



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE COUNCIL

Thursday, 12 November 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

Report on Gas Pipelines Access (Western Australia) Bill

Hon Murray Nixon presented the twenty-eighth report of the Standing Committee on Constitutional Affairs in relation to the Gas Pipelines Access (Western Australia) Bill, and on his motion it was resolved -

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

[See paper No 408.]

SELECT COMMITTEE ON IMMUNISATION AND VACCINATION RATES IN CHILDREN

Extension of Time

Hon Barbara Scott presented a report of the Select Committee on Immunisation and Vaccination Rates in Children seeking an extension of time in which to report from 17 November 1998 to 11 March 1999, and on her motion it was resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 409.]

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Direction to Inquire Into Privatisation and Contracting Out Public Services - Motion

Resumed from 11 November on the following motion -

That the House direct the Standing Committee on Public Administration to inquire into the processes and outcomes of privatisation and the outcome of contracting out public services in the following terms -

- (1) The extent to which state government enterprises have been privatised since February 1993.
- (2) The economic and social impact of transferring state owned enterprises to the private sector.
- (3) The cost and quality outcomes of privatisation in terms of the level of savings or additional costs that have resulted from the provision of services by private contractors instead of by government.
- (4) The extent to which state government contracts or tenders have since February 1993 been awarded to -
 - (a) Western Australian companies or businesses;
 - (b) other Australian companies or businesses;
 - (c) foreign owned or controlled companies or businesses; and
 - (d) regionally based businesses.
- (5) The extent to which risk is transferred from the public sector to the private sector and to which government companies or businesses are given government guarantees before agreeing to invest in large scale public sector projects.
- (6) The extent to which policies have been introduced to guarantee the Western Australian public against financial default by private contractors.
- (7) The extent to which “contracting out” of state public services has resulted in greater competition.
- (8) The extent to which initiatives have been introduced to prohibit the practice of private companies acting as cartels, rather than competitors, and thereby combining resources to tackle large scale projects.
- (9) The extent to which current tendering practices ensure that -
 - (a) the process is open and fair;
 - (b) proper procedures are being followed; and
 - (c) mechanisms are in place to check the qualifications, credentials and financial backgrounds of those seeking contracts.

- (10) The extent to which appropriate checking mechanisms are in place to allow regular monitoring of the performance of contractors and that the Government has in place a set of procedures to deal with breaches of contracts.
- (11) A set of criteria or conditions which would allow the Parliament to make judgment on what constitutes "confidentiality" when referring to government contracts.
- (12) The extent to which the competitive nature of contracting out has led to employees of contractors being paid below usual rates of pay and conditions.
- (13) The extent to which government departments and agencies are prejudiced in the contracting arrangements when private contractors are able to legally pay their employees lower wages and conditions.
- (14) The extent to which the Government should specify certain minimum requirements of contracting, including the requirement to -
 - (a) pay to employees a wage not less than that of an employee of the Government doing comparable work might be paid;
 - (b) subject the work under contract to the same level of public and parliamentary scrutiny as applies in the public sector; and
 - (c) the same level or nature of good corporate citizenship as that expected of government departments or agencies.
- (15) Any other matters relating to privatisation and contracting out of government services as the committee deems necessary.

HON LJILJANNA RAVLICH (East Metropolitan) [11.05 am]: Before I continue, I thank members for their understanding, concern and best wishes with regard to my blackout last night, and add that, as they say in show business, the show must go on, and I am pleased to be able to continue my remarks today on the need for an inquiry into privatisation and contracting out. Yesterday, I expressed, as I have done on many previous occasions in this place, my grave concern about the rate of privatisation and contracting out. I also stressed the need for greater accountability to the Western Australian public with regard to the economic and social impact of transferring state-owned enterprises to the public sector. There has been no sufficient analysis of that economic and social impact. I have argued on many occasions that the information that we require to make the appropriate assessments through the use of cost-benefit analyses does not appear to be available, and as a consequence it is very difficult for average Western Australians to judge whether this Government's policy on privatisation and contracting out has produced any benefits.

I have grave concerns that the Government will continue to proceed with its privatisation and contracting out agenda. Parts of Westrail are set for sale. The Opposition transport spokesperson, Ms MacTiernan, has said in the other place that she has some concerns about ownership of Western Australia's rail network. I asked yesterday why we would want to privatise Westrail given that this year it has made an operating profit of \$46.2m, which is a \$3.7m increase on last year's result.

Other government areas of responsibility are also going down the privatisation path. One is power stations. I understand that the Minister for Energy, Hon Colin Barnett, announced last year that Bunbury Power Station would be sold after the new Collie Power Station had been opened, but no part of Western Power would be privatised before the next state election. However, members of that industry have real concerns that the State Government will privatise, as a start, 150 cleaning and maintenance jobs at the Muja and Kwinana Power Stations. In the interests of Western Australian workers, the Government's real position must be clarified. The Government made a commitment that privatisation would not occur until after the next state election, but it has reneged on that commitment and will commence the privatisation process by privatising a part of those operations. That causes us grave concern.

Another concern which was mentioned in question time yesterday was the possible privatisation of the Water Corporation. In *The West Australian* of Monday, 9 November, Dr Jim Gill, the Chief Executive Officer of the Water Corporation, made some interesting remarks about the fact that he believed that continued government control and ownership of public utilities such as water supplies could cause them to wither at the hands of overseas competitors. He actually suggested that to compete, private subsidiaries should be formed or joint ventures should be entered into by the private sector with government instrumentalities, such as the Water Corporation. Later in the article he made the comment that he did not want to go into the privatisation of the Water Corporation because he deemed it to be a political hot potato and it was not the Government's intent to privatise. I see a slight softening of the ground in the running of the argument about why benefits might result from the privatisation of the Water Corporation. We know it is already corporatised. Some people would argue that the next logical step is privatisation. I put this question: Why on earth is there a notion of increased competition in a situation where we have a monopoly, such as with the Water Corporation

I do not want to draw too many inferences from what has appeared in *The West Australian*; however, it would cause me and

many other Western Australians grave concern if the Water Corporation was privatised. Given the recent water contamination in Sydney, I believe it would be a very backward step for the Western Australian Government to go down the privatisation path in relation to this body. I understand the minister gave assurances in this place yesterday that the Water Corporation would not be privatised, and I am very pleased that is the case.

Hon Barry House: We still cannot have the benefits that are sometimes attached to a statutory body if it is in direct competition with other providers.

Hon LJILJANNA RAVLICH: How would it be in direct competition with other providers, given that it is a monopoly anyway?

Hon Barry House: In some cases it is not a monopoly; for example, the Busselton Water Board and the Bunbury Water Board.

Hon LJILJANNA RAVLICH: Do they come under the Water Corporation? Surely they all come under the same organisation.

Hon Barry House: No.

The PRESIDENT: Order! I ask Hon Ljiljanna Ravlich to address the Chair.

Hon LJILJANNA RAVLICH: I stand corrected. I was not aware of that. It was my assumption that the regulation and provision of water were totally under the Water Corporation. I would still hold grave concerns about the privatisation of the State's water supplies, and of the Water Corporation, in particular. Enormous benefits for the public of Western Australia would need to be very clearly demonstrated as a result of that. The policy position of Australian Labor Party is that it would never accept the privatisation of the Water Corporation, because it is a key essential service.

As to the whole question of the extent to which government agencies are privatised, in my view sufficient work has not been done concerning whether privatisation is deemed to be in the public interest. Unfortunately, when it comes to the privatisation of government instrumentalities, the information in regard to competing options and competing costs and benefits has not been provided to the public. The Government merely decides to privatise either the whole or a part of a government agency or instrumentality, and tells members of the public that it is good for them. They are given no information on which to make their own judgments. I cannot get the information on many privatisations - and I am a member of Parliament! I cannot get the sums and figures for the privatisation of either the whole or part of certain government instrumentalities. The public is pretty much left in the dark in that area.

When a government instrumentality or agency is privatised there is no demonstration that the private sector will deliver better outcomes for Western Australian taxpayers. Enough analysis of the benefits for the Western Australian public over the long term has not been done. Before the Government moves down the road of privatising part or all of an agency, I would like to see the opinion of the Auditor General being sought on whether a proposal will be cost effective in the short term versus the long term, and the extent to which it will provide benefits to the community. I just do not see there is enough independent analysis of those considerations.

I now move to the area of tendering practices. An issue has come to my attention which relates directly to term of reference No 9 which refers to the extent to which current tendering practices ensure that the process is open and fair, proper procedures are being followed, and mechanisms are in place to check the qualifications, credentials and financial backgrounds of those who seek the contracts. In the past year or so, part of the government funding has been taken away from the network of industry training councils in Western Australia. In the future these councils will be allocated only what is to known as non-core funding. In the past there was one funding pool. Each of the industry training councils was funded to the level of about \$160 000 or \$170 000 for its operations, and for research or collecting information in regard to industry training needs.

Approximately a year ago the minister, the member for Kingsley, wrote to many people, including me, advising that a new model would be established, whereby the industry training councils could compete for what was to be known as core funding. The minister outlined that this would be a positive move forward, the benefit of which being that the ITCs would become more efficient because they would compete with the private sector for funding. She also said that the ITCs would be in a strong place to compete for the funds. In short, she could see many benefits and few disadvantages. Unfortunately, the first lot of funding has been allocated and there have been some concerns about the process used in the allocation of that funding and, in particular, the perception of a conflict of interest of some members who sit on the State Training Board; for example, Dr Brian Hewitt sits on the State Training Board and is also the chairman of the Chamber of Commerce and Industry of Western Australia construction council.

There have certainly been some interesting questions raised about the process and about members of the State Training Board not being included on the selection panel when these funds were allocated. The total funds for non-core services were \$1.176m. The industry training councils had to apply for a percentage of that funding. I understand the training industry

has some concern about the process used to allocate those funds, about people not declaring a conflict of interests and certainly about the perception that some organisations are favoured to the exclusion of others.

One of the things that really became apparent to me when I started to look at this issue was that one of the selection criteria for the allocation of funding was that organisations were required to address some essential requirements. One of those was proof of being a legally established not-for-profit organisation. That seems to be a fairly straight forward requirement. However, what happened in practice was that two organisations, the Housing Industry Association and the Chamber of Commerce and Industry of Western Australia, were both awarded quite substantial sums of money. They are clearly profit-making organisations. In both cases an undertaking was given by the organisations that they would establish a not-for-profit trust fund in order to meet the requirements of the application criteria. The only problem with that is that the funds were allocated to organisations that technically did not exist because those trusts had not been formed at that stage. I had some concerns about that. I wrote to the Auditor General expressing my concern at a couple of aspects. Firstly, how could these organisations be successful in their applications when they breached one of the essential selection criteria? Secondly, how could the Western Australian Department of Training through the State Training Board allocate funds to organisations that did not technically exist on the promise that they would be formed somewhere down the line? I received correspondence back from the Auditor General which stated -

This matter has been reviewed in consultation with the Director of the Office of the State Training Board (STB). This established that the approach taken was based on legal advice that the trust did not need to be in place prior to the applicants submitting their application.

I could not understand how the Auditor General could have come to that conclusion. I have written to the Auditor General and expressed my desire to obtain a copy of the legal opinion which he has been given. I am no lawyer, but it seems fairly odd to me that money can be allocated to organisations which are not yet formed. I want to see under what provision that can occur. I am very keen therefore to receive the response from the Auditor General.

I move on now to the area of redeployees and what happens to people who are surplus to the State's employment requirements in the public sector. This has been of major concern to me as opposition spokesperson for public sector management. We know that enormous numbers of people have lost their jobs. It has never been very clear what happens to these people. They seem to lose their jobs and then go en masse to the department of redeployment or wherever. They then disappear or very few might find a job somewhere. I want to put on record that this issue, which is a direct result of the Government's privatisation and contracting out agenda, needs investigation; an inquiry is long overdue. I specifically want the committee under the final term of reference, No 15, to look at the consequence of stress and loss of self-confidence which are suffered by redeployees who are forced out of their jobs because their jobs have been handed over to the private sector. I want the committee to look at the degree of effective retraining that is available to this group. We so often hear that these people are okay and are being retrained somewhere. In my communications with some of these redeployees I have been hearing a different story. I do not think that the quality of training or the efforts made by the Government in this area are anywhere near as positive as the Government would have us believe. I am keen to know what these people have been retrained for, particularly when one looks at the fact that we have a shrinking state public sector. In the event that these people are to be retrained, where are they to go? I want the committee also to look at the likelihood of permanent work in the future becoming available to redeployees. That goes with the previous comment. The likelihood of these people getting permanent work is very slim indeed. To prove the point, I asked the Minister for Transport question on notice 308, to which I received a response yesterday. I asked -

With respect to the redeployment program of Metrobus/Transport -

- (1) How many full time workers have been offered full time permanent positions?
- (2) How many workers are still in the "twelve week" transition period?
- (3) How many of the redeployees, out of the total number, have been offered areas of employment relevant to their occupational skill base?

The Minister for Transport replied -

- (1) 12.
- (2) 403.
- (3) All 403 redeployees have been placed in retraining placements relevant to their skill base.

My follow-up question to that is: Where are these people? I would love to know what they have been trained as, in which agencies we can locate them and how relevant has been the retraining and placement to their skill base. This number of redeployees has happened only because of the privatisation of Metrobus. We have seen privatisation across many government agencies in the state public sector.

The last question which really needs to be looked at and I hope the committee will spend some time investigating is whether

the redeployment has been used to silence those within the public sector who object to contracting out and to workplace agreements. Quite clearly many public servants have the view that if they do not buy the Government's ideological line and if they express a view which is contrary to that of the Government's, their positions can be very quickly abolished and they can be very easily taken out of employment and made redeployees. All that needs to happen is for the positions to be abolished and these people will no longer be in employment.

Many issues require investigation in regard to privatisation and contracting out. An investigation is long overdue in this area. The Standing Committee on Public Administration is already undertaking some excellent work in this regard. It has considered privatisation in the United Kingdom. From what I have heard about privatisation and contracting out in the UK, there are few success stories. I am amazed that the Government would want to follow the path of the British in this area so blindly. The Western Australian public need more information; they deserve more detailed information. It is beholden on this Government, before it continues blindly down this ideological track, to provide the Western Australian public with some justification for what it is doing to the public's tax-funded assets.

HON KIM CHANCE (Agricultural) [11.32 am]: I support this motion. I do so because it is entirely appropriate for the Standing Committee on Public Administration to conduct this inquiry. As mentioned by Hon Ljiljanna Ravlich, the committee is engaged in a similar, albeit not identical, inquiry. It is appropriate for me to explain, within the limits that I am able to, where I see this motion fitting into the Standing Committee on Public Administration's current inquiry.

The committee inquiry that I refer to is an inquiry into out-sourcing and contracting out. The committee has been engaged in that inquiry for more than two years. During that time the committee has tabled four reports on matters arising from that inquiry, the first of which was a matter concerning a change within the practice of the Egg Marketing Board, trading as Golden Egg Farms, in respect of its distribution arrangements. It was called the Golden Egg Farms inquiry. There have since been two reports from the committee relating to altered distribution arrangements in another statutory agency, the Dairy Industry Authority. They were the distribution adjustment assistance scheme inquiries. More recently, and still to be discussed by the House - indeed, with some luck, we may get to it today - is the committee's report on the domestic air travel contract. In addition to those four reports, a further major report which contains the committee's findings on its recent visit to the United Kingdom is now at the point of completion. That was also referred to by Hon Ljiljanna Ravlich. I hope that when that report is tabled the committee will soon be able to formalise a set of terms of reference for that inquiry. It is reasonable to say that as extensive as the issues are that are raised in the context of the motion, they are matters which I would see as being incorporated into a set of terms of reference for an inquiry rather than constituting a set of terms of reference in themselves. I do not believe that Hon Ljiljanna Ravlich sees it any differently. They are issues which need to be addressed, but they are not issues which constitute a set of terms of reference.

The committee inquiry so far has operated without a specific and defining set of terms of reference. It is true that it has an agreed general term. However, a good reason exists for the committee at this stage not going into the matter of the determination of a set of formal terms of reference. I suppose those reasons stem partly from my general dislike of terms of reference, because I think they tend to constrain an inquiry, but also because until the committee had reported on what it found in the United Kingdom, it would probably have unduly limited the committee in its scope of inquiry had it adopted terms of reference prior to that report being tabled.

While the matters raised in the committee's inquiry in the United Kingdom will become clear very soon, I hope, when we are able to report, I am able to point to the particular purpose of the extension of the inquiry into the United Kingdom. During the terms of those Governments in the United Kingdom which were led by Lady Margaret Thatcher, as she now is, the United Kingdom launched into an ambitious campaign of privatisation of government assets, the privatisation and corporatisation of public services, and the out-sourcing of public functions throughout both levels of government in Great Britain; that is, at the national level and in the local government jurisdiction. That process is now quite mature. It seems to have happened quite recently. However, the process is a mature one. The regime has now been in place in almost all former agencies for a decade or more. We hoped the committee would be able to gain an understanding of the outcomes in Britain as a result of those sweeping changes. The use of the word "sweeping" is probably conservative. They were major changes when one considers the long history and the format of the British Public Service. Britain's public services were similarly structured to those with which we have become familiar in Australia. That is not surprising, given the common heritage that we have with Great Britain and its system of public administration.

The effect of privatisation in Britain is an effect, therefore, that we can reasonably translate into a possible, and in some cases probable, outcome for Australia, or, more specifically, Western Australia. I am a little guarded in that, because we have to accept that although we have that common heritage and we started with an identical structure through the colonial structure, we have evolved over a period of time. Probably that process of evolution has led the Australian system further down the track towards the system in the United States, which is fundamentally the privatised provision of public services, rather than the system in Britain. Therefore, the change that we can observe in Britain at the moment is probably more exaggerated than the change one might see from the more gradual effect of the introduction of privatisation in Australia. Notwithstanding those reservations, I think a great deal will be learnt from the committee's report and from its inquiry into the nature of those changes and the outcomes of those changes in Great Britain.

When the committee receives the direction which is contained in this motion, assuming that the House supports the motion, it will proceed to incorporate the matters which are contained within its terms of reference for the inquiry. It has been suggested that one or two specific issues in the motion may be outside the committee's standing orders or may be marginal to the committee's standing orders. That is not a matter we need to comment on at this stage. The committee will determine whether it believes that is the case after it has received the direction, and it will report in due course.

Hon N.F. Moore: Ultimate flexibility, in your view.

Hon KIM CHANCE: I think the President used the appropriate words to describe our committee when he referred to another matter and mentioned elasticity. I think elasticity and flexibility are notable and worthy qualities.

Hon N.F. Moore: Another phrase for ignoring the rules.

Hon KIM CHANCE: No. The Leader of the House is being unfair to me. Our committee would never ignore the rules. It has the capacity to read standing orders narrowly or broadly. It is flexible in the way that it applies the breadth or the constraint of its reading of the standing orders from time to time as the case may be. One way or another, a committee is charged with a function. If in the execution of that function the committee is required to be adaptable in the way it reads the standing orders, it is part of achieving the aims with which it is charged.

Hon N.D. Griffiths: Are you saying your committee deals with matters on merit in accordance with the standing orders?

Hon KIM CHANCE: Absolutely.

Hon N.F. Moore: Regardless of the standing orders

Hon KIM CHANCE: No. I suspect this is an argument I will have with the Leader of the House at a later time, possibly even today. Nonetheless, I stand firmly behind my committee's interpretation of the standing orders because it will do what it must do to achieve the ends with which it is charged.

The application of privatisation within Western Australia is something that the House will have an opportunity to discuss at greater length. That is probably a process which will begin after the tabling of the United Kingdom report, because I think issues will be raised in the next parliamentary year that the Parliament will be able to consider. As a result of that, it is not necessary for me to go into those issues in any great length. Notwithstanding that, it is necessary to say that when Parliament sets out to make changes in the ownership and administration of the way in which public services are delivered, and the way in which public assets are owned and controlled, it makes changes to society that are ripples-in-the-pond effects; they go on spreading. Sometimes the changes are of such magnitude that if a mistake is made in that process, it cannot be put right.

The Westrail issue was raised by Hon Ljiljana Ravlich. The proposal to privatise Westrail was along the lines of the Government Railways (Access) Bill - I will not refer to any legislation specifically, but that is one example. If we were to grant greater access to our railway system in the process of competition and enhancement of competition and privatisation, and if the process did not deliver the outcomes that were wanted, it could be put right in the longer term simply by formalising an end to those arrangements. However, when the railway system is sold and we lose control of the land underneath the permanent way, when we lose the ownership of the permanent way, when we lose the ownership of the motive power of the rolling stock, there is no way on earth that any future Government can ever put that right. It is lost and gone forever.

Hon N.F. Moore: They might carry the rail line and take it overseas.

Hon KIM CHANCE: It is possible that rail infrastructure can be deconstructed and turned into stockyards, and we have seen that before today. Once the rail infrastructure is ignored and neglected, the cost of bringing it back into a commercial operation can be prohibitive, so it is not a matter of carting it away.

Hon N.F. Moore interjected.

Hon KIM CHANCE: Commercial viability is either something one makes a choice about as the public owner, or somebody else is allowed to make a choice about. If one has made a choice that it is no longer commercially viable to operate, but thinks that a private operator may be able to continue it viably, there is a case; I am the first to admit that there is then a case for privatisation. However, to let the branch lines in Westrail go - as a sweetener, the standard gauge structure must be sold; those 800-odd kilometres which form part of the 4 700 kilometre total rail structure in Western Australia - the heart is being sold. That is the prize. We all know that the branch line structure in Westrail will, in some instances, not be viable in the medium to longer term, and it is probably not viable now with current technology. However, the heart of the system will never be returned if it is sold. This is not Stateships whereby a future Government or this Government could return the Stateships structure to something near the level of service that people in the north west and the Kimberley enjoyed under the former Labor Government. It could be done by chartering another two ships. Stateships is not a dead, irredeemable issue. It can be brought back to an operational level because all is not lost. However, to sell the standard gauge structure -

Hon N.F. Moore: You were spending a large amount of taxpayers' dollars when you were running it.

Hon KIM CHANCE: That is a matter of choice. People make a choice, but the Liberal Party knew perfectly well when it went into the election in which it won Government that it promised to maintain Stateships, notwithstanding the losses that the Liberal Party knew existed. I imagine the Liberal Party did that, and particularly from Hon Norman Moore's point of view as a member for the Mining and Pastoral Region, because the minister made an assessment that the losses being incurred by Stateships were justified by the service that Stateships was providing to the Liberal Party's electors.

Hon N.F. Moore: I was satisfied it could be done better.

Hon KIM CHANCE: The minister could be right, but the outcome was one that neither of us would endorse. The outcome is that we lost the lot, apart from the *Sina*.

Hon N.F. Moore: Do you think we should have spent \$20-odd million a year running it?

Hon KIM CHANCE: That is not the issue. The issue is that Stateships is not an irredeemable issue.

Hon N.F. Moore: Hon Tom Stephens and I went to have a look at those little tubs that you were building. They are about as big as this Chamber.

Hon KIM CHANCE: I do not think the President would allow me to revisit the Stateships argument. I would love to because that did the minister's Government more damage in the north west than any single issue before, or since. I am trying to conclude, Mr President.

The PRESIDENT: I understand the member is trying to conclude; however, the interjections are preventing the member from doing so. Members should cease interjecting.

Hon KIM CHANCE: I enthusiastically support this motion of referral to the Public Administration Committee and I hope that the Government will also support it.

Adjournment of Debate

HON B.K. DONALDSON (Agricultural) [11.50 am]: I move -

That the debate be adjourned.

Question put and a division taken with the following result -

Ayes (13)

Hon M.J. Criddle
Hon Dexter Davies
Hon Ray Halligan
Hon Barry House

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

Hon B.M. Scott
Hon Greg Smith
Hon W.N. Stretch

Hon Derrick Tomlinson
Hon B.K. Donaldson (*Teller*)

Noes (14)

Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer
Hon N.D. Griffiths

Hon John Halden
Hon Tom Helm
Hon Helen Hodgson
Hon Norm Kelly

Hon Ljiljanna Ravlich
Hon Jim Scott
Hon Christine Sharp

Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Question thus negatived.

Debate Resumed

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.52 am]: We have just witnessed a rather unusual happening in the House. It is a rare occasion when the House refuses a motion to adjourn a debate to the next sitting of the House. I cannot recall too many occasions when that has occurred. I asked the Whip to move the motion because the minister who is handling the matter for the Government is not here and because nobody else got to their feet, so I was hoping to get a chance for the minister in charge to respond. As he is not here, of course, he cannot do so, so I will endeavour to respond to the debate on behalf of the Government. The very interesting point that comes to mind when I listen to Hon Ljiljanna Ravlich talk about such issues is that she continues to promote the view that somehow or other the Government has an ideological position on such matters and that somehow or other she does not.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! I am trying to listen. If members do not want to listen, an option is available to them.

Hon N.F. MOORE: There is the view that if we support privatisation, that is ideology; but if we support public ownership, that is just normal. Frankly, Hon Ljiljanna Ravlich is the most ideological person whom I have met in recent times. That is a good thing, because at least people will know that the lefties have not left the Labor Party - the "bolshies", as somebody

described them. When the Labor Party tells the electorate, "We aren't screaming lefties or socialists, we are middle-of-the-road people", they should be referred to speeches by Hon Ljiljanna Ravlich to know that the lefties are alive and well in the Labor Party and that given half a chance they will go back to public ownership of all sorts of things that were publicly owned in the past. It is fascinating that within the Labor Party there are people such as Hon Ljiljanna Ravlich, who clearly is dedicated to public ownership.

Hon Ljiljanna Ravlich: Why do you personalise it? I didn't mention your name, I just discussed the issue.

Hon N.F. MOORE: With all due respect, it is Hon Ljiljanna Ravlich's motion.

Several members interjected.

The PRESIDENT: Order! I ask the Leader of the House to resume his seat. We will listen to the Leader of the House. Other members were heard in relative silence, and I ask them to accord the same courtesy to the Leader of the House.

Hon N.F. MOORE: I do not intend to personalise the debate; I am responding to Hon Ljiljanna Ravlich's speech. On a personal note, I am pleased that she is here today; I was prepared to offer her a week's leave if it was any help, but obviously she did not feel the need to take it.

Hon Kim Chance: Or a month.

Hon N.F. MOORE: Whatever - permanently, if it is any help. I refer to Hon Ljiljanna Ravlich because I am referring to her motion and to her speech. I do not know the views of some of the more moderate members of the Labor Party on privatisation and contracting-out issues. Hon Kim Chance, who I believe also belongs to the left of the Labor Party, has already said that he is a strong supporter of public ownership of virtually everything that goes on in the community. Everybody who reads history knows that public ownership of virtually everything in an economy has been proved to be a totally discredited economic system in most other parts of the world, particularly in recent decades.

Hon Derrick Tomlinson interjected.

Hon N.F. MOORE: I was about to refer to that matter. It is interesting that the Labor Party has people such as Hon Ljiljanna Ravlich, Hon Kim Chance and others who adopt the ultra-conservative pro-public ownership view which, in essence, has been discredited in all parts of the world. It is interesting that that view still persists within the Labor Party at the same time as Labor Governments such as the Keating Government happily flogged off half the family jewels. The Labor Party complained about privatisation at the same time as it sold Qantas. It is difficult for members on this side to understand where Labor members are coming from. The Government has sought -

Hon Ken Travers interjected.

The PRESIDENT: Order! Hon Ken Travers will have his opportunity later.

Hon N.F. MOORE: It has not gone too far at all. In future we can consider many ways of improving services that are provided to Western Australians. That is what it is all about. It is all about making sure that the services that we provide to Western Australians are of the highest quality and at the cheapest price, and what is wrong with that? There is nothing wrong with that at all. It is generally accepted in most parts of the world that the private sector can deliver services cheaper and at a higher quality than public services can. When I say "public services", I mean publicly owned government-run organisations. Whether we like it or not that is a fact of life. If for some reason there is the ideological view that every country must own its railway system, how is it that the United States railway system, which is private, has maintained its capacity to deliver goods and services? Why is it that the Government must own an airline? I suspect that Labor members would argue that it should do so. Why should the Government own a shipping service? I guess that Labor members would argue that it should own shipping services as well. Why should the Government run the transport system? There is no logical or legitimate reason for that unless it does it cheaper and provides a better service and does not require every other taxpayer of the State to fund it.

Hon Kim Chance: Why not? What's wrong with that?

Hon N.F. MOORE: Hon Kim Chance thinks that it is fair and reasonable.

Hon Kim Chance: Of course I do.

Hon N.F. MOORE: Let us consider Stateships. Hon Kim Chance thinks that it is fair and reasonable that Western Australian taxpayers should fund a state shipping service. That shipping service had ships which were totally ill-equipped and inappropriate. It was run by a huge bureaucracy and it was costing the taxpayers of Western Australia up to about \$20m, if my memory serves me correctly, in the last year of the Labor Government - all to provide a service which the Opposition claimed was absolutely necessary for the north west.

Hon Ljiljanna Ravlich: If it was so bad, why did you make that promise?

The PRESIDENT: Order! Hon Ljiljanna Ravlich is fast using up her right of reply.

Hon N.F. MOORE: Similarly the Opposition would argue that we should have a government-owned railway system - regardless of whether it can be done more efficiently some other way - just for the simple ideological reason that the Government should own these things and the people who work in them should be government employees.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Standing Committee on Ecologically Sustainable Development - Second Report - Management of and Planning for the use of State Forests in Western Australia: The Regional Forest Agreement Process

Resumed from 29 October on the following motion -

That the committee recommends the Legislative Council endorses the findings and recommendations of the Standing Committee on Ecologically Sustainable Development - Second Report.

To which the following amendment was moved -

To delete in the first line of the motion the word "endorses" and substitute the word "notes".

Hon W.N. STRETCH: Members will recall that when debate was adjourned I was debating the difference between endorsing and noting. I have consulted the Attorney General about my legal opinion of this.

Hon N.D. Griffiths: That is a worry.

Hon W.N. STRETCH: I ask Hon Nick Griffiths if he concurs or disagrees. The word "endorse" has a distinct legal interpretation. It has connotations which do not belong in a motion putting forward a recommendation to the House. I was quoted in the Press and by others as saying that committees have no power. I stand by that, but I need to enlarge on it for the edification of members and the Press. Committees have no power of their own; the only power given to them is that endowed by the Legislative Council. Committees have the power to call witnesses, to move from place to place, to call for papers and all the things set out in the standing orders, but their negotiations and recommendations have no force; they are simply recommendations. People need to understand that. A committee cannot act as a Government in exile. A small majority on a small committee from a small House cannot expect or demand to exert its will on the executive. The right to govern is visited upon the party having the majority in the Lower House of the Parliament. I am no great lover of the committee system of the House in its external activities. Select committees have a role in following certain specific matters which require specific advice and further investigation and some of the standing committees have aided the legislative processes of this Parliament. In the past, a standing committee has curbed the excesses of power of a Government. That is also proper, but it is not a power taken under the committee itself; it is a power conveyed by this House to a committee to investigate a matter and bring its findings back to the House. That is the reason that I do not believe any committee has the right to ask the House to endorse its report in full.

We have been through the argument before. A large report like this contains many recommendations. Some are matters that members can agree with enthusiastically and others are issues members have some reservations about. They could even require further investigation. To my mind, and to that of many members to whom I have spoken, the connotation is that this is a directive to the minister to take these recommendations on board. The majority of people I speak to in the south west timber areas are sick and tired of the Regional Forest Agreement. They wish the thing would be signed tomorrow, removed from the agenda and got on with so the timber workers - people who normally support the Labor Party - can go about their livelihoods with some sense of security. They do not have a great interest in becoming any more a part of the tourism industry than they are now. I remind members that the industrial side of the timber industry is a big attraction for a lot of people who visit the south west. The industry's high technology and the extremely high utilisation of the logs - up to 98 per cent when we hear talk of waste in the high-tech mills - is quite remarkable. Many people from around the world come to Western Australia to look at our timber management and mill utilisation. They do not fall for the "87 per cent of people want old-growth forests preserved" line. I would like to see that figure fully researched. I am tired of this line of "87 per cent of people" supporting the protesters in the south west who obstruct people who are making a legitimate living.

Forest management in the south west is a focus of world attention. I know certain people and a certain party has a dedication to the destruction of the Department of Conservation and Land Management and a certain person near the head of it. However, as Hon Norman Moore said earlier, that is an ideological point of view. We have all had our difficulties in that regard. There would not be a government department with which all members of Parliament agree all the time. I have had my disagreements with CALM, but general management levels and opinions expressed from around the world give CALM a high tick. Otherwise, CALM and its staff would not be managing the large investments in plantation industries from overseas that it is which is having a major positive impact on the environment in the south west.

Hon J.A. Scott: The Dutch delegation did not give it a big tick but a big cross.

Hon W.N. STRETCH: If I want information on water management, on reclamation of land from the sea -

Hon N.F. Moore: Or growing tulips.

Hon W.N. STRETCH: I can go to Nannup for tulips. If I want that sort of expertise, I will talk to my son-in-law who is Dutch and I will go to Holland and have a look. If I want an opinion on expertise on forestry, I will not go to Holland - I will talk to the people in Manjimup. Hon Jim Scott may take the Dutch as his model of experience and opinion; but I have not seen that opinion, so I cannot say whether I agree with it. We get criticism from around the world, and that is fair, but we also, in balance, get very high commendation for the way in which we manage our forests.

Hon J.A. Scott: From whom?

Hon W.N. STRETCH: From people in North America and Britain. Hon Jim Scott can find people on the Internet who say it is a bag of wallop and they do not agree with anything CALM does. That is fine; we will always find people who disagree. However, the reality is that people who work in the forest and timber industries, and people who build houses and use wood, do rely on well managed forests. We have got to get it out of our minds that the only people who know how to manage forests are conservationists. The best conservationist that we have ever had was the old Forests Department, which revolved the national parks and managed them as forests; and as they got old, they became the most attractive of the stands of forest that we have. We reserve other the old-growth forest in road and stream reserves.

Hon Bob Thomas: It is not true that we reserved the old-growth forest only in road and stream reserves.

Hon W.N. STRETCH: That is right. We reserved other areas of old-growth forest also.

Hon Bob Thomas: On conservation value and on whether they are representative of -

Hon W.N. STRETCH: That is right, and I hope Hon Bob Thomas will speak later on behalf of the timber workers in the south west, because they are very concerned about the continual carping and about delay in the signing of the Regional Forest Agreement, which will give them some hope. Hon Bob Thomas and I have a lot of common ground on this matter, but I do not want to waste my last 49 seconds, so he can speak later.

Hon Bob Thomas: They are angry with you blokes.

Hon W.N. STRETCH: I am too old to play politics. I am interested in getting a good outcome for the people who live and work in the south west. I agree that it is a very attractive area, but it is always an area of conflict. The point with which Hon Ljiljanna Ravlich took issue is a point of conflict, because of the huge competing land uses in that area. I am speaking for the people who work in the timber industry, because they have not been fairly represented. They are fewer in number than some other people, and they are not as well endowed with spare time and other people's cash to make their point.

Hon GREG SMITH: I support the motion to delete the word "endorses" and substitute the word "notes". It is not fair to ask the House to endorse the report. It is obvious that Hon Bill Stretch does not agree with some of the things in the report. I have looked at the dictionary to find out the difference between the words "endorse" and "note". The *Collins Gem Dictionary and Thesaurus* states that the word "endorse" means to sanction or confirm. To that extent, the members of the committee have endorsed the report, because they have signed off on it. However, we cannot ask all members of the House to sign off on the report - we can ask them, but obviously they will not all agree, because some members have already spoken against endorsing the report. We cannot endorse the report on behalf of someone else. The meaning of the word "note" is to observe, record and heed. There is not an enormous difference.

Hon Norm Kelly: If there is not an enormous difference, why not do it?

Hon GREG SMITH: It is unfair to ask other members in the House to endorse a report into which they have had no input and with which they may not agree.

With regard to whether the report can be endorsed or noted by the minister, at the end of the day, the minister is the one who is responsible for the Regional Forest Agreement and for the management of the forest. Recommendation 1 of the committee report states -

That the WA Minister for the Environment ensure that the intention of the "Scoping Agreement for a Western Australian Regional Forest Agreement", attachment 1, paragraph 5, be carried out by release of a draft RFA for public comment and assessment by the State Environmental Protection Authority.

If the report is endorsed by the House, we may get into an argument about whether it is a draft RFA report or a draft RFA that must be handed down. It was made clear to us when we were looking at the draft RFA that the reason that it did not have lines on a map and areas that would or would not be reserved was that those concerned did not want to get into an argument about whether it would be Jane block or Giblett block. The RFA was drawn up under the comprehensive regional

assessment criteria and the joint ANZECC/MCFFA NFPS implementation subcommittee criteria, and all sorts of other things, so that certain types of forest would be protected.

One of the things that I found confusing was that a lot of the argument was about the definition of "old-growth forest". We had the definition of old-growth forest under the national forest policy statement, but the people who were involved with it from the conservation side would not accept that definition of old-growth forest. How can we ask the House to endorse a recommendation that someone else will decide what old-growth forest is, when it has already been laid down in the nationally agreed forest criteria? It is just not fair. By all means let us note the report -

Hon Ken Travers: Why did you endorse the report if it is so wrong?

Hon GREG SMITH: I endorsed the report because everything that is in the report is to a large extent correct.

Hon Ljiljanna Ravlich: You cannot have it both ways!

The CHAIRMAN: Order! Hon Greg Smith will address his comments to the Chair rather than encourage people to interject.

Hon GREG SMITH: We cannot ask members such as Hon Bill Stretch to endorse the report when they have not had any input into it. It is not fair to ask the whole House to endorse a report when the members of the committee have endorsed it. It has their signature at the back. That is an endorsement.

Hon Bob Thomas: The people who do not want to endorse it can vote against the motion.

Hon GREG SMITH: We can ask the House to note the report. We cannot ask the House to endorse it.

Hon NORM KELLY: Hon Bill Stretch spoke about the need to provide security for the timber industry and said that the people involved in the timber industry in the south west are keen to see the RFA signed because it will give them security. The RFA is about providing long-term security. However, I have spoken to people in the forest industry, such as some of the senior management at Bunnings Forest Products Pty Ltd, and they are keen to have this RFA signed off as quickly as possible, because it will give them an opportunity to invest and it will give them long-term economic security, but they are also very well aware that the signing of the RFA will not be some magic elixir that will solve all the problems in the south west. They are also very concerned that an RFA that is signed in the near future and that ignores some of the serious problems that are still confronting the RFA process will not provide that security for industry at all but will escalate the level of protest that is taking place in the south west forest. We are seeing a protest this very day in which people's lives are in danger and arrests are being made, because the Minister for the Environment is not taking positive action to prevent this engagement. That is why I say that the signing of the RFA will not provide that security that the RFA process was designed to provide and will not resolve many of these conflicts. We will have extreme positions at both ends of the spectrum which will never be accommodated fully. The Standing Committee on Ecologically Sustainable Development looked at the process rather than at the detail because it felt that by fixing the process, the experts could resolve the differences. The report was tabled at least two and a half months ago and this has given members ample opportunity to read it, raise concerns and investigate. I encourage all members to endorse the report.

Hon BARRY HOUSE: I support the amendment to note the report, rather than to endorse it. The process in this Chamber is that committee reports are brought on at this hour for general discussion and if particular action is to be taken, it is taken subsequently in the Chamber by a member. I believe we should be treating this part of the debate as a general discussion, to canvass the main issues. I started to do that last week, and I intend to add a few more remarks by way of general debate.

Last week I tried to isolate the issues at stake in this public debate. First, we must analyse what are our timber needs. As I said last week, we all know that in the building industry, those needs are cyclic and go up and down. In recent years we have seen the move to many alternatives, including softwood products and steel. Hon Bob Thomas, by interjection, made a very interesting point that Homeswest still has an obligation to construct housing using ceiling timbers made from jarrah. If that is the case, and I have not had time to check it out thoroughly, it deserves some attention. Large sections of the building industry do not construct ceilings using jarrah these days, and there is no obvious reason for Homeswest to do so, if it is. We must acknowledge the advances in the treatment of timber achieved in recent years by the timber industry. Formerly the timber was cut, stacked and dried in yards and left for a considerable period before being available for use in building construction; however, in recent years there has been enormous advances in kiln-drying.

Hon Bob Thomas: Before kiln-drying there was pre-drying.

Hon BARRY HOUSE: I hope the member will make some comments later. There have been enormous advances in kiln-drying at, among other places, Manjimup and Yarloop. The time needed for producing timber which is suitable for building needs is much shorter than it used to be, the quality has improved and the wastage has decreased. An example of the timber industry making better use of shorter pieces of timber can be seen in the courtyard of Parliament House, whereas previously an enormous amount was wasted. There are some very nice pieces of Jensen Jarrah furniture. I have followed the fortunes of this company closely. It is based in Busselton and has won awards for its products, technology and exporting expertise. It is sourced with wood from the Bunnings mill in Manjimup. Formerly much of that wood was not used in a constructive

way, but was wasted. Jensen Jarrah relies on some of the modern techniques used in the timber industry for its furniture, and from the example in the courtyard, we can see the magnificent products that can be made.

Another major consideration is where we source our needs from, whether it be from old-growth, plantations or imported timber. Let us consider the old-growth situation. There are differences of opinion about what is old-growth and what is not. First, let us talk about old-growth forest. The definition has been taken to extremes by some groups and individuals to suit their own purposes. I have heard some people go gaga over the Boranup forest and the hundred year forest as examples of magnificent old-growth, pristine forest. Those forests have been cut; they are regrowth forests, and they are magnificent. The fact is that timber is a renewable resource, although it does not happen overnight. Those are just two examples which adequately demonstrate that a forest can be regenerated to become a magnificent area, not only for our timber needs, but for all the other values attached to the forest.

I know the general argument about deciding what is enough in terms of logging old-growth forest and how we measure that. Different percentages are bandied around. Some say it should be 8 per cent or 15 per cent, and some want to retain the lot and do not want another tree cut down. As in most things in this world, there are different groups with different rights, obligations and needs, and we have an obligation to try to cater for them all. Other people also have an interest in the forest; for example, the tourism industry. There is division within the tourism industry, too, about the value of the forest and the use of the term "old-growth forest". Some elements of the tourism industry have lost the plot. Some have become very narrow and selfish about their perception of what the forests should produce for them. Some elements use landscapes, whether they be natural or man-made. They not only take them for granted, but also go one step further and impose on society and the people who might own those assets, the obligations to retain them in the form the tourism industry wants, without its contributing towards them or paying for them in any sense. Some parts of the tourism industry must look at that.

We also get timber from plantations. A lot of work has been done in recent decades, and even before that, on these plantations. The pine forests that are being logged today were planted 40 or 50 years ago. They are a valuable asset. A lot of work is done continuously on them. There is a general argument about whether they are sufficient to meet our needs. I acknowledge different points of view here. I know that Beth Schultz, for one, claims that the current plantation timbers are adequate to serve our timber needs.

I do not believe that is a widely held view among the professional foresters within the Department of Conservation and Land Management. I understand that the plantation timber is not adequate at this stage to service our timber needs, but will be in the future. There is also the argument about logging in old-growth areas as well.

Hon Bob Thomas: Do you think that the plantations of hardwood will be sufficient in the future?

Hon BARRY HOUSE: Some time well into the future, yes.

Hon Norm Kelly: Do you think that we should work towards replacing the native forests with plantations?

Hon BARRY HOUSE: To a large extent we are.

Hon Bob Thomas interjected.

Hon BARRY HOUSE: What does the member think that the karris that are planted by the million will do for the future?

Hon Bob Thomas: That is substantially within the forests. You are not talking about private plantations.

Hon BARRY HOUSE: That is another argument. Private plantations will add to our resource in the future.

Hon DEXTER DAVIES: I will concede to my more senior members in a procedural sense that "endorse" may be able to be replaced with "note" on the basis of the precedent that other reports are noted and always have been. The word "endorse" is being used to reinforce a message from the committee in trying to beat a process. This debate has concerned itself with anything but the report. The debate about old-growth forests, the timber industry, tourism and everything else will be had at another stage when other reports are introduced. Everybody agrees with the report. That is why it did not get any flack when it was released at a press conference. The report is about the process of the Regional Forest Agreement; it made 22 recommendations on how it can be enhanced. The question was not whether the report was right or wrong, or any of the other emotive issues that have been raised. That is why there was no emotion when the report was released. The report was on how the process could be enhanced and therefore give a better outcome and take some of the heat out of the debate when it happened. That is why I had no hesitation in signing the report and endorsing it. I take the point that one cannot endorse something on somebody else's behalf.

I accept the precedent that reports are brought to the Chamber and noted. I have looked hard but have found none that has been endorsed. There is a very strong argument that the report should be presented and noted. The argument over the report has been basically irrelevant and has not been about enhancing the process, which I think every section of the industry from one end to the other accepted in general principle. If the recommendations were taken on board, it would enhance the process and gather the community as a whole together to try to solve the problem that we have at hand now. The other

debates about whether plantations are good, bad or indifferent and everything else will take place at another stage, and I should imagine with some heat and light. This stage is about a process and not about the forests. I put on record that I strongly endorse the report. I would not have signed it if I did not. However, I accept that it would be setting a precedent to endorse the report rather than to note it as every other report that I have been able to locate has been.

Hon B.K. DONALDSON: Without putting words in his mouth, I think what Hon Greg Smith was doing was endorsing the process of the report. I am sure that, like all of us on committees at times, he would not reflect on his colleagues on that committee by saying that he would put in a minority report opposing the process. What he endorsed was the process of how that report was established and how the evidence was gathered and put together. Whether he agrees with the philosophical argument mounted there or the principles is quite a different story.

Hon J.A. Scott: What about the recommendations?

Hon B.K. DONALDSON: The recommendations are recommendations. This is where the picture gets very murky.

Hon Jim Scott interjected.

Hon B.K. DONALDSON: I will not be confused or interjected upon because members can speak to refute what I am saying. The Chamber would do well perhaps to have another seminar for all members on the workings of committees, their responsibilities and what happens from there. Mr Chairman, as you well know, our standing orders cause a very difficult situation when a committee reports back on a Bill. I think Hon Helen Hodgson found that out to her dismay a while back. Many members have realised that, when so-called recommendations come back, we are limited as members of this Chamber to debating recommendations on some of the clauses. Maybe the Standing Orders Committee should examine that. The present system is taking away the right of individual members to debate the recommendations that come back for amending clauses in a Bill that may have been referred to a committee.

Members also need to consider that when the Chairman of Committees reports to the House, the report will be adopted. That removes the right of individual members to debate that report and the issues contained in it. Because the report is adopted by the House, the matter is automatically agreed to in the form at which it left the Committee of the Whole. Once the report is adopted at the end of one hour, the House is doing just that. If it were not merely noted but endorsed, it would mean to other members that they were endorsing a report of the Committee of the Whole without having the chance to debate the substantive issues in the report. The report in question is a very lengthy report. I acknowledge the excellent work the committee has put in to present the report to the Chamber. Members should also realise that at the end of the day, once the report has been tabled, the minister responsible has an obligation to report back within four months. The committee is not a Government in exile making decisions. There has been a hang-up between the words "endorse" and "note". I feel that as much significance will be attached to the word "note" as to "endorsement".

Hon Ljiljana Ravlich: So why not put "endorsement"?

Hon B.K. DONALDSON: Members of the Chamber who have not been on the committee -

Hon Ljiljana Ravlich interjected.

The CHAIRMAN: Order!

Hon B.K. DONALDSON: It is a big difference in the sense that the whole House has not had an opportunity to debate this report. Therefore, a difference exists in that sense. If this Committee of the Whole endorses this report, it is then adopted. That then removes the right of individual members of this Chamber to debate that report.

Hon Norm Kelly: Is that not what this debate is all about?

Hon B.K. DONALDSON: No. The important thing is setting up the procedural structure for the way in which a committee should report.

Hon Norm Kelly: Where is the opportunity to debate the report in this place?

Hon B.K. DONALDSON: We can continue with this debate. That will not be a problem. We have a number of Thursdays leading up to Christmas, as well as after Christmas and into the new year, when we can run this debate on each individual recommendation, if that is the wish of members opposite, rather than taking this cavalier and sporting approach of endorsing a report, which I am having difficulty coming to terms with. As you well know, Mr Chairman, being an astute person and sitting on a number of committees, it is difficult to understand why a committee makes certain recommendations when one is not a member of that committee. We have not heard from any of the committee members why they made specific recommendations and came to certain conclusions. That has not been explained.

The other point is that we must understand and realise that this Chamber is a House of Review. At the end of the day, the minister is responsible for saying what action the Government will take on that report. Members should remember that. Prior to 1993, we had a Labor Party Government. However, in this place the coalition had a majority, but it still sat on the opposition benches. We should remember some of these procedural matters.

Hon Kim Chance: We will not forget.

Hon B.K. DONALDSON: We hope to keep reminding Hon Kim Chance of some of those times as well so that perhaps we can get some cooperation, as the festive season draws near, in order to pass some government legislation for a change.

Several members interjected.

The CHAIRMAN: Order!

Hon B.K. DONALDSON: Obviously, I must have hit a nerve for the Opposition to so readily jump to conclusions. The most important point is that I fully support the use of the word "note" in the amendment. At the end of the day, it is important that some of the newer members be given the opportunity to become more informed. Otherwise, many members who do not agree with all the recommendations of a committee will attach minority reports.

Hon Ljiljanna Ravlich: There are no minority reports.

Hon B.K. DONALDSON: It has happened on occasions; that is, when a member opposes the stated intent of a piece of legislation, for the sake of argument. This is not about legislation; this is about a process. A big difference exists between the two. I am sure members of the committee were endorsing the process. The committee members signed the report, but I think they did so unwittingly, not realising the consequences.

Several members interjected.

The CHAIRMAN: Order!

Hon B.K. DONALDSON: I remember being in this Chamber between 1993 and 1996 when a committee chairman got caught up by this aspect. He endorsed what his colleagues had put together in a report. However, he disagreed with the philosophy and the stated intent of the Bill. He found himself locked into a situation. He has become a lot smarter and streetwise since then. I can assure the Chamber I will be doing likewise very soon on another matter. However, I fully support the amendment.

Hon J.A. SCOTT: I am amazed at the chicanery and nonsense that is coming out of -

Several members interjected.

The CHAIRMAN: Order!

Hon J.A. SCOTT: Some members here are trying to obscure reality. Hon Bruce Donaldson said that the government members on the committee did not know what they were signing. Despite sitting through hours and hours of evidence, the poor fellows did not know what they were signing, and yet they signed it. We wonder about giving people the right to sign legal documents before reaching the age of 18 years. I think some of these people, once they reached the age of 18, must have lost their ability to make rational decisions based on huge amounts of evidence. What we are talking about here is a group of people sitting on the other side of the Chamber who would rather see the power of the Executive being totally unfettered, at least while they are in government. That is what it is about. They are not arguing about the report. Hon Bruce Donaldson was throwing in his shadows to try to say that the members of the committee thought they were signing only to indicate that they thought the process they undertook was satisfactory.

Hon Derrick Tomlinson: That is not relevant to the point at all.

Hon J.A. SCOTT: The member is right. It is not relevant. Members have not indicated which recommendations they find offensive and would not endorse. That is what they should be talking about. They should tell the Chamber what recommendations they do not endorse. What we have is a group of members who cannot find anything wrong with this report. However, they are so worried about saying so in this place - a public place - that they are not prepared to say that they agree with the findings. After all, it is a committee of this Chamber, and it did a lot of hard work and listened to many people.

Hon Dexter Davies: As does every other committee.

Hon J.A. SCOTT: Yes.

Hon Dexter Davies interjected.

Hon J.A. SCOTT: What we are also doing here is pointing out that we have no control over what the minister does at the end of the day. It is not something that is laid in front of this Chamber about which we can make a decision. The only way we can voice what this Chamber thinks about it is by making statements such as this. It is not true to say we cannot do it. Of course, we can do it. When one considers conventions and things that have never been done before, I have seen many things happen that had never been done before in this Chamber. I can remember that never before had we seen the gag and guillotine used in the way that they were in the debates before the last election. There did not seem to be too much concern about that from the other side of the Chamber at that time.

Convention is something which is trotted out at the convenience of the Government to argue against something new happening. I am sorry to inform members on the other side that sometimes new things do happen. When those new things happen, sometimes they are for a good reason. I believe this is for a very good reason. I have no problem endorsing the work that the committee has done and the recommendations it has made, because we will see problems in this State, and not only in total dissatisfaction with outcomes. I know that it can be argued that whatever the outcomes may be, some people will be unhappy. However, there are levels of dissatisfaction that can be created. The level of dissatisfaction that will occur if the regional forest process goes ahead, as it is, will be very high indeed. The people Hon Barry House talked about who make jarrah furniture will be very unhappy in 10 to 15 years when the unsustainable level of cut proposed under the Regional Forest Agreement puts them all out of jobs. Bad luck guys! There is no forward thinking occurring.

Hon M.D. Nixon: You would like to put them out of a job now.

Hon J.A. SCOTT: No, we are not looking for an extreme position. We are looking at a better process to ensure that we gain a fair outcome out of this, not something based on the scenarios that have been presented in the RFA, because the very best scenario presented is one in which the jarrah forest will be wiped out. However, some members do not mind that. They would rather argue semantics over the words "endorse" and "note"; the substantive issues pass right over those members. The substantive issue here is whether we ensure the survival of the vast groups of flora and fauna in this State - and even of ourselves. An article in *The West Australian* about four days ago about the Amazonian rain forest referred to global warming created partly from the clearing of that forest - and forests in Western Australia no doubt - which will cause the destruction of the Amazonian rain forest. It will mean that greenhouse production worldwide will be far higher than previously calculated. Our forests are under the same threat. We have some of the world's most ancient forests, which are already living in a different climate from that in which they evolved. The RFA process, as it has been carried out so far, does not consider those problems in depth. It will not result in the future generations of this State having jobs in the timber industry, having forests that have some life and a range of timbers in them rather than a crop of jarrah, karri and marri, to the exclusion of all the other understorey that we associate with old-growth forests. What is happening in this place is the same old semantic arguments which are not at all about the substantive issue.

Hon Derrick Tomlinson: What is the substantive issue?

Hon J.A. SCOTT: The substantive issue is whether we agree with the recommendations in this report.

Hon Derrick Tomlinson: When are you going to get around to speaking about them?

Hon J.A. SCOTT: I have been talking about them the whole time. I am addressing a number of them now.

Hon Derrick Tomlinson: You have been talking about the forest.

Hon J.A. SCOTT: Codswallop!

The CHAIRMAN: Order! Hon Jim Scott.

Hon J.A. SCOTT: The very loud but honourable Derrick Tomlinson has added nothing of any substance to this debate. I have addressed the weak arguments put forward by his colleagues and Labor Party members, who find it too difficult to look at the recommendations and say whether they agree with them. They would rather carry on with this semantic argument. I endorse the recommendations in the report.

Hon N.F. MOORE: I bring this debate back to the practicalities of the situation. Hon Jim Scott said something which is absolutely correct: The Committee can endorse, support, agree to, and pass whatever motion it wishes to pass. However, the practicality is that we need to look at the way in which the House deals with committee reports. It is only a reasonably recent phenomenon - in fact in my time as Leader of the House - that we now have one hour set aside for the consideration of committee reports. Previously, a committee report would be listed on Orders of the Day and very rarely ever saw the light of day and very rarely was ever discussed. The Government brought in a one-hour period on Thursdays to consider committee reports.

Hon Kim Chance: An excellent innovation.

Hon N.F. MOORE: I agree. However, since this one-hour period has been brought in, we have essentially moved to note a report regardless of the recommendations in or the content of the report. We have moved to note it and that has given members a chance to say what they think about it, bearing in mind that most members are not members of the committee, are making observations based upon the findings of the committee and those committees have had the chance to hear evidence and study in depth the issues which are being considered. If we decide now to go down the path of asking the House to make a judgment about the committee reports on Thursdays, we will be able to consider one report every six months, because if we have a debate about endorsing a report - I am not talking about this one particularly - and there are significant differences of opinion and, for example, a committee is divided, we will spend Thursdays debating the substantive issues of those reports and do nothing else.

If members want to debate forests, if they want to convince the Government to endorse a particular course of action, we will

have a long and laborious debate. I suggest that we continue to go down the path that we have gone down before of noting reports on Thursdays and having a general debate on the contents during Thursdays so that we have a chance to look at all of the other reports that other committees have put forward. There are another four reports on the Notice Paper which we have not reached. However, if members of a particular committee, or individual members, want to take some further action on a committee report, they should then move a substantive motion. The House can then deal with the substantive motion in motion time. I put that forward as a suggestion on how we might proceed in the future.

Hon Christine Sharp: That process is not timely enough.

Hon N.F. MOORE: With respect, if Hon Christine Sharp would like to sit for another four or five hours a week, I am happy to arrange that, because we do not sit long enough now. I will be making some suggestions later on about that.

Hon Christine Sharp: Are you going to bring substantive motions into Orders of the Day?

Hon N.F. MOORE: Substantive motions are dealt with ahead of any other business every day of the week except Tuesdays. Hon Christine Sharp knows that.

Hon Christine Sharp: Yes, but this must be resolved in a timely fashion.

Hon N.F. MOORE: Interestingly, I am criticised from time to time because there is a suggestion that we filibuster on motions. Today when we moved to adjourn a motion, members opposite would not let us. They voted against it and wanted to keep debating the same issue. That is what will happen if members opposite want to go down that path. All I am saying is we have put in place a process which I think is working very well. I am surprised at how much time is taken up on Thursdays on reports because I did not think that that would happen when I first agreed to the hours. However, what is now happening is that we are filling up that hour on Thursdays because members have a lot of things they want to say about all the reports that are brought in here. It is an opportunity that they get to do that. However, if we go from noting to endorsing, agreeing to, or whatever else, we will be debating all the substantive issues that are raised in every report. We will not have too many reports debated under those conditions, I can assure members of that. We have a number of reports. Order of the Day 1(e) is the report of the Select Committee on Native Title Rights in Western Australia. Imagine if somebody moved to endorse that. The report is about two-and-a-half inches, or whatever that is in modern measurement. We could spend the next six months of Thursdays debating native title. That is not the intention of the one hour on Thursdays. Therefore, putting all the arguments to one side on whether we support the forests and whether we are in favour of the RFA, let us look at the practicalities of the way this place operates. It would be better to maintain a process on Thursdays during the one hour of noting reports; then, if individual members or committees want to do something other than that, they can move a substantive motion in the House when we consider motions and it will be dealt with in due course. If members feel we need more time to deal with those matters, I am happy to discuss with any member the possibility of the Council sitting longer.

I support the amendment moved by Hon Bill Stretch because that will make this place work better in the future. Also, when we endorse something, the word "endorse" implies something of even greater acceptance than simply saying "agrees to" or "supports". My dictionary indicates that endorsement means to sanction; and to sanction means solemn ratification. That means we sanction the whole report if we are to be asked to endorse it, and I do not think we should do that.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 1.00 to 2.00 pm

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report, Proposal to Travel

Hon N.D. Griffiths presented the thirty-sixth report of the Joint Standing Committee on Delegated Legislation on the committee's proposal to travel, and on his motion it was resolved -

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

[See paper No 410.]

SCHOOL EDUCATION BILL

Second Reading

Resumed from 11 November

HON LJILJANNA RAVLICH (East Metropolitan) [2.03 pm]: I welcome the opportunity to continue my remarks. Last night I referred to school fees, which were not covered by the work of the Standing Committee on Public Administration, because that was deemed to be a policy area. There appears to be a great deal of confusion about school revenue, which comes from a number of sources; firstly, voluntary levies. In primary school the levy is \$9 a student and between 70 and 90 per cent of parents pay that levy. The extent to which the levy is paid is determined by the school and a number of other

factors. Unfortunately, that \$9 voluntary levy is considerably higher in some schools than in others. The Western Australian Council of State School Organisations conducted a survey at the beginning of the year which revealed that the voluntary levy in many schools was considerably higher than the \$9 maximum. For example, it is \$15 at Koonawarra.

Hon Derrick Tomlinson: I thought what is called the amenities fee was set by regulation. Is there some indication of how schools justify charging more than \$9?

Hon LJILJANNA RAVLICH: Not that I am aware. The survey revealed that in some schools the levy was as high as \$40 - Churchlands and East Claremont Primary Schools charge a voluntary fee of \$40.

Hon Derrick Tomlinson: That is contrary to regulations.

Hon LJILJANNA RAVLICH: Hon Derrick Tomlinson is welcome to read WACSSO's document to see the variations in voluntary fees in primary schools. In the high school sector the voluntary fee is set at a maximum of \$225. That covers the purchase of class books, book hire and the like. It is not clear how that \$225 is calculated. I have heard arguments that the cost of book replacement and hire is not as high as \$225, and some schools will charge the maximum so that they have extra revenue to allocate to other areas. I have not had that substantiated. The \$225 voluntary charge, which is not as voluntary in high school as it is in primary school, does not include any optional courses which a student might undertake.

As well as the levy schools receive a school grant, which makes up the bulk of their revenue. Western Australian primary schools receive \$3 696 for each student attending state primary school and \$4 906 for each high school student. This is supposed to cover teachers' salaries, infrastructure, and capital works programs.

Hon Derrick Tomlinson: Teachers salaries?

Hon LJILJANNA RAVLICH: That information is contained in a report in *The West Australian* dated 9 April 1998. The school grant is also supposed to cover curriculum documents and most consumables. Under the proposed changes parents will pay a fee of \$60 for a child to attend primary school and \$235 for a high school student. Parents are concerned about what is covered by the school grant versus the voluntary levy, as there appears to be some conflict in that regard. According to the article in *The West Australian*, school fees cover the cost of teaching materials such as text books for hire, purchase of photocopying paper, library resources, art and craft material, videotapes, sporting equipment, etc. One of the problems is that although parents are charged fees for these things it is argued that many of the same things are provided for in a school grant, and parents have sought clarification on that sort of double charging. That is the crux of the issue. Parents would like to know that they will not be hit twice. Therefore, it is necessary to define what is in the school grant and what it will provide, to make sure that the costs are not charged twice in the form of a voluntary levy. The other way in which schools might raise revenue, but it is certainly a cost to parents, is through the purchase of personal items and consumables that a child might use. These are usually provided on a book list and they are added extras. There does not seem to be much problem with regard to stationery and book lists, apart from the fact that some parents make the point that they often do not receive an itemised account for these materials.

One of the concerns of the Opposition is that there appears to be a different interpretation from school to school of school grants and what they should provide. The flow-on effect is problems about what a voluntary fee should provide. That situation should be clarified so that people know exactly what items should be covered by a school grant and what should be covered by a voluntary levy. The Government must make sure there is no duplication and that people are not charged twice for the provision of the same items. Also, more accountability is needed for the purchase of consumables that children might need as part of their instruction.

Hon Derrick Tomlinson: There is a third aspect, and that is the options. Because a student wants to study music or go on excursions, for example, should there be a capacity to charge an up-front fee rather than parents being told a week in advance that additional money is required?

Hon LJILJANNA RAVLICH: I do not have a problem with that and certainly greater clarification is needed in that area and in the definition of "options". Does that mean the option of someone doing an aeronautics course which costs \$300 a year, or the option of doing something which is far less expensive and which some people might feel is part of the curriculum?

Hon Derrick Tomlinson: How do you define "extracurricular activities"?

Hon LJILJANNA RAVLICH: Some clarification is needed of that. As another example, dancing is probably in the curriculum framework somewhere, but should the cost of dancing classes be borne by the school and the education system, perhaps funded through the school grant, or should it be deemed an additional cost for parents? These are some of the issues.

It is difficult to resolve them in the legislation, but I expect some of these very fundamental issues to be resolved through regulation. Another danger is that if one runs the line that anything provided in the school curriculum framework should not incur an additional charge or be defined as extracurricular activities, the downside could be that schools will tend to offer

only those subjects which do not incur high costs. Therefore, it has the potential to reduce the range of curriculums offered by schools.

I refer to a brief ministerial statement by Hon Colin Barnett, Minister for Education, on 7 April 1998. He referred to a report dealing with school charges which made a number of recommendations about increasing the level of school fees and charges and the voluntary levy. It also referred to the need to link any maximum fee to the consumer price index. Although currently the CPI rate is 1.6, the time may come when it is considerably higher and people must be aware of that.

Hon Bob Thomas: If they adopt the higher fees, will schools still require parents to provide such things as paper, tissues and all those other consumables?

Hon LJILJANNA RAVLICH: I do not know. I said yesterday that in some schools children are asked to provide more for the school, and I referred to it as cost creep. The minister said he would be interested to hear of a school which asked children to provide tissues and toilet paper. I refer to an article in *The West Australian* on 22 January 1998, under the heading "School fees hit parents up to \$620", which indicates the additional costs incurred by parents. I assume that refers to high school students. The article summarises responses from 72 families with regard to preprimary school costs. Some schools are charging up to \$40 for a voluntary levy, which should be capped at \$9. P & C association levies range from \$1 to \$40. Charges for miscellaneous goods, ranging from photocopying, cooking fees and ingredients, and a computer levy range from \$2 to \$70. One could argue that this stuff should be included in the school grant and clearly defined. I am sure that is the case in some schools. The article also states that schools asked parents to supply a range of goods to add to school stocks, such as kitchen paper, tea towels, sponges, paper plates, whiteboard markers, shaving cream, lunch wrap, masking tape, photocopying paper, soap, tissues and paper towels. To my disappointment, no toilet paper is included in that list!

The school fees and charges in the education system are almost out of control and the system must be brought into line. That should be addressed where possible in the legislation, but certainly there is a need for regulations to be drafted so that everybody is clear about the sources of funding to schools and what those funds can be used for. Once maximum levies, fees and charges are established they must be reinforced. One of the problems with self-determining schools and devolution is that no-one will be tempted to pimp on their school for doing the wrong thing. If schools think they can get away with it, they might try it on.

Hon Derrick Tomlinson: They might be in breach of the FAAA if they do.

Hon LJILJANNA RAVLICH: They might be in breach of the Financial Administration and Audit Act. Sometimes people are prepared to take risks. Just as we cannot assume that everyone will do the worst thing, we cannot assume they will not do the right thing.

Hon Simon O'Brien: When a school determines as a community to provide some facility or different program, should it have the right to do so?

Hon LJILJANNA RAVLICH: Absolutely.

Hon Simon O'Brien: Then you have the problem of different fees for those extra activities. Perhaps there is some merit in that being determined at the local level rather than at the central level. If it is determined at a central level that the school shall charge this and no more for specific activities, that denies the right to local autonomy.

Hon LJILJANNA RAVLICH: If the school plans to offer flying or some other high-cost study program, that should be determined at the school level. Parents would probably not have a problem in meeting some or all of the costs associated with extracurricula activities. We are talking about the supply of money to the school and defining very clearly what belongs where so that parents are not charged twice. We want to ensure that they are not being charged via a voluntary levy for something that should be supplied through a school grant. I have been out of the education system for some time, but this area warrants tidying up.

Hon Derrick Tomlinson: You are talking about sound business management. We need sound business management principles operating in schools.

Hon LJILJANNA RAVLICH: That is correct. It has been in this area that many schools have been tardy in the past.

The Australian Labor Party will move an amendment to ensure that corporal punishment is not used on students in Western Australian schools. It will also move a series of amendments over and above those that have been formulated by the Public Administration Committee.

I would like to see the regulations drafted - as I am sure they will be - in a way that allows the Government to honour its commitment to consult extensively with the community. Given that drafting is still proceeding, this legislation will not be affected by the commencement of the next school year. However, there is every likelihood that it will be introduced in the middle of the year. That would give the Government ample opportunity to consult with parents to ensure the regulations are in accordance with some of the promises it has made.

I commend the Government for drafting a new Bill. As members are aware, the old Bill is very out of date, and the Government has taken it upon itself to introduce new legislation. Members on this side are concerned about a significant part of the legislation. The Labor Party reinforces its belief that education should be one of the highest priorities of Government. It will be working with other parties to ensure that we end up with the best possible legislation in the interests of all Western Australian children, parents and the community.

HON HELEN HODGSON (North Metropolitan) [2.24 pm]: Finally we have reached the point of debating this Bill. I say "finally" because when I came into this place in May last year one of the first tasks I had was to look at the draft Bill being discussed at the time. It has been an ongoing process since then to develop something concrete for debate with input from all parties affected. The process has involved trying to present legislation that best serves the needs of the education system of this State.

We all recognise how important education is in our society. It is a fundamental building block in ensuring that our children have an adequate future. It is the Government's responsibility to ensure that education is available for all children in this State. Many questions will be raised about the extent of the State's responsibility and the extent to which parents must participate. It is fundamentally the State's obligation to put in place a system that is accessible to all children. The community expects the State to provide an education system. It also has expectations about what is included in that system.

The system is established not only for the sake of the individual but also for the community as a whole. The health of our community depends on the ability of individuals to participate in community life, and that is why education is so important.

Other issues emerge when discussing the importance of our education system, such as the socialisation experienced during school years and the extent to which responsibility for developing ethical and moral attitudes depends on not only families but also on the school environment. I am not suggesting a shift of responsibility from parents to teachers, and I acknowledge the problem of where that line is drawn. However, I recognise the reality that family life, parents, teachers and the school environment play a part in forming a student's attitudes, because that is where children spend so much of their time. While I have no intention of saying that it is the prime responsibility of schools to help form those attitudes, the question will come up in the education system.

The Australian Democrats believe that access to education for everyone is vital. That means providing appropriate programs for everyone, regardless of their cultural background, any disabilities they may have, their gender and their socioeconomic circumstances. None of those factors should prevent people having access to the best standard of education that they are capable of achieving.

We have been given the opportunity through this Bill to ensure the State's commitment to quality education for our youth and access to education for all is honoured. This Bill does make a good start. Given that it replaces a Bill over 50 years old, it is time we undertook a review. The bulk of the Bill is acceptable in that respect. However, the State has an obligation in many areas to make its guarantees stronger, clearer and wider.

The legislation has been a long time in its development. I commend the Government on commencing a consultation process through the Green Bill. Unfortunately the feedback the Democrats have been receiving is that although this process had all the appearances of consultation, many of the key stakeholders believe that they were not really given an opportunity to have any input. It was more a case of presenting an option and then justifying doing so rather than properly examining available alternatives. That is why I voted to support having the Bill further reviewed by the Standing Committee on Public Administration. Some of the concerns that the community did not feel had been properly addressed were raised in the committee reports tabled in this place earlier. I trust members have had the opportunity of reviewing the detail of those reports and that they understand why some members of the community felt they did not have a proper opportunity for input and consultation in the development of this legislation.

The Democrats appreciate the value of choice in education. We have always acknowledged that some people prefer to send their children to private schools. We also appreciate the contributions that independent schools make. However, our aim is to create a public school system that is so good, poor standards cannot be used as an excuse not to send children to a government school. I realise that some people use "public school" in a different context. The public education system should be as good as anything else that is available so that a choice is made on a level playing field.

I am concerned that we will end up with the government education sector deteriorating to the point where it is not a viable alternative because the quality is no longer up to the same standard as that of some other schools. That worries me because it would limit people's choice. We must acknowledge that, despite the growth in the independent school system, for many parents there is no choice. Many parents want their child to excel and have access to opportunities, but they cannot afford some of the options that are available through the independent school system. Therefore, the government school sector must offer a viable alternative that is as good as anything else. For their own reasons some parents choose to send their children to a state school even though they have the resources to send them to a private or independent school. We owe these parents the opportunity of accessing a good state school system. This Bill is about more than administration or money. It is about people and children and providing opportunities for our children in the future.

In considering these issues in more detail I refer first to the funding of the public education system. It is essential the State Government recognise its responsibility to fund the state education system. This should be addressed in the objects of the Bill. Private sector enrolments compared with those of government school enrolments have increased. The Department of Education Services' 1996-97 annual report showed an increase in non-government school enrolments averaging 2.5 per cent compared with half a per cent for government schools between 1992 and 1996. I acknowledge all of that. However, it does not alter the fact that it is the State Government's responsibility to finance government schools through our tax system. The public of Western Australia accept and understand that their taxes pay for government schools and that financing the government school sector is one of the Government's core responsibilities.

The Democrats have been highly critical of the way in which the commonwealth enrolment benchmark adjustment operates in practice. It effectively reallocates public funding away from the government sector into the private and independent school sector. I believe that the primary responsibility of the Governments is to fund a government education system. If people choose to send their children to a private school system, they do so understanding that certain costs go with that. We are highly critical of the way the commonwealth EBA operates.

Western Australian schools stand to lose \$3m in 1997 under the formula that penalises state schools by allocating funding for new enrolments in the private sector. I asked a number of questions on that when it occurred. I understand an agreement is in place to ensure there is not that consequence. However, it shows that once again Western Australia could lose out because of the way in which the commonwealth funding formula is structured, despite enrolments in government schools rising by 2 839 in 1997. It works on increases in the private sector. It is a cold, mathematical formula based on bums on seats. It ignores the fact that education is about access and quality and the future of our children.

This Bill must restore balance by not hitting parents for more fees simply because Governments are not funding education adequately. The State Government must take responsibility by confirming its commitment to the public education sector. There must be full public funding for state schools, with real annual increases. We oppose a user-pays system of education. There is no place for economic rationalism in our school system. According to Australian Bureau of Statistics data, over the past six years state outlay per student has fallen by 1 per cent. The total government outlay increased by 3 per cent. Taking inflation into account, that is a fall of 1 per cent.

Education must be not only accessible, but also funded. The Democrats believe a school education system should be as free of fees as possible. The Bill allows the Government to charge compulsory fees for education in government schools. Even without compulsory fees, parents are already making up the shortfall in government spending on education and are carrying responsibility for financial matters. The State is shirking its responsibilities.

Hon B.M. Scott interjected.

Hon HELEN HODGSON: I said even without compulsory fees.

Hon B.M. Scott interjected.

Hon HELEN HODGSON: This Bill will allow the Government to levy fees. I am surprised the member has forgotten that since the time the Bill was with the Standing Committee on Public Administration. In the past year I have had contact with a number of parents who are very concerned about the compulsory imposition of fees. In some schools, children have been excluded from school activities and from classes on the basis of their not having paid what is currently a non-compulsory fee. These are not just extracurricular activities; sometimes they are core classes that form part of a school's curriculum. Students have been excluded because their parents have not paid their fees. There must be no exclusion for non-payment of fees.

Hon Barry House: Give me an example.

Hon HELEN HODGSON: I could name a school, but I will not do that now. I have named schools in questions without notice in the past. If members wish, I can make available a copy of a parent newsletter which names parents who have not paid fees. Parents are being shamed into paying fees which they may not be able to afford. That is an example of what is unacceptable. Compulsory fees cannot be permitted to impact on a child's right to an education. As I said, the Democrats do not support a user-pays system of education because this can negatively impact on and limit children's choice of the areas in which they are able to develop their abilities and talents and the future directions that are available to them. Some students have an innate talent that will ensure they will be contributing tax-paying members of society if they are given the opportunity to explore different choices. However, because their parents are unable to afford fees attached to courses, those students may be unable to develop their skills and talents and this will limit future opportunities and cause them to become members of society less able to contribute.

Hon Simon O'Brien: What level of fees are you talking about?

Hon HELEN HODGSON: I am sure these matters will be addressed in more detail in committee. Some of these issues are addressed in the standing committee report. There are examples of year 11 and year 12 students at the post-compulsory level of education - as it is now defined - who are being denied the ability to engage in some prevocational courses such as VET -

vocational education and training - simply because the fees that are levied for these courses can be in the region of \$1 500 for a student to pursue a particular program. That is unacceptable.

Hon N.F. Moore: Which is that, so that I can check it up?

Hon HELEN HODGSON: In *Hansard* some months ago a question was asked by Hon John Halden which related to that.

Hon N.F. Moore: You are making the speech. Would you let me know what you are talking about?

Hon HELEN HODGSON: Unfortunately, my education files are so bulky that I have not brought all of my reference material in with me.

Hon N.F. Moore: But you are making an allegation based upon hearsay.

Hon HELEN HODGSON: I will make that information available to the Leader of the House later.

We have seen examples where students have been discouraged from taking particular courses with comments such as, "Pupils who cannot afford these fees should pick other subjects." This is not providing an equal education for all children. It is not applying the principle of equity. There is already an inequality of resources at public schools in that schools that have up-to-date equipment already will not have to charge extra fees in order to cover the acquisition costs, whereas some schools that have not yet had the ability to obtain equipment and make available certain courses will be charging parents of children in those courses for the cost of the infrastructure in setting up the courses.

Hon N.F. Moore: Will you give me some examples of those, please?

Hon HELEN HODGSON: Therefore, we have a great deal of concern about what can be charged in a compulsory fee system. I refer to the proposals that were passed through this place last year on the curriculum council. That legislation set certain learning objectives and established the framework within which education in our State would be delivered. Some of the courses fall within that framework; a framework which is supposedly being applied uniformly across this State where the level of fees is causing concern and limiting the ability of students to participate in those courses.

This year there has been already an increase in fees that has been approved. The fee of \$9, referred to earlier by way of interjection, has been increased to \$60 - a 600 per cent increase. It is not yet enforceable at law, but the provisions of this School Education Bill will make it necessary to do so. However, there is already a large increase in fees on the agenda. If these fees are charged, we need to have appropriate safeguards in place. I agree that \$9 in today's currency does not sound very much. However, the problem is if we do not have appropriate limits and safeguards and if we do not have criteria saying what students can be charged for and how much they should be charged, who knows what will happen in the future? The fee was \$9 last year; it is \$60 this year; who knows what it could be in five years' time. It could be thousands of dollars. I hope that is a fantastic scenario.

Hon N.F. Moore: Who is going to do that?

Hon HELEN HODGSON: The possibilities are there. It is also inappropriate for a school to be acting as a debt collector. The function of a school is to educate children. It is not appropriate for it to have the function of alienating children and/or their parents, particularly using some of the methods to which I have already referred to humiliate, shame and deny parents and children access to some of their entitlements.

There is no other State in Australia, including Victoria, where there is an ability to recoup fees as debts through the courts. This will mean that under the provisions of the WA Bill no longer will free education be available for children. This clearly contravenes Article 28 of the United Nations Convention on the Rights of the Child, to which Australia was a signatory fairly recently in 1991. Article 28 states that we should make primary education compulsory and available free to all, take appropriate measures such as the introduction of free secondary education, and offer financial assistance in the case of need. There is no question that this Bill provides the mechanisms to allow fees to be charged for both primary and secondary education. The United Nations Convention on the Rights of the Child said that primary education should be free and, to the best extent possible, secondary education should also be free. The provision referring to secondary education was in fact put in to cater for third world nations that cannot afford to provide free secondary education. It did not want to include a provision which would force some countries to contravene their obligations under the treaty. However, WA cannot argue that it is in such a position.

The federal Joint Standing Committee on Treaties recently inquired into this and considered some inconsistencies with the convention that existed in certain jurisdictions. Recommendation 21 of its report advised that the Joint Standing Committee on Treaties recommended that the Government request that the Standing Committee of Attorneys General review existing legislation, policies and practices at federal, state and territory levels for compliance with the Convention on the Rights of the Child. Therefore not only are we not complying but we are acting against a recommendation which says that we should review all our mechanisms to ensure that we are complying. We are going backwards.

The erosion of adequate funds to our public school system is something of which we should all be ashamed, and as a

Parliament we should be striving to provide better funding. Only then can there be true equality in the quality and access to education for all children, not just those whose parents can afford it. When it comes to the matter of sponsorship and advertising, this is another consequence of the inadequate funding that is available to our government school sector. Schools need to find alternative sources of funding in order to maintain a basic level of education. We have heard of many concerns from parents regarding these provisions of the Bill. They are concerned about the allocation of resources between schools. There may be a school which has a highway boundary which is a wonderful site for advertising one of our key fast food chains, for example, and the school will have access to funds through making that site available; whereas another school which is better and more safely located away from the main highway obviously does not present the same attractive proposition to the same fast food chain. Therefore, it does cause an inequality between schools. It has the potential to create differences in the resources available to our schools which is, again, creating inequality. It means that some schools within the system will be better off than others. We are concerned about the differing capacity between schools to raise revenue under this method and we are concerned that it will mean some schools will experience financial hardship because of lack of access. We also must be very careful about the way in which we allow sponsors to involve themselves with schools because it can create an acceptance of their product that may be less questioned than it would be in another situation.

I am aware that currently there is a zoning issue in Wanneroo in the northern suburbs related to a site next door to a school. One of the concerns is that the rezoning will make that site available for fast food companies. There is a great deal of concern in the community there from parents and residents who are worried about the implications of having a fast food site next to the school. That is a planning matter, not a matter for the Education Department's intervention. Those issues do not arise for the Education Department. However, the next stage is that once the fast food outlet is located next to the school, what does the relationship between the school and that company become? Does that company then start to find a way of sponsoring activities at the school? That is fine. Does it then start to make discount meals available to students from that school? Where does it end? That can have huge implications, not only in the educational opportunities for the student through the funds that are available in the school, and not only the moral and ethical issues of making sure that students are not subjected to undue influence from the sponsor; it also raises issues of what will happen to the school canteen if the place next door is making meals available cheaply and the kids spend their money next door. That will impact on what the P & C association can provide. It is part of a cycle. Serious sponsorship and advertising issues must be addressed.

Again on equity grounds, we are concerned about local area intake. Students in Western Australia should have the right to attend their local schools. I appreciate that schools have different circumstances. I should declare a vested interest: I went to a school that was not a local school because I was on a specific scholarship program at the time, but that did not deny a local child access to the school. That is where I am coming from. It is not that we expect all children to attend their local school. Parents should be able to choose to send their children to a certain program at another school if there is a reason for that, but I am concerned that there are situations in which a school will be labelled as desirable and will accept enrolments from other areas to the extent that it will deny access by a child who lives a couple of blocks away because there are no places available.

There is a problem in planning schools in our growing metropolitan area in particular, and I can see it distinctly in the northern metropolitan region. In the western suburbs, which are the southern end of my electorate, we have the problem that a number of schools have been closed because there are not enough students. At the other end of the electorate there is the exact opposite problem - parents are crying out for more schools to be built. It is difficult to plan the placement of schools in accordance with demographic changes. I accept that one way of dealing with that is to allow children to attend another school where appropriate and at which places are available. For example, some school closures in the western suburbs might not have happened if students had come from other areas to undertake specific programs. Sometimes student enrolments from non-local areas can ensure the life of a school and can be of great benefit, but that should always be secondary to ensuring that there are enough places in that school for local children.

Let us say that a certain suburb has surplus school places and that it goes through a periodic demographic rejuvenation, when different people move in and the children grow up and attend school. Let us say also that the school has developed such a reputation that it is full to capacity with students from other areas. What will happen to kids who live locally? Will they be forced to go out of their area to access a basic standard of education? I am talking not about special programs - they are in a separate category - but about standard curriculum options.

Hon Simon O'Brien interjected.

The PRESIDENT: Order! Hon Helen Hodgson is on her feet and she is not responding to Hon Simon O'Brien's interjections.

Hon HELEN HODGSON: Local schools have a significant role in local communities. A couple of Sundays ago I attended the blessing of the fleet at Two Rocks marina. It was encouraging to see the number of children participating in that event because of the involvement of the local school. I venture to say that a high point of the afternoon was presenting a prize for a poster competition and looking at the bikes that had been decorated as part of the children's competition. It was an important local function which would not have been the same without the involvement of the school.

Access to local schools builds a community and relationships between children, families and parents. It develops friendships and networks that extend beyond school hours. These days parents have many conflicting demands on their time and they need to be able to send their children to a school that is close to their home. They might need to make appropriate child care arrangements and so on. Once transport arrangements are involved, things are far more difficult. There are many reasons that local schools are to be preferred. Therefore, all schools should give preference to local intake students without limiting the ability of schools with surplus space or certain programs to go beyond their local intake, to develop programs and to ensure that children from other areas can join those schools. That is secondary to the requirement that local children should have access to the school that is most suitable to them.

There are other issues relating to teachers in our school system. Hon Ljiljanna Ravlich referred to some industrial pressures. Some provisions in the Bill apply to teachers. The teaching occupation is often kicked. Politicians say that they receive more kicks than teachers receive, but I am not sure whether it is many more kicks. Teachers suffer much flak from the community because it considers that teachers are either doing things wrongly or having too many holidays. We constantly hear a litany of complaints. Teachers do a wonderful job in difficult circumstances. There have been several reports about the status of our teachers. There is a recent Senate report on teachers and the way in which they are perceived in the community. One reason for the difficulty in attracting people into the teaching profession is the public's perception of teachers.

I place on record my recognition of teachers who generally do a wonderful job in difficult circumstances. Nobody is happy to hand over the care of their child to somebody else for a substantial period of the day. Parents will often directly raise their differences of opinion with teachers, and that is aggravated by the way in which the relationship between coalface teachers and the Education Department has developed.

Last year when I started to work on the Bill I visited a school where the teachers told me that there were no fewer than nine consultative documents. That was on top of normal responsibilities to the classroom, normal responsibilities in regard to preparing, after-school sporting commitments, and the extracurricular activities that teachers usually undertake. Teachers are under-resourced and they feel that they receive inadequate support at departmental level. The Bill does not sufficiently reinforce the role of teachers as educators. We are increasing the responsibility of principals as administrators rather than as teachers who deal with children. They are to act as debt collectors, and it is possible that they will act as truant officers. Many teachers believe that it is time that their qualifications were properly recognised.

I note that when this Bill was debated in the other place, the issue of a teachers' registration board and the need for teachers to be assured of recognition of their skills and qualifications was raised. The proposal put forward suggested that the teachers' registration board would take care of many of the routine tasks of ensuring that the people who have the care of our children are qualified to do so. There is much argument in favour of this board in the current climate. If this board was established, an issue over the fitness of a teacher would be handled by somebody independent of the department and the teacher. This sort of board has been established in some of the other States and the Senate standing committee recommended support for these boards nationwide. I understand that the minister made an undertaking to work on this matter and is looking at a proposition. The last reference in *Hansard* was that no progress had been made. I would like the minister handling this Bill to provide an update at the appropriate time.

The issue of school closures has been raised in this place a number of times. It is a recent and emotive issue. I have received a lot of correspondence primarily from parents, teachers and students who feel they have not been consulted properly. If they have been consulted, it was merely a formality and they were not listened to. The same concerns were raised about the consultation process for the Bill itself. Many parents are angry about the way school closures have been handled. Some of that anger has been aired in this place and I will not go into the matter any further. I acknowledge that demographics are difficult to deal with in schools but when school closures are necessary, they must be handled in a way that makes parents feel that they are a part of the decision-making process. As this Bill stands, parents are only consulted on the consequences of a closure after the decision has been made. It is appropriate for parents to have input into the reasons for closure and whether the closure is warranted.

The committee's report dealt extensively with the issue of the advisory panels. We acknowledge the need for education to be compulsory and the need to find methods of ensuring students attend school because it benefits children and the community as a whole. However, we believe the issues of enrolment and absenteeism need to be handled in a compassionate manner. Children do not absent themselves from school for no reason; there are often underlying issues such as family difficulties, problems with handling the curriculum and learning difficulties. These issues must be examined in a compassionate manner in order to identify why a child is not attending school regularly and to work out the best program for that child to ensure he gets the best out of the school system. We need to look beyond the surface of behavioural problems which may result in either suspension or exclusion from school. That is why the panels established to examine breaches need procedures available to them which put the interests of the child ahead of punishment. Punishment should be secondary to the child being encouraged and dealt with in a way which ensures he does the right thing. In saying that, I recognise that there will always be a handful of children with deep underlying problems which must be dealt with in a severe manner. However, the mechanisms set up should be such that the majority of children can be dealt with in a manner

which looks at the underlying issues and gives them a chance to get back on track. Only at the very final stages should we look at punishing these children.

The pace of change in the education system over the past five years has been staggering. Parents and teachers have had difficulty adjusting to that change. It is not just a matter of the Act itself - I acknowledge that the changes are necessary - many of the changes in the education system over the past five years have been to administrative mechanisms and made through regulations and subsidiary legislation like the Curriculum Council Act which was passed last year. It is an excellent proposal but teachers and parents feel that they cannot cope with the pace of these changes.

I have no difficulty with the idea of taking some time to come to grips with this legislation to ensure that people have the opportunity to make their feelings known. We should not be rushing through further change for the sake of change and we must make sure the change is positive and does not perpetuate problems. This legislation will impact on the futures of our State's children for generations so we must get it right. It needs careful consideration and when we come to the committee stage of this Bill some issues will come out of the committee's report and others will be raised by members. The committee has said that it supports many areas of the Bill without reservation but these other issues will require due consideration in the interests of the future of the government education system. The Australian Democrats support the School Education Bill at the second reading stage. We have some problems with the Bill and we will deal with those in committee and in the third reading stage if necessary. We commend the Government for having updated the legislation but we want to make sure we get it right.

HON KIM CHANCE (Agricultural) [3.07 pm]: In supporting the Bill I note that it is inevitable that much of the debate on the legislation in this and the other place so far has centred on the question of fees and the dual questions of the principles and objects of the Bill. It is not coincidental that those matters were not addressed in the Standing Committee on Public Administration's ninth report. The committee determined to set those issues aside from consideration for two reasons. Firstly, they were matters of policy and not primarily administrative issues. Secondly, in the limited time available to the committee after prorogation there were sufficient issues open to the committee for its inquiry. There was no cause for the committee to enter into areas of policy which I suspect would have been resolved on party lines. The committee's view was that these are best debated in the House. That was the correct view. I do not intend to go into the matters raised in the committee's report. Although it could be argued that this is an appropriate time to do that, in my view it is not. The committee's report ought properly to be dealt with in the time the House sets aside for the consideration of committee reports. To the relevant extent, the appropriate place for debate on the committee's findings is in the committee stage and not in the second reading stage, which deals with the policy of the Bill rather than the fine detail.

I raise only two matters which come directly from the committee's consideration as reported. I do so only because my friend and colleague Hon Ljiljanna Ravlich referred to the specifics of the Bill. Even members who have diligently read the ninth report might have overlooked the first matter because it forms part of the report's attachment. I refer to the advice the committee received regarding the effect of the Sentencing Act. The issue debated with some liveliness and vigour related to the application of penalties in more than one place in the Bill. When we reach that point in the Committee of the Whole, it will no doubt be again debated with similar vigour. The issue was primarily raised by Hon Dexter Davies, who referred to the large penalties in the Bill concerning enrolment and attendance; namely, the head fines of \$1 000 to \$5 000, and daily penalties of \$25 a day thereafter. The majority of the committee was of the view that the head fines should be dispensed with. In recognition of the seriousness of the intent of the Bill, it was recommended that the daily fine of \$25 should be retained. At that point Hon Dexter Davies raised the Sentencing Act. His argument was to the effect that the Sentencing Act provides sufficient options to a court to enable a penalty to be determined according to the alleged offence, and that it is not our role as legislators to try to reduce the apparent importance of that offence by reducing or, in the case of our recommendation, eliminating the head penalty. Some legal argument worked towards the necessity of maintaining a head penalty. I need not go into those arguments as they are extensively covered in the advice covered in the annexure of the ninth report. It is probably improper to make further comment on that point as I would need to go into areas not covered by the report. Nevertheless, I urge members to read the argument contained in the attached annexure, not the addendum, of the ninth report. This was a matter of interest to me. I was grateful to Hon Dexter Davies for raising the point in that context, as it may have application in other legislation with which we deal.

The second issue to which I refer briefly is the responsibilities relating to the powers of an authorised person to enforce school attendance. That responsibility will ensure that an authorised person properly identifies himself or herself as a person with that authority. The committee spent a great deal of time debating how that proof of authority should be conveyed. My understanding was that the last thing the architect of the Bill wanted was for authorised persons to move around with FBI-style plastic identification disks on their clothing. I believe that the majority of the committee privately thought that open identification should occur. Good reason existed for that view. The committee was concerned that the Bill authorises people to approach and exercise authority over young people in circumstances in which it will be possible for such an approach to be made for criminal intent. In such circumstance, in my mind, and that of the majority, if not all, of the committee, it is essential that the authorised person be required to provide proof of authority, not only to the young person who is a legal minor, and who will be subject to the exercise of that authority, but also to the satisfaction of another person who may be

in the vicinity. That other person may feel that in the absence of proof, the authorised person was exercising a purported authority for an improper purpose. The amendments which members will see in the ninth report and its addendum will adequately address that situation. It is an important point and should not be overlooked.

I understand that the Education Act gives authorised persons even wider powers than those proposed in the Bill, as the Act's powers are unfettered by any need to provide proof of authority. The Bill is far superior to the current Act. Even if the Government were to knock back every amendment proposed by the Opposition, this would still be better legislation than the current Act. No-one from the Opposition in this House and the other place has suggested otherwise. However, as it is legislation with great significance to the community, it is reasonable that the Opposition would want to amend the Bill to make it even better. I commend the Government for the way in which this good legislation has been presented.

I now refer to some statements by the Minister for Education regarding the way in which this House has dealt with the Bill. I can properly do that on this occasion. Although I can understand, and even support, the minister's commitment to ensure that the passage of this Bill through Parliament is completed by the end of this session to enable the regulations to be completed in good time for the beginning of the 1999 school year, I find it difficult to accept that the minister has allowed his anxiety to meet that objective to excuse his public dissembling, which he expressed as a condemnation of this House in its decision to conduct an inquiry into the effect of the Bill.

Hon Derrick Tomlinson: Why is that dissembling?

Hon KIM CHANCE: I will go into that in a moment.

Hon Derrick Tomlinson: I look forward to it.

Hon KIM CHANCE: I find some public statements attributed to the minister - and in their reported state were not denied by him - to be unforgivable. The minister suggested that our action had caused a delay in the Bill's progress. In the interests of a factual recording of history, I note, firstly, that the committee's ninth report was ready for tabling within two days of the due tabling date. Secondly, the ninth report was signed off on 25 September 1998. Thirdly, the post-prorogation referral date of the ninth report was 19 August 1998. In other words, it took the committee just one month and six days to bring down the ninth report from the time that the committee was able to commence its operations after prorogation. The addendum to the ninth report was signed off on 26 October 1998, after the completion of an extremely complicated drafting process. Fourthly, the debate on the second reading stage of this Bill did not begin until 11 November 1998. In other words, the entire process of investigation, public hearings, consideration, reporting, negotiating, drafting and final presentation was completed a full 16 days before the Government was ready to begin the second reading debate. I am not implying any criticism of the Government in this House.

Hon Derrick Tomlinson: That program was not the Government's decision. How dare you criticise the Government for your own decision!

Hon KIM CHANCE: The starting date of the second reading debate is partly within the Government's hands. I am not implying any criticism of the Government's management in this House. The Government has priorities that it needs to meet, and I accept that those priorities are, on occasion, actually beyond the Government's control.

Hon Derrick Tomlinson: In this case, the Government's priority was taken out of its hands.

Hon KIM CHANCE: I do not know what Hon Derrick Tomlinson is talking about.

Hon Derrick Tomlinson: I am talking about the process after the first reading.

Hon KIM CHANCE: I will certainly go into that in a moment. For the Minister for Education to be critical of a decision of this House which set out to provide an opportunity for key interest groups - the stakeholders - to have an input into this important Bill is absolutely unforgivable, particularly in view of the enormous personal effort that members of the Public Administration Committee, including the substitute and participating members, and the committee staff, had to put in to get the ninth report ready for tabling by the due date and not delay the progress of the Bill. Whatever the minister's view may be, and however jaundiced that view may be, the committee signed off the ninth report just one month and six days after its post-prorogation referral. That was a Herculean effort, and it stands to the credit of the committee members, particularly the subcommittee members, that they could review a Bill of that scale in so little time. Even if the minister is so churlish as to fail to recognise that, I certainly do recognise that and express my appreciation to the members of the Public Administration Committee, School Education Bill subcommittee, for their diligence and commitment, even while the minister was publicly, and quite improperly, sniping at them, and apparently attempting to undermine their work.

Hon Derrick Tomlinson: Would you like to explain that?

Hon KIM CHANCE: Read the press reports. They were public statements.

Hon Derrick Tomlinson: You made an allegation that he was apparently undermining them. That is a grave allegation, and your answer to me is, "Read the press reports." When you make an allegation of that gravity, you should substantiate it.

The DEPUTY PRESIDENT: Order! Hon Derrick Tomlinson will come to order.

Hon KIM CHANCE: When a minister makes a comment like that about the progress of a committee, in my view he is publicly undermining the role of that committee and its commitment to get on with completing its task. I want to remind the House of one or two things with regard to the time line for this Bill. We are talking about one month and six days between prorogation and report, and 16 days between the tabling of the addendum to the ninth report and the beginning of the second reading debate. Those time scales pale into insignificance in comparison with the time scales that were involved in dealing with this Bill in the other place. The first reading in the Legislative Assembly of the School Education Bill 1997 was on 26 November 1997. It was finally third-read on 25 June 1998. This Bill was in the other place for more than six months, yet the minister is complaining about one month and six days. Who held up this Bill? It was most certainly not this House, and it was most certainly not the members of the Public Administration Committee, School Education Bill subcommittee. Those members put a huge effort and commitment into that report, yet the minister was sniping from the sidelines, when he took six months to deal with that Bill in the other place. I sat in on some of the debate about that Bill in the other place. You know, Mr Deputy President, that I am not allowed to comment on what I heard in that place, but I did not notice a lot of commitment from the Government to get that Bill on its way. I have noticed that commitment in this place - I acknowledge that - but I have not noticed it anywhere else. Nonetheless, we now have the committee report. We now have made a substantial start to the second reading stage. I am sure it will be necessary for the Opposition to give a commitment to get this Bill debated and through this place expeditiously. However, I will not cop criticism of a decision of this House or of the actions of the Public Administration Committee from a minister who patently failed to get off his backside and get this legislation through in an appropriate time himself.

It was argued that we did not need to further consult with the stakeholders because wide consultation had already taken place on this Bill. I am the first to agree that the Bill did go through a Green Bill stage, which is a process for which I am a great enthusiast. I believe that is the only way to handle difficult, complex and wide-ranging legislation of this nature. I do not doubt for a moment that a number of community meetings were held about the Bill. I would be the first to encourage that process. However, it would be a mistake to say that no room was left for consultation. Room was left for consultation, even if it was only to give people one last opportunity to try to make the Bill a bit better - not to undermine the Bill, not to change the policy and direction of the Bill, but to make some improvements in the Bill that those key stakeholders in education believed were necessary. I am not an expert on education - I know next to nothing about education - but I do know that the Western Australian Council of State School Organisations and the State School Teachers Union, for example, know a great deal about education and have an opinion about what should happen in education, and they believed they needed one last opportunity to make some comments. I suppose that at some time a legislator must say, "We have heard enough from everyone with an interest in this legislation." I do not want to go over the debate we have had on that issue. The evidence taken by the School Education Bill subcommittee of the Public Administration Committee indicated to me that it was a valuable opportunity for people to make another contribution. To some extent what they said has influenced the committee, and no doubt the House can debate the outcome of that process.

The decisions that were recommended to the House by the subcommittee, and ultimately by the committee, as I said, will be the subject of later debate. I most certainly commend those decisions. I am the first to recognise, and I am sure the Leader of the House will remind me, that there were imperfections in the process followed by the committee in attempting to reach the final outcome, and there are still imperfections in the form of the recommendations that have been made. They are a result of trying to rush consideration of a very large issue in a short time. I am quite happy to recognise those imperfections, as I am sure every other member of the subcommittee is. We have not delayed the Bill unnecessarily, since the time objective expressed by the minister initially was to complete this Bill in this session of Parliament, and we will do that. As the chairman of the committee, I gave my undertaking that we would meet those objectives insofar as it fell to us to have any influence.

I went to just one of the meetings which formed the round of consultation process. It was conducted in the Merredin Senior High School and was attended by a small but interested group of parents and staff. It was conducted by the member for Roleystone, the Parliamentary Secretary to the Minister for Education. As members who are aware of his ability would expect, he did a superb job in explaining the process of the Green Bill and what it was about. We had a very pleasant and informative - but oh, so short - opportunity to look at the nature of Bill. That meeting lasted about 45 minutes in total, including question time. Then we all had a cup of coffee and a scone and went away. During that time there was an opportunity to ask the parliamentary secretary questions directly, and many people did.

Hon Derrick Tomlinson: Was the 45 minutes allotted or was that the total time it took?

Hon KIM CHANCE: Unfortunately it was allotted. When I could get to the parliamentary secretary privately, I asked him why the time for the meeting was so short. I did not mind the briefing being short, because he knew his subject well and got the gist over very efficiently in that period. When I asked why the question time was cut short, he told me that he felt that needed to be done because previous meetings tended to be dominated by one group with a single issue in mind, and he wanted to avoid that happening again. Notwithstanding the fact that the particular group was clearly not represented in Merredin, we had a much shorter question time than we may have otherwise had. I do not know at how many other meetings,

regional or metropolitan, the same thing occurred. It is quite possible that some issues raised by the Western Australian Council of State School Organisations, in particular, may well have been dealt with at the regional forum level had there been more time or had the consultation been more effective. I suppose I am being a little churlish because people do not often get the opportunity to comment on legislation directly through consultation at the grass roots level. Having done all the hard work to provide the opportunity for that consultation, it seems a shame to have it cut short at the last hurdle and, as a result, quite possibly the Legislature will be required to revisit issues that should have been resolved at that level. Notwithstanding my extreme disappointment with the attitude of the Minister for Education to the actions of this House, I thoroughly support the Bill and look forward to the debate in Committee on the relevance of the clauses.

HON DERRICK TOMLINSON (East Metropolitan) [3.35 pm]: Unlike others, it was not my intention to speak on this Bill. I felt that I must fill in some time because, obviously, the debate was about to close. Hon Kim Chance has indicated that this is too important a piece of legislation to be dealt with in the way it has been. I will be honest: When I first saw this Bill I was grossly disappointed. After my first reading of the Bill, I thought it was wrongly named, that it should be called the "Education (Management of Schools) Bill". That is what the Bill is principally about. It is about the management of schools and is directed towards school managers. It sets out principles and procedures for the management of schools. It does not have a great deal to say about education.

In another debate I asked this question: Where is the child in this Bill? The child is not there, except as the person who is compelled to do certain things, who suffers certain penalties if he or she does not do certain things, and who is the subject of certain processes. I suppose my expectations were unrealistic, having worked with the Education Act 1928, first of all, as school teacher, as an educational researcher and a commentator. When I was a lecturer in education at the University of Western Australia I grew to be critical of the Education Act. When Hon Norman Moore as the Minister for Education initiated the process of review, I thought here was the opportunity to make a statement about education in legislation that would take our system of schooling forward into the next millennium. That was an unrealistic expectation. The process of rewriting what is the School Education Bill did not begin with Hon Norman Moore; it began some time ago. I do not know which minister - probably Mr Pearce in about 1986-87 - gave a former assistant director general of education, Dr John Greenway, responsibility for redrafting a new Education Act.

A process which has taken 12 years comes to fruition in this Bill. The process, which I think commenced under Hon Bob Pearce in 1986 or 1987, was one of the reasons I built up unrealistic expectations about the Bill. It is not a statement about education; it is a statement about the management of schools. When I stepped back and came to terms with my initial disappointment about the paucity of educational vision in the Bill and looked at it as it truly is - a Bill about the management of schools and the management of a school system - I came to view it differently. The Bill has considerable merit. I do not know whether it is because of my initial disappointment and therefore jaundiced view, but I find it to be somewhat like the curate's egg. It has matters in it which I do not believe belong in legislation; it has matter in it which I believe is better suited to the regulations of the responsible authority - regulations generated by the Education Department of Western Australia with respect to the government school system and endorsed by the Parliament. The unfortunate consequence of some of those things being enacted in legislation is that they will impose constraints on the schools and the school system. A system of regulation would have been much easier to manage, manipulate and change according to the developing circumstances of schooling over the next few years - perhaps over the next half century if the history of the 1928 Act is any indication.

The procedure to which Hon Kim Chance referred for dealing with this Bill in this House is one of which I remain very critical. I listened carefully and I agree that six months for the Bill to be in the other place is perhaps a long period. It could also be argued that it is desirable that Bills not be rushed through the legislative process but be allowed to develop, change and be shaped through a longer period of gestation than many of the pieces of legislation which I have seen gallop through this place. The Bill did lie on the Table in the other place for an inordinately long time before it got to debate. I will not rehearse the history of the legislative program for the first half of this year but I think we all recognise that we were preoccupied with matters that were not anticipated in the legislative program at the commencement of the year. When we launched into the abortion law reform process, I do not think any of us realised how long, how tortuous and how traumatic that legislative process would be; neither did we anticipate at the time that the abortion law reform debate commenced that the legislative program of government would be disrupted. Those are historical circumstances. They explain in historical terms only the length of time that the Bill was in the other place.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon DERRICK TOMLINSON: Before question time I was expressing my disappointment about the procedures the Bill has undergone so far in its passage through this House. I objected strongly when it was referred to a committee after the first reading. I did not care which committee the Bill was referred to and it was appropriate that it go to the Public Administration Committee. I expressed those sentiments at the time. What I objected to was that the Bill went to the committee after the first reading before the principles of the Bill had been established by the second reading debate.

I commend the committee on meeting its undertaking to complete its consideration and report in the requested time. I also

note that the debate is coming on at about the time I predicted it would. I commend the committee for having met the deadline. However, I was interested to hear Hon Kim Chance refer to a subcommittee. I have looked through the three reports - the interim report, the ninth report and the addendum to the ninth report - and I see references to membership of the committee, to substitutes and to participating non-members but I do not see a reference to a subcommittee.

Hon Kim Chance: It is a technical matter but the full committee as constituted with substitute members was deemed by the committee to be a subcommittee. Ad hoc would have been more appropriate.

Hon DERRICK TOMLINSON: That is quite in order. Who were the members of the subcommittee?

Hon Kim Chance: The members of the committee, minus Hon Cheryl Davenport and Hon Barry House and plus Hon Christine Sharp and Hon Ljiljana Ravlich.

Hon DERRICK TOMLINSON: That is important to note. Let me address the consequences of referring the Bill to the committee after the first reading. At the time we debated the referral I made the statement that the standard procedure of this place is for the policy of the Bill to be established in the second reading. The committee, whether it be the Committee of the Whole or a standing committee, then considers the detail of the Bill in the light of those principles or policies. Here, however, the decision was made to refer before the principle of the Bill had been established by the second reading debate.

The Standing Committee on Public Administration observed in its ninth report that it had considered the objects and principles of the Bill and determined that they were primarily policy issues rather than issues of public administration and, as such, outside of the scope of the committee's terms of reference as outlined in the Legislative Council's standing orders. That is an interesting upfront statement which I accept. The committee decided that to consider the principle/policy issue or the policy of the Bill was outside its powers and confined itself to consideration of matters of detail. However, like all committees, it recognised that before one can consider matters of detail, it is necessary to establish principles against which the matters of detail may be measured. The committee then presented a report which has these principles: the importance of education, priority of enrolment for local students, schools as safe and stable environments, parent and community involvement in schools, the affordability of education, non-government schools, penalties as a last resort and a final principle called miscellaneous matters. Its consideration of detail is then within those seven principles. Let us look at the principles concerning the importance of education. Paragraph 3.2 states -

It is the Committee's view that in order to meet community exception and ensure an appropriate level of education for all, the following requirements must be met:

3.2.1 that all children of compulsory school age attend school for at least 10 years -

I am not quite sure what happens when we have compulsory schooling for 12 years -

3.2.2 that children should attend on a regular basis; and

3.2.3 that an appropriate educational program is available.

That is the first time I saw any reference to an appropriate educational program in the whole of the consideration of the Bill. Most of the Bill, as I said earlier, is about the administration of schools and an education system. There is no consideration of an appropriate educational program, other than by reference to the Curriculum Council Act being the principal reference for determining -

Hon Kim Chance: That reflects the limitation of the committee's standing orders, and we have been criticised for that outside.

Hon DERRICK TOMLINSON: Yes, it does. Having reflected on that limitation, the committee then spends the rest of the section talking about compulsory attendance. It establishes a very important principle - that is, that the appropriate program be available - and ignores it for the rest of the report.

Hon Kim Chance: We keep coming back to it continually. That is quite wrong.

Hon DERRICK TOMLINSON: We should compare that with the objects of the Bill as contained in clause 3(1), which states -

The objects . . . include the following -

- (a) to recognize the right of every child in the State to receive a school education;
- (b) to allow that education to be given in a government school, a non-government school or at home;
- (c) to provide for government schools that meet the educational needs of all children; and
- (d) to acknowledge the importance of the involvement and participation of a child's parents in the child's education.

Had the committee considered the detail of the Bill in the context of those four objects, I think it would have produced a much more coherent report than that which is in front of us.

Hon Ljiljanna Ravlich: Had you also become a participating member, you could have shared your expertise, rather than whingeing about what the committee did not do or the recommendations you do not like.

Hon DERRICK TOMLINSON: Like some members who participated on the committee, I had a commitment with another committee. That committee travelled at the time consideration of this Bill was undertaken. I took that into account. I made the decision that it would be inappropriate for me to lend my time to the committee, withdraw at a critical stage because of my commitments to other parliamentary committees and then come back and disrupt the process of deliberations to suit my convenience. Rather than suiting my convenience, I decided that it was appropriate that, since the Bill had been referred to it, that committee be given responsibility for it. I would then as a member of the Committee of the Whole consider the report of the committee. If that is called whingeing, I will whinge because that, madam, is my parliamentary responsibility. If Hon Ljiljanna Ravlich upsets me, I might fall down!

The PRESIDENT: Order! Hon Ljiljanna Ravlich and Hon Derrick Tomlinson will have to go outside and sort out their interjections. In the meantime, Hon Derrick Tomlinson has the floor.

Hon DERRICK TOMLINSON: Mr President, it is just that we have an understanding: If one of us falls down, the person left standing will give the other mouth-to-mouth resuscitation.

Hon Ljiljanna Ravlich: You said you wouldn't tell!

Hon DERRICK TOMLINSON: I sincerely hope Hon Ljiljanna Ravlich will provoke me so much that I will fall down, because I look forward to that sort of awakening. I will probably think I am in hell!

Within the procedures of this House, when committees consider matters of detail, it is essential that they work within principles. To establish a set of principles separate from the principles of the Bill, because the principles of the Bill have not been established, is not good parliamentary procedure. It does not make a great deal of sense. I would have been much more content with the report of the committee had it focused upon the principles of the Bill, even though it was not going to debate the principles of the Bill.

While I am speaking to the objects of the Bill, as contained in clause 3, I will express one of my concerns about the organisational structure of the Bill. I participated in the public consultation; in fact, I chaired one of the public meetings at Swan View. They were vigorous meetings and there was a predominance of debate on the home education issues. I was particularly interested in the home educators because they had a view which I did not necessarily agree with, but which they argued very intelligently, some more than others. Some of the philosophy they advanced I was quite comfortable with. Other aspects of their philosophy, particularly some of the religious dogma which dictated that philosophy, I had difficulty accepting; however, they were entitled to it. They presented their position very logically and coherently. They were very well-informed people. So much was I impressed with what they had to say, that I accepted their invitation to attend some of their meetings. I wanted to understand their position. The more I listened to what they said, the more sympathetic I became to their position.

I was also aware that under the objects set out in clause 3(1)(a) of the Bill, education can be given in a government school, a non-government school and at home. There are three options: Non-government schooling, government schooling and home schooling. We could argue that learning at home is the ultimate non-government schooling. I listened to the concerns of the home educators that two options were available: Government schooling and non-government schooling. Home schooling, according to clause 3(1)(b), is an object of the Bill. Home schooling is an alternative to compulsory attendance at a government school. It is not an option in the sense that clause 3(1)(b) indicates. I was sympathetic to the argument the home educators put forward. I argued that case so much that I was branded by the authors of the Bill as a champion of the home educators. I was not a champion of anybody; I was arguing a quite legitimate point of view from one section of community. I argued as the home educators did.

Hon Ljiljanna Ravlich: Did the home educators think they should apply to become home educators?

Hon DERRICK TOMLINSON: We should debate that issue in Committee because it is worthy of more comment than I can give it in two and a half minutes. It is an issue of great significance.

I was sympathetic to the proposition that home educators put forward that if there are to be three options - government schooling, non-government schooling and home schooling - the structure of the Bill should reflect them. Instead of home schooling being a subclause of the compulsory attendance part of the Bill, home schooling should have been a third part of the Bill. It should have been government schools, non-government schools and home education. That would have recognised home schooling as a genuine third option. Unfortunately, because that argument was not accepted - one does not win every debate in the political process - the home educators feel that they are being treated as in some way inferior to those whose children attend government or non-government schools. This gets to the point that Hon Ljiljanna Ravlich wanted to raise: They feel as though they are being given a licence not to attend only by being approved not to attend.

Hon Ljiljanna Ravlich: It is like any other school.

Hon DERRICK TOMLINSON: Of course it is. Had we put home schooling in a separate part of the Bill, we could have applied exactly the same principles and a modified version of the management structure that applies to the non-government sector, because home schooling is the ultimate form of non-government education. I hold that position still. I accept that the minister and the authors of the Bill do not agree, but I still hold the principle that the structure of the Bill does not reflect the objects that are contained in it.

I want to draw attention to a matter to which I referred in my introduction. I am concerned that a great deal in the Bill will become legislated and will be able to be changed only by the process of amendment to legislation. Much that is contained in the Bill I would prefer to see contained in regulations.

Hon Ljiljanna Ravlich: Like what?

Hon DERRICK TOMLINSON: I am about to tell members "like what". Division 2 on page 48 deals with the functions of chief executive officers, principals and teachers. The functions of the principal of a government school are to provide educational leadership in the school, to have responsibility for the day-to-day management and control of the school and so on, to ensure the safety and welfare of students, to see that instruction provided in school is in accordance with the requirements of the Curriculum Council Act and so on, and to establish a plan for the school setting out its objectives and so on. Those sorts of functions are best contained in one of two documents; for example, in the regulations, so that the regulations can change from time to time according to changing circumstances. I predict this: The provisions in that clause of the Bill will impose a straitjacket upon schools and the education system simply because they are legislated.

Hon Ljiljanna Ravlich: They are probably in the 1928 Act.

Hon DERRICK TOMLINSON: They probably are. Likewise I will turn to the functions of teachers. They are to foster and facilitate learning in students, to give competent instruction, to undertake regular evaluation and reporting, to be answerable to the principal, and so on. Those functions are better dealt with in regulations or even better dealt with in the terms of employment of the teacher. I do not care what form of agreement the teacher has, whether it be an industrial agreement registered with the Industrial Relations Commission, an enterprise agreement or a workplace agreement. Those sorts of specifications of the functions of the employee are better contained in some form of contract between the employer and the employee. They can be modified from time to time by agreement between the employer and the employee. They can be modified from place to place between the employer and the employee. It would give the opportunity for teachers and principals to adapt their responsibilities to the prevailing philosophy of the institution at which they engage in education. As it is in the legislation, I see it as a straitjacket. I also predict this: Future Ministers of Education will come to regret it because in an industrial dispute this will be said, "By law I am obliged to give competent instruction to students in accordance with the curriculum. Standards are determined by the chief executive officer and the school plan referred to in clause 63(1)(e). I am obliged to do no more by law than give competent instructions in accordance with the curriculum."

The curriculum in this Bill is not the curriculum determined by the school but the curriculum under clause 67. It is to be determined by the chief executive officer, but any determination is to be made in accordance with the requirements of the Curriculum Council Act. In fact, what I would call the great liberating opportunity of the curriculum framework of the Curriculum Council, which is made possible by the imminent changes in the curriculum framework, could be stifled by the legislative prohibitions or restrictions contained in this Bill. I would have been much more comfortable had the legislators kept industrial matters out of the Bill and put them either in regulations of the employing authority or in an industrial agreement of some kind between the employer or school principal and the teachers. It would have freed up the system.

Here we get to my concern that the Bill does not reflect education at all. It does not reflect an awareness of education. It reflects a hierarchical administrative structure with clear lines of authority, which have proven to be a straitjacket upon the education system in Western Australia. At the same time that we are talking about devolution of authority and making schools self-directed, we are giving teachers greater authority over the curriculum through a curriculum framework which does not describe content but describes objectives and student outcomes and then says to the school that it has, not the freedom, but the responsibility to develop a pathway according to its assessment of the needs, aspirations and abilities of the child. At the same time that we are giving those freedoms, we are imposing organisational constraints with these sections of the Bill. While I am speaking about the function of principals, I express my dismay at section 62(2).

Debate adjourned, pursuant to standing orders.

BOTANIC GARDENS AND PARKS AUTHORITY BILL

Third Reading

Bill read a third time, on motion by Hon N.F. Moore (Leader of the House), and passed.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report on Town of Claremont Tree Preservation Local Law

Hon N.D. Griffiths presented the thirty-seventh report of the Joint Standing Committee on Delegated Legislation in relation to the Town of Claremont Tree Preservation Local Law, and on his motion it was resolved -

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

[See paper No 414.]

MUTUAL RECOGNITION (WESTERN AUSTRALIA) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.02 pm]: I move -

That the Bill be now read a second time.

Section 7 of the Mutual Recognition (Western Australia) Act 1995 stated that the Act expired at the end of the termination day which was "28 February 1998" under section 3 of the Act. The Mutual Recognition (Western Australia) Amendment Bill 1997 which was passed by State Parliament in November 1997 extended this sunset clause by one year. The sunset clause now expires in February 1999.

The extension was to enable consideration of the recommendations of the national review being conducted by the Council of Australian Governments and allow any subsequent action to occur. Under the terms of the Australian Agreement this national review of the mutual recognition scheme was to be conducted by March 1998, five years after the commencement of the Commonwealth Act. It was to consider the future of the operation of the mutual recognition scheme in Australia. Due to the granting of an extension in the time frame by the Commonwealth Government and the hiatus caused by the federal election, the outcomes of the national review have not been finalised.

The Western Australian Bill is a short Bill which essentially adopts the Commonwealth Act. Even though amended last year, the sunset clause of the Mutual Recognition (Western Australia) Act 1995 will still come into effect in February 1999, before Western Australia has the opportunity to consider the recommendations of the national review of the Commonwealth Act and introduce any proposed changes which may be necessary. The intent of the Bill, therefore, is to extend the sunset clause by two years to enable the subsequent consideration of recommendations of the national review and any action to occur.

It is therefore proposed that the sunset clause of the Mutual Recognition (Western Australia) Act 1995 be extended by two years to continue to enable consideration, consultation and action to occur with respect to the recommendations of the national review. I commend the Bill to the House.

Debate adjourned, on motion by Hon N.D. Griffiths.

BAIL AMENDMENT BILL

Returned

Bill returned from the Assembly with an amendment.

REVENUE LAWS AMENDMENT (ASSESSMENT) BILL (No 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon M.J. Criddle (Minister for Transport), read a first time.

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [5.05 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to implement a number of measures to improve the equity and efficiency of the taxation arrangements of the State. In particular, amendments are proposed to the Fuel Suppliers and Diesel Subsidies Licensing Act 1997 and the Stamp Act 1921. While I intend in this speech only to outline broadly the measures proposed by this Bill, an explanatory memorandum has been prepared to accompany the Bill to provide members with more detail concerning each of the proposed amendments.

The Bill is structured in three parts. Part 1 of the Bill contains preliminary provisions including the commencement dates of the measures proposed. Part 2 of the Bill seeks to amend the Fuel Suppliers and Diesel Subsidies Licensing Act to remove certain information disclosure requirements imposed upon diesel fuel distributors and extend the qualifying usage for off-road diesel certificate holders to also include the exclusive economic zone of Australia.

Turning to these measures in greater detail, members would recall that the Fuel Suppliers and Diesel Subsidies Licensing Act was introduced to ensure that diesel prices remained unchanged in this State, notwithstanding the High Court of Australia decision which cast into question the constitutional validity of state business franchise licence fees. The Act operates to allow the holder of an off-road diesel user's certificate to purchase diesel for off-road purposes at a price that excludes the excise safety net surcharge amount that was introduced by the Commonwealth to replace those state licence fees.

As one part of these arrangements, an authorised distributor that supplies diesel to an off-road diesel certificate holder at the off-road price may claim compensation from its fuel supplier equivalent to the excise surcharge component that the distributor has incurred. However, the Act currently provides that when claiming compensation, the authorised distributor must provide the supplier with, among other things, the name and address of each off-road diesel certificate holder that it has supplied with diesel at the off-road price; and the price at which that diesel was supplied.

That information requirement has caused concern because distributors are required to disclose commercially sensitive information that may be used to solicit their clients. To alleviate that, the proposed amendment would remove the requirement for an authorised distributor to provide the supplier with these details.

The second amendment to the Act would allow holders of off-road diesel user certificates to obtain a supply of diesel at the off-road price if that diesel is to be used within the waters of the exclusive economic zone of Australia. The exclusive economic zone extends to 200 nautical miles from the baselines established under the Commonwealth Seas and Submerged Lands Act 1973. Currently, the Act restricts the usage of such diesel to usage in Western Australia. If any diesel is to be used outside Western Australia, that supply cannot be obtained at the off-road price. The territorial limits of Western Australia generally extend only to three nautical miles out to sea. However, a significant number of local marine diesel users consume diesel fuel outside the state territorial limit.

It is therefore proposed to extend the qualifying boundary under the Act to include the waters within the exclusive economic zone of Australia. As the zone extends considerably further than the territorial limit of Western Australia, the proposed amendment will allow most shore-based marine diesel users in this State to obtain a supply of diesel at the off-road price, as they did under the former state business franchise fee arrangements.

Part 3 would amend the Stamp Act to ensure that duty continues to apply to share buybacks and to restore the stamp duty exempt status of certain crown land transfers.

Turning to the first of these changes, a share buyback involves a company purchasing shares in itself. A share buyback is generally prohibited by the Corporations Law except in very specific and tightly controlled circumstances. In this State, stamp duty is paid on a conveyance or transfer of marketable securities or rights in respect of shares. Accordingly, where a share buyback has occurred, stamp duty has been charged on the conveyance or transfer of the shares. However, a recent decision of the Victorian Supreme Court effectively changed the legal interpretation of the word "transfer". The court found that a share buyback is not a transfer in a legal sense as no rights are transferred to the transferee. As stamp duty is payable on a transfer of shares, it follows that stamp duty cannot be charged if a transfer does not exist.

Legal advice received by the State Revenue Department indicated that the Victorian court's finding would be equally applicable to Western Australia. Prior to the court's decision, stamp duty had been assessed and paid on such transactions. The amendments contained in this Bill seek to restore certainty and to address the revenue loss which would otherwise arise if buybacks of shares could be pursued without the payment of duty.

Leaving this problem unaddressed would leave open a range of potential tax planning opportunities to enable persons to convey ownership of companies with the payment of little or no duty. Furthermore, consistent with the Government's announcement of 11 May 1998, it is proposed that these amendments have equal application to a share buyback carried out before, on or after the day on which the amendments commence. These changes will not impose new obligations on companies involved in buyback transactions, but rather will restore the position existing prior to the Victorian Supreme Court's decision.

The second measure seeks to restore the stamp duty exempt status of certain crown land transactions that were inadvertently removed by consequential amendments made to the Stamp Act by the Acts Amendment (Land Administration) Act 1997. The amendments proposed in this Bill will have retrospective application from 30 March 1998, the date of commencement of those changes.

The Acts Amendment (Land Administration) Act made consequential amendments to various statutes, including the Stamp Act, to facilitate the commencement of the Land Administration Act 1997. The intent of the amendments made to the Stamp Act was to remove the previous broad stamp duty exemption available to all grants of freehold estates in crown land and

replace it with narrower, more specific exemptions. However, certain crown land dealings were overlooked when the stamp duty exemptions were formulated, and it is now necessary to restore the exemption available to those particular transactions. Accordingly, it is proposed to provide an exemption for certain transactions that were commenced pursuant to the Land Act 1933 or the Land Acquisition and Public Works Act 1902 and were not completed before the relevant parts of those Acts were removed by the Acts Amendment (Land Administration) Act. More specifically, exemptions are proposed for -

land amalgamations that were undertaken to dispose of unwanted crown land;

crown land that was offered in exchange for private land that had been compulsorily taken, purchased or acquired by the Crown for public purposes; and

conditional purchase leases over crown land that were designated as special settlement lands to assist with the development of agricultural activities in this State.

A transitional exemption will be provided to such transactions because they were all commenced before the former stamp duty exemption was removed. As the transactions were entered into in good faith and with the expectation that they would be free from duty, it would, therefore, be unjust to impose duty upon the completion of these transactions.

Grants of mining tenements were also exempt from stamp duty under the former exemption for grants of crown land contained in the third schedule of the Stamp Act. However, with the removal of that exemption, grants of mining tenements inadvertently became liable to stamp duty. To restore the previous position, it is proposed to provide a stamp duty exemption for any grants of mining tenements made pursuant to the Mining Act. Members should note that transfers of mining tenements have always been subject to stamp duty and no exemption will be provided for them.

Finally, the Land Administration Act provides the Crown with the authority to compulsorily acquire or take land from private land-holders in the public interest. In those circumstances, the Crown may offer land-holders an estate in crown land in exchange for the acquisition of their land. Where the Crown compulsorily takes the land of a land-holder, the land-holder may be compensated for the loss of an interest in his land by receiving -

an interest in crown land upon the request of the landowner that the compensation be provided in a form other than money;

a grant from the Minister for Lands of an easement or any other interest, right, privilege or concession in relation to the land that is designated for the public work;

a grant, by court order, of an easement or any other interest, right, privilege or concession in relation to the land that is designated for the public work; or

a grant from the Minister for Lands of an interest in crown land that is surplus to the Crown's needs.

If a landowner receives an estate or interest in crown land as compensation for land that is compulsorily acquired or taken by the Crown, he will be at a financial disadvantage to those landowners who receive compensation in the form of cash, due to the stamp duty applicable to the land granted or transferred. To address this inequity, the proposed amendment seeks to provide an exemption for the transfer or grant of an estate or interest in crown land in those circumstances.

I commend the Bill to the House and, for the information of members, table the associated explanatory memorandum.

[See paper No 415.]

Debate adjourned, on motion by Hon N.D. Griffiths.

POLICE AMENDMENT BILL

Assembly's Message

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

ACTS AMENDMENT (VIDEO AND AUDIO LINKS) BILL

Returned

Bill returned from the Assembly without amendment.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.17 pm]: I move -

That the House do now adjourn.

Wittenoom, Western Power - Adjournment Debate

HON MARK NEVILL (Mining and Pastoral) [5.18 pm]: I received a telephone call this afternoon relating to an incident that occurred on Tuesday when a Janet Williams telephoned Western Power to get bills for the power to her house in Wittenoom sent to her. She had moved into this house on 19 May. Ownership was transferred to her on 1 July 1998. Later, a Geoff Pearson rang her to say that Western Power would not supply power to her house. Mr Pearson said he would call back. He called back later to say that at 10.00 am the following day, Wednesday, the power to her house would be cut off. This woman obviously had a freezer and a refrigerator and so on. The policy of Western Power has been not to disconnect houses and not to connect new houses in Wittenoom. A number of transfers of connections and accounts have taken place in Wittenoom since 1996. This is absolutely unprecedented. It is a change in policy, it would appear, that has not been relayed to anyone. Western Power is behaving badly in this situation.

Last year a report entitled "Malignant Mesothelioma in Western Australia 1960-1994" was prepared. The author of that report was a Dr Tim Threlfall. He repeated in that report a number of statements that have clearly been proved incorrect since 1990. The Health Department had predicted that mesothelioma among former Wittenoom residents and workers would reach a peak in 2020. Back in 1990 I asked a series of questions in this House in which I said that it should be peaking about now. What has happened is that since 1990 it has actually been dropping, as I and Alan Rogers had predicted. I predicted that before any other professional papers had been published.

Two or three years later, Professor Berry and Alan Rogers published papers in international journals stating that the incidence of mesothelioma would drop. The graph of actual incidence of mesothelioma is now in the lower 2.25 percentile of the Health Department's predictions. We still have them going up until 2020, when most of those miners will be dead and buried, and that is only half - that is the top of the bell curve - and they are still repeating those absolute fallacies. I wrote to Dr Threlfall, stating -

Dear Dr Threlfall

Thank you for the recent copy of "*Malignant Mesothelioma in Western Australia 1960-1994*" which I have just read. I am pleased to see the Health Department of WA is considering the nonsensical predictions of mesothelioma made back in the late 1980s. Those predictions were never going to be reached. This was pointed out by me in Parliament in the early 1990s.

I will skip the next two paragraphs. The letter went on to state -

I have for a number of years been trying to get the Health Department of WA to acknowledge this problem but they still quote these inflated figures. These incorrect predictions should have been acknowledged back in 1991 when the error was highlighted.

On reading your report, I would ask you what evidence you have that there is a significant risk of current residents or visitors to Wittenoom contracting mesothelioma?

Your claim on page 18 that the downward trend in Wittenoom-associated fraction of mesothelioma cases is as a result of reduced number of persons moving through the townsite as a result of its closure - is absolute nonsense. The town hasn't closed. The reduced exposure to asbestos in the area occurred when the mine closed in 1966. The population dropped and the airborne fibre levels significantly dropped because of the cessation of mining and milling and the cartage of asbestos through the town. What figure 6 shows is that the risk after 1966 is really not significant and the downward trend in environmental mesotheliomas from Wittenoom is a carry-over from the mining days and the latency effects of around 30-40 years observed with mesothelioma. The attempted closure of the town since 1978 has had an insignificant effect on the number of mesotheliomas observed in your figures or that will be observed in the future. To suggest otherwise is self-serving nonsense.

I also chastised him for not including in his comprehensive report the paper that Alan Rogers and I wrote or the report. They were completely ignored, even though we had been proved correct. Dr Threlfall wrote back to me in October last year stating that Dr Musk from Sir Charles Gairdner Hospital would respond to the letter. It still has not been responded to. I attached to the back of that letter a graph showing the Health Department's predictions going through the roof, Roger's predictions in 1992 and Berry's predictions in a 1991 paper, and my predictions were that they should have peaked in 1990, which is exactly what happened.

Hon Derrick Tomlinson: How did your predictions compare with the others?

Hon MARK NEVILL: Mine were spot-on. I did a very simple exercise.

Hon Derrick Tomlinson: How did they compare with the others? Were you more accurate than they?

Hon MARK NEVILL: I just said that they would peak in 1990. Rogers and Berry actually had trends coming off from 1990, so it is not entirely comparable. They are both right. They both predicted slightly higher than the numbers that

actually occurred. The Health Department's predictions are an order or two higher. It is clear from the evidence that there is an insignificant health risk to visitors to and residents of Wittenoom. Most people in government are scared of the legal risk, but the Health Department has never acknowledged the results that have occurred in the past 10 years which show that it is incorrect. There is nothing wrong with being incorrect, but when it is obvious one acknowledges it. Much of its work was very good, but it is clear that the risk does not exist as the Health Department predicted.

On Tuesday and Wednesday, Western Power refused to transfer a connection to a young woman who had bought a house in Wittenoom, without any public discussion of that change of policy. That poor woman must now appeal to the Supreme Court for an injunction, at immense cost to herself. It is unfair, unreasonable and un-Australian for that to occur. Western Power should back off and transfer the connection as it has done with other connections since 1996. We are all prepared to cop no new connections until we see how the risks evolve over the coming years. That woman telephoned Western Power to ask for the account to be transferred to her. It rang her back and said, "Your power will be cut off at 10.00 am tomorrow." Imagine the temperature in Wittenoom. There is no shop there, so she probably has a month's supply of frozen food in her freezer. It is a classic case of insensitive bureaucracy. A few people should put themselves in the place of other people and ask, "Would I like someone to treat me like that?" The answer is clearly no. The Government, to my knowledge, has not changed its policy on Wittenoom, so I do not see why Western Power should arbitrarily take it upon itself to rewrite the Government's policy. I ask the Leader of the House to draw the matter to the attention of the Minister for Energy and get Western Power to desist from its current action. I seek leave to table the paper.

Leave granted. [See paper No 416.]

Question put and passed.

House adjourned at 5.26 pm

QUESTIONS ON NOTICE

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

MR BARRY MacKINNON

Membership of Government Boards

166. Hon KEN TRAVERS to the Leader of the House representing the Premier:

With regard to former Liberal Party MLA Mr Barry MacKinnon -

- (1) Is Mr MacKinnon a member of any Government boards?
- (2) If yes to (1) above -
 - (a) what Government boards is Mr MacKinnon a member of;
 - (b) what positions does he hold;
 - (c) when was he appointed to these boards;
 - (d) when do his appointments cease;
 - (e) what remuneration does he receive for these positions; and
 - (f) what specific skills and background does Mr MacKinnon possess in relation to each board?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) (a)-(f) Mr Barry MacKinnon is involved in the following:

Chairperson, Disability Services Commission Board
First appointed on 23/12/1993. Current term is due to expire on 23/12/1999
Chairperson fees \$32,000 per annum

Member, Government House Foundation Council
Term expires on 4/5/2000
No fees paid

Chairperson, Western Australian Fire Brigades Board
First appointed 1/7/1996. Current term due to expire on 19/10/1999
Chairperson fees \$25,000 per annum

Mr MacKinnon's accounting background, his experience as a Government Minister, Leader and Deputy Leader of the Opposition, representing the constituents of the seat of Murdoch for 16 years and his extensive involvement in the disabilities field make him very well suited to undertake the above roles.

MR BARRY MacKINNON

Government Consultancy Contracts

167. Hon KEN TRAVERS to the Leader of the House representing the Premier:

In relation to former Liberal Party MLA Mr Barry MacKinnon -

- (1) Has Mr MacKinnon or his company, Barmac Consulting, been employed by the Government since June 30, 1996?
- (2) If yes to (1) above -
 - (a) what consultancy contracts have Mr MacKinnon and/or Barmac Consulting received since June 30, 1996;
 - (b) what work did the contracts involve;
 - (c) what remuneration did they receive; and
 - (d) what were the terms of employment?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) (a) Water and Rivers Commission.
(b) Provided advice to the Commission on its operations, legislative programmes, training and advice on stakeholders' issues and the management thereof.

- (c) Year ended 30th June 1997 \$18,000
- Year ended 30th June 1998 \$2,580
- (d) Consultancy contract.
- (a) Esperance Port Authority.
- (b) Providing advice on legislation and stakeholder issues
- (c) Year ended 30th June 1997 \$420
- (d) Consultancy contract
- (a) Public Sector Management Office.
- (b) Participation in senior executive development courses.
- (c) Year ended 30th June 1997 \$500
- Year ended 30th June 1998 \$500
- (d) Consultancy contract.

MR PETER JONES

Membership of Government Boards

171. Hon KEN TRAVERS to the Leader of the House representing the Premier:

With regards to former Liberal Party President Mr Peter Jones -

- (1) Is Mr Jones a member of any Government boards?
- (2) If yes to (1) above -
 - (a) what Government boards is Mr Jones a member of;
 - (b) what positions does he hold;
 - (c) when was he appointed to these boards;
 - (d) when do his appointments cease;
 - (e) what remuneration does he receive for these positions; and
 - (f) what specific skills and background does Mr Jones possess in relation to each board?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) (a)-(e) Mr Jones is:

Chairman, Board of Directors, Water Corporation. He was appointed on 4 December 1995 and his current term expires on 31 December 1999. Chairman fees \$75,000 per annum.

Chairman, Steering Committee for Policy/Justice Core Functions Project. He was appointed on 1 January 1997 which is due to conclude within the next 6 months. Chairman fees \$29,000 per annum.

This committee is not technically a board or a consultancy, but has been listed for reasons of transparency.
- (f) Mr Jones is considered highly suited to hold these positions in view of his extensive government and Ministerial experience, his leading involvement in the corporatisation and establishment of the Water Corporation, his commercial experience in the private sector over many years, and the chairmanship and directorships of several boards.

MR PETER JONES

Government Consultancy Contracts

172. Hon KEN TRAVERS to the Leader of the House representing the Premier:

In relation to former Liberal Party President Mr Peter Jones -

- (1) Has Mr Jones, or any company he is associated with, undertaken any consultancy work for the Government since June 30, 1996?
- (2) If yes to (1) above -
 - (a) what consultancy contracts has Mr Jones received since June 30, 1996;
 - (b) what work did the contracts involve;
 - (c) what remuneration did he receive; and
 - (d) what were the terms of employment?

Hon N.F. MOORE replied:

(1)-(2) Yes - see response to Parliamentary Question 171.

COMMITTEES AND BOARDS

Meetings and Code of Conduct

189. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Regional Development:

In relation to appointments to the governing board of each of the following bodies -

- (a) Kimberley Development Commission;
 - (b) Gascoyne Development Commission
 - (c) Wheatbelt Development Commission;
 - (d) South West Development Commission;
 - (e) Mid West Development Commission;
 - (f) Peel Development Commission;
 - (g) Pilbara Development Commission;
 - (h) Great Southern Development Commission; and
 - (i) Goldfields Esperance Development Commission -
- (i) what is the attendance record at meetings of the board of each member in the last financial year;
 - (ii) how frequently is the board required to meet;
 - (iii) how frequently did the board meet in the last financial year;
 - (iv) what procedures govern the conduct of the business of the board;
 - (v) are these procedures in written form;
 - (vi) are minutes taken of each board meeting;
 - (vii) to whom are those minutes distributed;
 - (viii) has the board a "code of conduct" or "code of ethics" to govern the conduct of either members of the board or staff of the organisation;
 - (ix) has the board a register or record of the directorships or other positions held by members which the board uses to determine likely conflicts of interest between members and the organisation;
 - (x) has any member of the board declared any conflict of interest or pecuniary interest during the last financial year;
 - (xi) what procedures apply if a member of the board declared such an interest or if the board determines a member has such an interest;
 - (xii) what induction or other procedures exist to acquaint incoming board members with their statutory obligations and other duties as board members;
 - (xiii) are these induction or other procedures contained in any document or manual; and
 - (xix) if yes, will the Minister table the relevant document?

The answer was tabled. [See paper No 412.]

BOWTELL CLARKE & YOLE'S CONTRACTS

220. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

- (1) Which Government contracts have been awarded to advertising company Bowtell Clarke & Yole since January 1, 1996?
- (2) What were the contracts worth?
- (3) What other companies tendered for these contracts?

Hon N.F. MOORE replied:

I am advised that:

Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

Ministry of the Premier and Cabinet

- (1) Public relations, marketing services and marketing communications services contract no.110697.
- (2) \$1 804.82

Gold Corporation

- (1) (a) Gold Corporation has used Bowtell Clarke & Yole's (BC&Y's) creative production services on a non-contractual basis for many years, and continues to do so.
In addition, in June 1997, BC&Y was awarded a contract to produce the Corporation's quarterly 'Australian Nugget Journal' and the newsletter, 'Australian Numismatic Post', of which there are five issues per year. These arrangements may be terminated by giving three months' notice in writing.
- (b) The Sydney 2000 Olympic Coin Program, a joint venture between the Royal Australian Mint and Gold Corporation, retained BC&Y's creative services for the 1998-99 financial year.
- (2) (a) The contract price for 'The Australian Nugget Journal' is \$4 997 per issue, or \$19 988 per year. BC&Y's fee - after printing, art, scans, negative preparation, couriers, freight, delivery and disbursements - is \$708 per issue, or \$2 832 per year.

The contract price for 'The Australian Numismatic Post' is \$2 043 per issue, or \$10 215 per year. BC&Y's fee - after printing, art scans, negative preparation, couriers, freight, delivery and disbursements - is \$442 per issue, or \$2 210 per year.
- (b) The Sydney 2000 Olympic Coin Program's contract with BC&Y is worth \$360 000 in 1998-99, of which Gold Corporation's share is \$180 000.

Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

Department of Commerce and Trade

- (1) The Department of Commerce and Trade has not awarded a contract to Bowtell Clarke and Yole since 1 January 1996. However, the company secured a contract for ad hoc advertising services from the Department as the result of a public tender in November 1995.
- (2) The contract has resulted in work to the value of

(a)	In 1995-96	\$40 778.81
(b)	In 1996-97	\$49 383.35
(c)	In 1997-98	\$169 406.76

Minister for Resources Development; Energy; Education:

Office of Energy

- (1) Bowtell Clarke & Yole was contracted to develop advertising and promotional material for the Office of Energy, particularly in relation to the House Energy Rating Scheme and energy efficiency programs.
- (2) Since 1 January 1996, the total amount paid to Bowtell Clarke & Yole by the Office of Energy for this contracted work is \$33 264.90.

Western Power

- (1) Western Power's Professional Advertising Services.
- (2) \$36 338.58.

Minister for Primary Industry; Fisheries:

Golden Egg Farms

- (1) Awarded in 1994 and continues to this date.
- (2)

01/01/1996 to 30/06/1996	\$111 433
01/07/1996 to 30/06/1997	\$146 180
01/07/1997 to 30/06/1998	\$234 166

Potato Marketing Corporation of WA

- (1) Awarded prior to 1 January 1996 and continues to this date.
- (2)

01/01/1996 to 30/06/1996	\$47 721
01/07/1996 to 30/06/1997	\$207 472
01/07/1997 to 30/06/1998	\$227 931

Minister for Mines; Tourism; Sport and Recreation

Ministry of Sport and Recreation

- (1) (i) Design, concept and pre and post production services for Junior Sport Television commercials - March 1996.
- (ii) Design, production and printing of 3000 x A2 posters and 3000 x A3 posters to promote junior sport - April 1996.

- (2) (i) \$4 971.88
- (ii) \$5 683.89

Minister for Transport:

Main Roads Western Australia

- (1) Two contracts were awarded.
- (2) \$3 996 and \$1 939.

Minister for Finance; Racing and Gaming:

- (1) Insurance Commission of Western Australia's "Fraud Hotline" campaign (in August 1998).
- (2) \$25 000.

Minister for Police; Emergency Services:

WA Police Service

- (1) Bowtell Clarke & Yole have been awarded one contract through the WAPS Supply Branch since January 1, 1996.
- (2) \$3 250 for 25 000 immobiliser rebate application forms.

Minister for Works; Services; Citizenship and Multicultural Interests; Youth:

Department of Contract and Management Services

- (1) The only contract awarded by the Department of Contract and Management Services to advertising company Bowtell Clarke & Yole since January 1, 1996 was to appoint them to the Public Relations, Marketing, and Marketing Communications Services Panel Contract on 23 April 1998.
- (2) The value of the panel contract is estimated at approximately \$5 million per annum.

All Ministers, Agencies and Departments

- (3) Details of unsuccessful tenders shall remain confidential in accordance with State Supply Commission Policy 1.3 "Quotations and Public Tenders".

MT CHARLOTTE REWARD MINE, WILLIAMSTOWN RESIDENTS CONCERNS

391. Hon GIZ WATSON to the Minister for Mines:

With regard to the proposed mining by KCGM of the Mount Charlotte Reward and Northern Ore- body -

- (1) Has the approval to implement the proposal under the *Mining Act 1978* been sought or granted?
- (2) If yes, when will it be implemented?
- (3) Why has the Deputy State Mining Engineer said (via letter to the residents of Williamstown) that the Department of Minerals and Energy has no role to play in this proposal at this time when the ER document stated that "approval to implement the proposal under the *Mining Act* is also sought"?
- (4) Has the Minister sent letters to residents of Williamstown indicating his sympathy to their concerns?
- (5) Will the Minister ensure that the residents concerns will be addressed by the DME prior to the department's approval to implement the proposal under the *Mining Act 1978* being sought or granted?

Hon N.F. MOORE replied:

- (1) Approval to implement the proposal has been sought but not granted.
- (2) Not applicable.
- (3) No involvement in the proposal by Department of Minerals and Energy will take place until and unless the Minister for the Environment makes a decision following the Review.
- (4) Yes. I have sympathised with the residents at having to wait for the outcome of the environmental assessment before their concerns regarding the proposed mining operations could be addressed.
- (5) The Department of Minerals and Energy will take cognisance of the conditions imposed by the Environmental Protection Authority, in processing the application for the development by Kalgoorlie Consolidated Gold Mines.

CABLE SANDS (WA) PTY LTD, MINERAL EXPLORATION REPORTS

410. Hon J.A. SCOTT to the Minister for Mines:

- (1) Has Cable Sands (WA) filed any mineral exploration reports as detailed in Section 115A of the *Mining Act 1978* with the department for exploration leases E70/398 and E70/589?

- (2) If yes, will the Minister table those reports?
- (3) If no, why not?
- (4) Has Cable Sands (WA) failed to comply with the *Mining Act 1978*?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) The release of those reports or information contained within those reports is controlled by Regulation 96 of the *Mining Act 1978*. While the tenements are current, the reports and the contained information are confidential and can only be released with the written consent of Cable Sands (WA).
- (3) Not applicable.
- (4) Cable Sands (WA) has complied with Section 115A of the *Mining Act 1978*.

CABLE SANDS (WA) PTY LTD, RECORDS OF SURVEYS

411. Hon J.A. SCOTT to the Minister for Mines:

- (1) Are mining companies required under Section 68 of the *Mining Act 1978* to keep complete and detailed records of surveys and operations conducted pursuant to an exploration licence?
- (2) Has Cable Sands (WA) kept complete records of the surveys and geological sampling carried out in mining exploration leases E70/398 and E70/589?
- (3) If not, why not?
- (4) If yes, will the Minister table a copy of those records?

Hon N.F. MOORE replied:

- (1) Yes.
- (2)-(3) I have not requested such information under the provisions of Section 68 from Cable Sands (WA), however annual technical reports for those exploration licences have been submitted to the Department of Minerals and Energy under Section 115A.
- (4) The release of such records is controlled by Regulation 96 of the *Mining Act 1978*. While the tenements are current, the reports and the contained information are confidential and can only be released with the written consent of Cable Sands (WA).

CADETSHIP SCHEME FOR ABORIGINAL STUDENTS

413. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

- (1) When will the State Cadetship Scheme for Aboriginal students be advertised?
- (2) How many cadetships will be offered?
- (3) Which State departments will the cadetships be offered in?
- (4) As this scheme has had funds since the beginning of 1997, what has been the reason for the delay in calling for applicants?

Hon MAX EVANS replied:

- (1)-(4) A joint State/Commonwealth agreement between the Ministry of the Premier and Cabinet and the Department of Employment, Education, Training and Youth Affairs (DEETYA) aims to provide a total of 24 cadetships, commencing during the 1998/99 and 1999/2000 financial years. Cadetships are available to university students commencing or continuing their studies and will continue for the time required for each cadet to complete their studies, up to a maximum of 4 years. Cadets are supported by a public sector agency while studying and gain practical experience by working in the sponsoring agency during summer vacations. Once they have completed their cadetships, students will be guaranteed 12 months employment and they may be offered permanent employment by the sponsoring agency.

The cadetships were advertised in The West Australian on 17 October 1998 and information has been distributed to schools and universities. Public sector agencies have been invited to participate in the initiative and to date 10

cadetships have been identified for the 1999 academic year. These are in Agriculture WA, Ministry of Culture and the Arts, Office of the Auditor General, State Revenue, Office of Energy and Rottneest Island Authority.

The joint State/Commonwealth funding agreement was finalised in January 1998. Since that time the priority has been to develop administrative arrangements for the implementation of the agreement. The cadetships are linked to the academic year and the advertising has been timed to allow offers of cadetships to be finalised prior to Christmas, for commencement at the beginning of the 1999 academic year.

DR VICTOR CHAN, CHARGES

421. Hon N.D. GRIFFITHS to the Attorney General:

- (1) With respect to the answers to questions on notice 147 and 311 what is the source of the following comments -
 - (a) "At the clinic the complainant received counselling from a problem pregnancy counsellor";
 - (b) "Notes were made of that service";
 - (c) "The complainant was then introduced to Dr Chan and another medical practitioner who referred to the counselling notes";
 - (d) "The other medical practitioner conducted an examination of the complainant for the purpose of administering a general anaesthetic;
 - (e) "Prior to and during the performance of this operation it was alleged by police that both medical practitioners were of the knowledge that the complainant was in good physical health and the pregnancy would not be a threat to her life"; and
 - (f) "It was further alleged by police that both medical practitioners were of the knowledge that the complainant underwent the operation due to mental stress, an unwanted pregnancy and socio economic grounds?
- (2) Who prepared the prosecution brief?
- (3) When was the evidence in support of the charge first presented to the office of the Director of Public Prosecutions ("DPP")?
- (4) Did the DPP, or a member of the office of the DPP, form a view that the evidence in support of the charge was consistent with a breach of section 199 of *The Criminal Code*?
- (5) When was such a view formed?
- (6) Was a view formed subsequently that the material facts and evidence were not consistent with a breach of section 199 of *The Criminal Code*?
- (7) If so, when and on what basis?
- (8) Does the evidence disclose any defence to the charge?
- (9) If so, what defence?

Hon PETER FOSS replied:

- (1) (a)-(f) The statement of material facts was prepared by police officers. The statement is a series of allegations. Those allegations may be accepted by a defendant by a plea of guilty or put in issue by a plea of not guilty as was the case here.
- (2) Police Officers.
- (3) 1 September 1997.
- (4) Yes.
- (5) 21 January 1998.
- (6) No.
- (7) Not applicable.
- (8)-(9) This would be an opinion on a legal matter.

ARTS GRANTS

423. Hon LJILJANNA RAVLICH to the Minister for the Arts:

- (1) What policies have been implemented to ensure that all grants are assessed against appropriate criteria and/or guidelines and decisions are adequately documented?
- (2) What policies have been implemented to strengthen acquittal processes with documented independent assessments and evidence of grant outcomes?

Hon PETER FOSS replied:

- (1) The Guidelines for the Documentation of Strategic Initiatives and the Checklist for the Assessment Criteria have been introduced to ensure that all grants have adequate documentation. The Auditor General's Office has confirmed these measures satisfactorily address the audit recommendations. [See paper No 413.]
- (2) The Checklist for Acquittal of Grants has been introduced by ArtsWA to provide evidence of grant outcomes. The Auditor General's Office has confirmed that this document satisfactorily addresses the audit recommendations. [See paper No 413.]

SCREEN WEST - FILM PROJECTS REVIEW

424. Hon LJILJANNA RAVLICH to the Minister for the Arts:

- (1) What action has been taken by Screen West to ensure that funding for film projects is fully accountable?
- (2) Has Screen West finalised its review of the acquittal requirements for film projects?
- (3) If not, why not?
- (4) If yes, will the Minister table the review?
- (5) Given the findings in the Auditor General's Report "*Controls, Compliance and Accountability Audits 1998*", is the Minister confident that moneys are being used in accordance to grant conditions and are achieving intended outcomes?

Hon PETER FOSS replied:

- (1) ScreenWest has ensured that funding for film projects is fully accountable by:
 - (a) fully reviewing its precedent Agreements with a view to (inter alia) tightening acquittal procedures;
 - (b) restructuring its funding program; and
 - (c) reviewing its assessment and administrative procedures.
- (2) ScreenWest has finalised its review of the acquittal requirements for film projects.
- (3) Not applicable.
- (4) No. It is not in the form of a report. However, it has involved the overhaul of ScreenWest's 12 precedent Agreement documents. These documents can be made available to the Hon Member if required.
- (5) Moneys are being used in accordance to grant conditions and are achieving intended outcomes pursuant to the findings of the Auditor General's Report, "*Controls, Compliance and Accountability Audits 1998*".

DEPARTMENTS AND AGENCIES - ANNUAL AND LONG SERVICE LEAVE LIABILITY

451. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Public Sector Management:

I refer to page 31 of the Auditor General's report "*Controls, Compliance and Accountability Audits 1998*" and ask -

- (1) Which departments and agencies have not provided data to the PSMO outlining the liability for employee annual and long service leave entitlements?
- (2) What policies are being implemented to reduce the annual and long service leave liability?
- (3) Given that the Public Sector Management Office has already provided a report "*Effective Leave Management - Strategies and Options*", what action will be taken to ensure Government agencies are effectively managing the clearance and/or payouts of annual and long service leave entitlements?
- (4) When will the report "*Profile of the Western Australian State Government Workforce - June 1998*" be tabled?

Hon MAX EVANS replied:

- (1) In 1998 the agencies which have not provided data to the Ministry of the Premier and Cabinet are:

Ministry for Culture and the Arts (other than LISWA and Museum)
Hedland College
Karratha College
Department of Land Administration

Agencies with less than 100 FTEs and entities not subject to the Public Sector Management Act are not required to provide leave liability data to the Public Sector Management Division of the Ministry of the Premier and Cabinet.

- (2)-(3) The need to better manage leave liability was brought to the attention of Chief Executive Officers (CEOs) in Circulars to Ministers No. 10/96 and No. 7/97.

Guidelines on managing leave liability were outlined in the publication "Effective Leave Management" published by the then Public Sector Management Office and distributed to CEOs under cover of a memo from the Premier in August 1997.

Circular to Ministers No. 5/98 advised that "all CEOs will be required to reduce their agency's leave liability by 10% compared to the figure published in the 1998/99 budget papers by no later than 30 June 1999".

Individual CEOs are responsible for managing leave liability within their own agencies and are required to take into account the financial and productivity effects of leave being taken or payment in lieu being granted.

- (4) It is anticipated that the "Profile of the Western Australian State Government Workforce: June 1998" will be published early in 1999.

MINING - OPTIMUM RESOURCES

492. Hon TOM HELM to the Minister for Mines:

I refer to a letter dated April 15, 1998 departmental reference 712/97 signed by Mr L C Ranford, Director General and a limited inspection only by Mr Bill Biggs which I understand occurred on August 27, 1997 on P26/1848 and P26/1858 -

- (1) Did Mr Bill Biggs from the Department of Minerals and Energy state verbally to three agents/representatives of Optimum Resources on August 27, 1997 "Obviously I've run out of time to look at all your evidence in the three boxes that you have here. I will speak to Lee Ranford with a view to returning to Kal for 1-2 days to look at all your evidence along with further site inspections to support your complaints"?
- (2) If yes, can the Minister explain why Mr Bill Biggs did not return to Kalgoorlie for 1-2 days to look at and investigate all of the evidence, including the three boxes of evidence that was available on August 27, 1997 including further site inspections to support the complaints?

Hon N.F. MOORE replied:

- (1)-(2) The Hon Member has raised issues which have been extensively investigated and dealt with in the past. I consider that further expenditure of resources in re-visiting these matters cannot be justified. Any residual concerns that may exist regarding these matters should be referred to the Ombudsman for investigation as this avenue has been established by the Government to address such matters.

MINING - OPTIMUM RESOURCES

493. Hon TOM HELM to the Minister for Mines:

I refer to a Mining Operations Division File Note of Meeting dated July 28, 1997 signed by Eugene Bouwhuis and Alan Holmes with the subject being Elevated Groundwater Levels Causing an Inconvenience to the Holders of Prospecting Licences 26/1848 and 26/1858 (held by Optimum Resources Pty Ltd) -

- (1) Can the Minister state for each of the "inconveniences" which have been listed on pages 2 and 3 which is (i) - (viii) state for each one listed why the department does not regard them as a breach of Regulation 98 of the *Mining Act 1978* and Regulations?
- (2) If no, can the Minister explain why?

Hon N.F. MOORE replied:

- (1)-(2) The Hon Member has raised issues which have been extensively investigated and dealt with in the past. I consider that further expenditure of resources in re-visiting these matters cannot be justified. Any residual concerns that may

exist regarding these matters should be referred to the Ombudsman for investigation as this avenue has been established by the Government to address such matters.

496. Hon TOM HELM to the Minister for Mines:

I refer to a briefing note with the title "Question on Notice 3974" dated October 25, 1995 signed by K R Perry, Director General -

- (1) Is the statement "The matters in question have been extensively investigated by the three Government departments (DEP, Water Resources and DME) involved and in addition has been the subject of investigation by the Ombudsman which to date has indicated that all the Departments involved have carried out their duties in a professional manner" truthful and correct?
- (2) If not, can the Minister state why?

Hon N.F. MOORE replied:

- (1)-(2) The member has raised issues which have been extensively investigated and dealt with in the past. I consider that further expenditure of resources in re-visiting these matters cannot be justified. Any residual concerns that may exist regarding these matters should be referred to the Ombudsman for investigation as this avenue has been established by the Government to address such matters.

DEFAMATION LAWS - AUSTRALIAN PRESS COUNCIL'S SUBMISSION

505. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Is the Minister in receipt of a submission from the Australian Press Council dated October 13, 1998 with respect to "The aim of achieving uniform defamation laws throughout Australia"?
- (2) What is your response to the submission?

Hon PETER FOSS replied:

- (1) Yes.
- (2) I have, by letter dated 23 October 1998 to the Chairman of the Australian Press Council, indicated that I have noted the matters raised in the Council's submission (including the Council's recommendation that SCAG should resume discussions with the aim of achieving Uniform Defamation Laws throughout Australia as quickly as possible) and that I will keep in mind that recommendation and the supporting reasons in the Council's submission when the Council's request is considered by SCAG.

INSURANCE FRAUD - REPORTS TO INSURANCE COMMISSION OF WA

522. Hon LJILJANNA RAVLICH to the Minister for Finance:

In relation to the "Help get the bludgers off our backs" campaign -

- (1) Are all Crime Stoppers reports on perceived insurance fraud referred to the Insurance Commission of West Australia ("ICWA")?
- (2) If yes, what does ICWA do with reports which do not relate to their agency?
- (3) If no, what is the fate of those reports not referred to ICWA?

Hon MAX EVANS replied:

- (1) Yes.
- (2) At this stage, all reports are held by the Insurance Commission of WA.
- (3) Not applicable.

FREMANTLE EASTERN BYPASS ENVIRONMENTAL ASSESSMENT 1996 - TABLING

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

Further to question on notice 358 of September 17, 1998, will the Minister for the Environment table the report titled "Fremantle Bypass Eastern Bypass environmental assessment 1996" listed as a reference in B J Keighery's Clontarf Hill inspection report?

The answer was tabled. [See paper No 411.]

QUESTIONS WITHOUT NOTICE

POINT JAMES, NEW PORT

475. Hon N.D. GRIFFITHS to the Minister for Transport:

I refer to the minister's answer yesterday to a question about a new port at Point James.

- (1) What was the closing date for tenders which were called in April?
- (2) Has the preferred tenderer been selected?
- (3) Who is the preferred tenderer?
- (4) When is construction of the port now likely to commence?

Hon M.J. CRIDDLE replied:

- (1)-(4) The evaluation select committee is finalising its examination of the proposals for a private port facility in the vicinity of Naval Base and Kwinana. It is expected to report to me in the near future and I will announce my decision when I have considered its recommendations.

ABROLHOS ISLANDS, SEAPLANE OPERATIONS

476. Hon GIZ WATSON to the minister representing the Minister for Fisheries:

Further to question without notice 957 of 11 November 1997, and letter reference No 63062 from the minister to me -

- (1) Can the minister supply a copy of the strategy to minimise the impact of seaplane operations on local wildlife at the Abrolhos Islands that was reached in agreement with the Department of Transport and the air charter company in December 1997?
- (2) Has the strategy been implemented?
- (3) Is the strategy working in the manner intended?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The Minister for Fisheries has advised that the following actions have taken place with regard to the impact of seaplane operations on wildlife at the Abrolhos Islands.

- (1) A verbal agreement was reached between Fisheries WA and Shine Aviation in December 1997 on a strategy to minimise the impact of seaplane operations on local life at the Abrolhos Islands. The agreement required that Shine Aviation operate the seaplane under the following conditions -
 - no flights over Pelsaert Island in the southern group and Wooded and Morley Islands in the eastern group, which are important seabird nesting areas.
 - all manoeuvring during take-off and landing at a reasonable distance from all islands so as to avoid the disturbance to all island wildlife.
 - landing at a reasonable distance from sea lion breeding areas and haul-out beaches to avoid disturbing these areas.
- (2) Yes.
- (3) Indications are that the strategy is working effectively.

PERTH-MANDURAH RAILWAY PLAN

477. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Has the Government's master plan for the Perth-Mandurah railway been completed?
- (2) If yes, when will the plan be tabled?
- (3) If not, when will it be completed?

Hon M.J. CRIDDLE replied:

- (1)-(3) The intention is for that master plan to be announced in the new year. When the Government receives that recommendation, it will look into it.

LANE BLOCK, LOGGING

478. Hon NORM KELLY to the Leader of the House representing the Minister for the Environment:

In relation to the logging of Lane block -

- (1) Is there an exclusion zone of 100 metres radius around two trees which contain protesters on platforms?
- (2) Is the minister aware that Bunnings employees have driven machinery up to the base of one of these trees and scrub-rolled within the exclusion zone?
- (3) Is the minister aware that Bunnings employees are allowed by the Department of Conservation and Land Management to take family and friends into the temporary control area?
- (4) Does the minister approve of these actions?
- (5) If not, what action will the minister take against Bunnings or the Department of Conservation and Land Management employees for these provocative actions?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. Providing the information in the time required is not possible. I request that the member place the question on notice.

GRIFFIN COAL, APPRENTICES

479. Hon J.A. COWDELL to the minister representing the Minister for Employment and Training:

- (1) Is the minister aware that Griffin Coal, which has orders to supply over two million tonnes of coal to Western Power, is not taking on apprentices in 1999 for the second year in succession?
- (2) Does the Government have a policy to encourage state suppliers to become involved in youth training programs?
- (3) What steps will the Government take to improve skills training in the Collie area by ensuring reversal of Griffin Coal's apprenticeship policy?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Department of Training's records systems confirms that Griffin Coal did not take on apprentices in 1998.
- (2)-(3) Yes, in regard to building and construction tenders let by the Department of Contract and Management Services - valued at over \$100 000 - and by Homeswest - valued at over \$150 000.

This requirement is stipulated in the preferential tendering policy. This policy requires successful tender applicants to employ apprentices, the number varying according to the type and amount of the tender. The policy does not require successful tender applicants to recruit the additional apprentices if they already employ a suitable number of apprentices, as the employment of apprentices demonstrates a commitment to training and skills development. No training and skills development is required for major government tenders not covered by the preferential tendering policy, including the contract between Griffin Coal and Western Power. The current preferential tendering policy is being assessed with a view to extending the policy to accommodate new apprenticeships and to include other major state government contracts. A recommendation will be put to Cabinet in the near future.

POLICE ACADEMY, JOONDALUP, PLANS

480. Hon RAY HALLIGAN to the minister representing the Minister for Police:

- (1) Has planning of the new Joondalup police academy been completed?
- (2) If so, can plans of the new centre be made available for viewing by the public?
- (3) What is the budgeted total cost of the academy?
- (4) When will it be completed?
- (5) How many students will it cater for?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) No.

- (3) \$35m.
- (4) It is anticipated the academy will be completed by the end of the year 2000.
- (5) Approximately 300 recruits and police officers undergoing in-service training.

ENVIRONMENTAL PROTECTION AUTHORITY, COMPLIANCE REPORT ON CALM

481. Hon HELEN HODGSON to the Leader of the House representing the Minister for the Environment:

- (1) Can the minister give an assurance that the compliance report that she is due to receive from the Environmental Protection Authority in relation to the Department of Conservation and Land Management's adherence or lack thereof to ministerial conditions will be publicly released in its original form?
- (2) Will this document be publicly released prior to taking this issue to Cabinet?
- (3) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(3) The standard process with respect to the publication and release of EPA reports will be followed.

GERALDTON PORT, WORKING DAYS LOST

482. Hon KIM CHANCE to the Minister for Transport:

I refer the minister to his answer to my question without notice 447 on Tuesday this week in which he said in part -

It is not about union membership or non-union labour; it is about guaranteeing continuity of operations on the docks through direct negotiation between worker and employer.

Is it not a fact that the number of working days lost at the port of Geraldton since World War II number no more than a handful? Why is the guarantee of continuity of such importance that he will dismantle the integrated port labour force to achieve it?

Hon M.J. CRIDDLE replied:

The Geraldton Port Authority has made changes which it believes will have real economic benefit to the region. Port authorities around Western Australia are conducting their operation as they see fit. The member will be well aware that the operation in Esperance has changed as workers are now employed under workplace agreements; Albany is arriving at a decision on how to handle its operation; and Bunbury recently sought expressions of interest. Decisions have been, and are being, made by port authorities to comply with the move towards achieving better economic benefits for the regions. I welcome such arrangements.

COCKBURN SOUND, PRIVATE PORT

483. Hon J.A. SCOTT to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Why did the Minister for Commerce and Trade tell the community group Com-Net that the then Minister for Transport had no real intention to build a private port in Cockburn Sound, and that Hon Eric Charlton's statements were simply a way of stirring up the Maritime Union of Australia?
- (2) Does the minister stand by his statement; and, if not, will the minister apologise to Com-Net?
- (3) Was the purpose of the incorrect statement by the Minister for Commerce and Trade to minimise community concern about cumulative environmental impacts of all the proposed industrial developments in Cockburn Sound?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(3) The minister's recollection of the discussions with representatives of Com-Net is different from that portrayed by the member. The minister was able to confirm that there had been interest by the private sector in a call for expressions of interest, but that if the group wanted any further information, it would need to contact the then Minister for Transport. The prospect of the project proceeding was canvassed, as well as the motivation of the minister's seeking to establish a private port in Cockburn Sound. It was also acknowledged that the more militant activities of the MUA might have been motivation for calling for expressions of interest. However, it was never suggested that the call for expressions of interest was a way of "stirring up the MUA".

EDUCATION BUDGET, SHORTFALL

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

In relation to the 1998-99 Education budget, I ask -

- (1) Can the minister confirm that the budget has been projected to blow out by \$40m?
- (2) If yes to (1), what steps has the minister taken to address this problem?
- (3) Can the minister assure the House that the budget shortfall will not be addressed by employing fewer staff and subsequently increasing student to staff ratios?

Hon N.F. MOORE replied:

- (1) It is too early to predict with any certainty the expected budget outturn for 30 June 1999, although an early estimate of \$40m is not unrealistic. Many factors will influence the Education budget over this financial year, such as the common youth allowance, enrolment trends which impact on teacher numbers, and housing and the relocation of demountable classrooms across the State.
- (2) As in all agencies, the Education Department closely monitors its budget and reviews program priorities and expenditures on an ongoing basis.
- (3) Yes, the employment of fewer staff is not under consideration as a budget saving measure. Indeed, the Government recently announced an extra 80 full-time teachers in primary schools next year which will reduce class sizes in the early childhood years. This will mean that all Western Australian primary schools will be staffed to have class sizes of 28 students or fewer in years 1 to 3. It is the first step in fulfilling the Government's commitment to reduce class sizes in those crucial early childhood years to 24 students by 2003.

HOPMAN CUP, UNDERWRITTEN BY WA TOURISM COMMISSION

485. Hon KEN TRAVERS to the Minister for Sport and Recreation:

- (1) Can the minister explain why the Western Australian Tourism Commission underwrites the Hopman Cup by covering the first \$2m of any loss incurred in running the event?
- (2) When, and for what period, did the WATC enter into an agreement with Paul MacNamee to underwrite the event?
- (3) Does the WATC underwrite any other events?
- (4) If yes to (3), which events?

Hon N.F. MOORE replied:

This question relates to the Tourism portfolio.

- (1) Yes.
- (2) The current agreement is from June 1996 to January 1999. The original agreement with Paul MacNamee was undertaken in 1988 for eight years when the Australian Labor Party was the Government for an unlimited liability for any losses - I emphasise "unlimited liability". When EventsCorp had the opportunity to re-negotiate the contract, the underwriting was reduced from the unlimited status to \$2m. However, the need has never arisen for the underwriting to occur, which is good as it could have been very bad news for the Labor Government.
- (3) Only those events which EventsCorp manages.
- (4) The API Rally Australia 1998.

GERALDTON PORT, MARITIME UNION OF AUSTRALIA

486. Hon KIM CHANCE to the Minister for Transport:

I refer the minister again to his answer to my question without notice 447 on Tuesday of this week in which he said in part, "It is not about union membership or non-union labour; it is about guaranteed continuity of operations on the docks through direct negotiation between worker and employer." Has the minister ever discussed or corresponded with the Geraldton Port Authority or its consultants about the concept of ridding the influence of the Maritime Union of Australia from regional WA ports?

Hon M.J. CRIDDLE replied:

I am in an invidious position. I have a writ on me regarding the issue referred to in the question.

The PRESIDENT: The minister says that the question breaches the rules of sub judice, and he knows more about the matter than I do.

Hon M.J. CRIDDLE: We are entering into that area, and I would rather not answer the question.

The PRESIDENT: I accept the minister's statement, although I was not aware of any summons, writ or other such activity.

JERVOISE BAY PROJECT, DIRECTOR

487. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Commerce and Trade:

Some notice was given of the question. In relation to the advertisement for the position of project director of the Jervoise Bay project, I ask -

- (1) Was the advertisement placed in *The West Australian* on 25 March 1998 the one and only advertisement for this important position?
- (2) If yes to (1), why were no other advertisements placed in *The West Australian* or national or eastern states' newspapers for this significant position?
- (3) Why was no closing date mentioned in the advertisement?
- (4) What was the closing date for the position?

Hon N.F. MOORE replied:

- (1)-(2) Yes, the Department of Commerce and Trade has a contract with CP Resourcing Pty Ltd to provide specialists professional services. This contract was let by public tender and was approved by the State Supply Commission. CP Resourcing was asked to provide the services of a project director for the project development phase of the Jervoise Bay project, and was asked to advertise the position. Only one advertisement was placed in Western Australia as a result of the urgency of the requirement for a project director to progress that stage of this important development, and the expectation that the necessary skills would be readily available in the State.
- (3)-(4) No closing date was specified, but CP Resourcing confirmed that no expressions of interest or applications were received following its recommendation to the Department of Commerce and Trade.

The PRESIDENT: Order! Members will be aware that the question before last was asked by Hon Kim Chance to the Minister for Transport, and that the minister in response indicated that the question may breach the sub judice rule. I am not aware of any proceedings before the court at the moment. However, I certainly rely on what the Minister for Transport has said. In order for that rule to be invoked, it is necessary that there be real or substantial prejudice to proceedings before a court. Clearly, the only person in this House who would know whether he has had a writ served on him is the Minister for Transport. That is the reason that I have accepted the comments of the Minister for Transport. I am not aware of the proceedings. However, if the minister says that proceedings exist, I do not question that whatsoever.

REGIONAL FOREST AGREEMENT - EPA'S REPORT

488. Hon J.A. COWDELL to the minister representing the Minister for the Environment:

- (1) When will the Regional Forest Agreement be signed?
- (2) Will the minister release the Environmental Protection Authority's report on the Department of Conservation and Land Management's compliance with the forest management plan prior to the signing of the RFA; and, if not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) As soon as possible.
- (2) Yes.

AUSTRALIND SENIOR HIGH SCHOOL - TRANSPORTABLE CLASSROOMS

489. Hon BOB THOMAS to the Leader of the House representing the Minister for Education:

- (1) How many transportable classrooms are currently sited at Australind Senior High School?
- (2) How many transportable classrooms will be needed for the 1999 school year?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Seven temporary classrooms.
- (2) Three additional temporary classrooms will be installed before the beginning of the 1999 school year, bringing the total to 10.

RALLY AUSTRALIA - WA TOURISM COMMISSION STAFF

490. Hon JOHN HALDEN to the Minister for Sport and Recreation:

- (1) What is the Western Australian Tourism Commission's total financial contribution to the running of the Australian Power Industries Rally Australia event?
- (2) How many staff of EventsCorp are currently devoted towards running API Rally Australia?
- (3) Are these staff costs included when calculating the cost to the Western Australian Tourism Commission of Rally Australia?
- (4) If no, what is the total cost of those staff members devoted to the running of Rally Australia?

Hon N.F. MOORE replied:

Mr President, I seek your guidance. Hon John Halden has just asked the Minister for Sport and Recreation a question. I have the same question asked without notice, of which some notice has been given, from Hon Ken Travers to the Minister for Tourism. The same question has been asked by a different member to a different minister. Is there a problem with the Labor Party, or will it get its act together and ask the right questions of the right minister?

The PRESIDENT: Order! I say to the Leader of the House and members that I made a ruling some weeks ago now that a member cannot ask a question on behalf of another member if that member is in the House. I do not know how many times the question is addressed to ministers. However, at the moment, if it is from Hon John Halden to the Minister for Sport and Recreation, notwithstanding the fact that Hon Ken Travers may have a question which, no doubt, he will not now ask, I have to accept the question as being within the guidelines. My problem is that either a massive coincidence is occurring, where members are writing the same questions in exactly the same terms and addressing them to separate ministers, or some people need to get their filing systems organised.

Hon N.F. MOORE: The matter about which the question has been asked is not the responsibility of the Minister for Sport and Recreation but is the responsibility of the Minister for Tourism. If the House is of like mind, I will consult with the Minister for Tourism and provide an answer.

Hon Ljiljanna Ravlich: That is really clever!

Hon N.F. MOORE: One needs to do something to try to sort out the problems that members opposite create.

The PRESIDENT: Order! I have other members who wish to ask questions.

Hon N.F. MOORE: The answer is as follows -

- (1) The Western Australian Tourism Commission's total financial contribution to the running of the API Rally Australia event is \$2m, with an additional \$500 000 provided in supplementary funding.
- (2) Nine EventsCorp full-time equivalents are devoted to running API Rally Australia.
- (3) Yes.
- (4) Not Applicable.

API Rally Australia 1998 was probably the most successful rally that has been held in the 11 years that the rally has been conducted. It made a marvellous contribution to the Western Australian economy. It is estimated that it resulted in \$20m-worth of economic benefit to the State. I congratulate EventsCorp and the people who organised this rally in the first place; I acknowledge that the first rally was acquired by EventsCorp under the previous Government. That was an excellent decision, and we now have a world class event in Western Australia. One of the good things about the rally is that even though it has been going for 11 years, it is getting better all the time, and I hope that will continue.

WATTLE BLOCK - LOGGING

491. Hon NORM KELLY to the Leader of the House representing the Minister for the Environment:

With regard to the logging of Wattle block -

- (1) Is the minister aware that trees are being felled while protesters are in the immediate vicinity?
- (2) Is this a breach of the Department of Conservation and Land Management's duty of care?

- (3) Can the minister give an assurance that in future no logging operations will be carried out while protesters are known to be in the immediate vicinity?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(3) The minister has advised that CALM, the timber harvesting contractor, the Australian Workers Union and the police have taken every possible precaution to ensure that harvesting is carried out in a safe manner.

MINING AND PETROLEUM PRODUCTION - STATISTICS

492. Hon N.D. GRIFFITHS to the Minister for Mines:

I refer to the minister's media release of 2 November 1998 in which he comments on the release of advanced statistics on 1997-98 mining and petroleum production. When the minister made those comments, was he aware of the observations in the Chamber of Commerce and Industry of Western Australia's publication "Western Australian Economic Review, Winter 1998-99", dealing with Western Australian exports, to the effect that in the second half of 1997-98, there were sharp declines in iron ore of 6.6. per cent, petroleum of 9.2 per cent, liquefied natural gas of 23.8 per cent, and nickel of 4.8 per cent? Have any departmental projections on these matters been prepared for 1998-99; and, if so, when will they be made available?

Hon N.F. MOORE replied:

I did not take it into account; I had not read it. The information was provided to me by the Department of Minerals and Energy, based upon the information that had been provided to it. I guess the member was a bit upset, because it presented a positive future for the Western Australian mining and petroleum industry. Members of the Labor Party get upset when there is good news, because it worries them that people may find out that some tremendous things are happening in this State. They hate the thought of good news and have to find someone who has a different point of view. That is a real shame. I will examine the document to which the member referred, and have some assessment made of the veracity of those figures compared with the information that has been provided to me. It is a pity that members opposite always have to find a negative. They cannot stand any good news. I guess that is the nature of the beast.

LANE AND WATTLE BLOCKS - LOGGING

493. Hon HELEN HODGSON to the minister representing the Minister for Labour Relations:

With regard to the logging of Lane and Wattle blocks -

- (1) Have any requests been made for WorkSafe inspectors to inspect these sites?
- (2) Have any inspections taken place?
- (3) If not, why not?
- (4) If inspections have taken place, will the minister provide the results of such inspections?

Hon M.J. CRIDDLE replied:

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

- (1) Yes.
- (2) No.
- (3) WorkSafe Western Australia is satisfied that the Department of Conservation and Land Management, in consultation with experienced industry personnel, the Australian Workers Union and the police, is ensuring, as far as practicable, that the safety and health of the protesters who are illegally in these areas are not adversely affected.
- (4) Not applicable.

GERALDTON HEALTH SERVICE - FUNDING SHORTFALL

494. Hon KIM CHANCE to the Leader of the House representing the Minister for Health:

- (1) Can the minister confirm a report in a Geraldton newspaper last week that an analysis of the Geraldton hospital accounts had revealed a significant funding shortfall in the hospital's budget?
- (2) Has the Western Australian Health Department provided additional funding to assist the hospital overcome that shortfall?
- (3) If so, how much was this additional funding?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes, an analysis of the Geraldton Health Service accounts has shown a need for additional financial support to meet current budget requirements. However, it is recognised that there are opportunities for the health service to put in place measures which will achieve efficiencies. The impact of such measures is expected to be evident within two years. Any savings associated with these measures will be retained by the health service to invest in improving local service delivery.
- (2) The Western Australian Health Department is currently negotiating with the board of management of the Geraldton Health Service to provide additional funding support.
- (3) The final additional funding figure has not yet been finalised with the Geraldton Health Service board.

MANJIMUP-WARREN DISTRICT HOSPITAL - BUDGET ALLOCATION

495. Hon BOB THOMAS to the Leader of the House representing the Minister for Health:

In relation to the Manjimup-Warren District Hospital -

- (1) What was the budget allocation for the hospital in 1997-98?
- (2) What is the allocation in 1998-99?
- (3) Can the minister confirm that current levels of spending indicate that the hospital will go over budget this financial year?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The total allocation for the Warren-Blackwood Health Service for 1997-98 was \$8 850 100 of which \$3 446 890 was allocated by the health service to the Manjimup-Warren District Hospital.
 - (2) The total allocation for the Warren-Blackwood Health Service for 1998-99 is \$9 619 700 of which \$3 031 500 was allocated by the health service to the Manjimup-Warren District Hospital.
 - (3) Funding of a further \$200 000 is currently being negotiated with the Health Department and is expected to be available in the near future.
-