

Legislative Council

Wednesday, 23 November 1988

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

MEDICAL AMENDMENT BILL

Second Reading

Debate resumed from 17 November.

HON JOHN WILLIAMS (Metropolitan) [2.33 pm]: This is a simple Bill which was fully explained in the Minister's second reading speech and, after consultation with the medical profession, it is now a question of proclaiming the Bill. New section 9(d) was in some doubt until the consultation with the medical authorities and the Ministry of Health in so far as the group practising doctors, if I can put it that way, were required to have some indemnity insurance whereas the individual doctors did not have to do so. That was an anomaly in section 9 of the principal Act which is now to be corrected.

The other small matter within the Bill, which contains two amending clauses, is that it clarifies the wording in section 11(5) of the principal Act by providing that all members of a body corporate are jointly and severally liable. This is a cleaning up Bill which was postponed until adequate consultation had taken place with the medical bodies concerned which has been done and resolved to their satisfaction. Therefore, the Opposition supports the Bill.

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [2.35 pm]: I think that we are all aware that there has been consultation with all the bodies that will be affected by the provisions in this Bill. I am pleased to hear that we are all of one mind that the Bill proceed as quickly as possible.

Question put and passed.

Bill read a second time.

Committee and Report

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [2.36 pm]: I move -

That the Bill be now read a third time.

HON JOHN WILLIAMS (Metropolitan) [2.37 pm]: It is significant that I have saved my remarks for the third reading stage of the Bill in order that there was no hesitation in getting the Bill through the Committee stage. This is one instance where a Bill, which has been very well researched with wide consultation, could be handled - and I believe it would greatly benefit the House - by the system that was suggested earlier; that is, the Bill could have gone to a committee of the House which would come back to the House, and then the Bill would pass through all the stages in the House. I suppose that that is a matter of reform for the members who are here next year; I just want to draw attention to the fact.

Question put and passed.

Bill read a third time and passed.

EDUCATION AMENDMENT BILL

Second Reading

Debate resumed from 16 November.

HON N.F. MOORE (Lower North) [2.40 pm]: I do not know what the hurry is with this piece of legislation, but there seems to be some urgency about it. Perhaps when the Minister

responds at the end of the second reading she will tell me why the Bill has moved so rapidly up the Notice Paper, and why there is so much urgency in dealing with it today.

This Bill is acceptable to the Opposition in respect of two main areas. I might add that when the Bill was introduced into the other place it dealt with areas of interest such as the community based decision making groups and the changing status of TAFE and its chief executive officer. During the Committee stage in the other place the Government brought in an additional amendment, which was not widely known to the Opposition or to anybody in fact until it was moved in the Committee stage. It is that third area which has caused me considerable concern since I saw the amendment. Naturally it was passed in the Assembly and is now part of the Bill before the House today. I wish to talk about my concern with respect to that amendment after I have dealt with the first two main areas of the Bill.

The Government has decided that in the education system in Western Australia parents and local communities are to have a greater involvement in the day to day administration and management of schools and in the overall policy making of schools. In general that is a laudable aim. It is the Opposition's and my own view that parents ought to be much more deeply involved in the activities of the schools at which their children attend, or the schools which are located within their neighbourhoods. I think it is very important for education that the local community has a very strong and deep interest in the educational process of the schools that serve it. In the past, the Education Act has been quite specific in saying that it has not really wanted that sort of involvement. The existing Act in fact virtually excludes parents and citizens associations from the day to day, or even the long term, control and management of Government schools. The purpose of this Bill is to amend the Act so that local community groups can have a much more meaningful role in assisting the schools in setting their goals and carrying out those goals.

The decision by the Government in the Better Schools document was that schools should set up school based decision making groups and that those school based decision making groups should be given certain powers and a certain role within the schools. I have two comments about that. I would appreciate it if the Government were to find another name for the school based decision making groups because most people would prefer to use the words "school council" or something like that. When one says, for example, the Hollywood Senior High School community based decision making group, it is really a bit of a mouthful. I know there are some people in the decision making process who say that the title "school council" is the wrong one; however, I am not fussed with the title, but that one sounds reasonable to me. I would rather such groups were not called "community based decision making groups" as part of their titles.

Hon Garry Kelly: That is the generic name.

Hon N.F. MOORE: I understand that it is to be part of the title of the group as well. I prefer the title; I agree with what Hon Garry Kelly has just said, but if the title is to contain those words, another one should be found.

There is another area of concern to me in relation to school based decision making groups. Clause 6 provides for an association, which is presumably a P & C Association, a school based decision making group or a school council, to include as part of its objects involvement in the participation in the making of educational policy and operation of a school to the extent prescribed by regulations. It has always been of concern to me, since I first read the Better Schools document, that we are not really being told to what extent the local community could be involved in decision making in the schools. I think it is important, if we are to agree to this, to have some idea of what sort of degree of authority those school councils or decision making groups will have, what is to be the role of the principal in relation to those bodies, who will make the ultimate decisions, who will decide in the event of a dispute between the principal and the school council and so on. All those questions need to be answered, and presumably will be answered in the regulations that will be made as a result of this Bill being passed.

However, I would much rather have some idea of what is in the regulations before the Bill is passed, than the other way around -

Hon Kay Hallahan: You don't usually do it that way.

Hon N.F. MOORE: I know that does not usually happen, but I can remember, on at least

four occasions in my brief parliamentary career, saying the same thing - that I would be better placed when making a decision about this proposed section of the principal Act if I knew what was going to be in the regulations.

Hon Kay Hallahan: Do you mean the regulations or the administrative instructions?

Hon N.F. MOORE: I am not talking about the clause dealing with the new administrative instructions; I am talking about clause 6 of the Bill, which talks about the formulation of education policies and the operations of schools. The clause then goes on to say -

... to the extent prescribed by regulations ...

That means that the school councils can make decisions as part of their objects relating to their involvement in the formulation of educational policies to the extent prescribed by regulations. I am sure the Minister has read clause 6 in detail and that she knows there is a wide area to be decided - in practical terms anyway - by regulation. I would be interested to know when the regulations will come out and when it is proposed they will be put into operation, because really all the questions that everyone has been asking about school based decision making groups will not be answered until such time as we know what the powers of the councils are to be - when I say "councils" I mean the decision making groups - vis-a-vis the principal of the school. That is an area of considerable concern to teachers and especially to principals, who are worried that if these groups have excessive powers the responsibilities of the principals and the staffs would be seriously reduced.

The existing section of the Act which virtually prohibits P & C Associations from being directly involved in the schools is being changed and a new section is being put in place. I agree with the wording of the amendment where it says in effect that nothing will enable an association to exercise any power or authority over the teaching staff of a school or schools in relation to which it is formed. In other words, the school based decision making group will not have power or authority over teaching staff. It does not say in respect to what. There are lots of things that teaching staff do in schools which may fall within the areas in which school based decision making groups want to make decisions. I certainly agree with this proposed new section 27 if it means that the association should not have power or authority over a teacher and his performance or activities in the classroom. However, the teacher may also be part of a school based decision making group. There needs to be a relationship worked out between the powers of the association and the powers that the teacher would normally have by virtue of this new section. What we really want to know, and what we do not know from this Bill, is what the powers of the school councils and the principals and their staff will be. We will have to wait until the regulations come out to know that, and whether we are heading in the right direction.

Hon Kay Hallahan: Yes.

Hon N.F. MOORE: The Opposition thinks a balance needs to be maintained. We should not give too much power to school based decision making groups; on the other hand, we should allow them to have a meaningful role in the schools and there should not be too much power in the hands of the principals and their staffs.

The Opposition agrees with the clause relating to TAFE. At the moment there is no reference to a head of TAFE. The Executive Director of the Office of Technical and Further Education, we are told in the second reading speech, is not a legally accountable officer. The accountable officer is the Chief Executive Officer in the Education Ministry. This Bill proposes to amend the Act to enable the Executive Director of TAFE to make decisions affecting his own office.

Mr President, the Government has followed an interesting path with regard to TAFE. Members will probably be interested to know where that path will ultimately lead. Prior to the current changes to TAFE, technical and further education came under the control of the Minister for Education, and the activities of TAFE came under the auspices of the then Director General of Education, in the same way as primary and secondary education. Many people in TAFE did not like that but, for some reason or another, for many years no changes were made. The present Government has shifted TAFE away from the direct control of the Ministry of Education, and there is now an office for TAFE with its own head - the executive director. The Government has also appointed a Minister with responsibility for TAFE, who is not the Minister for Education. When Mr Pearce was the Minister for

Education I believe he had to fight off the then Minister for Employment and Training, Mr Dowding, now the Premier.

Hon Kay Hallahan: You mean this is a political bid, not a concerned bid.

Hon N.F. MOORE: There was a lot of talk at the time that the Department of Employment and Training badly wanted to get its hands on TAFE and separate it from the education system. That would then have made Mr Dowding the Minister in charge of TAFE, and there would presumably have been a greater emphasis on training and employment. I understand that Mr Pearce fought a rearguard action in Cabinet and was successful in preventing a total takeover, but we have seen a partial takeover and a partial shift of TAFE. I suggest that in the very unlikely event that the Government wins the next election, TAFE will be shifted entirely out of the education field, and there will be a separate Minister for TAFE, training, or whatever he might be called, from the Minister for Education. That is the direction in which the Government is going. It has already taken a step in that direction.

Hon Kay Hallahan: What would you do?

Hon N.F. MOORE: We have already said that we would not agree with that. TAFE would remain within the Ministry of Education, but it would have its own head who would be separate from the chief executive officer, as the Government calls him, whom I would call the director general of education.

Hon Kay Hallahan: You would be doing exactly what we are doing with this Bill.

Hon N.F. MOORE: No. There would not be a separate Minister.

Hon J.M. Brown interjected.

Hon N.F. MOORE: I am pleased the Minister is more interested than is Mr Brown, because she is realistic and sees the writing on the wall.

Hon Kay Hallahan: We are going to win. I see the writing clearly on the wall.

Hon N.F. MOORE: The Minister is interested in what we will do.

Hon Kay Hallahan: It is very interesting, because what you say you would like to do is precisely what we are doing. That is the point I want to make.

Hon N.F. MOORE: We agree with this Bill because it puts in place a system which we think should be operating. What I am saying is that the Government's next step will be -

Hon Kay Hallahan: But you don't know what our next step will be.

Hon N.F. MOORE: If I am wrong, I will be the first to say I have made a mistake. I understand from the politics that went on - and the Minister would know this better than I - that there was an attempt to put TAFE under the Department of Employment and Training, and that Cabinet decided otherwise. The present situation is a compromise between the two positions put before the Cabinet. If, in the unlikely event that there is a further Labor Government, I believe that TAFE will be separated from the Ministry of Education, and I would be opposed to that.

Hon J.M. Brown: You are living in hope.

Hon B.L. Jones: If you don't think we will get back, you need not worry too much about it.

Hon N.F. MOORE: I am not worried too much about it; that is why I agree with the Bill, because it fits in with our plans.

Hon Kay Hallahan: They are going to agree with the Bill - that is good.

Hon N.F. MOORE: The second reading speech also says that the provisions relating to the Executive Director of the Office of TAFE will apply to the officer acting in that office. While I have the greatest admiration for Michael Cross, who is the acting executive director, I understand that that position was never advertised before Mr Cross was appointed. This is no reflection on Mr Cross because, as I have said, I hold him in high regard, but the job should be advertised so that any other people may have the opportunity to apply for it.

Hon S.M. Piantadosi: You are saying he is not qualified for the job.

Hon N.F. MOORE: I did not say that. I am not talking about personalities.

Hon S.M. Piantadosi: Is he doing a good job?

Hon N.F. MOORE: He is probably doing a good job considering the constraints under which he operates. All jobs of that nature should be advertised so that anybody who feels qualified to do it may apply for it. I think Hon Sam Piantadosi would agree with that.

Hon S.M. Piantadosi: You want to apply, do you?

Hon Kay Hallahan: It may well be that when this legislation gets through that is what is envisaged will happen.

Hon N.F. MOORE: Can the Minister tell me whether the job will be advertised and, if so, when?

The third point in this Bill, which is the one which causes me most concern, is the new clause 8 which was added in the Assembly and was not part of the original Bill. This clause seeks to give the Chief Executive Officer of the Ministry of Education the right to issue administrative instructions for the purposes of facilitating the administration of the Act, with the proviso that the administrative instructions will not be subject to section 42 of the Interpretations Act. For members who do not know what that section says, it is the section which gives Parliament the power to disallow regulations.

I am told by advisers from the Ministry of Education that the Education Act regulations are a real mess, and I am inclined to agree. I am also told that the administrative instructions which are followed in most Government schools are also a mess. We need somebody to spend a lot of time going through the regulations and the administrative instructions to work out which should be which. A couple of years ago, during Mr Pearce's purge of the head office of the Education Department, Mr John Greenway was moved into a job which was, we were told, to rewrite the Education Act, and look at the legislation relating to education in Western Australia. I understand Mr Greenway did not complete any task in that area and that he is now retired. The regulations and the Education Act clearly need thorough re-examination.

Hon Kay Hallahan: Exactly, I agree with you.

Hon N.F. MOORE: The provision in this clause is that it is tackling the problem from the wrong end.

Hon Kay Hallahan: No, it does not.

Hon N.F. MOORE: The Minister can explain it later. Because the education system is in a mess the Government wants this Parliament to give approval for the chief executive officer to make administrative instructions without them being subject to Parliament. The legislation does not differentiate between administrative instructions and regulations. I would have been happy had the Government said that it had examined the administrative instructions and the regulations and had presented one booklet containing the regulations, which it thought should be subject to parliamentary approval, and another booklet containing the administrative instructions, which it believed could be changed at the whim of the chief executive officer. If that had occurred the Opposition would have examined both booklets and may have agreed. However, the Government has not chosen to go about it in that way and instead has a proposal before the House which states that the chief executive officer can issue administrative instructions. It is quite possible that he will issue administrative instructions which, in the past, have been regulations. We do not have a definition of administrative instructions, and the areas in which he will be making administrative instructions have not been defined.

I know that the chief executive officer is aware of what he thinks are administrative instructions and what are regulations. I am not necessarily keen about giving him the power to decide what they will be. This House should make those decisions. It is an open ended clause and when I first read it I was horrified. It was only a week ago that I spoke about Parliament giving away powers and this is a classic example of a department saying that for its own administrative convenience it should take some powers from the Parliament. I notice the Government has put forward an amendment which will go part of the way towards giving me a degree of satisfaction in respect of this matter, but it will not resolve all my concerns.

Hon Kay Hallahan: Did you say that you are putting up an amendment?

Hon N.F. MOORE: No, the Government has put forward an amendment. Has not the Minister noticed it?

Hon Kay Hallahan: I am sorry, I thought you said you were putting up an amendment.

Hon N.F. MOORE: The amendment, which I will discuss during the Committee stage, goes part of the way towards satisfying my concerns. I will be considering another amendment during the Committee stage which will, in effect, put a sunset clause on this part of the Bill. It will put pressure on the Government of the day to do some work on the regulations and administrative instructions. After a period of, say, two years we will know what are administrative instructions and what are regulations. The Parliament will be aware of the area in which it will make decisions.

Hon Kay Hallahan: I will be happy to accept that.

Hon G.E. Masters: You have been very cooperative. You are desperate to get this through.

Hon Kay Hallahan: I want to get on with other things.

Hon N.F. MOORE: I was very pleased with the assistance given to me by the Ministry of Education, the Parliamentary Counsel and Hon Robert Hetherington when I was trying to draw some conclusion about this clause. As members are aware Hon Robert Hetherington is Chairman of the Joint Standing Committee on Delegated Legislation and it was in that capacity that I spoke to him about this clause. I felt that because of his active interest in delegated legislation he would know whether this legislation was the most suitable way to go. He arranged several meetings at which we discussed the matter and I am simply putting on record that I appreciate his involvement. Perhaps when his committee has had more time to become involved in the work it has been given to do, it will look at these sorts of things and report to the House recommending that the Parliament separate regulations from administrative instructions.

The Opposition supports the concept of the community based decision making groups. It does not believe that they should be compulsory and I ask the Minister whether it was the intention of the Government to make them compulsory. The Opposition supports the changes to the Act which will facilitate the establishment of the councils. However, if the Government had brought the regulations to this House with this Bill the Opposition would have been in a better position to make a final determination on the roles of these councils. Finally, the Opposition supports the direction in which the Government is going in relation to TAFE. It does not upset the Opposition's plans. In fact, it facilitates what we will have to do after the next election.

Hon Kay Hallahan: The optimist in you.

HON E.J. CHARLTON (Central) [3.06 pm]: The National Party supports this Bill. I agree with the comments made by Hon Norman Moore. I do not know about the city, but in the country there is a great deal of confusion about the implementation of the Better Schools program. People who are interested in the education system are not clear about the role of the school councils. They have received differing interpretations from various people with regard to the parent councils which it is envisaged will be set up. Some are already in place but the parents do not know what is the role of the councils. This Bill is addressing the primary school P & C operations, but it is really a piecemeal approach. The situation is different between the small schools and the larger schools and the P & C associations are not aware of the parameters of their responsibility.

In some areas people have taken some action, in spite of the conjecture in the community about education and the well being of students, and have set up schools councils. People from other areas have been reluctant to take any action because they are not sure of the parameters of their responsibility. We are nearing the end of 1988 and nothing has been defined. The Government is really not assisting in implementing these changes. Where are the new initiatives and what are the parameters in which the school councils can operate? Why were those changes not introduced with this Bill so that the whole matter could be cleared up at one time? That is central to the questions being asked. This Bill will give authority to the P & C associations in accordance with the changing scene in which they are involved. It will give them some legality to prevent problems arising with regard to their responsibility and operation. Apart from the point raised in the final comments by Hon Norman Moore, the National Party agrees in principle to the amendments contained in the Bill. However, I ask the Minister in reply to indicate the time span, why the changes to which I referred earlier have not been made, when they are likely to be made, and what is the

intent of providing that extra responsibility. This will enable the people who wish to put these organisations in place to proceed to do so, even though some may not be totally in favour of them and may not be sure of the benefits in the long run.

When this proposal was first mooted, it opened a Pandora's box. We are now part way through the implementation of the scheme and there is a great deal of uncertainty in the community. People who have already appointed such councils need to know what will be their responsibilities. I attended a function a few days ago in a country area and spoke with many people who came from different parts of a fairly wide area of the State - the central wheatbelt. Some had formed specific ideas of what the role would be of those councils and others had completely different ideas. The end of the school year is approaching and discussions will be taking place on staff changes in country schools; that is a continuing problem in country areas.

The P & C associations and school councils in country areas are not just fundraising organisations. Their contribution to country schools is well documented and they exceed their defined roles to a large extent. They provide amenities to country schools which should be central to and part of the Ministry of Education's responsibility. In addition, these changes have been forced on them and, although they accept them in principle and want to get on with the job, they have not been told what their responsibilities will be. As with many other Government developments in various departments, people are given a broad outline of a scheme, but the rules seem to change during the implementation of that scheme, depending on whether one talks to a district supervisor, a principal or someone else. That has not helped this complex situation arising from the changes to education, particularly in country schools, where there is a far greater degree of parental involvement than in the rest of the State.

HON ROBERT HETHERINGTON (South East Metropolitan) [3.15 pm]: I support the Bill. It is a most interesting Bill and I shall be interested to see how it develops, particularly in relation to the separation of TAFE from the Ministry of Education, under its own executive officer. I had a great deal of discussion with the TAFE people when I was a member of the Select Committee looking into agricultural education, and it seems to me that TAFE has to develop a whole new role, particularly in agricultural education. It has a range of things to do and it must be reorganised in order to achieve those things.

I am most interested in the comments of Hon Eric Charlton on the development of community based councils. I agree with Hon Norman Moore on the title, but I will use the word "council" for the sake of the debate. These councils have to develop. I can remember many years ago when my children, who are now quite old, were attending Hollywood Senior High School and we set up a school council. We were very unsure about what the council would do, particularly as the school principal was doubtful about our position; a number of members on the council were academics and he thought we would try to take over. It did not happen because we were more interested in the education of our children than in power. We gradually developed to a situation where the council adopted an advisory role and some of the policies on which we advised were adopted by the principal. He remained the monarch, but he acted on the advice and consent although he did not have to. One of the problems with the establishment of these new community based councils is that their activities and usefulness will vary from place to place.

Hon E.J. Charlton: The problem is that they were told in the first place, and it was well documented, that they would have a specific role. They have been left in the dark for so long and yet the communities were told to set them up. The people who have agreed to be on them want to know what their role will be.

Hon ROBERT HETHERINGTON: Their role will be to help formulate the educational policy of their school, but they will not take it over entirely. Some of us were afraid that a system might be set up rather like the American system in which school councils would be able to take over the curriculum and, for example, decide that creation science, or any of the other subjects so beloved of some of the fringe groups, would be taught in the school. I would never support such a move, and certainly not in Western Australia. The system will vary because schools will vary according to the context, ability and interest of the parents. This has to develop. They must create their own roles from the interest they have and the interest of their children in that school and in that environment. Country schools face

problems which do not apply to metropolitan schools and vice versa. Sometimes the parents will make suggestions that will not be in the best interests of their children; sometimes they will make suggestions that the principal will not like and which are in the best interests of their children. It has to be thrashed out and developed.

Hon E.J. Charlton: They should be told that that is their role. You could tell them one thing, and someone else will tell them something different.

Hon ROBERT HETHERINGTON: The Bill states that an association will be -

deemed to have among its objects the object of participating in the formulation of the educational policy and operations of the school or schools in relation to which it is formed to the extent prescribed by regulations . . .

I know the regulations are not yet available and that is one of the problems. Of course, the regulations will change and become flexible. As Hon Norman Moore realises, we in this House and in another place have the problem of overseeing the regulations. I can assure the member that were I still to be here after 21 May next year - which I will not be - to chair the Joint Standing Committee on Delegated Legislation, I would look very carefully at these regulations to see just what they were doing. I believe the regulations will allow the councils to develop slowly, depending on the kind of response they receive. I am sure that if the member were to be on one of these councils, and certainly if I were to be on one of these councils, that council would make some pretty firm proposals, some of which the department would not like, and once the department received those proposals, it would start to react by producing regulations.

I know that when we first started the system of school councils on a voluntary basis, the councils varied from school to school. Some schools were not interested; the parents did not understand what was going on, and would spend perhaps the first year or two in being educated and in finding out how they could participate. They would sometimes know the things they wanted to do but would not know how to articulate that. I noticed that there were students on that school council to which I referred earlier, but no matter how progressive the teachers were, whenever a student put forward a suggestion, the teachers would just say, "Oh, yes" and go on with the discussion. There was one student who put forward some pretty good ideas, and I would listen to what he had to say, let the discussion wander on, and then take up his suggestion, put it forward as being mine, and people would suddenly become interested in it. I did not say that Bill or George, or whatever his name was, thought of that idea first, because I was more interested in getting his idea up than I was in showing the people that it was his idea. These councils have to develop, and it is surprising to many people to find out how much students, young people or parents can contribute if one only knows how to get it out of them.

We cannot at this stage define too precisely the role of the council. We know in general terms what is required from the school council. We know that parents should have an input into what is decided for their own children, and this should involve more than just deciding whether their children will wear uniforms, or be caned, or that sort of nonsense. Parents should have an input into what they want their children to be taught. However, there will be times when what they want their children to be taught, and the way in which they want it to be taught, will prove to be not the best thing. They will find this out by discussion, by teasing out what has to be done, and by working out and being shown what the possibilities are. I believe the member should not be too worried that things are not yet terribly precise, because it is one of those areas that has to develop. It is a bit like Parliament.

Hon E.J. Charlton: I had hoped it would be better than that.

Hon ROBERT HETHERINGTON: Yes; let us hope so. However, when we set up a democratic system, we are never too sure what the democracy will do. Parliament originally had no powers to do anything, except to give advice to the King and to raise money for him. The Executive would come along and say, "This is what we want; go out and raise the taxes." The Parliament gradually decided there would be no taxes without having redress of grievances, and that it would take a greater part. We will find over the years that we will develop competent school committees which will play a strong part and which will, I hope, put forward propositions that will disturb the bureaucrats in the Ministry of Education so much that they will send out representatives to parley with the members of the council and to

discuss the matters, so we will have a little "parley-ament" - because after all that is where the word "parliament" originally came from. This system will develop gradually and in due course.

One of the things that disturbs me about this Bill - and it could be a bad thing, but I do not think it will be - is that by the separation of TAFE from the schools system, TAFE may become just a training ground, and its educational component may be forgotten. A lot of us are worried about this, and we will be watching the developments very closely. There is plenty of room for development, particularly in the area of agricultural education, which Hon Eric Charlton would be interested in.

Hon A.A. Lewis interjected.

Hon ROBERT HETHERINGTON: I know something about it because one cannot be on a committee for 12 months with other experts without some of it brushing off.

Hon A.A. Lewis: I heard you talking about fallow and things like that.

Hon ROBERT HETHERINGTON: I think stubble is what I was famous for. I read a paper on stubble, but I do not claim to be an expert on stubble.

I will be watching with great interest the developments provided for in this Bill when it becomes an Act, but I want to take up the point made by Hon Norman Moore - and I will probably take it up further in the Committee stage, although that depends on the depth to which he pursues it - because it seems to me that eventually we will have to receive the Ministry of Education regulations. I used to receive them regularly when I was the shadow Minister for Education years ago, and they were about that thick then. A great mass of regulations has developed over time. I will not go into the theory - which I explained to someone else privately - about what has happened, but it has reached the stage where the regulations have to be rationalised.

One of the problems facing the people in the department is that, under the regulations as they now stand, they have to write into the regulations the most amazing administrative detail that should not be necessary, and what they are trying to do, in addition to the other things that are in this Bill, is find a way of having administrative instructions which are carrying out the provisions of the Act and the regulations, and also looking after the administrative detail. This caused the member some concern, and he discussed it with me. I share his concerns, and it is something that will have to be examined by the Joint Standing Committee on Delegated Legislation when it has the time to do so. I do not think there will be adequate time for that until the new Parliament sits. To go into the morass of the education regulations and to try to sort out the sheep of regulations from the goats of administrative instruction - or is it the other way around? - will be a herculean task. I very much regret I will not be one of the people pursuing that task.

Hon N.F. Moore: Somebody might engage you as a consultant.

Hon ROBERT HETHERINGTON: That might indeed happen, and I would be happy to be a consultant as long as there was money in it, of course, because I will be a poor, superannuated ex member by then.

Hon N.F. Moore: There might be a motor car in it.

A member: Do you call yourself a socialist?

Hon ROBERT HETHERINGTON: A true socialist can only be a true socialist in a true socialist society. When one is in the kind of society we have one operates largely by the rules as one finds them, without trying to exploit anybody else too much.

It gives me a great deal of pleasure to support the Bill.

HON W.N. STRETCH (Lower Central) [3.31 pm]: I wish to speak briefly to this Bill, perhaps on a rather unusual slant; that is, the impact that local P & C associations can have in the conduct of district agricultural shows. I might take some time to convince you, Mr President, of the relevance of my arguments but I will attempt to do so anyway.

I draw to the Minister's attention the situation in the Boyup Brook district where a very fine, active agricultural society runs a show at Dinninup. A major component of the show is the contribution always made by local schools. As the Minister would be aware from her early country background, when a major show happens in a country district schools from a very

wide area around the district contribute their handicraft and other work. They take great pride in the display of this schoolwork and it is quite a feature of the show. It brings many children and their parents to the show and very much involves the school community in it, and vice versa - it brings the community interest into focus as to what the local children are doing.

Where it becomes relevant to this Bill is in respect of the regulations to which Hon Bob Hetherington referred. In passing I might say that I hope his benign and enlightened attitude is bequeathed at some stage to one of his colleagues who will carry on work in the spirit in which he carries on work in these sorts of things. He is quite right - the education regulations are a morass in which many greater minds than ours have become bogged.

In the past the local schools normally had the school holiday arranged to coincide with their local show, and that was a very important feature. Just recently it became more difficult to organise such a holiday. To have the holiday gazetted for the school involved the Royal Agricultural Society and P & C associations of several schools, and numerous letters to the Ministry of Education from both the schools and the P & C associations. It really became a very messy and traumatic business because it also involved many letters to the local members of Parliament! So many people were involved in having the show holiday finally put on at the right date that what should have been a simple issue to be sorted out by the P & C association and the principal of the school became something of an international incident.

If we go along with the spirit of this legislation it would seem the regulations should be brought into line with the new proposals. I mention this matter to bring it to the Minister's attention. I am aware the Minister for Education herself knows of the problem because she was, of course, deeply involved in it and, I am pleased to say, finally gave the approval. I hope that in future such a relatively minor decision can be decided at local level and that a combined recommendation from the P & C association and the school principal to the Minister will ensure almost automatically that the school holiday coincides with the local show date. There will be exceptions when the principal will decide that is not appropriate, but it should be a local decision. I hope this will be incorporated in the spirit of the new amendments; I hope it will be in a better regulation when these are all sorted out; and I hope that occurs before Mr Hetherington's aspirations come true.

It is easy to be flippant about this. It is only a small matter but the problem occurs in many country districts and is very important to those communities. If we are to foster a spirit of cooperation between our schools and the communities this is a very good way to go. I commend it to the Minister's attention for her to commend to her colleague.

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [3.35 pm]: I am pleased with the amount of consensus that we have on this Bill, although we have been having some discussions, Mr President, as you are aware, about one area of the Bill. I think it is a good thing. It must mean that the community is really ready for school based decision making groups, and I guess that is because many parents around Western Australia have taken a very close and deep interest in their children's schooling.

Hon N.F. Moore: I think it is because they are upset about what you have done to the system.

Hon KAY HALLAHAN: Hon Norman Moore always sees the negative side. The fact is that parents have taken a strong and close interest in their children's schooling, have been able to have significant input in schools and have played a partnership role with school principals and staff. We are looking at formalising what for many schools has been a practice and allowing a systematic development of something which has been going on in many places for a long time. I do not want to hark back to negative messages; I think that if members are agreed on that, as we appear to be, we are doing something quite constructive for education in Western Australia today, and that is the point we would prefer to focus on.

Hon N.F. Moore: Sure, but we do not really know what we are doing yet.

Several members interjected.

Hon KAY HALLAHAN: That is the baseline of our concern - it is the education we need for Western Australian children and whatever way we can devise to do that best, that is what we should be doing. That would be my view about what we are doing. I will answer some of the points raised by members in their speeches. I thought all of them were of sufficient value to be conveyed to the Minister, or for me to provide the information if I can.

I will convey to the Minister for Education the comment made by Hon Norman Moore about the names of the committees. The example he gave was incredibly long, and in my own portfolio there is sometimes a tendency - with very good intentions - to actually try to describe what a particular committee does. We do have some very long titles for them. I will bring it to the Minister's attention.

There was some debate about clause 6 and Hon Norman Moore said he would like to see the regulations before he passed the Bill. With all due respect to the member, he knows we have to pass Bills before we draw up regulations, then we scrutinise the regulations; that is how it is done. Members will know that under my portfolio covering the child care regulations we passed a Bill, I told the House regulations would be coming, I gave an undertaking to have consultation on those regulations, the consultation has taken place and I believe those regulations will be tabled very soon. In my view that is the safeguard of the concerns somebody like Hon Norman Moore has. I will ask the Minister for Education if she would be prepared to have a similar consultative mechanism with the Opposition parties when those regulations are drawn up so that members know what is coming before the House. In my view, that is the sensible way to go. In my experience this has worked well. Everybody had an opportunity for input.

Regarding the powers of school councils and staff, I am told that the working party is approaching the final stage in working out the relationship. As has been flagged by the member who raised the question, this matter has the potential to be quite contentious. We cannot rush this through without agreement by all parties. I am told that matter is in the final stages - and that would be in the regulations which I suggest the member would scrutinise.

Hon N.F. Moore: Thoroughly.

Hon KAY HALLAHAN: I would think the member would do that thoroughly. I ask that he do no less.

Hon N.F. Moore: I hope it happens before the elections.

Hon KAY HALLAHAN: The member surprises me. I thought that he had ambitions to be in Government next year, in which case I would presume - God willing - his leaders would have confidence in his ability; that he might even be a Minister. I do not understand the member's comment. We will be in Government, of course, and I guess the member is realistic enough to understand that; perhaps that is where the comment came from.

Hon N.F. Moore: The regulations could be an election issue, if we were to receive them before the election.

Hon KAY HALLAHAN: Yes, the Opposition needs a lot of issues.

Hon G.E. Masters: We are happy with what we can get.

The PRESIDENT: Order! Perhaps members could contain their campaign strategies for another four minutes; they can then discuss them over a cup of tea. In the meantime, I recommend that we proceed with debate on the Education Amendment Bill.

Hon KAY HALLAHAN: Thank you, Mr President, for that direction. We have some inane comments occasionally from the Opposition.

Hon S.M. Piantadosi: Always.

Hon KAY HALLAHAN: We are elevating the level of Opposition members' debate.

I will spell out some matters related to administrative instructions because that seems to be of concern to the member. Administrative instructions will not create offences, will not impose penalties, and will not include anything dealing with entitlements for students or teachers. That is the difference from the regulations.

Hon N.F. Moore: How do you know?

Hon KAY HALLAHAN: Because that is the case. That is the difference between regulations and administrative instructions.

Hon N.F. Moore: It is not in the Act or in the regulations that that is what the instructions should or should not do. There is no definition for administrative instructions.

Hon KAY HALLAHAN: If we get to the stage of including definitions in the Act, we will

reach the point where the regulations are almost unworkable and the administrative instructions will be almost unworkable also.

Hon N.F. Moore: We do not know what the administrative instructions are. You are saying what you think or what you have been told they are.

Hon KAY HALLAHAN: They are mentioned within the Financial Administration and Audit Act and within the Public Service Act. The member should scrutinise the administrative instructions and regulations under those Acts; he will then understand that what I say is true.

Hon N.F. Moore: We are talking about the Education Act.

Hon KAY HALLAHAN: They will be drawn up by the Parliamentary Counsel who will be working on the same principle as Parliamentary Counsel worked on administrative instructions for the other two Bills. It is a paranoid belief that somebody will go off and do something quite odd, when what we all want is something we can count on.

Hon N.F. Moore: We have watched the Government, for the last six months, doing the most extraordinary things with the taxpayers' dollar.

Hon KAY HALLAHAN: I think the member is going loopy; he will not make it to the end of January.

Hon N.F. Moore: The chief executive officer has given the authority, not the Parliament.

The PRESIDENT: Order! The Minister should address the Chair and not the member opposite.

Hon KAY HALLAHAN: It is a pleasure.

For the benefit of members, an administrative instruction may give directions on how applications are made and when; give directions on the information to be supplied within the Government school system, publications of lists; contain explanatory notes and guidelines elaborating on regulations and their administration where necessary for the guidance of teachers; give directions for the management of schools so long as these conform with 1(a), (b) and (c); give directions on management of staff by principals; and may, when the Act is amended, deal with duties of teachers in a more flexible way. Clearly, the advantages of administrative instructions are that they are a more suitable vehicle for internal management matters; the language can be less legalistic because they will deal with non legal matters. They are the great strengths of administrative instructions.

Sitting suspended from 3.45 to 4.00 pm

Hon KAY HALLAHAN: I mention another couple of advantages to put on record the reasons for the Government going this way and supporting the advice it received about the benefits to be derived from having administrative instructions included in the Bill. Also, the administrative instructions will not require the formalities required by the regulations; as we all know, the bureaucratic structures are very complex these days. There is a real need within those structures, which by their very size actually slow down their ability to respond to change, to be able to move as quickly as possible once a need is considered to be one that should be responded to. Administrative instructions do give that flexibility and can be much more flexible in responding to change. While Hon Norman Moore and I may disagree on that point, I still contend that it is a good thing that the Government is considering; that is, having administrative instructions as a part of the Bill before us.

I now move on to the comments made by Hon Eric Charlton who was primarily concerned about the confusion on the matter that he has detected in schools in his electorate. He believes it is regrettable that people have not been clear about it and feel that they have had different advice from different sources, and that rather than the system working smoothly for their involvement, it has, in fact, led to some confusion. I think that is regrettable, especially when people are making a voluntary and well intended contribution to the betterment of their children's education. In response to Hon Eric Charlton's concerns, the book, "School Development Plans and School Based Decision Making Groups" is a very important discussion document which is out in all the schools. When the feedback comes in from people in relation to that document, it will be possible to draw up the unambiguous guidelines that people are looking for. The honourable member wanted to know when this

would be in place. It is planned for these guidelines to be in place for the commencement of the 1989 school year. While Hon Eric Charlton is not happy with the confusion that his constituents experienced, I think he will be pleased to know a strategy is being carried out to make it very clear to people what their roles will be, and the variety of roles and choices that they will have.

Hon Bill Stretch alluded to the question of local agricultural shows and the possibility of children having that as a day off school to build the event up as a local festival day. I certainly will commend his comments to the Minister, although I understand it is something that the Minister has some sympathy with and has already given some attention to.

In closing, this is a very important Bill which gives a great opportunity to incorporate parental involvement into the educational processes in a way that allows them a great deal of flexibility in whether they want to be involved at the various levels in the myriad activities that take place within a school. It is a move to formalise that participation so that every person who is involved in that structure will be able to work alongside one another to accommodate and complement the various roles that they carry out. I believe we will be able to reach a consensus on this Bill and I thank members for their support of it.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon P.H. Lockyer) in the Chair; Hon Kay Hallahan (Minister for Community Services) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 23 amended -

Hon N.F. MOORE: I wish to raise several questions. Section 23 comes under part VI of the Education Act which is headed "Parents and Citizens' Associations". Section 23 of the principal Act describes the objectives of parents and citizens' associations, and this Bill adds a new subsection to section 23 which states that there shall be - if the association so resolves - an additional objective of the association; the objective relates to the formulation of an education policy for the operation of the school. The first thing I want to know, because this part of the Act relates to the parents and citizens' associations, is whether the school based decision making groups need to be either a parents and citizens' association or a subcommittee of a parents and citizens' association?

Hon KAY HALLAHAN: As the member said, the association may be either a subcommittee of the P & C association or the P & C association itself.

Hon N.F. MOORE: Does that mean that a school based decision making group that is not associated in some way with the parents and citizens' association would not be considered an association under this clause?

Hon KAY HALLAHAN: Under the Act, the parent representatives have to be from the parent body, which is the P & C association.

Hon N.F. MOORE: I thank the Minister for that explanation. During the second reading debate, I raised the matter of regulations. This clause says that an association may have among its objects the object of participating in the formulation of the educational policy and operation of the school and that the extent to which it can be involved will be in the regulations. Can the Minister tell me what is covered by "formulation of the educational policy and operations of the school"? What in general terms does that mean? Hon Bob Hetherington said that when he was involved with Hollywood Senior High School the matter of parent involvement in curriculum was of some interest to him. He did not see involvement in curriculum as being a role for parents. It is not beyond the wit of man to include in the words "formulation of the educational policy and operations of the school", the curriculum of a school. I am not all that keen on having parents making very big decisions on curriculum in schools, so I would be interested to know what is meant by the words "educational policy and operations of the school". Can the Minister give me some idea of when the regulations will be made available, bearing in mind that in response to the second reading debate she said that she expected school based decision making groups to be in place for the 1989 school year?

Hon KAY HALLAHAN: The words in the clause the subject of the member's question relate to the school development plans. The honourable member would perhaps be aware that each school is to draw up a school development plan. I am not sure that the member is indicating a concern about that, but the school development plans will have to be consistent with and within the Education Ministry's policies and guidelines. I am not sure whether the member is indicating that he thinks there may be a plan for some radical departure from the present policy. The constraint will be that the school development plans will have to come within the Ministry's policies and guidelines. It will be within those parameters that participation will take place.

Hon N.F. MOORE: Whenever I suggest in this place that we might be giving somebody too much power, the Minister invariably asks whether I am suggesting that the Government has some outlandish, diabolical set of circumstances in the back of its mind that it will unleash upon the public as soon as the legislation is passed. The Bill which contains the amendment to the Education Act will become part of the law of Western Australia. This law relating to education says nothing about school development plans. This clause says that parent councils or school based decision making groups will be able to be involved in the formulation of educational policy and operations of the school that is part of its jurisdiction. I want to know what the Minister means by "educational policy and operations of the school". If those words mean "school development plan", it would have been better to have written into the legislation "school development plan" rather than these words which cover a multitude of possibilities.

Even though the Government is telling me now that the words "educational policy and operations of the school" relate to the school development plan, that does not mean that that will always be the case and that some other person coming in at some other time as the Minister for Education may not suggest that educational policy is curriculum and that the operations of the school include the control of the staff of the school. A future Minister for Education could feel perfectly entitled to go down that path with the wording that is currently in the Bill. I want the Minister to give me some greater indication of what the words mean before I will be prepared to support the clause.

Hon KAY HALLAHAN: I do not like to indicate that Hon Norman Moore always thinks that some outlandish thing is going to happen. I was trying to deduce from his comments why it was that he was expressing concerns about the clause. It is a quite sensible clause because it does say "by regulations". Hon Norman Moore will undoubtedly protest that we do not have the regulations. The fact is that we will have the regulations and we will have an ability to scrutinise them. School development plans will be made within the regulations, so they will not be able to contain anything that is contrary to any other part of the Act or the regulations. The chief executive officer has the responsibility for curriculum. Nothing can be done which would conflict with other provisions in the Act. A lot of things in the legislation are spelt out. If the member had time to go through the legislation, he would be able to see that the examples he has given are covered in another part of the legislation and therefore this clause will not ride roughshod over something that he at present values. There are safeguards.

Hon N.F. MOORE: One of the good reasons for having a Parliament is that we have second reading speeches and debates which are recorded so that in the future people who will be making decisions about the interpretations of Acts of Parliament know what people said when they were brought in. That is why I think it is important that the Minister should put on the record what she means by those words. I asked the Minister when the regulations were likely to be made available, bearing in mind that she said that she expected the school councils to be in place by the beginning of 1989, which, I might add, is only a couple of months away. I presume that school councils will not be brought into every school before the regulations have been brought out, otherwise the problem Hon Eric Charlton talked about would be apparent in every school. The school council would be set up without knowing what it was or was not entitled to do, which would presumably be outlined in the regulations. Can the Minister tell me when the regulations will come out and whether I am correct in saying that all schools will have to have a council or school based decision making group by 1989?

Hon KAY HALLAHAN: I am advised that those regulations are at an advanced stage towards their finalisation and will be with Parliamentary Counsel in December. There is

about a six weeks procedure for that. That gives the member an idea of what we are looking at - about two months.

Hon N.F. Moore: With the intention of having school based decision making groups established in 1989?

Hon KAY HALLAHAN: The discussion paper has gone out and people have responded. People are reaching an agreement on what will be their role in those bodies. I think that is a reasonable time to achieve that.

Hon N.F. Moore: Is it the intention that in 1989 there will be school based decision making groups in every school acting under the regulations?

Hon KAY HALLAHAN: That is the intention.

Hon N.F. MOORE: The Minister is saying in effect that it is the Government's intention to have these regulations completed and presumably gazetted and brought into operation in every school in Western Australia by 1989. I am not arguing about that. However, it means that the regulations, which ought to come before this Parliament for consideration, will not do so before they are implemented. As members know, regulations come into effect upon gazettal, so presumably the Government will gazette them between now and 1 February when school resumes. School councils will be set up based on those regulations. Parliament will resume in July or August next year, so the regulations will have been in operation for over six months and this Parliament will have had no say in the powers of the school based decision making groups for the first six months, at least, of their operation. That is one of the reasons why the Minister - if she is to bring forward amendments to legislation in this House which rely heavily upon the affected regulations - should have in operation some mechanism whereby members can be given an indication of what is in the regulations.

The real nub of the problem of school based decision making groups is the extent of the power they will have vis-a-vis the teaching staff. There is much concern out there about just what powers each group will have. There is concern in my mind about what powers each group will have. I draw to the attention of the Minister, for example, the Spearwood Alternative School, which was set up by this Government to put into operation, in a practical sense, some of the principles behind the "Better Schools" proposition. I was told in answer to a question I asked in this Chamber that in the four or five years it has been operating it has had four or five principals and that every principal who has been there has been at odds with the school council or the parents running the school. The only example we have of a school based decision making group is at Spearwood Alternative School and I am told there has been nothing but trouble since it started. It is important, therefore, before we give approval to this clause to know what the powers will be.

The Minister is asking us today to give the Government carte blanche in respect of the powers of the council because, as I have said, we will not have a chance to look up the regulations until the Parliament resumes, presumably in July or August of next year. I ask the Minister for Community Services to consider asking the Minister for Education if she will make available to me as shadow Minister a copy of the regulations as soon as they are drawn up, and certainly before they are implemented so that the Opposition will at least be able to have a say about them.

Hon KAY HALLAHAN: The Spearwood Alternative School was referred to, but that is not the model on which this whole procedure is based.

Hon N.F. Moore: We do not know that.

Hon KAY HALLAHAN: I am telling Hon Norman Moore that. I certainly have no qualms about speaking to the Minister for Education about Hon Norman Moore having access to those regulations so that he can satisfy himself about them. I am told that he could assist in their writing, but I guess that he would not want to take up that offer.

Hon N.F. Moore: I will do it after the election. In fact, I will write them.

Hon KAY HALLAHAN: It was a generous offer. I reassure members that the model referred to by the member is not the one we will have working in schools across the State.

Hon N.F. MOORE: Will it be compulsory for schools to have school based decision making groups?

Hon KAY HALLAHAN: It will be compulsory to have a school development plan but it will not be compulsory to have school based decision making groups. I think there will be a great variety across the State in relation to what parent bodies decide to do. That is certainly the flexibility within the proposal. I think that is very important. It would be a quite retrograde step for community involvement to make it compulsory, so there will be a choice about that.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Section 28B inserted -

Hon KAY HALLAHAN: I move -

Page 3, line 29 - To insert after "instructions" the following -

not inconsistent with this Act or any regulations made under this Act

Hon N.F. MOORE: I would have thought that the Minister would explain why she is doing this. It may be that I should explain why it was here. I intended to express my grateful appreciation to the ministry and Parliamentary Counsel for suggesting this amendment in the first place.

Hon Kay Hallahan: Hon Norman Moore means he wanted to congratulate the Minister.

Hon N.F. MOORE: No, Hon Robert Hetherington for organising a meeting which arrived at this amendment. This goes some way towards solving some of the problems I have with new section 28B. I indicate to the Minister that I have a further amendment which will provide a termination clause in three years so that the power of the chief executive officer to issue administrative instructions will cease in three years, but I will talk about that in a moment. I want members to be aware that I still hold concern about providing the chief executive officer with the power to issue administrative instructions when there is no definition anywhere of what is an "administrative instruction". That is the basis of the problem.

Under the Westminster system, which applies in Western Australia, if a department or a Minister wants regulations the regulations must be consistent with the Act and they must be brought to Parliament and tabled in the House and can be disallowed. That is a constraint that this Chamber has on the use of power by the Executive. This clause is saying that the chief executive officer will be given the power to issue administrative instructions that will not be subject to disallowance. We do not know what an "administrative instruction" is. It is in the minds of some people who think they know what it is. There is the potential for us to give power to a chief executive officer that was never intended to be given. This amendment goes some way towards fixing that problem because it says that those administrative instructions must be consistent with the Act and regulations. That was not said before.

The Minister read out during her second reading speech a list of things she regarded as being administrative instructions. They are the same things that I think should be administrative instructions, but they are not in the Act and there is no legal basis for that descriptive list of what should be administrative instructions. That is simply the view of the Minister, or Parliamentary Counsel, or somebody else. But that view will not apply in the event of legal action, because there is no legal basis for administrative instructions. There is no definition of what they are as opposed to regulations.

One of the problems we have had which has necessitated this is the confusion which has arisen between what are regulations and what are administrative instructions. The fact that a job of work needs to be done to separate them is one of the reasons we should not be giving more power to a chief executive officer in this area. In fact there may be a reason to give him less. I ask the Minister for Education to get to work as soon as possible and sort out the regulations and the administrative instructions; she should bring to the Parliament as soon as possible a list showing regulations and another list showing administrative instructions.

I support the amendment and I thank the Minister for making personnel available to come to the conclusion which that amendment reaches. It goes some of the way towards solving my problems, but not the whole way.

Amendment put and passed.

Hon N.F. MOORE: I move -

Page 3 - To insert as subclause (4) the following -

(4) This section expires 3 years from the date on which it came into operation and any extant administrative instructions remain in force.

This is a termination clause which says that the new section 28B will expire in three years. The reason for putting that in is to say to the Government, whichever Government that might be, it has three years to sort out the regulations and the administrative instructions and bring to the House a new list of regulations and a new list of administrative instructions. When that has been done, I shall be happy to go along with the intent of the amendment that the chief executive officer can change administrative instructions at his will, because he is there to administer the day to day operations of the department.

Hon H.W. GAYFER: The National Party had misgivings about this Bill, but we heard that Hon N.F. Moore was proposing a termination clause, or a sunset clause. Last night we decided that this would possibly overcome many of the difficulties which we envisaged with this legislation. I think it is fair to say that in the country at present there is a lot of misapprehension about what is taking place, what this Bill actually does and what it may do. We were concerned about it right from the start. However, from our discussions and briefings, for which we thank the Minister, and the fact we were aware of the move by Hon N.F. Moore and the agreement by the Minister to come to some degree of compromise, we believe the sting has been taken out of the tail and we support this amendment.

Hon KAY HALLAHAN: I am pleased, from the Government's point of view, with what has been achieved. We would have been happier without the amendment, but as it has taken the sting out of Hon Mick Gayfer's tail, it is worth having. I thank Robert Hetherington for his part in negotiating with members of the Opposition and bringing to Government a position with which we can all live somewhat comfortably. I accept the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Kay Hallahan (Minister for Community Services), and returned to the Assembly with amendments.

EASTERN GOLDFIELDS TRANSPORT BOARD AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [4.37 pm]: On behalf of the Minister for Consumer Affairs, I move -

That the Bill be now read a second time.

This Bill is aimed to put into effect an agreement reached with the Town of Kalgoorlie and Shire of Boulder to secure the future operation of public bus services in these municipal districts. Before relating the key points of the agreement, for the benefit of members I first touch upon the history of the principal Act and the events leading up to the introduction of this Bill.

The initial Eastern Goldfields Transport Board Act was proclaimed in 1947. Its purpose was twofold: First, to constitute a board to manage and operate public transport in the Kalgoorlie-Boulder region; secondly, to take over the operations of Kalgoorlie Electric Tramways Limited. In 1984, the 1947 legislation was replaced to reflect the contemporary

trading activities of the board rather than the functions performed at the time of transition from tramways. The goldfields region remains the only region in the State where a public bus service is operating under an Act of Parliament administered by a locally constituted board.

The Director General of Transport has a statutory responsibility to advise the Minister for Transport on the administration of the Eastern Goldfields Transport Board Act, including the board's capital and other financial needs. Regulations made under the Act currently provide for the Government to fund 50 per cent of trading losses incurred by the board with the remaining 50 per cent being shared equally between the Town of Kalgoorlie and the Shire of Boulder.

A review of the Eastern Goldfields Transport Board was commissioned earlier this year by Hon Gavan Troy, and was undertaken jointly by the Department of Transport and Transperth. The impetus for the joint review came from a substantial escalation in the board's trading deficit in recent years and the additional cost burden faced by the Town of Kalgoorlie and Shire of Boulder in meeting their share of the increased shortfall. The approximate losses incurred by the board over the past four financial years are as follows: In 1984-85, \$47 800; 1985-86, \$132 100; 1986-87, \$335 300; and 1987-88, \$298 600.

In approaching the Minister, the two local authorities argued that their level of contribution was too high. When coupled with the ever increasing cost of providing all forms of other services, they claimed this was having detrimental financial repercussions on local ratepayers. They also pointed out that no other local authority in the State, including urban authorities in the case of Transperth, directly contributes to or has a statutory obligation to contribute to deficits sustained in the operation of public bus services. The Town of Kalgoorlie and the Shire of Boulder still felt obligated to assist the bus service financially, and were prepared to do so, but wished their contributions to be limited.

The arguments raised in support of lower contributions by the two local authorities could be countered to a certain extent by the fact that both councils are represented on the board and were, therefore, party to initiatives taken by the board in developing its budget estimates. However, it was clear that a case existed on precedent and equity grounds to justify a change in funding arrangements. The agreement reached with the two local authorities provides for the board's 1987-88 trading year loss to be met in accordance with the existing legislative requirements. Commencing with the 1988-89 financial year, the contributions of the Town of Kalgoorlie and Shire of Boulder will each be limited to \$40 000 per annum, indexed to the Perth All Groups Consumer Price Index, or 17.5 per cent of the deficit, excluding provision for depreciation, whichever is the lesser. The Government will contribute the remainder of any loss. The revised funding arrangements will be dealt with by amendments to the regulations.

I turn now to the present composition of the Eastern Goldfields Transport Board. It is normal for a board managing a commercially orientated agency to consist of persons with a spread of expertise relevant to the operations in order to enhance input into the decision making process and achieve the best possible results. This is not necessarily the case with the Eastern Goldfields Transport Board. Of the six board members, one is appointed by the Minister as chairman; two are elected by the ratepayers in the area; two are councillors appointed by the local government authorities; and one is an employee elected by the full time employees of the board. In similar circumstances, I am sure any Government holding office would prefer to draw upon people possessing particular managerial expertise and business knowledge, relative to the function performed by the agency, to ensure the optimum results were obtained. The Government is represented on the board only through appointing the chairman, although it provides the major proportion of funds.

Furthermore, under the present Act, the Minister for Transport's statutory influence over the board's activities is minimal and, unlike many Acts, the Eastern Goldfields Transport Board Act 1984 does not empower the Minister to direct the board. There is clearly a need to reconstitute membership of the board to provide for greater State Government representation in order to more adequately reflect the State's financial commitment. It stands to reason that if more Government support were provided - as we have proposed - then the Government should have more say and control over the operation of the bus service. While the existing board has served the goldfields well for many years, to avoid a further escalation in the

deficit it is proposed that changes now be made in an endeavour for the bus service to improve its financial position. The alternative of a much diminished public bus service is not seen as appropriate by the Government.

In essence, the main objective of this Bill is to place Government in a position where it can bring greater financial, planning and technical expertise into the organisational structure. The need to overhaul the management structure was identified in the agreement reached with the two local authorities. In addition to the revised funding arrangements previously outlined, the key points of the agreement with local authorities include -

A board of management will be established comprising three or four members with expertise in bus operations to report to the Minister. It is intended that the chairman of the existing board will assume the role of executive chairman until such time as the new position can be advertised. The management board will replace the board as presently constituted.

The Minister will also appoint an advisory council comprising 12 to 15 members, representing the two local government authorities and community organisations, with each local authority being invited to nominate three members. The role of the advisory council will be to advise the board of management.

The Government will ensure continuation of a regular passenger transport service within the Town of Kalgoorlie and the Shire of Boulder, and protect the interests of existing staff employed by the board.

Another important feature of the Bill is the authority vested in the Minister to direct the board of management with respect to the performance of its functions. In removing the existing autonomy, the proposed legislation also makes the board an agent of the Crown to align with the provisions of other similar Acts.

To summarise, the proposed amendments are essentially aimed to bring the Eastern Goldfields Transport Board closer to Government control; to reflect the reduced role of the two local government authorities; and to improve the overall efficiency of the bus service, with a revised management structure and funding arrangement, in an endeavour to contain the deficit. The Government is confident the new arrangements agreed between the Government, the Town of Kalgoorlie and the Shire of Boulder will continue the long and distinguished tradition of providing bus services to goldfields people. However, it is appropriate that this be subject to review and the Government will undertake to review the effectiveness of the new arrangements in three years.

I commend the Bill to the House.

Debate adjourned, on motion by Hon N.F. Moore.

ROAD TRAFFIC AMENDMENT BILL (No 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [4.46 pm]:
On behalf of the Minister for Consumer Affairs, I move -

That the Bill be now read a second time.

The provisions of this Bill seek to introduce optional photographic motor drivers' licences within Western Australia to replace the paper licence currently in use. The advantages of a photographic driver's licence will greatly assist traffic law enforcement in the accurate identification of drivers, ensure the person presenting the licence is the person to whom it was issued, and prevent fraudulent use of found, borrowed or stolen drivers' licences. In addition, the security features incorporated in the card will make fraudulent alteration of a licence extremely difficult and the credit card size licence will be easier to carry and more durable than the existing paper licence.

The Bill will remove the licence issue or renewal period provisions and allow subsidiary

legislation to be drafted to extend the licence periods from three years to five years, while retaining the 12 month option for those who do not wish or are not able to afford the five year licence fee of \$60. It also provides the Traffic Board with the power to renew or issue a driver's licence for a period less than five years where a driver is required to be further assessed - that is, the applicant may suffer from a medical disorder which necessitates biannual medical examinations. In such cases the Traffic Board may then issue the licence for two years. With the licence being issued only for this period, it ensures that the applicant is further assessed and it reduces administration costs while at the same time allowing drivers to renew their licences at the pro rata rate of the five year fee.

The Bill further seeks to introduce a new section into the Act to allow applicants for drivers' licences the option of having a personal photograph appear on the licence. In addition this section will provide security to individuals by prohibiting the Police Department or the Government, through its agency, using the negative for purposes other than photographic driver's licence production. All photographs and negatives will be destroyed within three months after the photograph has been taken, and to act as a deterrent to individuals possessing a photograph or its negative contrary to this provision a penalty of up to \$2 000 may be imposed. There is a transitional provision contained in the Bill to permit the Traffic Board to issue photographic licences to those persons wishing to take advantage of this new legislation without having to wait for their current licence to expire.

I commend the Bill to the House.

Debate adjourned, on motion by Hon G.E. Masters (Leader of the Opposition).

ELECTORAL AMENDMENT BILL (No 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [4.50 pm]: I move -

That the Bill be now read a second time.

During the 1986 State general election it was evident at many polling places that canvassing for petitions, surveys and opinion polls in the area outside six metres from the entrance to the polling place caused some problems and inconvenience to the public. Some electors were confronted with an array of displays relevant to the survey on opinion polls and petitioners zealously collecting signatures. These activities contributed to the sense of harassment and electors being subject to unnecessary pressures on their way to record their votes.

These practices are outside the spirit of section 192A of the Electoral Act, which prohibits the dissemination of certain matter during the hours of polling at any election. The Bill is designed, therefore, to give legislative effect to the notion of providing more protection for the public from persons canvassing for signatures so near to the polling place, and sparing voters from these sorts of pressures on polling day.

The Bill has the effect of creating two zones in respect of canvassing near polling places. The first zone within six metres of the entrance to the polling place maintains the prohibition of canvassing within that zone. The other zone relates to a polling area the boundaries of which shall be no more than 100 metres from the entrance to the polling place. That polling area will be subject to the same prohibition on canvassing in respect of a person collecting, canvassing for, soliciting or inviting signatures or comments for the purpose of any petition, opinion poll or survey.

The Bill does not change in any way provisions relating to the distribution of how-to-vote cards more than six metres from the entrance to a polling place.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.G. Pandal.

SOIL AND LAND CONSERVATION AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

BILLS (2) - RETURNED

1. Acts Amendment (Stock Diseases) Bill
2. Veterinary Surgeons Amendment Bill

Bills returned from the Assembly without amendment.

LIQUOR LICENSING BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the substituted amendment made by the Council.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 19 October.

HON J.M. BERINSON (North Central Metropolitan - Minister for Budget Management) [4.53 pm]: I thank the many speakers who have contributed to this debate. As members will know, the Estimates of Expenditure debate provides us with a means to debate the Budget provisions from the time they were introduced into the Legislative Assembly. Now that the Budget Bill itself has been received there is really no point to further discussion on the Estimates of Expenditure, and I take this opportunity to wind up that part of our considerations. In accordance with common practice, if not tradition, the debate on this item has ranged over a huge variety of issues, and comments by members have been drawn to the attention of relevant Ministers.

Question put and passed.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Second Reading

Debate resumed from 17 November.

HON G.E. MASTERS (West - Leader of the Opposition) [4.54 pm]: This Bill deals with the Consolidated Revenue Fund, and has been introduced into the Legislative Council at a time when, in normal circumstances, if we followed the Westminster system, this Government would have no option but to resign - certainly there would be many Ministers who would resign. There are certain responsibilities which fall on the shoulders of Ministers of the Crown because of their commitment as Ministers, and the strict ethical standards which are pursued and operated under the Westminster system.

The key to the Westminster system - a system to which we have adhered for a long period of time both as a nation, and within the various States - is the acceptance on the part of the Government and the Ministers of the Crown of the responsibility to ensure that the Government and its agencies are accountable. That accountability, from comments made in recent times, appears to have been overlooked, forgotten or ignored by this Government. It is apparent from the issues raised in recent weeks and months in media reports - newspapers, the radio and television - across the nation and in other parts of the world, that the Government ought to be prepared to immediately face the public and answer the accusations levelled at it and its Ministers.

There have been, as we know, and I have talked about this time and time again, serious and catastrophic financial dealings with no parallel in the history of Western Australia or this nation. This has been plain for all to see, and everyone understands what the situation is, and that it is catastrophic. It is not an exaggeration to use that word. There have been accusations of political corruption -

Hon S.M. Piantadosi: Where is the proof?

Hon G.E. MASTERS: Accusations have been levelled in the media and we should get to the bottom of them. The Government should be prepared to be accountable for what has been taking place.

Hon Doug Wenn: It is doing that.

Hon G.E. MASTERS: It certainly is not doing it. Each day and each week things keep leaking out and the Government keeps covering up by saying it is a matter of confidentiality, and other words to that effect. There have been accusations of mismanagement of the public purse.

Hon S.M. Piantadosi: By you? Are you one of the accusers?

Hon G.E. MASTERS: I can tell Mr Piantadosi that if he has not been going around in the community, talking to his constituents and asking them what they think, he has not been doing his job. If he has been asking them he would have been getting the same response as the rest of us.

Hon S.M. Piantadosi: I have been. I am not sure about you.

Hon G.E. MASTERS: Some of this Government's activities border on criminal negligence. One person who is more responsible than any other in Government ranks is the Leader of this House, Attorney General and Minister for Budget Management. On a number of occasions in this House he has claimed that the issue is not his responsibility and is not related to his portfolios, but he is the second chief financial adviser to the Government and the Treasurer.

Hon Doug Wenn: And a very good one too.

Hon G.E. MASTERS: That is a matter of opinion. I suggest to the honourable member that he should look at what has happened in recent times and make a fair assessment. The responsibility must surely lay with the concept of WA Inc, with its wheelings and dealings. The responsibility for this debacle must rest with the three leaders of the Government: Mr Burke, who has fled to another country; Mr Bryce, who has resigned and is now a director of the R & I Bank; and the Leader of this House, the third ranking and sole survivor of the triumvirate that caused this debacle in the first place.

[Questions taken.]

Hon G.E. MASTERS: Who is responsible for the recent debacle of WA Inc and the desperate situation in which Western Australia finds itself at the present time? The responsibility lies fairly and squarely on the shoulders of the previous Premier, the previous Deputy Premier and the Leader of the House, Hon Joe Berinson. It is obvious the Government has decided to continue in the same direction and to further the cause of WA Inc. It is quite obviously being continued by the Premier of Western Australia, Hon Peter Dowding, with the strong and full support of Hon Joe Berinson. It must be that way because every action taken affects the Treasurer and the management of the Budget. Therefore, those two people must be held responsible. Indeed, if there was any doubt about it one need only refer to the decision taken by the Government to invest \$175 million of public money in a petrochemical company which has very limited assets. The assets are worth nowhere near the \$175 million the Government has invested. It demonstrates there is a continuation of and an escalation in the activities of WA Inc. The petrochemical project is by far the biggest project in which WA Inc has been involved.

The petrochemical project has been put in place by the current Premier with the support and, I imagine, the encouragement of Hon Joe Berinson, as Minister for Budget Management. It is quite obvious that as a result of these activities a serious situation has been created for the business people of Western Australia. No doubt they are deeply embarrassed when they travel interstate and overseas because of the recent events in this State.

The Deputy Premier has made it clear he has no favour, confidence or support for WA Inc and for what has happened in the past. At least he is speaking out, privately and publicly, and is trying to distance himself from what has happened. It is encouraging, but I doubt whether it will stop the Government continuing along those lines, although the Premier has tried to distance himself from WA Inc by saying that he will investigate the situation. He has suggested to the public that the Government will get out of those sorts of situations, but we

only have to come back to the investment of \$175 million of public money in a petrochemical deal, because it furthers the cause of WA Inc. In answers to questions in this House the Minister for Budget Management has been bleating that he is not responsible for certain portfolios. He says, "Do not ask me, ask the Treasurer". He passes the buck.

Hon J.M. Berinson: I do not say that.

Hon G.E. MASTERS: It is no wonder that he refused to -

Hon J.M. Berinson: Why do you misquote me?

Hon G.E. MASTERS: - accept the job of Premier of Western Australia by transferring to another House. He knew what was happening because he was part of it.

Hon J.M. Berinson: Are you on such weak ground that you have to misquote me?

Hon G.E. MASTERS: It is obvious that Hon Joe Berinson has been as responsible as any single person and more responsible than most people for the events which have had an enormous impact on Budget management. That is where his responsibility lies and I am sure he accepts that responsibility.

Hon P.G. Pandal: It is scandalous.

Hon G.E. MASTERS: It certainly is.

Hon T.G. Butler: You do not believe it yourself.

Hon G.E. MASTERS: I do not believe that Hon Joe Berinson could have been involved if he took his job seriously. The public purse has been picked to the tune of tens of thousands of millions of dollars. I am surprised that the Minister for Budget Management has permitted this to happen, bearing in mind his responsibilities. It appears to me that in recent times the Minister for Budget Management in this House has passed the buck and has chosen not to answer some of the questions which have been directed to him, even though he knows the answers because of his involvement.

Hon J.M. Berinson: Why do you misquote me? You know the only questions I have referred to other Ministers are those for which I do not have ministerial responsibility.

Hon G.E. MASTERS: The Minister has chosen to answer questions at length when it suits him, even when they do not come within his portfolio, but when he has chosen not to answer them he has passed the buck. All members in this House know the Minister could and should have answered some of those questions.

Hon Fred McKenzie: Read the Standing Orders.

Hon G.E. MASTERS: Hon Fred McKenzie knows as well as I do that my comments are correct, but I admire his loyalty. He is a very loyal person, and good for him. Time and time again the Minister for Budget Management has said the economy in Western Australia is very strong.

Hon J.M. Berinson: So it is.

Hon G.E. MASTERS: It is strong because he says this State has a \$4.5 billion Budget and the biggest taxation level ever, although he says there will be no increases in taxes this year. Because of this \$4.5 billion Budget, the State can absorb the odd \$300 million or \$400 million.

Hon J.M. Berinson: You are misquoting me again.

Hon G.E. MASTERS: It is a poor way of operating. Even if only \$10 000 had gone astray, the Minister should be concerned about it. The Minister said we should not worry about \$100 million, \$200 million, \$300 million or \$400 million; the Government can absorb it. In effect he is saying the public can afford it, because it is not the Government's money. The taxpayers pay for this expenditure day after day and week after week. The Government is asking the taxpayers to pay for its gambling losses; it has gambled with public money time and time again, whether the figure is \$200 million, \$300 million or \$400 million.

Hon J.M. Berinson: Or \$100 million.

Hon G.E. MASTERS: How proudly the Minister says the loss will be \$100 million.

Hon J.M. Berinson: I have said that it is very serious.

The DEPUTY PRESIDENT (Hon John Williams): Hon Fred McKenzie asked the Leader of the Opposition to instruct him about Standing Orders; I will instruct all members about Standing Orders and I will support Hon Fred McKenzie in that. The House will come to order.

Hon G.E. MASTERS: The one figure to which the Government has admitted is \$125 million, give or take a few million, for the Teachers Credit Society failure. If the Government had acted earlier, it could have avoided that problem.

Hon J.M. Berinson: How?

Hon G.E. MASTERS: The Swan Building Society also cost the taxpayers \$13.3 million. Those two amounts are dead losses for the taxpayers. I admit the Government had little choice because things had gone too far, and I supported the proposition; however, it should never have occurred. Most people would have known the situation was deteriorating. An amount of \$175 million has been invested in a petrochemical company which has very few assets and no real backing to justify that investment. This is more public expenditure at risk. The Government has gambled in this business venture, and it seems to me and many other people that a small number of people have gained quite considerably financially from the project. Perhaps that is not the case, but it appears a select few are privy to Government decisions and have done well from them. The Government may be pursuing this project for political gain, or for any other reason one cares to name. However, it is a large amount of public money.

The Consolidated Revenue Fund Estimates of Revenue and Expenditure is a substantial document, which I suggest Government members should read; it covers a huge array of Government programs and expenditure. Two more supply Bills will follow, dealing with vast sums of Government money including heavy expenditure on capital works and the like. The papers before the House give no indication of changes to the Government's plans or direction as a result of the losses admitted and paid for. The Government should have reassessed the situation and made the details public. In connection with Government accountability, it should have supplied a supplementary paper stating how much had been lost to its knowledge, how it would be paid for, and what areas would suffer as a result. We are told that the losses will be absorbed because they are a mere \$100 million or \$200 million.

Few answers have been given to the questions asked. The Minister for Budget Management, as Leader of the House, made a statement indicating that the losses could be absorbed. Hon David Wordsworth asked how it would be done. The method by which the Government intends to save the money and pay for those losses has become clear; it was set out in answer to a very good question asked by Hon David Wordsworth, which should be quoted once more. In Legislative Council question without notice 367 he asked -

Can we expect an amendment to that Bill when it comes to this House so that it reflects what is for capital works and what is for other processes?

I am aware that we are not discussing the Capital Works Program at this stage but that will be the subject of later legislation. Hon J.M. Berinson replied, in part -

No, because the position as I have outlined it is that the Capital Works Program remains intact. At this stage all that is being relied on in terms of the Teachers Credit Society commitment is underspendings on that program effectively arising from delays at one or other point of the process. Having made that point, it would not be at all unusual for those underspendings to arise this year since it is an almost invariable feature of past Budgets that that also happens. It is also the case that problems can arise in the course of planning which possibly delay us.

On Thursday, 17 November, in reply to question without notice 368, the Minister for Budget Management stated in relation to Teachers Credit Society -

The first thing to be done in the Rothwells situation is to determine the size of the commitment. If it is too large to be met in any one year it will be met over a period. Whichever way it is met, it will be done in a way which will have -

Members should listen to these next words. To continue -

- an absolute minimum impact on average families and on the average Western Australian.

The Minister for Budget Management is saying those payments and the absorption of the cost will be phased in over a period and Capital Works Programs will be deferred to accommodate the process. If that is the case, the Government should provide an explanation of what programs will be deferred. We want to know. Some planning must take place; it will not happen by accident. A helluva lot of delays will take place if \$100 million worth of projects are to be deferred.

Hon J.M. Berinson: That is only one of four methods by which the funds will be found.

Hon G.E. MASTERS: The Government has said it will absorb \$100 000, \$200 000 or \$300 000; it is taxpayers' money.

Hon J.M. Berinson: You must have a very weak case to have to exaggerate so much.

Hon G.E. MASTERS: That money is held by the Government in trust. The Premier and Treasurer, and the Minister for Budget Management bear the main responsibility; to lose large sums of taxpayers' money held in trust is not only negligent, but also irresponsible. It is a matter of gross irresponsibility. Did any members on the Government side have money invested in Rothwells? I bet not one did. The Minister for Budget Management certainly would not have had a cracker in Rothwells bank.

Hon J.M. Berinson: What does that indicate?

Hon G.E. MASTERS: It indicates that the SGIC, on the authority of the Government, acted improperly in putting something like \$88 million into Rothwells. It indicates that Government members were quite prepared to invest millions of dollars of the money of a Government agency when they would not put in a cracker of their own money. I ask Government members to make an assessment on that basis of what that indicates, and when Hon Tom Butler stands up he may be able to explain to me and to the House why the SGIC was permitted to put millions of dollars into Rothwells at a time when the Government knew Rothwells was going into liquidation. I will listen eagerly to his explanation because he seemed to have plenty to say from his seat, so I hope he will stand up and explain it in detail.

The Minister for Budget Management has said that the loss will be absorbed in the Budget, so that an amount of \$88 million, when related to \$4.5 billion, would be chickenfeed, a mere drop in the ocean. I believe the loss has to be related to the tax take for the year, and not to the total Budget. The Government says the loss will be \$125 million or \$130 million, but we know it will be more than that. Some people are talking about the loss being \$400 million, but let us assume that \$200 million is a fair estimate. The tax take last year was \$1.07 billion, so the amount of \$200 million represents 20 per cent of the money that was taken by the Government from the taxpayers of this State. Even if that amount of \$200 million is related to the \$4.5 billion, it still represents five per cent. There are many businesses in operation today which would like to receive an extra five per cent profit. There are many businesses with huge investments which are making a profit of not much more than 10 per cent.

To give another example of the irresponsibility of the Government's tax take, the Government last year, and again this year, deliberately understated what it expected to take from the public by way of taxation. We were told at the end of last year that the Government had raised an extra \$263 million. The Government spent \$260 million, and saved \$3 million, and said, "We are good boys. Look at the wonderful job we have done." The Government had milked the taxpayers of a further \$260 million. It is obvious that this year the Government will do the same thing.

The Government expects to receive a windfall which will help it to save its bacon. The Government has deliberately understated the position, but it has not been able to fool the public. Any company or business should be capable of predicting its returns over a period of 12 months, and certainly when it is in the position of fixing the rates and assessing the market. A business which could not accurately assess a growth factor would not be worth its salt. If the Government had the certain knowledge that its assessment of the total tax take was far in excess of the budgeted amount, the Government should have reduced the tax take. There is no doubt that if the Government had not gambled with taxpayers' money, but had saved this money, the taxpayers could have anticipated, and would have been entitled to, a substantial reduction in their rate of tax.

Stamp duty is one tax which has had an enormous impact on the finances of people, and if the Government had not wasted taxpayers' money the stamp duty charges on all property

transactions over the past year could have been wiped out. An article which appeared recently in *The West Australian* referred to a report by the Construction and Housing Association of Australia, which said that first home buyers in a modest \$70 000 new home in Perth's outer suburbs faced a stamp duty bill of about \$1 960. That amounts to a large sum of money when it is spread over 25 years, and \$1 960 takes a helluva lot of finding for the average working person, but the Government has totally lost interest in those people.

Statistics show that the number of family units in Western Australia is about 400 000. If we look at the \$200 million and take it as an example of the Government's losses - and we could include the \$175 million for the petrochemical deal - that would mean that every family in Western Australia could have received \$346 if that money had been saved and returned to them. Members will know as a result of doorknocking and talking to families who are struggling that a great number of them would welcome a return of \$346 in their pockets this Christmas. That is the way we have to look at it; we have to relate it to the person who is struggling to maintain a family unit.

The Government and the Minister for Budget Management are boasting about the increased tax take at a time when they could return something to the community. The Minister says it is all because of increased activity, but that is not the case at all. In many cases the average taxpayer is almost literally bleeding. Even worse - and surely Government members must realise this is much worse and much more serious - the poorer people at the lower end of the wage scale are getting steadily poorer. If members knocked at some of the doors in areas where people are struggling, they would see what I mean. Government members ought to be doing that. They should understand they have no right whatsoever to gamble with taxpayers' money and take, take, take when they should be looking after these people who are struggling.

Hon T.G. Butler: Didn't you introduce the wage freeze when you were in Government?

Hon G.E. MASTERS: Yes, we did. We did not cut people's salaries, though.

Hon T.G. Butler: A lot of concern you showed then!

Hon G.E. MASTERS: The facts I am placing before this House -

Hon T.G. Butler: What facts? It is all inference and innuendo.

Hon G.E. MASTERS: By interjection the Minister for Budget Management nonchalantly threw out a figure of \$100 million. That money ought to have been returned to the taxpayer.

Hon J.M. Berinson: We are not nonchalant about that. We recognise the seriousness of it and have never denied it. I don't know why you feel your case is so weak that you have to keep misquoting me.

Hon G.E. MASTERS: If the Minister for Budget Management is dinkum, he should be accountable. Why does not the Government come forward with the details and the facts? Why, when we ask questions, does the Government not detail the facts?

Hon J.M. Berinson: We are waiting on the facts, as you well know. We are not the liquidators. The court has appointed the liquidator.

Hon G.E. MASTERS: Government members are waiting for the time when this House and those members in another place rise so they can get out of this place as quickly as possible and avoid our questions. That is what it is all about. There are many instances where the Government could be dinkum and give us the details, such as those for the \$15 million cheque. What happened to that?

Hon T.G. Butler: It got back.

Hon G.E. MASTERS: Yes, it got back. The member is proud of that. It took four weeks to get back - it took two weeks to find.

The Minister for Budget Management, in a speech to the House recently, made a fine statement about the proud achievements of the Government. Some were right and some were wrong. For instance, industrial disputes have probably increased in recent weeks, but we will forget about that for the time being. The Minister said new housing construction in Western Australia was almost 60 per cent above the national average and that 22 000 homes were built last year. That is an achievement; I acknowledge that. The fact that house prices escalated as a result of the Government's activities -

Hon J.M. Berinson: Which Government activities?

Hon G.E. MASTERS: This Minister's Government.

Hon J.M. Berinson: Did you see the figures on the growth in population?

Hon G.E. MASTERS: Does the Minister not understand and realise there is a shortage of land and, as a result of his Government's incompetence, people are having to pay far more for land?

Hon J.M. Berinson: Don't you realise our population has increased faster than any State in the country, and that contributes to it?

Hon G.E. MASTERS: Of course I do.

Hon J.M. Berinson: You do not acknowledge it.

Hon G.E. MASTERS: I acknowledge that the population in Western Australia - the Minister is not leaving, is he? I am disappointed. He has got in a huff now.

The DEPUTY CHAIRMAN (Hon John Williams): Order! Order!

Hon G.E. MASTERS: They Government has some achievements. The Government has put them down on record, and that is fine, but let us look at some of the other achievements which the Government would not boast about. I will give the House some facts and figures that ought to go on record for the attention of members. They are from a summary of major statistics - they are not my statistics; they are from the Australian Bureau of Statistics catalogues and I will quote the catalogues and the details. In its summary of major statistics the bureau says that average weekly earnings have increased by 24 per cent since 1984. They are official statistics. It also says the Perth Consumer Price Index has increased by 36 per cent since 1984. Again, they are official figures, not mine. The figures are extracted from the official figures, and those figures do not seem right, if the Government is doing such a wonderful job.

Hon Tom Butler talked about the wage freeze, but there was a 24 per cent increase in wages while the CPI in Western Australia rose by 36 per cent. The summary of major statistics also states that the increase in consumer prices has been 12 per cent greater than the increase in earnings which, in terms of the 1988 average wage of \$411.90, means that the average worker is \$49.43 a week worse off than he was in 1984. That is the achievement of this Government; that is this Government's concern for the lower wage earner.

The figures also say that Western Australian State taxation has increased by 83 per cent since 1984. Again, these are not my figures. They are official figures for everyone to see. The figures state that the Western Australian State taxation per capita has increased by 66 per cent since 1984, and that Western Australian stamp duty receipts have increased by 172 per cent. The Minister is proud of that increase in stamp duty and says, "It is all coming from increased activity", but that is not really true. A great deal of it is, but a very high percentage of it is coming from the home buyer. The higher the prices of properties and housing, the higher the take from stamp duty. It really is a most serious situation for the home buying public. I could go on about the food component of the Consumer Price Index and the fact it has increased by 32 per cent since 1984. The price of a glass of beer - let us get down to the interests of the ordinary working man in the street - has risen by 47 per cent since 1984 as a result of this Government's increased taxes and charges, and the price of a packet of cigarettes has risen by 38 per cent since 1984.

These figures do not seem very relevant when we are talking of hundreds of millions of dollars, but at the end of the day it has an effect on the small wage earner - it gets down to dollars and cents to him. He is completely lost when it comes to the problem of one, or two, or three hundred million or a billion dollars, but tell him how many extra dollars and cents he has had to pay in recent times as a result of this Government's activities, and how he is having to pay for them, and he realises just how serious it is for him.

I suppose I could go through the increased tax take but I have referred to the percentages and I do not intend to put all those things on record. However, I think it is necessary just to make reference to the average price of Perth residential properties that the Minister says are a result of more people coming into the State. I think the increased demand is largely fuelled by a shortage of land. The Government has been incompetent in preparing large areas of land for

subdivision and putting in the services. It has been too busy playing Monopoly with public money to put it into sewerage, water and other services, so there has been a shortage of land and a high interest rate applying to Perth residential properties increasing since 1984.

I will quote some figures relating to average prices of Perth residential properties. The source is the Real Estate Institute of Western Australia, and it says that the average price in 1984 for a Perth residential property was \$46 301; in 1988 it is \$69 008 - nearly \$70 000. That has been the increase in four years; in fact, the increase has been 49 per cent since 1984. That is an astounding figure and this could be one of those areas where the Government will suffer most in the coming election because people understand how it is affecting their pockets. Young people are concerned because they cannot afford a home any more; they realise that the Government's extravagances and failure to provide land at a reasonable price and make it available on the market has cost them dearly.

These are areas we must look at as we approach the election, because they are issues the public will respond to. It is bad enough talking about WA Inc but it is much more serious to these people when they - young people particularly - find they cannot afford a home or are forced to sell their home because they cannot afford to pay the interest rates. The area I want to draw special attention to is that of stamp duty. This is where the Government has literally had a bonanza in recent times. If it had not misappropriated the public purse and gambled with public money - and it still is - it would be able to make an effective reduction in the level of stamp duty, especially where it applies to properties.

The Government knows very well that the anticipated return from stamp duty will be far above the figure in the Budget papers. The Opposition's calculation is that the Government could with optimism look to an increase in the estimate in the order of \$81 million. We estimate an 81.8 per cent increase in stamp duty above the Government's figure and we know where the Government will spend this amount. It will be used to bail out the Government's extravagances and irresponsible action. The matter is serious.

Let us look at the level of stamp duty over recent years to gain a full understanding of the take from the public purse. In 1983-84, the stamp duty take was \$158 768 889; in 1984, \$199.1 million; in 1985, \$219.8 million; in 1986-87, \$272.8 million; and in 1987-88, \$431.5 million - an increase of 53.73 per cent. Sure, there has been more activity, and the price of properties is increasing, but that does not mean the Government is entitled to up its demands simply because people are bleeding financially trying to buy property. That is exactly what has happened. Stamp duty receipts have risen by 53.7 per cent last year, and 172 per cent since 1984. The source of the figures is "WA Treasury, Statement of Cash Transactions", ABS catalogue 3101.

I know it is not possible to put the type of graph which I hold into *Hansard*. My research officer, on behalf of the Liberal Party, has carried out research and arrived at a calculation which demonstrates that the take from stamp duty this financial year, up to the end of October - only four months - is \$27 million more than the Government's calculation. This amount is not reflected in the papers under discussion. If that were the case, considering the problems of home buyers, would members not think that the Government would say, "We have made \$27 million more than expected during the first four months; we will do something for the home buyers, for the young people who want to get into their own homes for the first time"? Those people could easily be accommodated when we consider that the \$27 million made during the first four months can be projected forward at the same rate of increase - and the Government knows it must happen - and would result in an increase of \$81.8 million in excess of the estimate put forward to this House. The indications are that the Government is proud of its increased take; it boasts of the increased activity but fails to recognise the suffering of many people in the community, particularly the people in the lower wage bracket. The Government is a greedy Government, one which is taking more and more taxes.

Hon Garry Kelly: Rubbish! It is not greedy at all.

Hon G.E. MASTERS: I could go further through the tax take. I could quote figures - not mine, but official figures - which would demonstrate over time that indeed the Government has been the greediest Government this State has ever seen. The Minister for Budget Management is boasting and saying, "We have taken more; we have a \$4.5 billion Budget. It is marvellous. Look how well we are doing." The people outside this place will pay for that

boast. I have demonstrated their salaries and wages are dropping behind the CPI figure, behind their ability to afford the price of land and houses. That is what really matters.

The Government is greedy and if it had not gone to these excesses in recent times, if it had done its homework properly and concentrated on reducing the size of Government, but more particularly concentrated on reducing the tax take, the public of Western Australia would have been in for a nice windfall, and money would have been there to be returned to their pockets. The amount of \$200 million is a figure which the Government could have easily forgone by way of tax. This would have given the average family another \$360 in the pocket, comfortably. Chickenfeed, members opposite might say; but to the battlers that \$360 in their pay packets the day before Christmas would be an absolute godsend. They are the people we should consider.

It is fair to say that the public of this State have had enough and the public recognise the Labor Party is totally unfit to run the State. The Government has been responsible for massive losses which are unheard of in the history of Australia and this State. I suggest these events will not occur again because they will not be allowed. At the end of the day, Governments will need to be accountable or they will not survive their first term.

Debate adjourned, on motion by Hon Margaret McAleer.

CHILDREN'S COURT OF WESTERN AUSTRALIA BILL

Assembly's Message

Message from the Assembly received and read notifying that the Bill had been ruled out of order as its introduction in the Council was contrary to section 46 of the Constitution Acts Amendment Act 1899.

Standing Order No 188 - Suspension

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [5.47 pm]: I move -

That Standing Order No 188 be suspended to enable the Bill to be considered.

I was unable to speak with the Leader of the Opposition because unfortunately he was on his feet when the message arrived.

Hon J.M. Berinson: Unfortunate - from many points of view.

Hon KAY HALLAHAN: I ask members to consider the suspension of Standing Order No 188. Members may be aware that the Bill was transmitted to the Assembly some weeks ago; it was only considered this afternoon and the Speaker, supported by members in that House, ruled that the Bill required an appropriation. That is a debate which we can have at another time. The Bill was then introduced into the Assembly as the appropriate place for its introduction. That then necessitates this House dealing with a Bill which we thought we had dealt with. Another procedural motion will be necessary. I was intending to leave that because I understand the President desires to make a statement in this House before we proceed. I ask members' indulgence in agreeing to suspend Standing Order No 188.

Point of Order

Hon G.E. MASTERS: Is this motion debatable?

The DEPUTY PRESIDENT (Hon John Williams): Suspension of a Standing Order is debatable.

Debate Resumed

HON G.E. MASTERS (West - Leader of the Opposition) [5.50 pm]: I oppose the Government's request. It is not the fault of the Opposition the Government has fallen foul of the requirements of Parliament. After all, we will be in this House for at least another couple of weeks, we have three Supply Bills to deal with, and there is no hurry. It is quite reasonable to carry on with the proper procedures of the parliamentary system.

Hon Garry Kelly: We have still got to proceed with it.

Hon G.E. MASTERS: It can be proceeded with in seven days, unless notice is given. Why

suspend Standing Orders? There are times when Standing Orders need to be suspended but, in this case, there is no need at all. If the Government has made a mistake it is quite reasonable to follow the accepted procedure, have seven days' notice, and deal with it that way. If the Government hopes to be out of Parliament within seven days, that is pie in the sky. We have three Supply Bills and many other pieces of legislation to deal with. I see no justification for suspending Standing Orders. Let the processes of Parliament proceed. If we keep suspending Standing Orders we might just as well not have them. I oppose the motion moved by the Minister.

Debate adjourned, on motion by Hon N.F. Moore.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [5.53 pm]: I move -

That the House do now adjourn.

Industrial Dispute - Pilbara

HON TOM HELM (North) [5.54 pm]: I take this opportunity during the adjournment debate to talk about the dispute which has been occurring in the Pilbara and which has just been resolved. The reason I do this when the dispute has been resolved is that I do not think it would be wise for a politician to make statements about such a dispute during the course of the problem, because it is doubtful that any contribution we make would be useful. Congratulations are due to both the Government and the Opposition for not making any statements in the Press or in public during the dispute. Because of the circumstances which were changing rapidly - hour by hour - any statement by or contribution from a politician would not have been useful. There was only one statement made by the member for Cottesloe in another place, but it was out of context and did not make any worthwhile contribution. Because emotions were running high, that statement did not have an impact at all.

It is worthwhile making this House aware of the emotions that ran wild in the Pilbara during this dispute. The reasons for the dispute were added to by the advice given to Gordon Freeman, the chief executive who, unfortunately, had to resign because of bad advice that he received from certain of his senior management people to ask white collar workers to do the work of blue collar workers. The basis of the dispute changed from that moment on, and that was a lesson to be learned by the Mt Newman company and also Robe River. Management and workers in the Pilbara live very close together and in the iron ore towns that sort of order given to the staff of the company tears the community apart. I can only praise the Government for not making any statement about the dispute but for offering its services, and we have now seen a successful resolution.

The reason why the issue of the use of white collar workers to do the work of blue collar workers is so important - or of anyone, for that matter, to be asked to do work outside his own normal scope - was demonstrated by a case I will outline to the House now. A foreman asked his son to do certain work knowing full well that if his son refused, as he would have to, the foreman would have to sack him. The foreman sacked his son. The foreman's supervisor asked the foreman to do his son's work. The foreman refused and was sacked. The supervisor was asked by another senior management person to do the work of the foreman, and the foreman's son. He refused and he was sacked. One can imagine the emotions such a situation can raise in a place the size of Newman, and the anger and stress placed upon families at such a time. Perhaps other companies will realise that too. The Hamersley Iron company is being asked, at this moment, for an agreement whereby the white collar workers will not be asked to do blue collar workers' jobs.

It is not unusual for white and blue collar workers to work together and change roles. A classic example is when there is a derailment and rail cars are scattered across the countryside. Everyone wants the problem attended to as soon as possible. There is no problem with people working together and changing roles if there is a problem to be fixed. That is only one example, but it happens all the time. This House should not take the view that blue collar workers' unions or white collar workers are opposed to such a thing happening when there are problems. However, the House should be made aware of the problems that can be caused when people are asked to do jobs outside their own scope.

There were a lot of reports in the newspapers and on television about violence on the picket lines. I attended the picket line on a couple of occasions, mainly in Newman but also in Hedland, where tempers were running high. Again, it is right to praise the trade union movement, the conveners and shop stewards for their ability, given the problems they had to face, to contain the situation and keep emotions as low as possible so that any violence which did occur was verbal rather than physical, and nobody got hurt.

An aspiring Liberal Party candidate put out a flyer in the town of Hedland telling us that the dispute was about the fringe benefits tax. He must read different newspapers than I do, or watch different television programs. In such towns rumours abound which are strange, weird and wonderful, and such behaviour does not help at all. To say that the dispute is about the fringe benefits tax is wrong: It was about money. The problem arose because the company was advised to bring in white collar workers.

Question put and passed.

House adjourned at 5.59 pm

QUESTIONS ON NOTICE

PARLIAMENT - LUNCHEON

9 November 1988 - Cost

527. Hon BARRY HOUSE to the Leader of the House representing the Premier:

- (1) Was the cost of the lunch in the Cabinet Dining Room for people from the University of the Third Age, and other groups from the south west, held on Wednesday, 9 November 1988, borne by the Labor members of Parliament who attended?
- (2) If not, was the cost borne by the Government?
- (3) What was the cost of the function?
- (4) Why were not all of the local members of Parliament from that region invited to attend the function with their constituents?
- (5) Would the Premier be prepared to fund a function at Parliament House which I would organise in a bipartisan approach to educating a section of the public on the parliamentary system?

Hon J.M. BERINSON replied:

- (1) No.
- (2) Yes.
- (3) \$549.
- (4) The function was held as part of the Government community luncheons program. The Government commenced the practice of holding community lunches in March 1985 as an attempt to increase the level of interaction between the Government and the many diverse interest groups in our community. The lunches are an ideal forum for community organisations to put their views to the Government. Many of the people who have attended have served the community in a volunteer capacity and the lunches provide an opportunity for the Government to recognise their contribution. The principals of many of these organisations have indicated their strong support for this recognition of their members. Members of the Opposition have attended these functions on occasions. The cost of the luncheon was \$13.07 per head and was met by the Government. Not all members of Parliament were invited due to lack of seating in the Cabinet Dining Room.
- (5) If the member wishes to submit a list of names of people he would like invited, including himself, I will ask the Minister for Parliamentary and Electoral Reform to make time available to host a function in the Cabinet Dining Room at Parliament House.

GOVERNMENT ADVERTISING - PREMIER

Photographs

533. Hon N.F. MOORE to the Leader of the House representing the Premier:

I preface my question by noting that the Premier's photograph has appeared in newspaper advertisements and Government publications on many occasions recently, and ask -

- (1) Do the photographs appear with his authorisation, instruction or request?
- (2) Does he instruct his Press secretary or department to achieve the maximum publicity for him by including a photograph?
- (3) Is the circulation of his photograph at the taxpayers' expense a prudent act in times of economic stringency?

Hon J.M. BERINSON replied:

- (1) With authorisation.

- (2) No.
- (3) Photographs are provided on request as has been the case for many years.

QUESTIONS WITHOUT NOTICE

GAMBLING - TOTALISATOR AGENCY BOARD

Cricket - Funds

379. Hon TOM McNEIL to the Minister for Sport and Recreation:

In tonight's *Daily News* it was suggested there will be Totalisator Agency Board betting on cricket. Is the Minister aware of the plans for the generation of funds - will they be for cricket only, or will they be distributed by the TAB to the three racing codes?

Hon GRAHAM EDWARDS replied:

I do not administer that portfolio. I suggest the member put the question on notice and I will obtain an answer.

LAW - BENEFICIARIES

People's Affairs Administrator - Fiduciary Duty

380. Hon G.E. MASTERS to the Attorney General:

Is it correct that an administrator of people's affairs has a fiduciary duty to the beneficiaries? For the information of the House I point out that the dictionary definition of the word "fiduciary" is a person to whom property is entrusted to hold, control or manage for another person.

Hon J.M. BERINSON replied:

The question appears to be a request for a legal opinion which is beyond the scope of questions without notice.

R & I BANK - TEACHERS CREDITY SOCIETY

Administrator - Property-Assets Purchase

381. Hon G.E. MASTERS to the Attorney General:

Was the R & I Bank purchase of the property and assets of Teachers Credit Society undertaken at a time when the R & I Bank was the administrator of Teachers Credit Society's affairs?

Hon J.M. BERINSON replied:

As I have previously indicated I am not in a position to provide details of the R & I Bank's activities, not being the Minister responsible for that institution.

Hon G.E. Masters: Do you know whether it was the administrator?

Hon J.M. BERINSON: If the member would like to put the question on notice I will endeavour to obtain a response for him.

MOTOR VEHICLES - REGISTRATION

Consumer Protection - Debt Interest

382. Hon D.J. WORDSWORTH to the Minister for Consumer Affairs:

Last week I asked the Minister whether there was a downside to consumer protection regarding the registering of motor vehicles. If a person sold a motor vehicle and failed to record an interest in any debt in a loan on the motor vehicle, would he lose an interest in the debt should the person wishing to buy the vehicle receive a certificate stating that the debt was not recorded?

Hon GRAHAM EDWARDS replied:

I understand the member is asking for an opinion. I am not sure what information he is seeking and I suggest to him, as I did previously, to put the question on notice and I will obtain a reply for him.

R & I BANK - WESTERN COLLIERIES LTD
\$6 million Payment - Corporate Affairs Department

383. Hon P.G. PENDAL to the Attorney General:

I refer to the \$6 million withdrawal from the R & I Bank account of Western Collieries Ltd. Have any matters relating to this transaction been referred to the Corporate Affairs Department and are they being investigated by that department?

Hon J.M. BERINSON replied:

Not to my knowledge.
