when asbestos was seen to be driven over. Members would know that disposing of asbestos can be undertaken with suitable precautions but if one exposes asbestos to the elements and drives over it, the fibres are likely to be released which can cause environmental and health problems. In 1995 Atlas was pulled into line and told that it must dispose of its asbestos in the proper manner as prescribed by the regulations. Around this time we thought the whole process would be operational by early 1996. Unfortunately, that was not so and as the member for Nollamara indicated, it is questionable whether the whole process as initially described is fully operational even today. I hope the minister can shed some light on that.

There is some confusion about the term biodigestion. To me, it is the final process when waste is anaerobically cooked and passes through that part of the scheme. From the information given to me, I am not confident that that is happening and I think biodigestion is the term being applied to all the processes that take place at the so-called "front end" of the process. I hope the minister can also clarify that.

As far back as 1996 when the project was all meant to be up and running, it was not ready and we had the first extension to the land filling. In July 1996, the Minister for the Environment received a memorandum from people within the Department of Environmental Protection spelling out the concerns the department had about Atlas. This memorandum was written in response to pressure from somebody, presumably linked to Atlas, who had probably complained that the department was not being sympathetic enough to Atlas. The department had been in a difficult position during this time. However, the department pointed out that even by June 1996 Atlas had been given special approval to continue land filling putrescible waste despite regulations flowing from the Select Committee on Recycling and Waste Management meaning that others had had to stop doing so and three other landfills had been forced to close. Atlas was given a special dispensation in the middle of 1996. However, even in that year the Department of Environmental Protection said that staff from its division, which I understand was the waste management division, were having to spend more time with members of staff from Atlas than any other metropolitan landfill, advising them on technical aspects of the landfill operation and assisting them with the community liaison activities. Perhaps what is even more worrying is the listing of the frustrations the department was feeling with Atlas' actions even in 1996. They are listed in the memorandum. The first was that Atlas was not meeting deadlines for completion of its new biodigestion system. Although the DEP was sympathetic, it was continually having to extend those deadlines. It also pointed out that Atlas was not meeting the deadlines for submissions on simple progress reports; that is another worry for the whole community. The DEP said that Atlas was not responding in a professional manner to requests for information about the biodigestion process. In addition, the DEP pointed to a failure to attend to a significant number of what it called "minor operational matters" which were creating a lot of concern in the community. Therefore, even in the early stages of 1996, before the whole thing was properly operational, there were problems with Atlas and with people complaining about the department.

In 1997, the licence conditions were finalised. They covered all the expected issues such as post-closure plans, security of the landfill cap, monitoring reports to the DEP, an internal buffer zone and fence repairs. It was reported around that time that the community was generally happy but the odour problem persisted. On 1 May 1997, the Minister for the Environment released a media statement saying that the Atlas landfill in Mirrabooka would be closed to the dumping of putrescible waste from that date. More importantly, the minister went on to describe putrescible waste. She described it as organic matter such as kitchen scraps, grass clippings and tree prunings which rot down and emit odorous gasses. The minister pointed out something which needs to be restated today given the facts that the member for Nollamara has raised about the continued dumping of this putrescible waste. The minister pointed out that the Atlas landfill site was unlined and located on sandy soil and would contribute to ground water pollution if it continued to accept that type of putrescible waste. As the minister said, it had been the subject of community concern for some time. The minister went on to describe biodigestive plants and the use of methane gas in power generation. Unfortunately, this highlights the problem the community faces today. We have

had videotape evidence provided by the community of two episodes of putrescible waste continuing to be dumped and the Department of Environmental Protection issuing a notice to the company to "please explain". This situation persists nearly two years after it was meant to have concluded. There is ineptitude and incompetence somewhere in there. I hope the minister can clarify to what extent it is Atlas, to what extent the DEP and where the fault lies on both sides.

The next problem which arose was caused by odorous gas. I have seen reference to the internal memorandum from the Health Department in which the chief toxicologist Dr di Marco raised concerns about the emission of dimethyl sulphide from the site. Dimethyl sulphide is a chemical which is not only flammable but also can be carcinogenic. No wonder the community was concerned. There was an odour and if one lived downwind of the odour, one smelt it. Not only was there are an odour, but a carcinogenic gas was contributing to it. People must be concerned if they know that something carcinogenic is in a landfill or process near them. It is a very genuine community concern.

The gas was referred to as being flammable. Unfortunately there were then fires at that tip. Nearby residents are horrified when something is burning in a tip. Who knows what is burning? How can it be controlled? What is being emitted into the atmosphere? At that time, in response to issues I had raised with the minister, I received a letter telling me that there were ongoing concerns but the department was working closely with Atlas. Needless to say, the residents were not reassured. This is part of the irony of the situation. For every problem and every genuine concern in the community, a raft of positive information was released. At the same time there was concern about the fires and the methyl sulphide, the City of Stirling was crowing about the huge amount of waste it was diverting from landfill. At that stage, the figure claimed was 73 per cent. As the member for Nollamara has pointed out, all was not well. Who knows how much of that has ended up in landfills? One of the most stunning episodes was referred to by the member for Nollamara. Late in 1998 the City of Stirling, in conjunction with Atlas Group Ltd, was the winner of a State recycling and waste reduction award. Not long afterwards, the department which had responsibility for all of this - even the awards - issued a show-cause notice to the company as a result of the videos of putrescible waste being dumped in the dead of the night. To summarise: In the mid-1990s this company promised the earth; it promised that it could divert huge amounts of waste from landfill in a cost-effective manner and burn off the gas which would power its brickworks. The City of Stirling was so convinced that it signed a contract that locked it in until 2004.

Right from 1995 the Department of Environmental Protection knew these operators needed very close supervision. I have been over the issues relating to asbestos - the late reports and the failure to provide information. The Department of Environmental Protection must have known this was not the most professional operator in Perth. Today there are still questions about whether the digesters are working. It has been claimed to me that a number of truckloads of sewage have been put in to feed the digester. I hope the minister can throw some light on that. Getting back to the ironies, on one page of the *Eastern Suburbs Reporter* we read what is going on at the site; on the same page an article shows the real power behind Clean Up Australia Day, Ian Kiernan, at the site, saying what a fantastic solution it is to the waste management problems. The truth is not out, and I hope the minister helps to make it come out.

In March an episode of "Landline" showed the Atlas staff and people from the City of Stirling saying how great this process was. Before this program went to air, the company had been issued with a notice by the Department of Environmental Protection indicating it was breaching its licence conditions. No wonder the community is feeling a bit cynical about this matter. Before the community's eyes, in the dead of night, the residents are seeing putrescible waste put into landfills. They then open their newspapers and read about the chairman of the Clean Up Australia committee saying that this is one of the best processes in Australia. They then switch on their televisions, go to the ABC channel and see "Landline" praising the whole process.

I hope the minister can clarify what goes on at Calingiri. My understanding is that the waste that is put in the front end of the Atlas site, goes through a process and at the other end is trucked to Calingiri. It is put into windrows and it is now being suggested that it be used as compost. I put these questions to the minister: If an awfully dirty nappy went in at the beginning of the process, how do we know it has not ended up on a paddock in Calingiri? Has testing been done to examine the viruses and the bacteriology of the waste there; and what sort of supervision is going on? I know this process is licensed, but given the history of the involvement of the Department of Environmental Protection in this matter, the problems this department has had and the frustrations it listed in great detail in 1996, I ask whether this is being monitored sufficiently for us to reassure the public that all is well. I have much sympathy for the Department of Environmental Protection. I have argued in this placed that that department needs more resources. Since 1993 its tasks have become more complicated and the number of tasks it has had to deal with has increased dramatically. Perhaps the minister can clarify this matter for me: With a switch of the personnel involved, from the waste management division to the pollution prevention division, or whatever the proper terminology is, has there been a lack of communication between those two sections? There is no doubt that the Department of Environmental Protection has failed to force Atlas to comply with the licence conditions. In doing so, it has fed the angst of the members of the community who live around that area and the wider community who are concerned with what is going on.

In conclusion, it is up to the minister to sort out this mess, to tell us exactly what is going on at the Atlas site and in Calingiri, and how all of that is to be resolved; in particular, to tell us what she will do for the Department of Environmental Protection

to make sure it has all the resources, support and backing it needs to do its job properly. If that cannot be delivered, the minister should close down this site.

MR THOMAS (Cockburn) [4.45 pm]: I will illustrate what can happen if these sites are not managed properly, and the later consequences for residents. I refer to Vela-Luka Park in my electorate of Cockburn. It is located in a small subdivision in Spearwood which was built over a site formerly owned by the Fremantle Gas and Coke Co, on which a gas plant manufacturing coal gas was located. Some residual waste was left. There was a dump on the site into which the company got rid of the waste from that process. Long after the company manufactured gas on that site, it applied to the then Department of Conservation and Environment for a clearance to subdivide that land, which it received; in other words, it was given permission to subdivide the site. Subsequently in a portion of that subdivision - that is, the public open space known as Vela-Luka Park - black material has come to the surface, which has caused concern to the residents. That material has been tested and found to contain polyaromatic hydrocarbons, which are carcinogenic. Fortunately, the material does not pollute the water or the air, and if it is not touched, it should not be a matter of concern.

Mr Kobelke: You play on the park, but do not touch the ground.

Mr THOMAS: That is right. To illustrate the seriousness of this matter, from time to time residents dig up samples of this material in their backyards. When there is a possibility of people coming into contact with this material, it is recommended that they should wear gloves, pick it up, put it in a plastic rubbish bag and take it to a toxic waste disposal site. It is pretty dangerous stuff. This material is in the park where children play. As a consequence of advice it has received, the Cockburn City Council has closed the park. It has been fenced off for 15 months, while someone sorts out what will happen to it.

The residents of the City of Cockburn believe the State Government is responsible because the then Department of Conservation and Environment gave a clearance and said it was okay for the area to be subdivided, subject to certain treatment of the material that remained from the Fremantle Gas and Coke plant. It seems that the treatment involved shoving a bit of sand over it. The residents of Spearwood want Vela-Luka Park cleaned up so it can be reopened. This illustrates the importance of tips for waste, be it industrial or domestic waste or whatever, being managed properly so that later, when residential developments encroach near or on those areas, they do not cause conflict and trouble for the people living there.

MRS EDWARDES (Kingsley - Minister for the Environment) [4.48 pm]: I thank members opposite for their comments. In the first instance, I will refer to Vela-Luka Park. I had the opportunity to meet with the residents in and around that area last week. I indicated to them that we would be proceeding with the clean-up of the site and that I would get back to them within a month to work out the timing - winter is a good time - to remove that material. The member for Cockburn indicated that some of the residents are actually picking up the material in their own yards. It has been shown that there is no health risk associated with the material that was found on residents' properties and tested. We have offered testing for anybody else who might have a similar concern. Therefore, it is the site of a park which has received all the contamination. One can see how it happened in those days with the material being pushed down into that area. It is a matter that has taken far too long for a decision to be made but that is because there are always a number of steps in these matters that need to take place. Those steps are: Firstly, to determine what is the level of the contamination; secondly, what is the best method of dealing with the material; and, thirdly, which body will pay for it?

There are a large number of contaminated sites in and around Perth. Many of those sites will not cause any problems and will become an issue for the Government of the day only when there is an application for redevelopment or rezoning and the like. However, where there is a health risk or a potential contamination of our waterways, that clearly requires immediate and urgent action and those steps are implemented in order to make a determination. Legislation on contaminated sites will come forward in the next round of amendments to the Environmental Protection Act. That will clearly identify a polluter-pays system. It is legislation that is long overdue and will clearly spell out to the community at large the method by which the whole issue of contaminated sites will be dealt with rather than as they are presently on a one-off basis.

However, this Government cannot be criticised for not taking action on contaminated sites. We have undertaken one of the largest clean-ups on the Omex site. In excess of $6m is being spent which shows our bona fides in ensuring that where there is a potential contamination - in that instance to the underground water - action is taken and will be followed up by a real commitment by the input of dollars and seeking the best practice for the removal of the contamination from that site.

The Government does not support the motion primarily because some of the premises outlined in the motion are incorrect. I will go through that with the member for Nollamara. However, I put on the record that the Government and the Department of Environmental Protection are committed to improving the environmental performance of the Atlas site and achieving and maintaining an accepted level of environmental protection for those areas. The member for Nollamara asked how I would like it if I lived in such a location. I do have experience of living in a buffer zone next to a waste water treatment plant. Many of the environmental decisions that I make are as a result of past poor planning. In the area in which I live where houses have been built within a buffer zone of a waste water treatment plant, yes, I cop the smells, as do all the other residents around me; and that is not acceptable. The rezoning that occurred on the Atlas site, again, was a poor planning decision that was taken by the Labor Government - I just checked my notes as we went through the debate.

Mr Kobelke: Why are you continuing to open up new subdivisions in north Dianella? They are even closer.

Mrs EDWARDES: It is not acceptable to make planning decisions that put people in locations where they will be subjected to noise, dust and odour. In this case to a limited extent it is noise.

Mr Kobelke: Your Government is subdividing St Andrews estate. That is closer to the plant than the people in Mirrabooka.

Mrs EDWARDES: The member for Nollamara cannot get around what actually happened and how the zoning occurred.

Mr Kobelke: So why are you continuing to do subdivisions in St Andrews estate?

Mrs EDWARDES: Let us return to the issue on the odour. I acknowledge what the residents are experiencing because I have been there and I have travelled that path on a regular basis. I know that the smell in those areas is even greater during the Christmas period and in the dry summer months. It has been worse this year than in the past year. Therefore, when the residents, whom I met last week, talk to me about the odour, I have first-hand experience of what they are living with; and I would not like it, and I do not accept that they have to put up with that either. That is the reason for the Government taking these issues seriously.

I would like to point out to members opposite a couple of things that are taking place and of which I am sure they are aware. I cannot understand the reason for the member for Nollamara bringing forward the motion other than perhaps for political purposes. He knows already that the Department of Environmental Protection is investigating those three instances which involved Atlas. That information is with the Crown Solicitor's Office. Prosecutions do not occur straight away. One must to deliver a "show cause" letter; then the Government will get the proper legal advice on the matter. I do not want to jeopardise any potential prosecution by debating those issues in this place. The DEP has investigated those three incidents. We are getting legal advice and we are continuing to collect other relevant evidence as a result of those investigations. Therefore, it is not a matter of not taking enforcement action or prosecuting. These things do not happen overnight. It is presently under consideration. The legal solution is not the only mechanism in the DEP's enforcement policy.

As to the current situation, I indicated that the works approval was under appeal; that is wrong, the licence and conditions attached are presently under appeal.

The mere fact that the residents themselves have not appealed against those ministerial conditions tends to indicate that the conditions are acceptable to the community at large. The point has been made that in the past those conditions have been breached and there has been no follow-up action on that breach. I intend to ensure that there are clearly set out benchmarks. Breaches of ministerial conditions are not acceptable. Section 58 of the Environmental Protection Act says that it is an offence to contravene a licence condition and that the offence carries a penalty of up to $125 000 with a daily penalty of up to $25 000. We regard those breaches under that section as very serious and when there is a breach of a ministerial condition attached to that licence, we will take it seriously.

The company has been heavily involved in this site over a long period of time. However, the member for Nollamara, the community, the DEP and I have reached the limit of our patience. We are concerned about potential breaches. We are concerned about the ongoing dissatisfaction in the community which indicates that things are not as they should be. We are moving towards best practice licences. However, some companies will never achieve best practice licences. It will only ever be a small number of people who will never achieve best practice, but that will take up the resources of the regulator, in this instance, the Department of Environmental Protection. In the past two months, the Department of Environmental Protection has contributed huge resources. Twenty-one officers have visited the site over the past two months on an average of once every two days. Not all of those visits have been with prior notice; they have been unannounced.

Mr Kobelke: Are they taking a core sample to determine how much waste is going to areas where it should not?

Mrs EDWARDES: I have information on what water has been taken. My office may be able to find the answer to that question for the member while I am on my feet. All the complaints made since 11 February were investigated immediately. The chief executive officer, Dr Brian Jenkins, has involved himself in finding an environmental solution for this site. During that appeal process of the licence, discussions have been underway with the City of Stirling as well. The contract belongs to it and the Government is the regulator. As such, it has indicated that it would like to play a much greater role than it has played in the past. I applaud and encourage that. The Government is attempting to find a solution for residents. I encourage the City of Stirling to be involved, as the mayor has told me it would. That will provide a greater level of assistance for and surveillance of the operation because not only will the DEP officers investigate complaints, but the City of Stirling officers will also become much more heavily involved in the investigations. We will be setting benchmarks which we will work through with the City of Stirling as well as with the company. The works approval expires on 5 April 1999. That is not the one that is under appeal; that is the one that expires then and we will be putting through the benchmarking.

Mr Kobelke: That is not far away

Mrs EDWARDES: It is not. The appeal will be determined before 5 April. It is appropriate that the appeal lays down conditions and identifies benchmarks for this operation to ensure a greater level of environmental approval.

Mr Kobelke: What can you tell the House at this time about your attitude toward the works approval?

Mrs EDWARDES: I am still to receive the appeal advice.

Mr Kobelke: Is that separate from the appeal licence?

Mrs EDWARDES: It is, but it is important to determine that appeal prior to the works approval expiration, and I will be doing that.

Mr Kobelke: I accept that. That gives you a chance to ensure tight conditions are included in the licence. However, the issue to which I specifically referred in my speech was that the further extension you gave on the works approval was a critical element of what control you could exercise over Atlas.

Mrs EDWARDES: I believe the conditions that will be included in the licence - obviously they are under appeal and still to be determined - together with the benchmarks that we are setting and the tight time frames that will be set, will allow the works approval to be extended. However, I have no intention of extending that works approval for a lengthy period. Sufficient compliance has not been demonstrated to my satisfaction to warrant such a long extension of the works approval. The first step is to determine the appeal with respect to the conditions.

The other issue of concern is the amount of resources that have gone into site inspections and responding to complaints. The DEP has undertaken noise, odour and dust monitoring to assist in the enforcement of compliance and where appropriate, action to remedy dust and noise problems has been required on the Atlas site. Management programs are also being prepared by Atlas as part of the licence enforcement action. Clearly, the DEP has and will continue to enforce the requirements of the licence conditions for the Atlas site because breaches are regarded as being extremely serious. The award to the City of Stirling was given for its efforts to divert domestic waste from landfill. I admit that I missed the member's point on that matter, because the organic materials are used currently for the production of compost. There is no question of deception on that account. The award was determined by a judging panel comprising representatives of business, industry, local and state government bodies.

Mr Kobelke: I am not saying they were compliant; I am saying they were conned.

Mrs EDWARDES: The member's suggestion is absolute nonsense. Is the member suggesting that these people have been involved in something untoward when giving this award?

Mr Kobelke: There is no recycling. It is all going to landfill; that is the point I made in my speech - 100 per cent is going to landfill.

Mrs EDWARDES: I believe the people who comprise the judging panel would have a greater knowledge and understanding about the process when they assessed -

Mr Kobelke: Can you give me evidence of some part of the stream from the City of Stirling that is not going to landfill? Can you provide me with evidence of one tonne of the 60 000 tonnes a year that is not going untreated to landfill?

Mrs EDWARDES: I will get to that, but I make the point that the suggestion of a deception with respect to that award is absolute nonsense because of the composition of the judging panel.

The landfill levy is being paid. The member indicated that some of the waste was not going over the weighbridge. When Atlas was told that it must take all of it over the weighbridge, it has done it and an assessment -

Mr Kobelke: It has not been doing that in the past month. I can cite an example in the past month when it did not go over the weighbridge.

Mrs EDWARDES: When we brought this to its attention, an assessment of what had gone outside and not over the weighbridge was calculated and the landfill levy on that was paid. We regard that as serious.

Mr Kobelke: How do they calculate and discount the water content of what goes to Calingiri?

Mrs EDWARDES: I will return to the Calingiri issue shortly. The levy payable is based on the classification of this landfill site. That is a dollar per tonne because of the waste land -

Mr Kobelke: So it is paying on the putrescibles that are dumped, but not paying the right rate.

Mrs EDWARDES: That is another issue. It is on the waste which is landfill at the landfill site.

Mr Kobelke: It is paying $1 a tonne, which is the inert rate; but it is dumping putrescibles, which should be $3 a tonne.

Mrs EDWARDES: That is presently under investigation. I hope the minister understands that is something which we are investigating further and obtaining relevant evidence on. It is presently with the Crown Solicitor's office. Earlier this year the Department of Environmental Protection sampled and analysed the unlined sump. The results do not show soil contamination. The water in the sump met acceptable water criteria.

Mr Kobelke: I cannot accept that in view of advice from former employees. They must have tested the wrong sump.

Mrs EDWARDES: The results were presented to the consultative committee on 8 March. If the member for Nollamara is referring to another sump that was not in that report he should let us know and we will investigate that.

The member for Maylands asked what studies and testing had been done on the Calingiri compost operation. It is being produced according to Australian standards, which include metals and bacteria levels, so that members do not need to be concerned about the health effects.

Dr Edwards: Given the history of what has occurred when they have said they were doing one thing but were not, are they audited for compliance with those standards?

Mrs EDWARDES: I do not have that information with me.

Mr Kobelke: What is the standard with which the Calingiri operation must comply?

Mrs EDWARDES: I will provide that to the member on another occasion. The composting process uses high temperature to kill bacteria.

Dr Edwards: Where is that done?

Mrs EDWARDES: I do not have that information.

Mr Kobelke: How do they reach the high temperatures needed? Do they put it out in paddock only when the temperature is 40 degrees, and not when it is cold?

Mrs EDWARDES: I have the answers to members' questions about the Atlas site. However, as members are concerned about the Calingiri issue I will obtain that information and we will go through it as a separate issue. It might be helpful to deal with the history of the Atlas site as well as the key issues, so that members are aware that the Government takes this matter seriously. The level of resources and the commitment from the Government over the years, particularly in the past few months leading up to the licence renewal and approval to extend the works, confirms that commitment.

Odour is a key issue, and I am aware that is much more of a problem this year than last. Dust is also an issue, and members are concerned about its impact on health. The DEP is continuing to collect dust samples and to analyse them. The Health Department will also assess any new results.

Mr Kobelke: In addition to analysis of the basic chemical composition would the minister request an analysis of biological matter and types of spores? They are the constituents which cause asthma and other respiratory problems, rather than high levels of copper, lead or other heavy metals.

Mrs EDWARDES: Is the member for Nollamara referring to the level of total suspended particulates, which are dust particulates? The particulate dust levels have ranged from 46.6 to 99.5 micrograms per cubic metre averaged over 24 hours.

Mr Kobelke: Will they analyse the composition of dust particles? It is my understanding that is not currently occurring.

Mrs EDWARDES: I will take that on board. The levels are similar to those which are recorded in the central business district at this time of the year, and are below the guidelines set down by the Australia and New Zealand Environment and Conservation Council. However, we will continue to investigate and monitor that area. The Health Department is on the public record that there is no demonstrated health concern based on the assessment conducted by its officers. However, we are continuing to collect and analyse dust samples. I will put forward the member's proposition and advise how the dust samples are presently being analysed. The Health Department will also assess any new results that come through. The other key issue has been inert waste disposal to landfill. This site is meant to accept only inert waste with a 5 per cent allowance for putrescible waste. That issue is under investigation.

The other key issue, which the Government will address, is the final fill height of the landfill. The noise level at night is not acceptable. The Government regards that issue as serious. The Atlas site has been operating since 1954. Its activities have included sand extraction, brick manufacturing, concrete batching, lime production, landfill operations - class 2 up to April 1997 and class 1 from that date on - and waste processing. The site has been used for a considerable time. The DEP issued the 1999-2000 licence on 16 February; that is presently under appeal. Prior to issuing the licence there was significant community consultation via working groups. The fact that the local community has not appealed against those conditions indicates that they are probably right. I expect the report will come back to me within two weeks, and I hope to have it shortly. In those two weeks a number of meetings needed to take place, including a meeting with the City of Stirling to assist in establishing benchmarks and how they will be monitored and enforced. That is a key issue.

I believe I have addressed most of the issues raised by members opposite, and I will provide information on the Calingiri operation. It is not acceptable for any operation in Western Australia to breach licence conditions. We regard them seriously, particularly when they are ministerial conditions. We will continue to put huge resources into this area, although

we should not have to do that. We are a regulator and not a monitor. I am pleased that the City of Stirling wishes to take a more active role in monitoring. We should not have to monitor that lease as regularly as we are now doing. We have a number of landfill sites in Western Australia, but this site is taking up a huge amount of our resources by comparison with others. We acknowledge that it is new technology and its success will make a tremendous difference to future waste management. However, we need to assess the outcomes for the short term and the long term future of the site. If the operators were to do this again, they would probably do it differently. It is easy to look at these things in hindsight. However, we must ensure that those residents can live in their homes without being subjected to that sickening odour. I have personal knowledge of the odour and also live in a buffer zone in which the residents are regularly subjected to odours. I therefore feel for the community.

The commitment from the Department of Environmental Protection and the Government is that we will ensure that the operators abide by strict environmental conditions. Those residents will then have an appropriate environment in which to live and will not be subjected to activities that will impinge on their lifestyle.

Government members support monitoring and enforcement of the conditions that have been placed on this operation. We believe that the company must meet certain benchmarks that will be released once I determine the appeal. The Government is also taking action on the alleged breaches since February. Investigations are under way and further relevant evidence is being collected. That matter is with the Crown Solicitor's Office following the dispatch to the company of letters requesting that it show cause as to why it should not be prosecuted. For that reason, the Government cannot support the motion; it is certainly not because it does not support the residents. The Government supports the residents and will ensure they get a fair deal out of this company in its environmental performance in the future.

MRS PARKER (Ballajura - Minister for Family and Children's Services) [5.24 pm]: I rise on this occasion as the member for Ballajura. I have listened with interest to the debate and particularly to the minister's response. Although this landfill site falls just outside my electorate, I have long been involved in the issue, along with the member for Nollamara, because of the odour and conditions that some of my constituents in Noranda and Ballajura experience resulting from activities on the site.

I look forward to a continued determination on the part of the Department of Environmental Protection to pursue this matter to a far more satisfactory conclusion. The member for Nollamara would agree that over the course of the past few years, particularly in 1998, the community liaison group has worked very well. Members of the group have worked with great patience to deal with the issues. While they are not completely satisfied, they have exhibited a great deal of goodwill. The community liaison group has worked through the issues with officers of the DEP. We established a good rapport with those officers in the early part of last year, but unfortunately both have since moved on to other positions. I do not wish to criticise the new officers, but because it has been a complex issue with much history the changeover has slowed the momentum towards a satisfactory resolution.

Over the course of the 1998-99 summer, conditions on the site deteriorated. As a result, a great deal of concern was expressed, particularly towards the end of January and early February. Again we have had to implore the DEP to enforce the licence conditions. I appreciate the resources of the DEP that have been put into the site recently. I do not get to all the community liaison group meetings but attend when I can, and I have met privately with Dr Brian Jenkins on the matter and expressed my concerns directly to him. A member of the liaison group whose workplace is close to my electorate office briefs me once a week as he catches me around my electorate. I am sure that I reflect the mood of the group in saying that, since the disturbing deterioration of the conditions at the site over the summer, we have again seen a renewed determination by the DEP. That is encouraging. I appreciate the minister's commitment to this issue, as do my constituents. They have always felt that she had a genuine commitment to and interest in bringing it to a far more satisfactory conclusion. I look forward to continued work towards that end.

I would not want to jeopardise any of the DEP's activities in trying to address the issue of the operator abiding by the licence conditions. I accept that activity is occurring and for that reason I accept the reason the minister will not support this motion. I agree with her, acknowledge her commitment to this work and thank her. My constituents and I will be watching closely with interest and probably a little less patience than we have exhibited in the past. We must ensure a far better outcome for the residents. This is the first licence to be tested. Given that, it is a test case and provides some new challenges for the department. My great hope and expectation is that the DEP, under the minister's direction, will proceed with commitment and determination to bring about a far more satisfactory outcome for the residents in my electorate and those in the electorate of Nollamara.

MR KOBELKE (Nollamara) [5.30 pm]: At the outset I must say that I am very disappointed at the minister's response. It indicates that she does not understand the issues involved. I recognise that she has been very busy with other crucial issues, but her response indicates that she has misunderstood some of the fundamental issues in this problem. The minister asked why this matter was being debated now. That clearly indicates that she does not understand the issues.

Mrs Edwardes: Only on the basis that it seems to be political catch-up given the amount of resources applied and the actions taken.

Mr KOBELKE: That does not make sense. For some time the Department of Environmental Protection has been putting a lot of resources into this site and it has not improved. It is critical now because it is possible that between the end of this week and the next parliamentary sitting the minister will determine the appeal on the licence and move on the extension of the works approval. It could happen before the Parliament next sits. In only the last month or two we have had documented evidence of major flouting of the conditions of the licence; it is not a question of minor failures to comply. The minister's questioning of the reason this should come up for debate is an indication that she is not taking it seriously.

Mrs Edwardes: I am taking it seriously but I want to place on the record that the motion is carefully couched to say that the Government is not taking action or taking it seriously. Nothing could be further from the truth.

Mr KOBELKE: The motion does not suggest that the Government is not taking the matter seriously. I will refer to the motion in a moment, because the minister has misunderstood its wording. There is a long history to that site. I have been involved with it personally for more than 10 years, and people are no longer willing to take the Government on trust or to accept that the minister takes it seriously and therefore everything is satisfactory. They want to see the runs on the board, and they do not just want to hear the minister saying time after time that the Government takes it seriously. I recognise that because the minister is perhaps moving towards prosecution, she is limited in what she may say. However, that sort of thing cannot be used as an excuse time and again. It is not an excuse now, but it will be seen as an excuse if some clear action is not taken within a month or so that results in some improvement in the situation. I hope it will be through a prosecution, but the minister is yet to go through due process to see what that might mean.

I refer to the motion which the minister has rejected. I suggest that the minister should read her contribution to this debate and I predict that it will be very hard for her to find any rational undermining or rejection of the points in the motion, other than that in paragraph (c) with regard to deception. The minister has accepted the prima facie evidence that putrescible waste has been dumped illegally at this site.

Mrs Edwardes: I have said that investigations are under way, it is with the Crown Solicitor and there is little I can say about that at the moment. You are saying that the Government has not prosecuted.

Mr KOBELKE: The Government has not prosecuted, although it might in future.

Mrs Edwardes: The issues are under investigation.

Mr KOBELKE: The licence has been in place for almost two years, there is evidence from workers that illegal activities have been occurring during that period, and the Government has not "yet" prosecuted. The minister could have amended the motion to say that the Government has not yet prosecuted.

The second point the minister has not been able to refute is that on numerous occasions there have been breaches of the licence conditions. The minister took issue with the third point and claimed there had been no deception. However, she gave no evidence for that and cannot refute the evidence in my speech that there has been deception. The Government's best argument is that the deception has been minor.

Mrs Edwardes: I did not say that the best argument I could put was that the deception had been minor - the member should not put words into my mouth.

Mr KOBELKE: Is the minister saying that there has been deception?

Mrs Edwardes: I have said it is an absolute nonsense, given the judging panel -

Mr KOBELKE: The minister is not listening to the debate. The deception does not relate solely to the green awards. The motion states in paragraph (c) -

> condoned the deception that the City of Stirling has reduced the percentage of householder waste going to land-fill when the waste to energy plant is not yet working;

That is true. The plant is not working. Is that correct?

Mrs Edwardes: What is your deception?

Mr KOBELKE: The deception is the letter from the City of Stirling that said it is working. That letter was distributed to every ratepayer in the City of Stirling and it said the plant is working, although it is not. No correction of that letter has been issued. The minister may say it is only a small deception, and that she disagrees with the whole motion. I say the whole thing is deception but that is not in the motion. There is clear evidence of deception and we could argue about the degree of it. The minister did not take that up.

Thirdly, I refer to the collection of the landfill levy. The minister admitted that this organisation is paying the landfill levy on what goes on the site, and not on what goes to Calingiri. Under the Act, it should pay the landfill levy on material dumped at Calingiri.

Mrs Edwardes: Not on compost.

Mr KOBELKE: But it is not compost; it is putrescible waste that has been shredded and to which water has been added..

Mrs Edwardes: It is according to the Australian Standards.

Mr KOBELKE: If the minister continues down that road, she will undermine the law that went through the Parliament and make a mockery of it. People cannot take household waste from a bin, shred it, throw some water on it and then describe it as compost. It is ludicrous. The minister has no objective scientific basis for putting that into legislation or a regulation that can be enforced. It is absolute nonsense. It confirms that she does not understand the issue.

Mrs Edwardes: It is nice to have the chance to debate issues with you again, but in respect of this issue on composting I understand it is not just putting it through a chainsaw and adding water. It is more than that.

Mr KOBELKE: It is sized. That is the only difference.

Mrs Edwardes: I will get the member for Nollamara and the member for Maylands the full details of the process, given their level of interest and concern in this matter. I am advised that we have been collecting the landfill levy that is required to be paid.

Mr KOBELKE: The Government has not, and I have told the minister where. I can give her the names of the workers to whom I have spoken, who tell me what is happening and that the law is being flouted. The minister needs to tighten the definitions. The minister also referred to the licensing of the plant. The key issue is that a time limit must be imposed on the proving-up period for the plant.

Mrs Edwardes: You would agree that setting benchmarks is one way of clearly identifying what they are supposed to achieve with proper monitoring. I believe that is the way to go in respect of this. There should be clear benchmarks with a clear period.

Mr KOBELKE: If before the end of this calendar year, the plant is not fully working, to between 90 and 95 per cent capacity, or closed down, the Government will have failed.

Mrs Edwardes: It is not my plant.

Mr KOBELKE: We have been going for years on promises of performance. It cannot continue. An election will be held next year. I am being generous when I give the Government a year, but my constituents have said that the Government should be given only one or two weeks to take action. If that plant is not operating by the end of this year or closed down, the minister will have failed because it has gone on for year after year. This company has flouted the regulations.

Mrs Edwardes: We agree on the basis that all our patience has come to an end.

Mr KOBELKE: I am concerned about the minister's suggestion that the whole process is taking up too many of the resources of the Department of Environmental Protection.

Mrs Edwardes: I am concerned because we should not have to do it this way. It is a criticism not of the DEP or the community, but of the operation.

Mr KOBELKE: I understand the minister's frustration because she has many environmental issues with which to deal and this is but one problem -

Mrs Edwardes: It is a very important problem and one in which I am personally involved.

Mr KOBELKE: I accept that and I am not putting the minister down. The minister indicated that she would rather the Department of Environmental Protection draw back and not have to commit resources, and for the process to be running smoothly. All members hope that; however, in this instance -

Mrs Edwardes: The environmental performance would have been maintained.

Mr KOBELKE: I am very concerned that is a result of the continuation of the approach of self-regulation. Many of the matters covered by licensing are self-regulatory already. I and many others have no confidence that the minister can allow this operator, Atlas Group Pty Ltd, to self-regulate. I hope the minister will not allow this operator to do that.

Mrs Edwardes: I said that some operators will never get a best practice licence; that is, operators who are shown to have breached conditions on a regular basis. One breach is enough to ensure best practice licences do not go to those people.

Mr KOBELKE: I am disappointed with the minister's response. She has not dealt adequately or fully with the matters raised. The proof of the pudding will be in what can be done in the next three to six months, whether the minister can get compliance or whether these problems will continue, as they have for far too long already. I commend the motion to the House.

Question put and a division taken with the following result -

Ayes (19)

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

Noes (26)

Mr Ainsworth	Mrs Edwardes	Mr Marshall	Mr Trenorden
Mr Barnett	Mrs Hodson-Thomas	Mr Masters	Mr Tubby
Mr Barron-Sullivan	Mrs Holmes	Mr McNee	Dr Turnbull
Mr Bloffwitch	Mr House	Mr Nicholls	Mrs van de Klashorst
Mr Board	Mr Johnson	Mrs Parker	Mr Wiese
Mr Bradshaw	Mr Kierath	Mr Shave	Mr Osborne *(Teller)*
Mr Day	Mr MacLean		

Question thus negatived.

17 ALLEN STREET, EAST FREMANTLE

Impending Demolition - Motion

MR McGINTY (Fremantle) [5.45 pm]: I move -

> That this House expresses its concern at the threatened demolition of the 1890's historic property at 17 Allen Street, East Fremantle. Further the House notes the role of the Western Australian Planning Commission in events leading to the impending demolition and calls on the Minister to justify its actions.

I and many people in the Fremantle area are concerned that a building of considerable heritage significance, particularly to East Fremantle, is faced with likely demolition in the very near future. The building known as "The Bungalow" is located at 17 Allen Street in East Fremantle. It was built in the 1890s on what was then known as Woodside farm. The owner was an eminent Fremantle person, W.D. Moore. The building was used as the home of the Moore family during the construction of what is today the Woodside Maternity Hospital. We all know that hospital was once the palatial family residence of the Moore family, built between 1898 and 1900. Mr W.D. Moore was one of the people known as the merchant princes of Fremantle. He was a member of the Legislative Council in the early 1890s and had extensive business interests in the banking, insurance, retail, pastoral and rural industries. Many people will know that one of his legacies, apart from the Woodside Maternity Hospital in Dalgety Street, is the Moore building in Fremantle, a well-known centre for artistic endeavour. In those days, that building was one of his warehouses.

The Heritage Council of Western Australia has made an assessment of the building at 17 Allen Street, and the Town of East Fremantle has adopted a heritage significance statement for it. Both the Heritage Council and the local government authority say the building has considerable cultural heritage significance for several reasons: Firstly, because of its association with Mr W.D. Moore who, as I have indicated, was an eminent person in the history of Fremantle, certainly from a commercial perspective; and, secondly, because of its association with the Woodside estate and early viticulture and farming in East Fremantle. Of course, that is no longer carried on in Fremantle, except perhaps in the backyards of some people. In those days the original Woodside estate, as it was known, covered a great number of the streets south of Canning Highway in East Fremantle. This was the first building on it. As I have indicated, subsequently it was replaced as the family home by the building in Dalgety Street, which today is the Woodside Maternity Hospital.

The third reason given for the heritage significance of this building is that it is representative of the large estates built by the Fremantle merchant professional class at that time. Fourthly, the aesthetic characteristics include elaborate ceiling mouldings and the timber joinery on the house. In the past few years the Heritage Council of Western Australia has given consideration to this place on a number of occasions. It advised that the bungalow is important to the development and history of East Fremantle, is worthy of recognition as a place of local significance and that any development which recognises those heritage values would be encouraged. Clearly this is a building of considerable heritage significance, at least at a local level and certainly to the municipality of the Town of East Fremantle.

In 1995 and again in 1997 the East Fremantle Town Council resolved to place this building on its municipal inventory of heritage places. Therefore, not only reference to history, but also reference to the procedures available under the Heritage of Western Australia Act, which has been in operation for some eight years in Western Australia, indicates this building is on the municipal inventory as a place of heritage significance.

Unfortunately, during the past 20 to 30 years the property has fallen into disrepair. I visited it recently and the only way I could adequately describe it is by saying that it is lying derelict. The reason for this, Mr Acting Speaker, is that in July 1982 the property was acquired by the then Metropolitan Region Planning Authority as part of what was then proposed as the Canning Highway deviation through East Fremantle. Because it was intended to demolish the property to make way for the re-routing of Canning Highway south of its current location, little or most probably no maintenance whatsoever was conducted on the property from the time that it was acquired by the appropriate planning authorities back in 1982.

Ten years later, however, in 1992 the metropolitan region scheme was amended, much to the delight of the people of East Fremantle, to delete the Canning Highway deviation which threatened to cut a swath through the Town of East Fremantle. When this occurred it left open the prospect of what might then happen to the houses which had been acquired by Main Roads and the various planning authorities in order to make way for the construction of Canning Highway on its new alignment.

It was not until 1995 that a decision was made by the Western Australian Planning Commission to sell this property. At that stage, once the decision was made that the property was surplus to the requirements of the planning authorities, valuations were sought from two real estate agents working in the area. They both valued the property at $250 000 in its then condition. Those two agents were Century 21 Bonavita and Associates and Ross Hughes and Company. As part of the process of disposal of the property and given its heritage significance, the matter was referred to the Heritage Council of Western Australia which advised the Western Australian Planning Commission that it had no objection to the disposal of the property subject to its being included on the Town of East Fremantle municipal inventory of heritage places. Therefore, some four years ago there was an early recognition of its being an important heritage place by the Heritage Council in its advice to the WA Planning Commission. That was the story up until 1995. At that stage no action was taken to dispose of the property along the lines of the valuations that had been sought and received from two local estate agents.

In August 1996 the next significant development occurred in respect of this property. The Minister for Planning lodged an application with the East Fremantle Town Council to demolish the building. The East Fremantle Town Council, on receipt of that application to demolish, resolved that it was not appropriate to issue a demolition permit for an 1890s building which is of heritage value; and the failure of the Minister for Planning to carry out maintenance since 1979 cannot justify demolition. The resolution went on to deal with other matters but that was the essence of the decision by the East Fremantle Town Council back in 1996 in recognition of the heritage value of the place. It is sufficient to say for these purposes today that the demolition application, in the light of that resolution by the East Fremantle Town Council, was not proceeded with at that time.

In February, March and April of 1997 the decision of the Western Australian Planning Commission to divest itself of this property was again put into action and the same two real estate firms were asked to update their valuations. At that stage the resolution was only to invite two real estate companies to submit their valuations of the property which had been the case two years earlier in 1995. The two companies, Century 21 Bonavita and Associates and Ross Hughes and Company, submitted valuations of the property in an "as is" condition - relatively derelict as I have indicated to the House - and also if the block were to be cleared, in other words if the property were to be demolished. In their updated valuations some two years after they had valued the property at about $250 000, Century 21 valued the property at $245 000 and Ross Hughes and Company at $278 000 in an "as is" condition. Both those companies then valued the building if it were to be demolished and the block sold on an unencumbered basis, or without improvements to the land. Century 21 estimated the value to be $265 000 and Ross Hughes and Company $295 000. Therefore, there is a consistency about those figures.

Some months later, on 26 July 1997, the Western Australian Planning Commission contacted another estate agent, Ray Fuller Real Estate, regarding the sale. It is interesting to pose the question: Having for two years dealt with two companies who had given quotes, why was a third real estate agent suddenly becoming involved? On 9 July 1997 Ray Fuller advised that the property had a value of $220 000 to $225 000 and drew attention to the demolition problem and the heritage value of the house. Surprisingly, one month later, the Western Australian Planning Commission resolved to dispose of the property by private treaty through Ray Fuller Real Estate. I say this is unusual because the commission went to the real estate agent who gave significantly the lowest valuation of the property and had not been associated with the property during the two years of the Planning Commission's involvement; however, the commission then authorised that estate agent to sell it by private treaty. In its resolution the Planning Commission said that it would put an asking price on the property of $245 000 with approval to negotiate down to $220 000. It is, therefore, clear that the Planning Commission completely ignored the two real estate companies that had given valuations to it more than two years before, both of which said the figure was considerably higher than that which the Planning Commission had authorised the Johnny-come-lately - Ray Fuller Real Estate - to negotiate.

Thirteen days after the Planning Commission's decision, a contract for sale was entered into on 18 August 1997 for the sale of the property, signed by the Ministry for Planning on the one hand and M. P. Bowman and J. Holmes on the other hand. That was after the agent had received three offers to purchase the property. It is well known in East Fremantle circles that Jim Holmes is a business associate of Ray Fuller. I suggest that something does not look right with this arrangement. At this stage, a number of questions need to be answered. I would appreciate the minister dealing with these matters in his

contribution to the debate today because when something appears as highly irregular as does this transaction, it can be set right by the minister answering these questions. Six questions pose themselves at this stage. The first is why did Fuller get the contract to sell the property when he provided the lowest valuation of the property? He was, as we have observed, a relative newcomer to this process and the other two companies had been on the scene providing valuations for the preceding two years. Second, why was the property, as a government property being disposed of to private interests, not advertised? Usually when government property is disposed of, a sign is erected, the place is advertised and an open and transparent process is involved. In fact, most of the other properties which constituted part of the government ownership on what was known as the route of the Canning Highway deviation in East Fremantle were advertised with the erection of a sign on the property, by means of an auction and by means of some open and transparent arrangement if they were not disposed of internally between government agencies. People tell me that no sign ever appeared on this property and the sale was not advertised in any sense. Why was an open and transparent method of sale not adopted on this occasion? Third, why was the State Planning Commission's fixed price able to be negotiated down to $220 000, well below the valuation it had received? When reputable estate agents stated that the property in an as is condition was worth $278 000, why did the State Planning Commission give Ray Fuller Real Estate the ability to negotiate down some $55 000 to $220 000, particularly when Fuller was a newcomer on the scene? Fourth, is a private treaty sale of a government property to a business associate appropriate? Jim Holmes is a business associate of the person who was given the contract to sell the property for the Government. To sell by private treaty to a business associate in these circumstances is highly irregular, particularly when the means of sale adopted involved no advertising of the property. It seems that there was a measure of collusion, of understanding between the parties involved such as would constitute improper conduct at a minimum. The fifth question relates to the price which was sought and obtained for the property. A sale in less than two weeks with no advertising suggests that the price was too low and the Government did not realise the full value of the property in question. The sixth question is very important to the heritage issue which is at stake here: We face the grave threat of losing a very important heritage building in the Town of East Fremantle. Why was no reference made to heritage requirements in either the sale contract or the resolution by the Western Australian Planning Commission to sell the property? In the light of the written advice from the Heritage Council of Western Australia to the Western Australian Planning Commission that the sale should be subject to entry of the property on the municipal inventory of the Town of East Fremantle, that constitutes an improper dealing with this property. These are the questions which should be answered at this stage.

To complete the history of this part of the saga, on 6 October 1997, the Western Australian Planning Commission sold the property to M.P. Bowman and J. Holmes for $245 000. The sale was not in any sense conditional on the listing of the property on the municipal inventory as was recommended in writing by the Heritage Council in its advice to the vendor, namely the Western Australian Planning Commission. The next stage in this unfortunate saga occurred on 6 November 1997 when the new owners made an application to the Western Australian Planning Commission to subdivide the property. Members should bear in mind that we are talking about people who acquired the property in unusual circumstances and then made an application to the vendor - the body which sold the property, the Western Australian Planning Commission - to divide it into two blocks. The local government authority's response came on 16 December 1997 when the East Fremantle Town Council resolved that the subdivision could not be supported. For the sake of completeness in this debate, the full resolution adopted on that date read -

That:

1. the WAPC be advised that the proposed subdivision cannot be supported for the following reasons:

   (a) disposal of the subject site by the Ministry for Planning was conditional upon the inclusion of the property on the Municipal Inventory.

   (b) Council has listed the historic building on its Municipal Inventory as "The Bungalow";

   (c) subdivision approval would give the wrong signals regarding the demolition of the subject dwelling;

   (d) the subject place is considered by Council to be of heritage value;

   (e) Council may consider a proposal for strata titling of the existing dwelling based on the historic separation of 17 and 17A Allen Street;

   and a copy of the heritage assessment be provided;

The significance of the last point in the council resolution that the council may consider a proposal for strata titling of the existing dwelling based on the historic separation of 17 and 17A Allen Street is this: The block of land is a decent sized suburban block and for many years the house has been utilised as a duplex - a common wall runs down the middle of the property, and it would have been easy to subdivide the property along the lines of that wall. This is a reasonable suggestion from the Town of East Fremantle. Instead of dividing the land in half and running through the middle of part of the building, it would have been acceptable to consider a subdivision or strata titling arrangement which divided the property into two

along the common wall between the two parts of the building. The council indicated that that subdivision would allow the heritage value of the place to be retained whereas a subdivision drawing an arbitrary line down the middle of the block would have necessitated demolition of the property. That was something which was foreshadowed by the Town of East Fremantle.

The next development came on 10 March 1997 when the Western Australian Planning Commission approved the subdivision application made by the two new owners of the property, Bowman and Holmes, despite its own planning officer's recommendation to the contrary. The Western Australian Planning Commission had before it a proposal for subdivision which the officers of the planning authority recommended not be approved. The Planning Commission went ahead and effected the subdivision in a way which was prejudicial to the heritage interests of the building and overrode the interests of the local government authority in question. A freedom of information request has revealed that the report of the planning officer which was considered and rejected by the Western Australian Planning Commission recommended against the subdivision for the following reasons: The first reason was that the dwelling was considered to have local heritage significance which would need to be demolished if the subdivision was approved and acted upon because the subdivision drew a line through the middle of the house which was not a common wall between the halves of the duplex.

The second reason was that the Heritage Council of WA advised the Ministry for Planning that discussions should occur with the local government authority to ascertain the building's local significance. If redevelopment were proposed, the dwelling should be recorded to Heritage Council of WA standards before any work was undertaken and any redevelopment should attempt to retain the local heritage value of the building.

The third reason given by the planning officer in his report to the Western Australian Planning Commission in opposing the subdivision of the land states that the place was listed on the council's municipal inventory of heritage places. The fourth reason was that it remained the responsibility of the local government authority to issue a planning consent and demolition licence before the dwelling could be demolished. The fifth reason was that it would be inappropriate for the commission to approve the subdivision that would necessitate directly or indirectly the demolition of the dwelling which the local government believed had some heritage significance and had indicated its opposition to demolition. Finally, it was recommended that the application for subdivision be refused. A strong position was adopted by the officers of the Ministry for Planning in their recommendation to the Western Australian Planning Commission to not allow this subdivision to go ahead and for very cogent reasons. Nonetheless, on 10 March last year, the Western Australian Planning Commission approved the subdivision in the form for which it was applied. One week later the new owners again applied to the East Fremantle Town Council for a demolition permit to demolish the building. On 21 April 1998, the East Fremantle Town Council responded to the application for a demolition permit by adopting a statement of heritage significance to the site and resolved that the application for a demolition permit be held over. For the sake of completeness of this matter, I would like to place on record the resolution that was adopted by the East Fremantle Town Council. It states -

1. Council adopts the following statement of local significance for 17 and 17A Allen Street:

   It is important for its association with WD Moore, a person of significance of the highest order within the local community.

   It is important as the first residence of the Moore family in East Fremantle, should documentary evidence confirming local knowledge be unearthed.

   The site of Moore's land holdings (including the Bungalow site) in East Fremantle is important for its associations with an early rural land use, farming and vineyards, (now extinct) in East Fremantle.

   It is important for its association with Woodside Hospital, a place on the State Register of Heritage Places, being part of the original site and collection of buildings on the site.

   It is of value in aiding the interpretation of Woodside Hospital, the site of Moore's holdings and the history of the Moore family in East Fremantle.

   It is important for its associations with the origins of the East Fremantle Municipality and through its association with WD Moore, the origins of the street layout and names.

   It is important for the contribution it makes to the streetscapes of Canning Highway and Allen Streets in its vicinity, being part of a streetscape of similar quality structures from the late 19th and early 20th centuries.

   The place has considerable aesthetic significance in its timber 'farmhouse' form, wrap around verandahs, elaborate ceiling mouldings and external, high level timber joinery beneath the tiled roof;

2. the application be held over pending:

(a) a meeting being arranged with the owners of the property

(b) the circumstances of the sale of the property being established including any attempts to contact the previous owner

(c) a copy of the WAPC/Ministry of Planning officer's report regarding the subdivision being obtained

(d) the Heritage Planner further investigating the cultural heritage significance of the site with a view to possible reconsideration by the Heritage Council of WA for listing on the State Register of Heritage Places;

Other parts of that resolution are probably not all that important for today's purpose. The resolution by the East Fremantle Town Council of 21 April 1998 is important for two reasons: Firstly, it restated the heritage importance of this building in the Town of East Fremantle; and secondly, for the first time it raised, at an official level, concern about the propriety of the processes engaged in regarding the sale and subdivision of this piece of land. One year ago the council stated that it was not happy and some skullduggery may have been involved in the way in which the Western Australian Planning Commission dealt with this matter, in terms of both the initial sale and the subsequent application for subdivision.

On 20 October last year, the East Fremantle Town Council refused the demolition permit. On 4 January 1999, Messrs Bowman and Holmes appealed to the Minister for Planning against the council's refusal to allow demolition of this building. Halfway through my speech to the Parliament today I indicated that these transactions involved a number of questions. The first set of questions relates to the sale of the building and the processes that were involved. The next set of questions relates to the subdivision of the property. A further five questions must be posed to and answered by the minister in relation to the subdivision application. Firstly, why did the Western Australian Planning Commission reject its officer's recommendation that this application be rejected? Why did the Western Australian Planning Commission overrule its officer and grant the subdivision application? Secondly, why did the Western Australian Planning Commission overrule the objection by the East Fremantle Town Council for subdivision, an objection which was expressed in the strongest possible terms according to the resolution I have just read. Thirdly, why did the Western Australian Planning Commission not acknowledge the heritage importance of the building by imposing appropriate conditions on the sale and the subsequent subdivision? That is an important question given that another government agency, the Heritage Council of Western Australia, indicated in writing to the Western Australian Planning Commission that that should be a condition on which the property was sold; however, it was never taken up. As the planning officer's report indicated, by granting the application for subdivision, it was almost presupposing that this heritage value property would be demolished. There was no mention of the heritage-related matters in the resolution by the Western Australian Planning Commission. That is neglect on its part.

The fourth question to be posed is: Was any indication given by the minister or any of his staff, or the Western Australian Planning Commission or any of its officers that the subdivision and demolition of the property would be approved? I sense something highly irregular about the history of events that I have outlined to the House. It seems as though a certain course of action was embarked upon, which one would not normally expect to come to fruition. If a heritage place is listed on the municipal inventory, the council objects and the Heritage Council lays down certain conditions, an owner would not expect to get a rubber stamp to a subdivision and then a demolition application; however, that seems to be the path down which everyone has rapidly proceeded. It is important to know whether any wink and a nod or any informal acknowledgment had been given to that as the ultimate fate of this building. If it did occur, it was corrupt. I have no evidence that it occurred. That is why it is appropriate that the matter be posed in the form of a question to the minister during this debate. The fifth question is very straight forward and I believe the minister can answer it during this debate. Does the minister intend to allow the appeal and the demolition of 17 Allen Street East Fremantle, a heritage property, in the irregular circumstances that I have outlined to the House today?

I urge the minister to reject the appeal by these developers and protect this important heritage property in East Fremantle. Two elements are involved in what I have outlined to the House: The first is a very straightforward heritage protection issue. This is a property which the Town Council of East Fremantle, the Heritage Council and I believe to be of considerable heritage significance, at least at a local level for the reasons I have given in my speech. It would be a tragedy if demolition were allowed. It is the sort of property that the Minister for Heritage should ensure is preserved for future generations. As I have indicated, it currently lies derelict. It should be restored. The community has a strong interest in seeing the building restored in that important part of East Fremantle's heritage and in seeing that it is preserved for future generations rather than allow the bulldozer to knock over 100 years of history. It was one of the first houses in that area.

The first leg to the argument I have been developing in the past half an hour has been heritage protection. The second issue is one of irregular and improper practices. I have outlined a series of events that are involved. The minister should refer this entire matter to the Anti-Corruption Commission because that whole sequence of events surrounding the involvement of Fuller's Real Estate, the low asking price, the lack of advertising, the sale to a business associate without that advertising, and then the subsequent treatment not only by the real estate agent, but by the Western Australian Planning Commission in approving the subdivision application contrary to its own advice, involve too many irregularities for anyone to feel

comfortable that it has been dealt with in a proper way. The events that I have outlined could constitute either inappropriate behaviour or inappropriate conduct by a public authority, namely the Western Australian Planning Commission, and certainly by other people who have been involved in the fringes of this arrangement.

I urge the minister to take appropriate action at a time when serious questions have been raised. Unless he can answer each and every one of those, this is a matter that should be referred to the Anti-Corruption Commission to investigate all of the circumstances of the sale and the subsequent subdivision and demolition applications.

MR KIERATH (Riverton - Minister for Planning) [6.22 pm]: The motion unfortunately did not refer to any irregularities of real estate dealing, so I do not have some of that information with me today. However, I give the member for Fremantle an undertaking that I will arrange for all of his questions to be extracted from the *Hansard* and answered. I do not intend to refer anything to the Anti-Corruption Commission, but I will have the matter investigated. I will explain shortly the reason that the contract was given to that real estate agent because that is worthy of follow up. When the member for Fremantle was the Minister for Housing, similar procedures were involved and I will determine whether any changes were made to the procedures of the Planning Commission.

Firstly, the Town Council of East Fremantle has the power and the obligations to preserve that building if it so wants. The Heritage Council looked at it and said it is a building that is not of state significance; it is one of local significance. The town has provisions in its town planning scheme and at the stroke of a pen it could list that house and give it protection. I have been advised that the Town Council of East Fremantle has made no attempt to put it on appendix 5 of the town planning scheme and that is one of the reasons the Heritage Council has gone against its views and why those views have not been taken into account. Although the Town Council of East Fremantle has the ability to preserve and protect the house, it has taken no action whatsoever. I am in the difficult position of saying that the town which has the powers to do something about it is not prepared to use them. Instead, it is trying to blame the Government, the Heritage Council or the Planning Commission for that lack of action. That goes right to the heart of the problem. I will go through it in detail for the member for Fremantle.

Mr McGinty: Is the application or the appeal for the demolition to be determined by you? Should that question you have just posed be thrown back to the Town Council of East Fremantle? Should it now be given the chance, somewhat belatedly, to take that action?

Mr KIERATH: I think it is too late. When we do the appeal we seek comments from the council. The council has normally 30 days to make those comments, but when the person has taken on the appeal, the decision making has been taken out of its hands. I have not written the final letters, but I must be up-front and say the recommendation to me at this time has been to uphold the appeal. I normally do not give that information out before I sign it, but it is the professional advice that I have received.

The member is right in outlining to the House that in 1982 the house was purchased by the then Metropolitan Region Planning Authority for the Canning Highway deviation. In July 1996, the Planning Commission applied to demolish the house after obtaining a report from the Heritage Council. The town refused the application and the Planning Commission then sold the property as is in October 1997. I think that the people doing the valuations did not realise the attitude of the Town Council of East Fremantle and I believe that attitude has been reflected in the valuations. However, I will formally ask the Planning Commission to reply to that issue. Once people know that something that is on paper is something that should be able to obtain a demolition approval, and the council has taken a position against it, that would materially affect the value of the property. On 26 July 1996, and again on 18 August 1998, the Heritage Council resolved that the dwelling did not warrant inclusion on the register of heritage places; in other words, it is saying it is not of state significance. It said that the house was important in the history of the development of East Fremantle and was worthy of recognition as a place of local significance. That is an acknowledgment, but the authority lies with the Town Council of East Fremantle, not the Heritage Council of Western Australia. I think the member for Fremantle was the member who brought the heritage legislation into this House. The member will know there is that distinction because we do not accept responsibility for local heritage. Provisions are contained in the Act that require the councils to develop that municipality, but what protection they afford is up to the local councils. The advice that the member read out states that if a place is to be demolished and it has some form of local significance or some other form of significance that does not warrant protection, a set of procedures such as documentation and photographs should be recorded for other people to look at, even if it is only documentary and photographic evidence. The Heritage Council report on the house has been summarised by the Planning Commission in the following comments -

> the residence has cultural heritage significance being associated with William Dalgety Moore and because of some aesthetic characteristics;
>
> the dwelling was built on Moore's estate Woodside in around 1897, but its association with the Moore family is of little heritage significance as it was rarely occupied by the family, being rented out in 1910 and subsequently sold as part of the subdivision of the estate in 1912;

The family does not use it in substantial terms. Further comments made are -

> the dwelling has low authenticity with extensive modifications. It has been altered from its original state with a now tiled roof and asbestos sheets replaced the weatherboards as the outer walls;
>
> the dwelling has moderate integrity with the reversal of the front and back of the dwelling and the addition of peripheral rooms detracting from the original form of the building;
>
> the dwelling is in a generally dilapidated state but little maintenance has been carried out on the property given that it was earmarked for demolition to make way for the realignment of Canning Highway.

No-one has had an obligation to do anything with it. This comes to the crunch; the dwelling is not listed in the Town Council of East Fremantle's town planning scheme No 2 as a building of historic, architectural, scientific, scenic or other value. However, council's municipal inventory includes the building as being of cultural heritage significance. I am advised that seven landowners in Allen Street support the demolition and others have opposed it. In November 1997, the current owners applied to subdivide part of lot 3 into two lots. On 11 March 1998, the Planning Commission approved the subdivision after considering the Heritage Council's reports, the town's opposition and adverse recommendation from its planning officer. A note on the commission file states -

> *The Commission considered that the Council has made no efforts to list the property with appendix 5 (Schedule of Heritage Places) of their Town Planning Scheme -*

Not every council has that.

Mr McGinty: I was at a function at Woodside Hospital a couple of weeks ago. To be fair, some people are only now being made aware of the full extent of the history of the place. As I said, it is a dilapidated old place that would not necessarily catch one's eye. It was the uncovering in the bowels of the Town of East Fremantle building of some archival records that brought together -

The ACTING SPEAKER (Mr Barron-Sullivan): I am giving a degree of latitude, but the member for Fremantle should speak up if he wants his interjection recorded by the Hansard reporter.

Mr McGinty: It is not as though everyone has always said it is a house of great value. We can blame the council for not doing anything about it. It has only just reemerged.

Mr KIERATH: Why did the council not start the process when it received an application for demolition? It made a decision to refuse it, so it had good grounds then. The irony is that if it had acted then, when the appeal came to me I would have had something on which to hang my hat.

We give town planning schemes the top priority in appeals. If the council had moved to put it in the town planning scheme, we would have said that it was a seriously entertained proposal and we should protect it. As of yesterday, there has been no attempt to do anything to protect the property through the town planning scheme, and the council has the provisions to do so. The fact that the authority that has the power to do something about it is doing nothing and trying to make someone else do what it can and should do itself is the source of these differing opinions.

The member for Fremantle asked why the Planning Commission overrode its officer's recommendation. The document I have states -

> *The Commission considered that the Council has made no efforts to list the property with appendix 5 (Schedule of Heritage Places) of their Town Planning Scheme. Therefore as there are no adequate preservation provisions in Council's Town Planning Scheme relating to buildings listed on Council's Municipal Inventory the Commission resolved to approve the subdivision subject to the proponent obtaining planning approval for demolition of the dwelling.*

That is the reason the commission ignored its officer. The council had the ability to do something about it and still has done nothing. It has had two applications for demolition but it has made no moves to protect the property even though it has the provisions to do so. Some councils do not have those provisions and would be required to pass an amendment.

The subdivision cannot be completed without the demolition of the old house. That is one of the dilemmas I face as minister: The subdivision has been granted subject to the demolition and it would cause some difficulties. On 22 September last year, a planning application to demolish the house was lodged. The council refused the application to demolish on 20 October, and an appeal to the Minister for Planning was then lodged. I will inform the people involved of my resolution in writing shortly.

The member asked why Ray Fuller Real Estate was awarded the contract. I do not know; I have no information about that. However, I undertake to find out and will put the information in writing to the member.

Mr McGinty: It seemed strange after dealing with two companies and resolving to get two valuations over two years. At the last minute someone else came in with a dramatically lower valuation and was awarded the contract.

Mr KIERATH: It can be argued that by that time the parties would have been aware of the Town of East Fremantle's attitude to that demolition. That is what affected the valuations. I will not presume anything. I will have it investigated and report back to the member in writing.

Why was it disposed of in this way and not advertised? That is a common occurrence. In fact, when the member was Minister for Housing, Homeswest disposed of properties in the same way and occasionally these questions were asked. I sought not to inhibit that process because it can lead to quick sales. However, I stated that the property should be advertised for two weeks if the commission appointed a particular agent. A full public tender process is long, slow and cumbersome. If the contract were given to a specific agent, that agent would have to give an undertaking that the property would be on the market for at least two weeks and that all offers would be presented. That was a way to ensure integrity.

Mr McGinty: If that were done, I would not have a problem. However, it was sold in under two weeks.

Mr KIERATH: That procedure has been followed by all former Housing Ministers, including the member for Fremantle. I am not blaming anyone. I put that procedure in place in Homeswest. If I were prepared to do it then, I would be keen to do it again. I will take that up with the Planning Commission and made a very strong suggestion that I would like to see only one agent being contracted so that anyone interested in the property has the opportunity -

Mr McGinty: That will work provided it has been advertised. I understand that on this occasion no advertising was undertaken.

Mr KIERATH: That is generally true because Homeswest, and now the Planning Commission, would give the property to an agent and if an offer were presented within a specified range, the deal would be done. A valuation is obtained, and the sale is based on that valuation. Limits are put on that.

Mr McGinty: They got the asking price.

Mr KIERATH: That is usually what happens. If a buyer is found - it does not matter who it is - the attitude is that there is nothing to worry about. If the offer is below the stipulated valuation, it is different. I will talk to the commission to see whether I can get it to implement the provisions which I had implemented by Homeswest and which gave the process some credibility.

Why was it not sold subject to the entry on the municipal register? The Planning Commission believed that if the Town of East Fremantle were not prepared to do something about it, it should not then impose this as a condition of sale. It has acted in a commercial sense rather than a heritage sense.

Mr McGinty: The other issue I raised was the sale to a business associate, even though it was at the asking price. Given that the asking price was much lower than the other valuations, that seemed odd.

Mr KIERATH: I will provide an answer in writing. If the sale price was at about the valuation, it does not matter who put in the offer.

Why did the Planning Commission reject the officer's report? I have already answered that question. In any event, after this motion has been debated tonight, I will give instructions that answers to all of the member's questions be provided in writing by the agencies concerned.

Why did the Planning Commission override the Town of East Fremantle? I have explained that. It felt it was a bit cheeky of the council to try to protect the property after it did not use the provisions it had to do so.

Why did the Planning Commission not impose the heritage obligations? I have answered that question.

Was there any indication from me? I have given no indication. I take great care. If I know an issue is coming to appeal, I generally will not meet with the parties. I would not normally give anyone an indication. I will check with my staff and the Planning Commission staff, and will respond in writing.

Mr McGinty: Everyone, except the Town of East Fremantle, seems to have been proceeding along on the basis that a certain course of action would be followed - sale, subdivision, demolition and so on. If that is the case, they should not have been doing that.

Mr KIERATH: A proponent might be acting commercially and see provisions in the local town planning scheme that are not being implemented. The property has been referred to the state body, which says it is not of state significance. Ordinarily, that proponent would not then buy into the issue. If the primary parties were not interested, the proponent would determine that it is okay to develop the property. However, the proponent then finds that the council that has previously done nothing about it has changed its mind and will not issue a demolition order. That action has probably affected the

property value. Maybe we should pursue the Town of East Fremantle to try to recover the difference. I had not thought about that. Maybe I should suggest that to the Western Australian Planning Commission.

As to whether I intend to allow the appeal, I have not completely finalised that. I have had a preliminary meeting. I would not normally give an indication of the outcome of that, but I did comment to the member on the record that the professional advice that I received was to uphold the appeal.

I have covered the issue of whether the building might be preserved. The member said that it was my responsibility. Obviously, the Heritage Council of Western Australia has advised me that it is not my responsibility because it does not have state significance. If it has only local significance, it is the responsibility of the Town of East Fremantle.

I have covered some of the irregular and improper procedures. I will conclude my comments on this point, and if the member wants to interject, I will answer his interjection. For the reasons that I have given, I do not see anything untoward in those procedures, except for the fact that the commission was dealing with two agents, and then it suddenly gave the property to another agent who had submitted a lower valuation. I think there are reasons for that, and I will formally ask for them. I think that is the only question mark in the process. When one appoints an agent on a valuation, usually a reliable valuation will be required. On that basis, if a ballpark figure is obtained, the property will be sold. Therefore, I do not see anything untoward in that part of the matter. However, the matters raised by the member are of sufficient importance that they should be investigated. If I do not receive satisfactory answers, I will refer the matter to someone else. If I receive answers that appear to be satisfactory and stack up, I will not take it further. However, if someone provides me with further information, which I will make available to the member, which gives me a reason to go further, I will. I believe that I have covered all the issues. I promised the member that I would take another comment from him.

Mr McGinty: I appreciate what the minister said about it now being too late in the process. I have a view on heritage matters. Dealing with the Cottesloe flour mill, demolition was halfway through and, as Minister for Heritage, I stopped it. That building will be an enormous addition to the Cottesloe landscape. It has had its problems, but it has progressed well. Even at this late hour, I and most people in East Fremantle want to see this building preserved. Is there any hope of considering a last-minute proposition? For example, is the East Fremantle Town Council prepared to buy the building or can anything else be done, because once the building is gone, it will be gone forever? It is a building of some considerable heritage significance, and I would hate to see it go because the Town of East Fremantle might have been remiss in not putting it in the schedule for the town planning scheme.

Mr KIERATH: The process has gone too far in that the only person who controls the process now is the owner of the property.

Mr McGinty: As well as the minister, because he has an appeal before him.

Mr KIERATH: Yes. However, I have informed the member of the professional advice that I have received. Unless there is good reason for going against it, I generally accept that advice.

Mr McGinty: I am trying to suggest a good reason.

Mr KIERATH: I know what the member is trying to suggest. I am not dismissing it completely. However, I have no reason to exercise any of those powers at this time. We have an owner of a property who has experienced some difficulty in getting what he wants. That would put the council in a good position to acquire the property at a reasonable rather than an inflated price. That is the only resolution to this matter at the moment. If the member were to ask me within the next week to delay the decision, I would consider that; I can delay that decision while negotiations proceed. I have concluded. We oppose the motion.

Question put and negatived.

RESORT DEVELOPMENT

Motion

Resumed from 21 October 1998 on the following motion -

> That the Public Accounts and Expenditure Review Committee be requested to examine whether the Government used the resources of the State in an ethical, effective and proper way in its assessment of an application by Trade Centre Pty Ltd to develop a resort on the west coast of the North West Cape.

MR BROWN (Bassendean) [6.44 pm]: This matter came before the Parliament last year. I now have 16 minutes to deal with it. I am in somewhat of a quandary as to whether to take all that time and therefore delay the matter to yet another day, or to simply sit down and allow the member for Murray-Wellington to respond.

Mr Barnett: Would you remind us of the issues involved?

Mr BROWN: The matter is outlined in *Hansard*. However, I will take a couple of minutes to deal with the core issues. I will then refer to a couple of documents and leave the parliamentary secretary 10 minutes to respond. The first issue is the question of competence and the way this matter was dealt with. If one examines the files from the Department of Conservation and Land Management, the Minister for Tourism and the various departments, it is clear that this matter was handled in an absolutely abysmal way. Letters on the file show that on one day CALM supported the proposition and on another day it opposed it. It is entitled to have a view, but developers in this State need to know where they stand. They need to be told early in the piece, "This is not going anywhere." They can then go somewhere else and look at another development, without spending a great deal of time and resources on it. That is the first point.

The second point is that there was huge incompetence in the way the matter was dealt with between ministers. The files refer to meetings that were not held, meetings of which no records were apparently kept, inconclusive results and so on. Administratively, it was appalling. The proponents were always given an indication that this issue would go to Cabinet - not that it would be agreed by Cabinet but that it would go to Cabinet - and that they would receive a cabinet decision, yes or no. It never went to Cabinet, despite the undertakings that they were given.

The correspondence seems to indicate that this project was dumped for political reasons. I refer to a letter of 2 October 1998 from Mr John Reidy-Crofts, a director of Trade Centre Pty Ltd, to Mr Graham, the chief executive officer of the Shire of Exmouth, in which he says -

> On 15 August 1996 we met with Norman Moore MLC Minister for Tourism who confirmed his support and approval for our company to be granted an evaluation license. He agreed to take our proposals to cabinet seeking endorsement and a direction. I have enclosed a copy of our letter dated 19 August 1996 which we sent to Norman thanking him for his support.
>
> Regrettably our Trade Centre proposals have not been presented to cabinet and today we were advised by Miss Michelle Miller an adviser to Norman Moore of the following:
>
> 1. The Trade Centre proposals were not presented to cabinet as there were 'other related matters' before cabinet.

That is the LandCorp development on the other side of the cape. It continues -

> 2. Landcorp had put forward the view that because the second stage of the east coast marina development incorporates a resort then any other resort proposals for the west coast as being promoted by Trade Centre should be opposed as it may adversely impact on the success or otherwise of the east coast marina development.

In other words, because there was a government development, the west coast development would be duckshoved. It continues -

> 3. In view of the pending state election and the marginal status of the new seat of Ningaloo, government did not wish to have the west coast proposals an election issue.

In other words, it would be dumped because there was an election. It continues -

> 4. Norman Moore did not present the Trade Centre proposals to cabinet as it would not have received approval.

That letter was written by Mr John Reidy-Crofts on the day of the telephone conversation. The project was dumped. Then there is a letter from the Shire of Exmouth that confirms some of those things, because they were stated by the minister at the meeting with the Shire of Exmouth. On 26 June 1997, in question 1691, I asked the Premier in part -

> (1) Is the Minister aware of proposals by Trade Centre Pty Ltd to develop a resort on the west coast of Cape Range?
>
> (2) Prior to the 1996 State election, did the Minister . . . take any action or fail to take any action which would result in a delay in the proposal being considered by Government?
>
> (3) Was consideration of the proposal delayed for political, environmental or commercial reasons?

On 24 October, four months later, the Premier did not answer the question. He did not deny that the matter was dumped for political reasons. That tells us something. Let us consider the way in which the Premier answers questions on notice. When we put to him something that is not true, he answers it emphatically - no. He did not answer the question; he avoided it.

Mr Bloffwitch: Read out his answer.

Mr BROWN: His answer was -

(1) Yes.

(2)-(5) Any development in an environmentally sensitive area such as Cape Range requires careful examination and discussion.

There have been several expressions of interest in developing tourist facilities in the Cape Range area.

Each expression of interest is receiving due and careful consideration by the Government.

He did not answer the question. Interestingly, the Minister for Tourism answered yes to the first question and no to the other four questions, and interestingly also, in light of the correspondence from John Reidy-Crofts, after a conversation with his adviser, written on that day.

I will conclude because, for a range of reasons, the matter must be investigated by the Public Accounts and Expenditure Review Committee. There is incompetence in dealing with a major development, there is political interference in dealing with a major project, in terms of the project being dumped, and there is also the question that the project was dumped because there was a government project with which the Government did not want the other project to compete. For those reasons, the matter should be examined by the Public Accounts and Expenditure Review Committee.

MR BRADSHAW (Murray-Wellington - Parliamentary Secretary) [6.53 pm]: I shall try to respond to the member for Bassendean. As he is aware, I was not involved in the matter, but as Parliamentary Secretary for Tourism I have responsibility to answer such matters. I have had a briefing on the issue so I will do my best to provide some answers. The member for Bassendean was invited to attend and he participated in a briefing with a representative from Trade Centre Pty Ltd at which there were no questions or debate about the story that was given at that briefing. Therefore, the minister certainly was surprised by the motion. The Minister for Tourism, Hon Norman Moore, was approached by representatives of a syndicate with a proposal to build a resort near Tantabiddi, which is on the west coast of Exmouth peninsula. The minister tried to assist; he felt that it was a good project and he wished to try to proceed with it.

There were some difficulties with the project, and that is that the people involved, who formed Trade Centre Pty Ltd, were looking for a three to four hectare site. They wanted to do an environmental and feasibility study of three square kilometres of land. The syndicate, which as I have said became Trade Centre Pty Ltd, was prepared to undertake the environmental assessment - that is, to pay for that assessment. Trade Centre realised that the Government would not be able to grant it the land in the form of leasehold, freehold or whatever without it going out to tender. Trade Centre was prepared to undertake the environmental assessment and bear whatever costs were involved provided that, if it were successful and it won the bid for the land on which to build the resort, it would be compensated by the winner of the tender.

At that stage, the Shire of Exmouth was against any development on the west side of North West Cape. It was a controversial issue at the time, and many local residents were not in favour of anything being built in the region. I spent some time in the area at about that time for one reason or another and I can remember a great outcry about another person who wished to do a development in that area. In fact, Michael Kailis wanted to build a resort. There was a huge outcry from the locals about anyone wanting to touch their sacred site which they used for swimming and recreation.

The 3 sq km in question cover two types of vesting: One was vacant crown land and the other was Jurabi Coastal Park, which was vested jointly in the Shire of Exmouth and the Department of Conservation and Land Management. For the project or assessment to proceed, there was a need to remove the Jurabi Coastal Park section from the park and return it to vacant crown land. The resultant land parcel could then be leased from DOLA. Another problem was how the land would be able to be handed over to anybody who wanted to build a resort on freehold or leasehold land and what the conditions or arrangements would be.

My notes refer to 1996 but it must have been in 1995 that a meeting was held between the Department of Conservation and Land Management, the Western Australian Tourism Commission and the Western Australian Planning Commission. The idea was that they should try to get Trade Centre Pty Ltd to proceed with the project and to do the assessment. At the same time, unfortunately, LandCorp had developed a concept plan and completed a feasibility study on Exmouth Boat Harbour and associated land development. The Exmouth Boat Harbour and the associated land development steering committee strongly opposed the progress of any developments on the western side of the North West Cape at that time. That was one reason that the steering committee was put into place. I assume that it would have consisted of local shire representatives, perhaps some locals, people from LandCorp and so on. They were strongly opposed to any development on the west side because it would interfere with the possible viability of the other project which was being put together by LandCorp.

A joint cabinet submission from the Minister for Lands and the Minister for Regional Development was presented to Cabinet, Cabinet endorsed the concept plan for the boat harbour development, and international expressions of interest were sought to develop a tourism resort within the concept plan. Also, environmental, planning and native title approvals were sought. They were approved by Cabinet. Once approved by Cabinet, the Minister for Tourism, Hon Norman Moore, advised Trade Centre that the chances of getting its development off the ground were slim on the west side but that it should consider being part of the boat harbour concept in which the Government wanted a resort to be built as well. Obviously,

the scenario had changed for Trade Centre. The Government was considering having a resort built in one place, Trade Centre was going to build one in another place - that would make two resorts - and that would possibly make its viability somewhat suspect or put a big question mark over it. It was its decision whether to go ahead with it.

Some other issues related to the Trade Centre proposal, as was pointed out by the member for Bassendean, were that the Shire of Exmouth originally opposed a development on the Jurabi Coastal Park, but it eventually rescinded the motion and informed CALM that it was happy to support in principle an environmental and technical study of the development site. CALM also advised that it had numerous applications to develop inside Cape Range National Park and that that indicated wider interest in the area than just from Trade Centre.

Trade Centre was not prevented from trying to progress its proposal. However, the Exmouth Boat Harbour and associated land development obviously created a different scenario, as I have pointed out. Trade Centre then had the problem of trying to decide whether it should be involved with the boat harbour development, whether it should go ahead with the other development, or pull out altogether. From what I can gather at that stage, it decided to pull out altogether.

The Government was in a no-win situation, because if the Tantabiddi resort had gone ahead, the Opposition would have said that it should not have been built there for environmental and other reasons. It is now being condemned for developing the boat harbour, which I believe is a great asset to Exmouth. The recent cyclone probably demonstrates why that boat harbour needed to be built. In the old days fishing boats and prawning trawlers had to go out to sea in the eye of a cyclone. The boat harbour has been a great asset; boats can shelter there and lives are not put at risk by sending boats out to sea in a cyclone.

Mr Brown: Tell us why the matter did not go to Cabinet.

Mr BRADSHAW: I cannot tell the member why it did not go to Cabinet; I was not informed of that in the briefing. Unfortunately, as the member knows, the minister is not available today. I seek leave to continue my remarks at a further sitting of the House.

[Leave granted.]

Debate thus adjourned.

House adjourned at 7.01 pm

QUESTIONS ON NOTICE

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

CALM - WHITTAKERS' DEBT

1175. Dr EDWARDS to the Minister for the Environment:

(1) How much of the $14.935 million owed to the Department of Conservation and Land Management (CALM) by log buyers (sawmills) as at June 30 1998, as stated in CALM 1997-1998 Annual Report, was owed by the Whittakers group of companies?

(2) For how many years has CALM extended credit to Whittakers for the purchase of logs?

(3) For each year, what has this amount been?

(4) What security does CALM have for this debt?

(5) What steps is CALM taking to ensure payment?

Mrs EDWARDES replied:

(1) $1 732 341.28

(2) 14 years.

(3)

30 June 1998	$1 732 341.28
30 June 1997	$2 669 045.74
30 June 1996	$1 607 947.62
30 June 1995	$980 718.13

Figures for 30 June 1994, 1993 and 1992 are not readily available but can be extracted from accounting records if required. As provided by Treasurer's Instruction 804 "Retention of Accounting Records", records for 1990-91 and earlier years have not been retained by CALM.

(4) Current securities comprise the following collaterally enforceable charges over Whittakers assets and undertaking, namely a floating charge over timber stocks by Whittakers in favour of CALM unstamped to secure $2 million; a fixed and floating charge by Whittakers in favour of CALM to secure $2 million; a deed of guarantee and indemnity by Whittakers in favour of CALM on account of Western Pine Associates Pty Ltd to secure $2 million; a deed of priority prioritising CALM's securities of $1.5 million. In addition, under Section 117 of the Conservation and Land Management Act 1984 CALM has the power to seize and dispose of forest produce if royalty dues or charges are not paid on that forest produce.

(5) Regular contact is maintained between CALM and Whittakers Management. The security as detailed in (4) minimises CALM's long term financial exposure.

SANDY PEAK (NELSON LOCATION 7965)

1703. Dr EDWARDS to the Minister for the Environment:

(1) Regarding the enclave in D'Entrecasteaux National Park known as Sandy Peak (Nelson Location 7965) prior to the sale of the property to Shellbay Holdings Pty Ltd in 1995, was the Department of Conservation and Land Management (CALM) approached or did CALM approach anyone with a view to CALM buying the property?

(2) If the answer to (1) above is yes, who approached whom and with what purpose?

(3) If the answer to (1) above is no, why did CALM not approach the sellers or their agents?

(4) For the financial year 1994-95 and for each of the previous three years -

(a) what was the amount allocated for CALM to buy land for conservation purposes; and

(b) how much did CALM spend on buying land for conservation purposes?

(5) Given that one of the objectives of the CALM management plan for Shannon Park and D'Entrecasteaux National Park (1987-1997) is "to rationalise and simplify park management by eventually adding existing alienated lands within the Parks to the Parks" (Management plan, p.58), and that the prescription for private property states that "Properties that have important conservation or recreation values...will be purchased when available and reserved as national park," (Management Plan, p. 59), why did CALM not buy the property?

(6) At the time Shellbay Holdings Pty Ltd bought the property was one of its directors, T. Court, a CALM employee?

(7) Is the Minister aware that at the time Shellbay Holdings Pty Ltd bought the property one of its directors, B. Owens, was a contractor in the timber industry?

(8) At any time in the past ten years has Mr Owens been contracted by CALM for -

(a) road construction;
(b) tree felling; and/or
(c) log hauling?

(9) Where was Mr Court based in 1995?

(10) Will the Minister itemise Mr Court's job description in 1995?

(11) At any time would Mr Court in his capacity as a CALM employee have dealings with Mr Owens as a contractor in the timber industry?

(12) If yes, what were those dealings?

(13) Is Mr Court still an employee of CALM?

(14) If the answer to (13) above is yes -

(a) where is he based; and
(b) what is his job description?

(15) If the answer to (13) above is no, when did he leave?

(16) In his capacity as a CALM employee does he have dealings with Mr Owens?

(17) If yes, what are those dealings?

Mrs EDWARDES replied:

This matter is under current review by CALM to ensure that there is no conflict of interest.

(1) Onsite discussions were held between one of the previous owners, Frank Moss, and Pemberton District Staff, John Gillard and David Meehan. It was indicated that the owners were not prepared to sell the property to CALM. No approaches were made to CALM regarding purchase of the property. The property was never advertised for sale.

(2) Pemberton District staff during discussions with the owners to determine their future intentions for the block and how this would impact on management of the adjoining national park.

(3) Not applicable.

(4) (a)

1994-95 -	$200 000
1993-94 -	$300 000
1992-93 -	$840 000
1991-92 -	$719 000

(b)

1994-95 -	$ 87 647 1
1993-94 -	$ 89 459 2
1992-93 -	$729 374
1991-92 -	$577 236

1 The unexpended balance of about $112 000 was carried over into 1995/96 enabling substantial purchases to be made in that year.

2 A further amount of $70 000 was set aside for a land purchase agreed to be paid for some years later.

(5) See (1) above. The property was never advertised for sale.

(6) Records available to CALM indicate that at the time Shellbay Holdings purchased the property, T. Court was not a Director of Shellbay Holdings. He was an employee of CALM.

(7) Yes.

(8) (a)-(c) Yes.

(9) Manjimup Regional Headquarters.

(10) Statement of Duties. [See paper No 822.]

(11) Yes.

(12) See (10) above.

(13) Yes.

(14) (a) Manjimup Regional Headquarters.
(b) Statement of Duties tabled.

(15) Not applicable

(16) Yes.

(17) See 14(b) above.

OCCUPATIONAL SAFETY AND HEALTH, STUDY INTO HEART DISEASE IN EMPLOYEES

1953. Mr BROWN to the Minister for Labour Relations:

(1) Is the Minister aware of an article that appeared in *The Australian Financial Review* on 27 January 1999 concerning a study carried out by the International Centre for Health and Society at University College, London which revealed that employees with low control at work were more likely to develop heart disease than others with a reasonable degree of control?

(2) Is it true that a percentage of employees engaged under workplace agreements are required to enter into such agreements as a condition of being employed?

(3) Will the Minister -

(a) instruct; and
(b) ask,

the Occupational Safety and Health Commission to examine the report and the way its findings could be applied to employees forced to accept terms and conditions of employment in order to obtain a job?

(4) If not, why not?

(5) If so, when?

Mrs EDWARDES replied:

(1)-(5) I have not read the article to which the member refers. However, I will do so and consider whether it is appropriate to refer the matter to the WorkSafe Western Australia Commission.

EMPLOYMENT, AWARDS AND AGREEMENTS

1958. Mr BROWN to the Minister for Labour Relations:

(1) As at 31 December 1998, what percentage of the Western Australian workforce were employed under -

(a) workplace agreements under the Workplace Agreements Act 1993;

(b) awards, enterprise or industrial agreements of the Western Australian Industrial Relations Commission;

(c) Australian workplace agreements;

(d) awards, enterprise agreements or other agreements under the Federal Industrial Relations Act, and

(e) award-free arrangements?

(2) Does the Government have an estimate of the percentage or number of employees engaged under each of the five categories referred to in the previous question?

(3) If so, what is that estimate in percentage and numerical terms?

Mrs EDWARDES replied:

(1) (a) As at 31 December 1998, 168 033 agreements under the Workplace Agreements Act involving 177 759 employee parties have been lodged since 1993. No specific data is collated on the percentage this represents of the workforce.

(b) As at 31 December 1998, 1 464 industrial agreements involving 171 711 employees have been registered since 1993. There is no specific data collated on the percentage this represents of the workforce. No specific data is collected on award coverage.

(c) As at 31 December 1998, there were 45 089 Australian workplace agreements registered with the Office of Employment Advocate. Approximately 3 600 of these agreements are from WA which is approximately 0.4% of the Western Australian labour force. Given Australian Workplace Agreement's have been in place for a relatively short time it is possible to estimate the percentage of the workforce covered.

(d) As at 31 December 1998, 23 280 certified agreements have been registered covering 2 235 5000 employees, according to the Department of Employment, Workplace Relations and Small Business. There were 9 490 current federal agreements covering 1 010 500 employees. No specific data is available on award coverage.

(e) There is no current data on award free employees.

(2) No.

(3) Not applicable.

INDUSTRIAL RELATIONS, *WORK PLACE FOCUS* PUBLICATION

1985. Mr BROWN to the Minister for Labour Relations:

(1) Is the Minister aware of the publication *Work Place Focus*, issue number 23?

(2) If so, has the Minister read the article on pages 4 and 5 of the publication headed "Creative Bargaining: A Key to our Future"?

(3) Does the article reflect Government policy on industrial relations?

(4) If not, in what way or ways does it not reflect Government policy?

Mrs EDWARDES replied:

(1)-(2) Yes.

(3) The article reflects the views of Mr Lloyd, the Chief Executive Officer of the Department of Productivity and Labour Relations, as expressed in a recent speech to the Industrial Relations Society of WA. The article does not purport to reflect labour relations policy.

(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2035. Mr BROWN to the Minister representing the Attorney General:

How many employees under the age of 21 years were recruited by each department and agency under the Attorney General's control in the -

(a) 1997-98 financial year; and
(b) 1998-99 financial year (to date)?

Mr PRINCE replied:

The Attorney General has provided the following reply.

(a) 11
(b) 25

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2050. Mr BROWN to the Minister representing the Minister for the Arts:

How many employees under the age of 21 years were recruited by each department and agency under the Minister's control in the -

(a) 1997-98 financial year; and
(b) 1998-99 financial year (to date)?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response:

(a) The Ministry for Culture & the Arts employed 18 employees under the age of 21 in the 1997-1998 financial year; and

(b) Has employed 16 employees under the age of 21 in the 1998-1999 financial year to date.

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2053. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

How many employees under the age of 21 years were recruited by each department and agency under the Minister's control in the -

(a) 1997-98 financial year; and
(b) 1998-99 financial year (to date)?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply.

(a) 11
(b) 25

ROBBERIES, INVOLVEMENT OF CHILDREN

2092. Mr BROWN to the Minister for Small Business:

(1) Is the Minister aware of a number of incidents where children have been used by adults to rob shops?

(2) Does the Government intend to introduce any legislative amendments to deal with this type of crime?

(3) When will such legislative amendments be introduced?

(4) Are any legislative amendments under consideration which provide substantial terms of imprisonment for adults who encourage/force children to participate in this type of illegal activity?

(5) Does the Government intend to introduce legislative changes this calendar year to deal with this crime?

Mrs van de KLASHORST replied:

(1) Yes.

(2)-(5) This matter is currently under consideration by the Ministry of Justice.

TOURISM, CAVE LAKES

2106. Mr BROWN to the Minister for the Environment:

What assistance does the Government intend to provide to the tourism industry to ascertain why the Cave Lakes in the Margaret River region have become dry?

Mrs EDWARDES replied:

The Augusta-Margaret River Tourism Association is the proponent of a study which will commence in July of this year using revenues generated from cave tourist visitation to part fund the project. CALM will provide advice, information and access to sites in the national park as required by the study. The project is in its infancy and there has been no commitment at this stage of direct Government funding to the proposal.

REGIONAL FOREST AGREEMENT, MAP COLOURS

2123. Dr EDWARDS to the Minister for the Environment:

In the course of the Regional Forest Agreement process a map was produced by the Department of Conservation and Land Management called "Significance for Sustained Timber Yield" on which there were five colours (red, brown, green, pale blue and dark blue) one for each of the five levels of significance, what is the area of forest represented by each of the colours?

Mrs EDWARDES replied:

Red	High	158 700 hectares
Brown Medium-	High	330 200 hectares
Green	Medium	182 500 hectares
Pale Blue	Medium-Low	106 400 hectares
Dark Blue	Low	370 500 hectares

BUILDING AND CONSTRUCTION INDUSTRY TASK FORCE

2157. Mr KOBELKE to the Minister for Labour Relations:

(1) When was the responsibility for the Building and Construction Industry Task Force transferred to the Minister for Labour Relations?

(2) What are the aims and objectives of the Building and Construction Industry Task Force?

(3) Have these aims or objectives changed in any way since the responsibility for the Task Force came under the Minister for Labour Relations, and if so, what are these changes?

(4) What were the full costs for the Task Force in the 1997-98 financial year?

(5) What is the budget for all costs for the Task Force in the 1998-99 financial year?

(6) Since the establishment of the Task Force, how many charges have been laid arising directly from the work of the Task Force?

(7) Since the establishment of the Task Force, how many individuals have been the subject of charges arising directly from the work of the Task Force?

(8) How many individuals have been convicted of an offence arising from investigations and charges brought about through the work of the Task Force?

(9) How many charges have been proven through a conviction recorded as a consequence of investigations and charges being laid from the work of the Task Force?

Mrs EDWARDES replied:

(1) The Building and Construction Industry Task Force has been responsible to the Minister for Labour Relations since it was established in November 1993.

(2) The aims and objectives of the Building and Construction Industry Task Force are as described on page 3, 1.1.Objectives - Code of Practice for the WA Building and Construction Industry. [See paper No 823.]

(3) No.

(4) The full costs for the Task Force in the 1997-98 financial year was $293 669.

(5) The budget for all costs for the Task Force in the 1998-99 financial year is $274 000.

(6) 72 charges have been laid arising directly from the work of the Task Force.

(7) 17 individuals have been the subject of charges arising directly from the work of the Task Force.

(8) 11 individuals have been convicted arising from investigations and charges brought about through the work of the Task Force.

(9) 33 charges have been proven through a conviction recorded as a consequence of investigations and charges being laid from the work of the Task Force.

WAGES, UNDERPAYMENT

2161. Mr KOBELKE to the Minister for Labour Relations:

In the 1997-98 financial year, how many cases of underpayment of wages to employees -

(a) were lodged with the Western Australian Industrial Relations Commission;

(b) were determined to the effect that the employer had not fully paid their employees; and

(c) how many of these cases were prosecutions taken by the Department of Productivity and Labour Relations?

Mrs EDWARDES replied:

(a) None. Underpayment of wages are not dealt with in the Western Australian Industrial Relations Commission. However 3271 complaints were lodged with the Industrial Magistrate, some of which dealt with underpayment of wages.

(b) In relation to those matters lodged with the industrial magistrate, this information is not readily available without a search of each application. Many applications conclude by withdrawal, dismissal or discontinuance because the parties have reached a settlement.

(c) Two cases were prosecuted by the Department of Productivity and Labour Relations in the Industrial Magistrate's Court.

WORKPLACE BULLYING

2164. Mr KOBELKE to the Minister for Labour Relations:

(1) How many cases were reported to WorkSafe Western Australia of workplace bullying in:

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996;
(g) 1997; and
(h) 1998?

(2) In each of these years, how many workers were -

(a) permanent; and
(b) casual?

(3) Does the Minister have any policies or plans to reduce the incidence of bullying at the workplace?

Mrs EDWARDES replied:

(1)-(2) WorkSafe Western Australia is not able to separately identify workplace bullying in its complaints records. However the inspectorate consider the number to be very small each year.

(3) Workplace bullying is loathsome to all fair minded employers and employees and the department is committed to taking strong enforcement action whenever it is aware of its occurrence in the workplace. During 1997 and 1998 the department successfully prosecuted on 4 occasions in respect of workplace bullying incidents.

OCCUPATIONAL SAFETY AND HEALTH COMMITTEES, ESTABLISHMENT

2165. Mr KOBELKE to the Minister for Labour Relations:

(1) How many employees lodged complaints with the WorkSafe Western Australia Commissioner under Section 36(2)(b) of the Occupational Safety and Health Act 1984 in regards to employers denying their request for the establishment of an Occupational Safety and Health Committee in their place of work in the following years -

(a) 1987;
(b) 1988;
(c) 1989;
(d) 1990;
(e) 1991;
(f) 1992;
(g) 1993;
(h) 1994;
(i) 1995;
(j) 1996;
(k) 1997;
(l) 1998; and
(m) 1999?

(2) In those cases where the employer denied the request of the employees to establish an Occupational Safety and Health Committee, how many decisions were upheld by the WorkSafe Western Australia Commissioner?

(3) How many employers have been charged with an offence under Section 37(1) of the Occupational Safety and Health Act 1984 for failing to establish a safety and health committee?

(4) How many employers have been issued with a notice from the Commissioner in accordance with Section 37(1)(b) of the Occupational Safety and Health Act 1984 requiring the employer to establish a safety and health committee?

(5) As Section 37(1)(a) of the Occupational Safety and Health Act 1984 provides a commitment for the establishment of safety and health committees in workplaces, does the Minister intend to introduce regulations that requires employers to establish these committees?

(6) Given the continuing rate of injury, disease and loss of life occurring in Western Australian workplaces, is the Minister satisfied that all has been done to ensure that safety and health committees have been established in

workplaces thereby providing a proper workplace framework for the improvement of safety performance and resolution of safety and health issues?

(7) How many safety and health committees have been established in each of the following years -

(a) 1987;
(b) 1988;
(c) 1989;
(d) 1990;
(e) 1991;
(f) 1992;
(g) 1993;
(h) 1994;
(i) 1995;
(j) 1996;
(k) 1997;
(l) 1998; and
(m) 1999?

Mrs EDWARDES replied:

(1) No employees have lodged complaints under Section 36(2)(b) of the *Occupational Safety and Health Act* in relation to employers denying their request for the establishment of an Occupational Safety and Health Committee. WorkSafe Western Australia inspectors routinely deal with requests for assistance in the establishment of safety and health committees.

(2) In 1990 an employer referred a request to the Commissioner seeking his approval under Section 36(2)(b) to deny a request from employees to form an Occupational Safety and Health Committee. The Commissioner affirmed the requirement for a committee to be formed.

(3) Nil.

(4) See (2) above.

(5)-(6) There is no evidence that a regulation is needed to require employers to establish Occupational Safety and Health Committees. The WorkSafe Western Australia Commission has produced Guidance Notes for employers and employees on the establishment of committees and the resolution of safety and health issues. As mentioned in (1) above, WorkSafe Western Australia inspectors routinely deal with requests for assistance in the establishment of safety and health committees.

(7) The *Occupational Safety and Health Act* does not require employers to advise WorkSafe Western Australia of the establishment of Occupational Safety and Health Committees. Therefore there are no records on the numbers established each year.

INDUSTRIAL RELATIONS, COMPLAINTS AND INVESTIGATIONS

2166. Mr KOBELKE to the Minister for Labour Relations:

In the 1997-98 financial year with respect to the Department of Productivity and Labour Relations -

(a) how many formal industrial and legislative complaints were lodged;

(b) how many of these were resolved without resorting to legal proceedings;

(c) how many investigations were undertaken;

(d) how many prosecutions were commenced;

(e) how may prosecutions were concluded;

(f) what number of the concluded prosecutions were "successful";

(g) what number of investigations were categorised as "no valid complaint";

(h) in how many of the cases which were resolved as "no valid complaint" did the complaint relate to an alleged breach of an award;

(i) how many investigations were concluded by was of "deeds of settlement"; and

(j) in how many of the cases which were resolved by "deeds of settlement" was there evidence of a breach of an award?

Mrs EDWARDES replied:

(a) 837
(b) 734
(c) 736
(d) 2
(e) 2
(f) 2
(g) 148
(h) 123
(i)-(j) Nil.

LITERACY STANDARDS

2181. Mr RIPPER to the Minister for Education:

What action does the Education Department take to ensure that individual students do not graduate from Western Australian Government Primary Schools unable to meet basic standards of literacy?

Mr BARNETT replied:

The Education Department is constantly researching, planning and taking action to ensure students do not graduate from government primary schools unable to meet basic literacy standards. The following initiatives provide some examples:

(i) The Students at Educational Risk Strategy - *Making the Difference.* There is a focus on early identification, intervention, prevention, and the development of appropriate support programs.

(ii) The Pre-primary - Year 3 phase of the Literacy Net focuses on the early identification of children who may require assistance in literacy development. It is a comprehensive screening device to identify students in need of particular assistance. The literacy checkpoints define year level expectations to assist teachers in making judgements about appropriate standards. The Year 4 - Year 7 phase of the Literacy Net will be trialed during the first semester of 1999.

(iii) The Commonwealth Literacy Program provides funds totalling $6 million to be allocated to government schools to assist with the implementation of programs that specifically target those students most at risk of not achieving adequate literacy and numeracy skills.

(iv) Student results of the Western Australian literacy testing carried out in August 1998 will provide valuable information for teachers and parents about aspects of student achievement in reading, writing and spelling. The literacy assessment information will assist schools in reviewing their teaching and learning programs to ensure that the needs of individual students are addressed. Literacy testing of Year 3 and Year 5 students will now be carried out on an annual basis.

TEACHERS' SALARIES, PEOPLESOFT PAYROLL SYSTEM

2182. Mr RIPPER to the Minister for Education:

(1) Has the introduction of the PeopleSoft payroll system resulted in changes to the way in which the salaries of part-time teachers are calculated?

(2) Have these changes reduced the salary that some part-time teachers receive compared to the salary they would have received for the same hours worked under the previous payroll system?

(3) If yes, why?

Mr BARNETT replied:

I am advised:

(1) Yes. With the introduction of PeopleSoft the calculation of salaries for part-time teachers has changed in two ways:

Part-time teachers under the previous payroll system were paid an average of their part-time fraction for each week day. For example, if a part-time teacher was employed as 0.5 (half time) then they would have been paid 0.5 of a day for every day of the week. This would equate to 2.5 days per week.

Under PeopleSoft, all teachers now have a roster and are paid for the actual days they work. Therefore, if a part-time teacher works 0.5 (half time) the employee would still be paid for 2.5 days per week, however, the roster in PeopleSoft will reflect they worked a full day on both Monday and Tuesday and a half day on Wednesday, or whatever schedule applies.

This change enables the Education Department to more accurately record when the teacher is working and to accurately record any leave taken by the employee.

The second change is that part-time teachers are now paid on a Friday to Thursday basis rather than on a Monday to Friday basis. Previously teachers were receiving pay in advance for one day (every second Friday) each pay period. This was because, although the teacher's pay was calculated on a Monday to Friday basis, they actually received payment on the Thursday of the pay week.

Part-time teachers were paid in this way because they were paid on a daily average of their part-time fraction, which necessitated the calculation of their pay on a Monday to Friday basis.

The change was made to bring part-time teachers into line with the rest of the Education Department's workforce and enable the payroll to be run all at one time.

(2) No. Part-time teachers normal salary should not be affected in anyway. However, part-time teachers were paid a different amount in their first pay on PeopleSoft, which was a once off event. In the changeover to PeopleSoft from the old payroll system part-time teachers would have noticed a change in their pay for the first pay period on the PeopleSoft system. This occurred because for the first time the part-time teachers were not paid in advance for the Friday of the pay week.

(3) Not applicable.

READING RECOVERY TEACHER TRAINING PROGRAM

2184. Mr RIPPER to the Minister for Education:

(1) Did the Liberal Party election platform in 1996 promise to implement the Reading Recovery Teacher Training Program?

(2) Will the Minister outline what has been done so far to fulfill this election promise?

(3) Will the Minister advise what is planned in 1999 with regard to this program?

Mr BARNETT replied:

(1) No. On page 14 of the Liberal Party 1996 education election policy "Foundations for our Future", Reading Recovery was identified as one example of the many strategies from which schools can choose to support the literacy development of students. The Government acknowledges that there are many commercial products which address literacy problems, and encourages and supports schools in selecting those programs that will best meet the needs of their students. Reading Recovery is one such program.

(2) The Government has allocated $2.6 million over four years to support and enhance the many programs in place. In support of improved literacy outcomes, the Education Department has undertaken the development of the P-10 Literacy Net Program to assist teachers in the identification and support of students experiencing difficulties with literacy.

(3) The Education Department has commenced negotiations with members of the Reading Recovery Network to trial a pilot Reading Recovery Program in selected Western Australian schools. The Education Department has agreed to fund a Tutor Trainer for the Reading Recovery Program in 1999 and support a pilot study of Reading Recovery in selected schools. This pilot will aid in determining Reading Recovery's effectiveness. Reading Recovery will continue to be one of many commercially available products for schools to choose from when selecting literacy development programs for their students. Almost all programs that require individual attention in a one on one teacher to student basis such as Reading Recovery produce significant improvement. This is why schools use considerable staffing flexibility to assist students at risk.

MILK PRICES, INDIVIDUAL BARGAINING

2200. Mr BROWN to the Minister for Labour Relations:

(1) Is the Minister aware of an article that appeared in *The Weekend Australian* on 23 January 1999 under the heading of "Visual Sublime Curdles in Dairyland"?

(2) Is the Minister aware that the article dealt in part with the new bargaining arrangements facing Taree dairy farmers?

(3) Is the Minister also aware that the article reported that, as part of national competition policy rules, from next year 350 dairy farmers in the district will individually bargain their milk price contracts with the towns to dairy processing plants, breaking existing arrangements where prices had been set by legislation?

(4) Is the Minister also aware of comments made by dairy farmer Peter Ruprecht who described the new arrangements as "the very worst of the American industrial system" where individuals have to bargain in a very unfair power relationship?

(5) As a matter of policy, does the Government accept these changed relationships involving the move to individual bargaining will weaken the power relationship of dairy farmers?

(6) If not, why not?

(7) Is the complaint made by dairy farmers in Taree equally applicable in cases where employees have no choice but to individually bargain?

(8) If not, why not?

(9) As a matter of policy, does the Government accept that some employees forced to individually bargain are in a very unfair power relationship?

(10) If not, why not?

Mrs EDWARDES replied:

(1)-(4) Yes.

(5) This article is not about industrial bargaining. It is about market focus and the relationship between suppliers and purchasers, not employers and employees.

(6) Not applicable.

(7) No.

(8) In WA, employees have the choice to engage in both collective and individual bargaining.

(9) No.

(10) In WA, employees have the choice to engage in both collective and individual bargaining. Also, a modern statutory safety net underpins the bargaining.

UNFAIR DISMISSAL LAWS

2203. Mr BROWN to the Minister for Labour Relations:

(1) Is the Minister aware of the 21 January to 3 February 1999 edition of *WA Business News* concerning the unfair dismissal laws?

(2) Is the Minister aware of comments made in that article by the Combined Small Business Association of Western Australia's President, Oliver Moon?

(3) Is the Minister aware Mr Moon said Western Australia's unfair dismissal laws were fair?

(4) Is the Minister also aware the article reported Mr Moon saying the Western Australian Commission tried to resolve disputes between employers and employees before the matter got to court?

(5) In light of the comments made by Mr Moon, does the Government intend to introduce a Bill to amend the unfair dismissal provisions of the Industrial Relations Act 1979?

(6) Does the Government intend to introduce changes the same as or similar to those recently given effect to by the Howard Government under which certain small businesses are exempt from the unfair dismissal provisions?

(7) If so, when?

(8) If not, why not?

Mrs EDWARDES replied:

(1)-(4) Yes.

(5) No.

(6) The unfair dismissal regulations recently introduced by the Howard Government have now been disallowed and are no longer in effect.

(7)-(8) Not applicable.

MINIMUM WAGE

2211. Mr BROWN to the Minister for Labour Relations:

(1) In the last six months has the Minister declared a new weekly minimum wage?

(2) What is the amount of the minimum wage?

(3) When did the last increase in the minimum wage come into effect?

(4) Is the Minister aware of the minimum wage under Federal awards?

(5) What is the minimum wage under Federal awards?

(6) Why has the Minister/Government set a lower minimum wage in Western Australia?

(7) Are workers in Western Australia employed under workplace agreement and paid the State minimum wage paid less for each ordinary time hours worked than employees paid the minimum wage under Federal awards?

(8) How does the Minister justify employees engaged under State legislation being paid less than employees engaged under Federal legislation?

Mrs EDWARDES replied:

(1) Yes.

(2) The minimum weekly rate of pay for employees 21 or more years of age is $346.70. There are proportionate minimum weekly rates of pay for employees under 21, based on their age.

(3) The Minimum Weekly Rates of Pay Order 1998 came into effect on 7 December 1998.

(4) Yes.

(5) The Minimum Wage in federal awards is $373.40 per week.

(6) The Government has determined the WA Minimum Wage with reference to the Western Australian economy and labour market, and the needs of the State's lower income earners.

(7) Yes. However, I understand many employees receive a total outcome which is better than the federal award.

(8) See (6) and (7).

GRANT THORNTON, CONTRACTS

2230. Ms MacTIERNAN to the Minister representing the Minister for the Arts:

(1) How many contracts have been awarded to Grant Thornton since 1 January 1997?

(2) For each contract, will the Minister state -

(a) the project the contract was awarded for;
(b) the original contract cost;
(c) the actual final cost of the contract;
(d) the date the contract was awarded and the date it was completed; and
(e) whether the contract went out to tender, and if not, why not?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response:

(1) None.

(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2288. Mr RIEBELING to the Minister for Housing; Aboriginal Affairs; Water Resources:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

(a) what is the total number of Level One employees at each agency as at 9 March 1999; and

(b) of these employees, how many were -

(i) permanent full time; and
(ii) on short term contract?

Dr HAMES replied:

Agency	(a)	(b)(i)	(b)(ii)
Aboriginal Affairs Department	4	4	0
Country Housing Authority	1	0	1
Government Employees Housing Authority	14	5	7
Homeswest	241	153	37
Office of Water Regulation	0	0	0
Swan River Trust	1.5	0	1.5
Water and Rivers Commission	13.5	12	1.5
Water Corporation*	101	45	42

* plus 14 permanent part time employees.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2296. Mr RIEBELING to the Minister representing the Minister for the Arts:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

(a) what is the total number of Level One employees at each agency as at 9 March 1999; and

(b) of these employees, how many were -

(i) permanent full time; and
(ii) on short term contract?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response:

(a) The total number of level one employees at the Ministry for Culture & the Arts as at 9 March 1999 was 219.

(b) (i) Of these employees, 98 were permanent and full time.
(ii) Of these employees,
10 have been on a short term contract for less than 12 months; and
14 have been on a contract for 12 months or greater

Note: These contract numbers include both part time and full time employees. The remainder of the level one employees consist of casuals and permanent part time officers.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2299. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

(a) what is the total number of Level One employees at each agency as at 9 March 1999; and

(b) of these employees, how many were -

(i) permanent full time; and
(ii) on short term contract?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply.

(a) 755
(b) (i) 387
(ii) 75 (Contracts under 3 months)

FAMILY COURT, KALGOORLIE

2358. Ms ANWYL to the Parliamentary Secretary to the Minister for Justice:

(1) How many Court of Petty Sessions applications for family law proceedings were issued out of Kalgoorlie Court for the years -

(a) 1995;
(b) 1996;
(c) 1997;
(d) 1998; and
(e) 1999 to date?

(2) How much time does the Court of Petty Sessions at Kalgoorlie spend sitting as the Family Court?

(3) Is the Minister aware that there are declining numbers of people using the Western Australian Family Court's counselling service?

(4) If the answer to (3) above is yes, will the Minister provide details?

Mrs van de KLASHORST replied:

The Attorney General has provided the following reply.

(1)
(a) 1995: 83
(b) 1996: 73
(c) 1997: 86
(d) 1998: 89
(e) 1999: 17 up to 12 March 1999

(2)
August 1998: 51 minutes
September 1998: 36 minutes
October 1998: 1 hour and 7 minutes
November 1998: 40 minutes
December 1998: 3 hours and 30 minutes
January 1999: 1 hour and 25 minutes
February 1999: 1 hour and 30 minutes
March 1999: 1 hour and 35 minutes

Separate records of the Family Court sitting in the Court of Petty Sessions at Kalgoorlie did not commence until August 1998.

(3) This is a matter for the Minister for Family and Children's Services as the counselling services provided by the Family Court is within her portfolio.

(4) Not applicable.

FESTIVAL OF PERTH

2360. Ms ANWYL to the Minister representing the Minister for the Arts:

(1) How much was the total Government cash contribution via the Lotteries Commission or any other Government funded agency to the 1999 "Festival of Perth"?

(2) What was the total Government cash contribution to providing country areas with access to performances or activities during the "Festival of Perth"?

(3) How many visiting interstate or overseas performing artists performed in regional areas as a consequence of participating in the "Festival of Perth?

(4) What is the total amount of funding allocated to country arts and will the Minister provide a breakdown of such funding?

(5) Will the Minister provide details on applications received for grants supporting country arts projects in -

(a) 1998;
(b) 1999;
(c) will the Minister list -

(i) the successful projects; and
(ii) how much funding they received?

(6) Does the Government provide any financial assistance to country cities or towns for festivals?

(7) If the answer to (6) above is yes, how much?

(8) Does the Government provide any financial assistance to Perth suburbs for festivals?

(9) If the answer to (8) above is yes, how much?

(10) Is the Minister prepared to investigate methods of subsidising or funding performers who will take part in the "2000 Festival of Perth" to travel to country areas to perform?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(1)-(3) I cannot answer these questions as the Lotteries Commission falls under the portfolio of the Minister for Racing and Gaming.

(4) The total amount of funding to country arts is : $1,778,222

This is allocated as follows:

ArtsWA(Project Investment)		$ 537,722
Art on the Move		$ 188,000
Magabala Books		$ 142,500
Country Arts WA	Regional Arts Development	$300,000
	Devolved Touring	$320,000
	Devolved Arts Council	$115,000
	Devolved Country CAPS	$ 25,000
	Regional Initiatives	$150,000
		$ 910,000

(5) (a) 1998 137 applications received of which 82 were successful
(b) 1999 No statistics available - first 1999 assessment in April.
(c) Yes. See as follows -

Grants Statistics, 1998

Applicant	Approved	
Albany Arts Council	***6,000***	Exhibition of work of ten artists from Great Southern Region
Albany City Chorus	***500***	Attend Directors workshop in Melbourne with "Sweet Adelines" International President
Albany Youth Orchestra	***1,170***	Joint workshops & public concert in conjunction with WA Youth Orchestra
Apel, Mr Richard	***700***	Attend a Leadlight/Painted glass workshop at 1999 McGreggor Summer School, Uni of Southern Qld.
Avon Valley Arts Society	***1,000***	Youth Arts Week - program of arts activities for children/young people
Barker, Mr Alan	***2,600***	Cultural visits into Pilbara to collect emu eggs, wood carving etc
Bathtub Productions	***7,500***	"A Sea Change" Sculpture Project
Biggins, Ms Nicki	***5,000***	Develop new work as an artist jeweller & hold two exhibitions
Binsaad, Mr Zarak	***3,000***	Hold a solo art exhibition (30-50 pieces) at Hedland College Library
Blood Wood Tree Association	***15,000***	Coordination & Organisation of Nindji Nindji Family Cultural Festival
Boddington Arts Council	***4,000***	Development of performances for the 1998 Arts Festival
Boddington Arts Council	***600***	Attendance at 1998 Regional Arts Australia Conference
Boyup Brook Teen Scene	***3,400***	Workshops to train young people in community circus skills
Brandy, Mr Peter	***4,000***	Production and marketing of a CD
Brandy, Mr Peter	***400***	Performances at the Fairbridge Festival, Pinjarra
Bridgetown Greenbushes Tourism	***8,000***	Provide two series of music workshops
Broome Aboriginal Media Assoc.	***40,000***	Staging of a number of indigenous arts events during NAIDOC Week
Broome Aboriginal Media Assoc.	***20,000***	Towards marketing and promotion of the Stompen Ground Festival
Broome Youth Support Group	***2,000***	Attendance at the Indigenous Youth Conference, New Zealand
Bunbury Regional Art Galleries	***1,880***	3 day Arts Training Camp
Ceramic Artists Guild	***3,500***	Group exhibition for regional ceramic artists during the National Ceramics Conference
City of Albany	***9,460***	Community cultural planning program
City of Bunbury	***15,000***	Community cultural planning program
City of Geraldton	***6,725***	Development of historical model of early Geraldton
City of Geraldton	***6,520***	Suburban logos project
Coffin, Ms Lorrae	***4,000***	Recording and marketing of a CD of original compositions
Condingup P & C	***1,400***	Provide artistic activities for children at the P&C Woolfair, Condingup
Dale, Ms Claire	***5,415***	Arts Venture Capital - Aeon Design Studio - Produce stock range of product to enable immediate supply
De Monchaux, Ms Anne	***5,000***	Literary & photographic study of lobster fishers in mid-west of WA
Derby Tourist Bureau	***6,000***	A two-day country music festival with talent quest and closing concert
Dimer, Mr James	***3,500***	Emu egg carving, t-shirt designs, paints etc for retail sales & exhibitions
Fletcher, Mr Geoffrey	***5,000***	Record original works/increase profile of Aboriginal performers from the Kimberley
Fuzz Truncheon	***1,730***	Quick Response- create original music for dance theatre performance
Geraldton Secondary College	***1,193***	Quick Response - Train Gallery guides for Geraldton Regional Art Gallery
Geraldton Streetwork Aboriginal	***7,000***	Artists in residence to work on Aboriginal art projects with youth
Hague, Mr Graeme	***760***	Attendance at national seminar/trade exhibition, Sydney
Jurien Arts Council	***727***	Attendance of Margaret Schwan at National Regional Arts Conference, Mt Gambier
Katanning Agricultural Pastoral	***500***	Engage story teller Glen Swift for shows at Katanning Agricultural Society annual show
Kimberley Aboriginal Law & Culture	***10,000***	Using the Fitzroy River as a focus for cultural diversity of artforms in the region
Kununurra Youth Services	***6,109***	Multi-arts workshops for the Kununurra Youth Arts Festival
Lee, Ms Misha	***2,304***	First solo exhibition featuring the artists paintings and drawings
Magabala Books Aboriginal Corp.	***1,200***	Attendance at the 1998 Australian Publishers Book Fair, Melbourne
Maher, Mr Owen	***1,885***	Visit to the Jazzart Dance Theatre Company, Cape Town, South Africa.
Mangkaja Arts	***8,200***	Attendance of artists at opening of their first European exhibition in London
Manjimup Aboriginal Corporation	***5,000***	Further research/ editing of manuscript of Angus Wallam's life story
Modern Dreamtime Dancers	***3,000***	Attendance at the Joy 98 Festival in Perth
Mullarkey, Mrs Anne	***400***	Attend National Conference of Regional Arts Aust. Mt Gambier, SA, Oct 1998
Murray Districts Aboriginal Corp.	***5,000***	Carve totemic spirit figures for Pinjarra massacre/memorial site
Ngaanyatjarra Pitjantjatjara	***5,000***	Participation of Ngaanyatjarra women in 1998 Aboriginal Women's Law & Cultural Festival

Ngalikuru Ngukumanta Aboriginal	***15,500***	Contribution towards program costs of theatre in 1999
Ngurrawaana Aboriginal Corp.	***7,250***	Employment of elders to teach traditional skills to community
Opera Under the Stars	***976***	Attendance at "Events Adding Value" seminar, Edith Cowan University
Pigram, Ms Delisa	***4,000***	Production of an album of original songs
Pilbara Dancers	***4,000***	Assistance to hold regular dance classes for Pilbara Dancer participants
Plantagenet Players Kids Kompany	***7,028***	Hold a four week puppetry skills development project, with Coco Youth Theatre
Pundulmurra Indigenous Education	***500***	Towards performer fees - Port Hedland opening of NAIDOC week
Reilly, Mr Gerry	***490***	Attendance at opening of exhibition of own glass artwork, Melbourne
Scrap Metal Pty Ltd	***1,226***	Performances at the Melbourne International Festival
Shavian, Ms Liane	***700***	Attendance at Melbourne Writers' Festival
Shire of Ashburton	***15,000***	Regional Cultural Planning
Shire of Broome	***20,000***	Contribution towards the program of the Kimberley Culture and Natural History Centre
Shire of Roebourne	***15,000***	Engage consultant to assist with development of cultural policy
Shire of Tambellup	***15,000***	Community cultural planning program
Shire of Wicken	***15,000***	Cultural Planning for Country WA Program
Southern Aboriginal Corporation	***7,000***	Produce exhibition of work by Noongar artists in Albany
Southern Edge Arts	***10,000***	Textile & fashion artist residency, in collaboration with Yirra Yaakin
Southern Edge Arts	***30,000***	Towards the centre's annual program of arts for young people
Theatre Kimberley	***20,000***	Production of "Shells" a play about Broome life this century
Vandeleur, Mr Michael	***700***	Professional Development - Participate in "New York Studio School Drawing Marathon" Adelaide
Waggrakine-Glenfield Progress	***1,500***	Create artistic play space & mosaic mural in Regional Midwest public park
Warba Mirdawaji Art Group	***3,000***	Artistic activities at Roebourne's Community & Family Day
Warburton Community Aboriginal	***2,000***	Attendance at exhibition - Fremantle Arts Centre during Festival of Perth 1998
Warburton Community Aboriginal	***40,000***	Contribution towards the initial program of Ngaanyatjarra Cultural & Civic Centre, Warburton
Wolfer, Mrs Diane	***679***	Attendance at presentation dinner of FAW (Vic) 1997 National Literary Awards to receive a prize
Wyndham Action Group	***13,500***	Contribution towards the artistic content of the Munumburra Festival in Wyndham
Yarramoup Aboriginal Corporation	***1,600***	Community activities in celebration of NAIDOC Week
Youth Café Inc.	***5,000***	Train young musicians/song writers in recording, producing, marketing CD
Youth Involvement Council	***1,595***	Music recording project/workshopping/recording/production of CD
Youth Involvement Council	***14,000***	Run a Music Appreciation Program at music room in new Youth Centre
Yuriny Aboriginal Culture Centre	***7,200***	Contribution towards the artistic program of the Centre
Totals	**$537,722**	

(6) Yes.

(7) $80,670.

(8) Yes.

(9) $170,106.

(10) I cannot answer this question as the "2000 Festival of Perth" is sponsored by the Lotteries Commission which falls under the portfolio of the Minister for Racing and Gaming.

QUESTIONS WITHOUT NOTICE

REGIONAL FOREST AGREEMENT, INDUSTRY ASSISTANCE PACKAGE

661. Dr GALLOP to the Minister for the Environment:

In the minister's article in *The West Australian* on 11 March and again in her comments in this place yesterday, she said that state money had been put aside for industry restructuring under the Regional Forest Agreement. I ask -

(1) How much money has the State allocated?

(2) Where is it shown in the budget papers?

(3) What are the precise components of the assistance package being proposed?

Mrs EDWARDES replied:

(1)-(3) The precise components of the assistance package have not yet been finalised. Obviously that will be done following finalisation of the reserve design. The $10m that the Government is referring to are funds that will come from the Department of Conservation and Land Management's budget. That $10m is not identified in the existing budget papers. The Leader of the Opposition would be aware of the special funding arrangements under which CALM operates.

REGIONAL FOREST AGREEMENT, INDUSTRY ASSISTANCE PACKAGE

662. Dr GALLOP to the Minister for the Environment:

As a supplementary question, will the minister table all of the documents associated with the development of this package?

Mrs EDWARDES replied:

That is a matter between the Federal and State Governments. As such, confidentiality provisions would attach to those papers. The package will be presented at the time that the Regional Forest Agreement is signed.

CYCLONE DAMAGE

663. Mr BLOFFWITCH to the minister representing the Premier:

What liaison is taking place between the State and Federal Governments with respect to damage caused by cyclones Elaine and Vance?

Mr BARNETT replied:

I thank the member for Geraldton for the question. It provides me with an opportunity, on behalf of the Premier, to convey some information to the House. As members are aware, the Premier and the Minister for Emergency Services have visited north west towns affected by tropical cyclone Vance. They are currently in Exmouth assessing damage, along with emergency workers and local government officers from the area. The Prime Minister will visit Exmouth tomorrow. The Premier will stay in Exmouth, and together they will inspect the damage and discuss the degree to which the Commonwealth will be able to join with the State in attending to those problems.

I emphasise, however, that the damage, extensive though it is, is not restricted to either Exmouth or Onslow. As members are aware, it is quite widespread throughout the State. I detail some of the available information: There has been widespread damage to roads and railway lines in a number of locations. There are washaways between the 518 kilometre and 520 km pegs on the Perth-Kalgoorlie rail link, as well as in the Lake Julia-Southern Cross area. The Perth-Kalgoorlie railway line will be out of action for at least another two to three days. The Coolgardie-Esperance highway has been damaged and is open currently to only four-wheel drives and heavy vehicles. In Boulder-Kalgoorlie there have been some 300 calls from householders and businesses to the State Emergency Service seeking assistance to, in a temporary way, make good the damage. The main runway at the Kalgoorlie-Boulder airport has been damaged and is currently being repaired. Hopefully it will return to normal operation some time tomorrow. A reconnaissance air flight over the Coonana Aboriginal community will take place today to assess conditions in that area. Norseman has received heavy rain, and although there has been some damage, it is limited. A number of roads in the Onslow-Exmouth area and throughout the goldfields have been damaged and are currently impassable. The list goes on. There have been washaways and damage through the mid-west region.

The Premier will remain in Exmouth tomorrow and will visit that and other communities with the Prime Minister. Following that, we should have a clearer understanding of the true extent of the damage to the infrastructure in the area, as well as to private property. As a result, I hope some announcements will be made about the level -

Mrs Roberts: Our mate the Prime Minister is coming here.

Mr BARNETT: That seemed a somewhat churlish comment. There has been severe damage in this State. It is absolutely appropriate and desirable that the Prime Minister of this country should join the Premier of this State in assessing that damage at first hand. The member for Midland would be better advised to keep quiet and have some respect for the hardship and damage that has occurred in this State.

On behalf of all members of Parliament, I acknowledge the extraordinary work that has been undertaken by the workers of the SES, local government, Western Power and a range of volunteer organisations that have worked literally day and night to try to provide safe shelter and attend to the most serious cases. However, the long-term repair of this damage will be expensive and will obviously take a number of months.

REGIONAL FOREST AGREEMENT, RESERVE DESIGN

664. Dr EDWARDS to the Minister for the Environment:

Yesterday the minister informed the House that the Regional Forest Agreement reserve systems had yet to be finalised. I ask -

(1) What reserves have already been determined?

(2) Which areas are still under examination and discussion or in dispute?

Mrs EDWARDES replied:

(1)-(2) The whole reserve design is still to be finalised.

REGIONAL FOREST AGREEMENT, RESERVE DESIGN

665. Dr EDWARDS to the Minister for the Environment:

I ask a supplementary question. Is the minister indicating that there is still disagreement between the Commonwealth and State Governments over the reserves to be preserved?

Mrs EDWARDES replied:

As the member knows, the reserve design must be agreed between the Commonwealth and State Governments. It is still in the process of being finalised.

CYCLONE DAMAGE

666. Mr McNEE to the Minister for Primary Industry:

Will the minister provide the House with an update on the impact of cyclone and storm damage to the pastoral and agricultural regions of Western Australia?

Mr HOUSE replied:

The Leader of the House outlined succinctly the damage that has occurred in some areas of the State. As to the agricultural and fishing industries specifically, the two cyclones independently have caused a great deal of damage. The town of Moora is probably the most affected area in the agricultural regions. Some 25 staff from Agriculture Western Australia are on the ground there at the moment trying to assist. I was at the Farmers Federation conference this morning and I spoke to a number of farmers. One farmer had lost all the fertiliser that was in his shed; another farmer told me that he had lost two seed silos that had been undermined by flood waters. There are a number of examples of homesteads going under water as well. There has been much devastation not only in Moora, but also in surrounding farmland. From a land care point of view, a lot of erosion has occurred which will take some time to assess, and stock losses have occurred because of hypothermia. In the pastoral regions, I understand that Cyclone Vance has caused damage to 25 station homesteads and various damage to shearing sheds, windmills and water tanks on those stations. Some pastoralists have not had time to assess the damage.

In Carnarvon at least $1m worth of damage has been caused to horticultural crops, specifically in the banana industry, and other reports of damage are still filtering through. It is too early to put a final figure on the amount of damage from these two cyclones, but it is fair to say that it has been considerable.

The fishing industry has also suffered damage; for example, the Kailis facility in Exmouth has been partly destroyed by Cyclone Vance and will take some time to repair. There has been damage to aquaculture holdings along the coast in that region. The picture is not complete. I can indicate that the staff of Agriculture Western Australia - the Leader of the House has indicated that it also applies to other government departments - are to be complimented on their quick action. They are doing as much as they can as quickly as they can and the Government is providing whatever support is necessary. However, the cyclones will have a long-term debilitating effect on some farming and fishing businesses, specifically in some areas and some pastoral stations, which have had a difficult time in the past few years trying to make an adequate profit. I will be able to further report to the House in a few days with a more complete picture.

FOREST RESERVE, ADDITIONS

667. Dr GALLOP to the Minister for the Environment:

I refer to the minister's comments yesterday that loggers add to the ecology of the areas in which they work. Why then will the Government add to the reserve system, as proposed as part of the Regional Forest Agreement?

Mrs EDWARDES replied:

The question indicates a lack of understanding by the Leader of the Opposition, because adding to the reserve design is part of the RFA process to provide a comprehensive, adequate and representative system. That reserve system needs criteria for biodiversity and old growth, and targets have been set for both biodiversity and old growth. It must be recognised that the operations of loggers add to the ecology in a number of different ways. They do not add to the comprehensive, adequate and representative reserve system; they add to the regeneration, the protection of flora and fauna and the other components taken into account when a coupe is being looked at in preparation for harvesting. These are two separate items and the question shows the Leader of the Opposition's lack of understanding of this issue.

KENWICK TUNNEL

668. Mrs HOLMES to the minister representing the Minister for Transport:

As the Kenwick tunnel is an integral part of the Kenwick to Mandurah rail link, will the minister advise the current status of the building of the Kenwick tunnel, and the proposed time frame by which the tunnel will be completed?

Dr HAMES replied:

The first stage of the tunnel structure is being constructed as part of the recently awarded contract 15/98 for Roe Highway stage 3, which is due for completion in mid-2001. It was originally intended that, as part of the tunnel contract, only that part of the tunnel shell which passes under the Albany and Roe Highways would be built. It was proposed that the remainder of the tunnel shell be completed at a later stage. However, now that the Government has indicated its intention to complete the railway to Mandurah within seven years, it appears sensible to bring forward the project and to do both at the same time.

APPRENTICESHIP CANCELLATIONS

669. Mr KOBELKE to the Minister for Employment and Training:

(1) Did the State Training Board at its meeting with the minister on 4 December 1998 advise him of the possibility of between 200 and 300 apprenticeships being cancelled in the near future, and ask the Government to act to ensure that the skills of these people were not lost?

(2) If so, what action has the minister taken in response to this request?

Mr KIERATH replied:

(1)-(2) I am not aware of any formal request by the State Training Board. General discussion took place at a meeting with the board in early December, and I had a wide-ranging discussion with all the members about a number of matters. One of the members raised that issue and at the time I asked the board to provide a response if it thought the issue was important. To date I have heard nothing from the board.

APPRENTICESHIP CANCELLATIONS

670. Mr KOBELKE to the Minister for Employment and Training:

Is the minister saying that the minutes of the meeting by the board have misrepresented what took place at that meeting?

Mr KIERATH replied:

I do not approve the minutes put out by the board.

OLD-GROWTH FOREST LOGGING, CLAIMS

671. Mr MASTERS to the Minister for the Environment:

The current dispute over logging of old-growth forests and the Regional Forest Agreement is resulting in some outrageous and misleading claims being made by those opposed to logging. For the record, will the minister please advise -

(1) What is the current existing area of old-growth forest that is protected in secure formal reserves?

(2) What national parks have been logged in the past 20 years, after they were created?

(3) What proportion of logged state forests are planted to Tasmanian blue gums or other exotic species?

(4) What is the number of hectares of old-growth forest that were clear-felled for woodchips in the past 10 years?

Mrs EDWARDES replied:

I thank the member for some notice of this question.

(1) The RFA public consultation paper stated that 202 943 hectares of old-growth forest are currently protected from timber harvest in all types of reserves. That includes the formal gazetted areas, those formally proposed in the 1994-2003 forest management plan and the informal.

Mr Thomas: Does it include road and stream reserves?

Mrs EDWARDES: Yes.

(2) No national parks have been logged since the Department of Conservation and Land Management was formed in 1985. There was some salvage logging of wind-blown trees in national parks prior to 1985.

(3) No state forest is planted to Tasmanian blue gums. Current practice is to regenerate logged jarrah and karri forest back to the original native species. In the past some exotic species have been planted in dieback affected forest and mine rehabilitation sites. Some yellow stringy-bark was also planted in mixture with karri during the 1980s. This practice no longer occurs.

(4) No old-growth forest is clear-felled for woodchips. Karri and karri/marri forest is clear-felled to provide sawlogs. As part of those operations, logs which are unsuitable for sawlogs are taken for woodchipping to avoid their being wasted or burnt.

GOVERNMENT PURCHASING POLICY

672. Mr BROWN to the Minister for Services:

I refer to the Government's purchasing policy, and ask -

(1) Is it true that the Government's purchasing policy enables departments and agencies to enter into contracts with suppliers who, in turn, are responsible for buying goods and services?

(2) Is it true that some suppliers have purchased goods and services from interstate or overseas when such goods and services are produced by Western Australian companies?

(3) Is it also true that such suppliers have purchased goods and services from interstate or overseas companies at a greater cost than that at which they may be produced locally?

Mr BOARD replied:

(1)-(3) The questions asked would require a knowledge of all the practices of the suppliers to the Government. There are probably in the order of 100 000 purchases a year into the private sector. I would be happy to provide any specific detail required.

With regard to purchasing policy, the Government's arrangement with the private sector is such that it encourages and supports the adoption of State Supply Commission policy by both the head contractor and subcontractors. It has always been difficult for the Government to enforce what happens between a head contractor and a subcontractor, and with any further purchaser. There is a grey and difficult line between government policy and interfering with what the private sector does and the Government controls too far down the line.

Ms MacTiernan: Make it a term of the contract.

Mr BOARD: We include some matters as terms of contracts, but not all those to which the member for Bassendean refers. Simple purchases in a contracting process are made on an everyday basis by the private sector. The Government has no business to interfere in that, other than it has buying policies, regional compact policies and similar areas in which it encourages local buying. There is an area in which we pre-qualify suppliers and contractors who have those policies in place. If the member for Bassendean wants to nominate specific purchases or areas in which he feels that policy has not been met, we can target those and give him the details he is seeking.

FIRE BRIGADE BOARD, UNIFORMS

673. Mr BROWN to the Minister for Services:

Is it true that the Western Australian Fire Brigade Board has placed an order for uniforms which will be manufactured overseas at a higher cost than they can be produced by a Western Australian company?

Mr BOARD replied:

I cannot answer that question; I would love to be able to. What the Fire Brigade Board does is a matter for it. My job is to make sure it complies with the State Supply Commission policies, and that compliance will be reviewed on an ongoing basis. It would be impossible for any minister to be across 100 000 contracts at any one time.

Mr Brown interjected.

Mr BOARD: I can assure members that this Government more than any other is going about buying locally and supporting Western Australian companies, particularly those in regional Western Australia. Of all regional contracts, 85 per cent are won regionally. We have a buying wisely policy, which includes a policy to support local suppliers. The Government goes to untold lengths to support Western Australian companies. This Government is passionate about doing that.

EMPLOYMENT FORECASTS

674. Mr NICHOLLS to the Minister for Employment and Training:

There has been much debate over the past week about the future of employment in Western Australia, especially with some

downsizing in parts of the resource sector. Is the minister aware of any employment forecasts for Western Australia, and what those forecasts predict?

Mr KIERATH replied:

The employment record in Western Australia since the election of this Government has been second to none. I have no doubt that in a substantial way that is due to the policies we have implemented while we have been in office. I am always happy to congratulate both employers and employees for making this State a great one in which to do business. Despite this, there are always a few doomsayers, people who want to go back to the bad old Australian Labor Party days, and most of those merchants of melancholy appear to be sitting opposite me in this Chamber. I am happy to table a report by Dr Philip Adams and Professor Peter Dixon from the Centre of Policy Studies at Monash University. I table this document.

[See paper No 824.]

Mr KIERATH: They make a forecast for 53 regions, as well as industries, throughout Australia to the year 2005. Included in the report was a chart ranking the regions by growth. Of those 53 regions, seven of the top 11 were in Western Australia. The lowest ranking region in this State happened to be ranked at 23. Over half of the top 11 regions were in Western Australia. Even more heartening was their prediction of the annual growth rates for various industry sectors. Of the 21 sectors judged, each State was given one of three assessments - positive, negative or zero for relatively no change in the status quo. In the whole of Australia, only one State has not one negative against any of those sectors judged - Western Australia. Of the 21 sectors, Western Australian regions were assessed as being positive or where no major significant change was predicted to occur. All members of this House should be proud of that. I hope this report will provide optimism among people who want the good times to continue. Not only can they continue, but they will continue. With the new ventures coming on stream, these sectors will continue to surmount the problems and challenges this State must face. We will continue to show that we are leading the rest of the country. Although this report was produced by a major university in the eastern States, it shows that Western Australia is not only the best place in which to live and work, but also the best place in which to do business.

WESTERN POWER, JOB LOSSES IN POWER STATIONS

675. Mr THOMAS to the Minister for Energy:

(1) Will it be necessary for work to be contracted out at Muja, Kwinana and Bunbury power stations after the Government has destroyed 400 Western Power jobs at those power stations?

(2) If so, will Integrated Power Services Pty Ltd enjoy any preferred status as a bidder for work that will need to be contracted out?

(3) Will the minister give the House a guarantee that any work contracted out will be put to open competitive tender?

Mr BARNETT replied:

(1)-(3) The new Collie power station is about to be opened. It is performing exceedingly well.

Mr Thomas: That is not what I asked.

Mr BARNETT: The member asked the question; I will chose my answer which will get to the point the member raised. I make the point - obviously the member cannot make an intellectual leap to understand it - that the Collie power station is operating at 330 megawatts and, as I said, is performing exceedingly well. As a result there is less demand for energy generated through the power stations at Muja and Kwinana. As part of that and with the automation being put into those power stations, there will be a reduction of up to 400 positions, as the member said, over the next four years. They will all be on the basis of voluntary redundancy, redeployment, retraining or retirement, or whatever. The new Collie power station operates under a management contract. The power stations have always had a mix of work being done by internal Western Power staff and contractors. As the member opposite knows, for many years the maintenance cycle of the power stations' work has been done on a contract basis. I think Transfield Pty Ltd does a lot of that work. I will not make any commitment. It is up to Western Power to achieve best practice in its power stations. There is no secret plan or agenda to change the way in which the power stations at Kwinana and Muja operate. I do not rule out that there may be changes in the administration and operation of those power stations; however, there is no intention, no plan to do so. They will operate with the new control systems, which are highly automated, and with fewer personnel than they have had in the past. That is where we are right now.

NALTREXONE, PHARMACEUTICAL BENEFITS SCHEME

676. Mr BAKER to the Minister for Health:

I refer to the recent licensing of the heroin treatment drug Naltrexone under the Commonwealth Therapeutic Goods Act. In view of the fact that the standard daily dosage of Naltrexone costs heroin addicts approximately $6 per day - many people

in receipt of full-time means tested benefits or allowances cannot afford this additional impost - can the minister advise whether he will lobby his federal counterpart to ensure that Naltrexone is included in the commonwealth pharmaceutical benefits scheme?

Mr DAY replied:

As I have indicated in this place previously, Naltrexone has a very important role to play in the management of heroin addiction; however, it is important that its use is monitored very carefully and prescribed and used under the supervision of people who are trained in its management. I understand that the company which is marketing Naltrexone in Australia, Orphan Australia Pty Ltd, intends to make an application to the Commonwealth for the drug to be listed and subsidised under the pharmaceutical benefits scheme. Obviously, this is a matter for the Commonwealth Government to consider; however, I am of the view that Naltrexone should be listed under the pharmaceutical benefits scheme and I shall express that view to the Commonwealth Government.

O'CONNOR, MR R.

677. Ms MacTIERNAN to the Minister for Fair Trading:

(1) Will the minister advise when he wrote to the Land Valuers Licensing Board seeking an explanation for its failure to inquire into Mr R. O'Connor's fitness to hold a licence after his conviction for trust fund theft?

(2) Will the minister table that letter, and if not, why not?

(3) Will the minister confirm that Mr O'Connor was the valuer involved in the highly questionable valuation of a Parmelia property which has been under investigation by the Land Valuers Licensing Board for the past nine months?

(4) Will the minister explain why the investigation has taken so long?

Mr SHAVE replied:

I thank the member for some notice of this question. Further to my undertaking in question time yesterday and in answering the member for Armadale's question today, I advise -

(1)-(2) I can confirm that as reported in *The West Australian* I sent a letter to the chairperson of the Land Valuers Licensing Board on 23 February. On 8 March a reply was received from the chairperson of the board by my ministerial office. As the reply raised legal issues, appropriately my office sent the reply to the Ministry of Fair Trading for advice. Yesterday afternoon the Ministry of Fair Trading provided advice which had been prepared by a legal officer in relation to the chairperson's reply. The ministry's advice identified concerns with the reply. The concerns particularly related to the board's 1996 decision in the O'Connor matter and the precedent it established for the exercise of its disciplinary powers should a similar matter arise in future. I accept the ministry's advice, and accordingly today I sent a letter to the chairperson of the board asking that those issues be clarified. I am happy to table those three letters.

(3)-(4) It is not my intention to confirm or deny whether particular matters are currently being examined by the Land Valuers Licensing Board. What I can say is that at its meeting of 12 March 1999 the board requested the Ministry of Fair Trading to provide it with assistance to conduct an investigation into an alleged breach of the land valuers' code of conduct. In response to that request the ministry has made available to the board two experienced investigators and the services of a legal officer. I remind the member for Armadale that the Land Valuers Licensing Act contains secrecy provisions which prohibit the disclosure of information received by the board. I am happy to table those three letters.

[See papers Nos 825A, 825B and 825C.]

O'CONNOR, MR R.

678. Ms MacTIERNAN to the Minister for Fair Trading:

As a supplementary question, given those secrecy provisions, how does the minister explain the information that he gave the House just two weeks ago that in fact Mr O'Connor was being investigated by the Land Valuers Licensing Board?

Mr SHAVE replied:

I do not have that exact question in front of me, but I am happy to look at that issue. I do not have a problem with that. I will confirm either positively or negatively whether I said that, but I want to see the question that was asked.

Ms MacTiernan interjected.

Mr SHAVE: If the member for Armadale studies the answer that I have just given and uses a little intelligence rather than talking all the time, she will find that I answered questions (3) and (4).

GOVERNMENT BUILDING PLANS AND DRAWINGS, ACCESS

679. Mr OSBORNE to the Minister for Works:

In recent months there has been much discussion about what the Government has done to support regional business, however a building contractor in my electorate has recently advised me of the difficulties he experienced in accessing building plans and drawings which he needed when bidding for work on a government building. Will the minister advise what, if anything, the Government is doing to remedy that situation?

Mr BOARD replied:

This is a good news story and an example of technology being able to help the government and private sectors and at the same time reduce costs. Members might be surprised to know that the Department of Contract and Management Services holds public building plans dating back to 1835. In fact, it holds more than 300 000 plans for public buildings around Western Australia. People who tender for work on public buildings and people who privately own a former public building might want to access plans manually. In the past that sometimes has been difficult and expensive. Over the past six months CAMS has been scanning into an electronic system all plans associated with public buildings which it can deliver directly to tenderers and people wanting to contract with government. As a result thousands of plans are on the web site and we hope to complete the task within a year. That service is of great benefit to regional areas in particular and it is very cost-effective, not only in being able to receive the plans but also in being timely in case of difficulties with tenders. A3 copies of plans are made available to the public at no cost. Plans for facilities such as hospitals, schools and health centres are readily accessible, but for security purposes there are constraints on sites such as prisons, courthouses and police stations.

This morning we were able to launch an electronic commerce expo at Burswood. It is the most prominent business electronic commerce expo in Australia. There are many exhibitors and several thousand people will attend each day. It is a good example of government working closely with the private sector and using technology to improve what we do when working in partnership.

EDUCATION, BUNBURY LOCAL AREA PLANNING

680. Mr RIPPER to the Minister for Education:

(1) Is the minister aware that parents walked out of a local area education planning committee meeting in Bunbury recently, claiming that the committee was undemocratic?

(2) Is he aware also that several members of the drafting committee have disowned a number of proposals attributed to them by the Education Department?

(3) If yes, what action will the minister take to ensure that the views of local parents and educators are accurately reflected in the final documents?

Mr Osborne interjected.

Mr BARNETT replied:

(1)-(3) I thank the member for some notice of this question. As the member for Bunbury interjected, perhaps the Deputy Leader of the Opposition is too late. I was in Bunbury on Monday and met with representatives of the schools and the parents. Indeed, I was aware of the four parents who walked out of the meeting. Local area planning has been contentious in Bunbury - in fact it has been fairly contentious everywhere. However, in the western suburbs, the south east corridor and the Mandurah-Peel area, the result has been outstanding. It is difficult when we say to a school that we will look at different options for the future. In the case of Bunbury, there are three schools: Bunbury, Australind and Newton Moore Senior High Schools. Those three good schools are well supported by the community and they are all strong in their enrolments, with about 900 to 1 100 students, so we do not have declining school numbers, as happens in my electorate and in that of the member for Bunbury.

The issue that Bunbury faces is the need for another school. We have the opportunity over the next two to three years to decide whether another year 8 to 12 senior high school should be built - that might be the most likely outcome - or whether a middle school should be built with some reconfiguration of the middle schooling and senior colleges. That is what the debate is about. It is not about closing schools. Bunbury has a stable, strong system, but now it is appropriate to look at options. I met with the parents. They were a lot more relaxed following the meeting. Indeed, the local area planning process will continue because we should look at the options, but probably we will see the development of a new senior high school in Bunbury. The member for Bunbury will agree that that is probably the consensus, but we would be foolish to close our eyes and minds to the options.

The SPEAKER: Today we have had 20 questions if we count supplementaries.