



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
SECOND SESSION  
1998

LEGISLATIVE COUNCIL

Tuesday, 17 November 1998

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

## **ATTORNEY GENERAL, MINISTER FOR JUSTICE, MINISTER FOR THE ARTS**

### *Performance - Urgency Motion*

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

Dear Mr President

At today's sitting it is my intention to move an Urgency Motion under SO 72 that the House at its rising adjourn until 9.00 am on Thursday, 24th December 1998 for the purpose of discussing the performance of the Attorney General, Minister for Justice and Minister for the Arts with respect to his handling of his portfolio responsibilities.

Yours sincerely

Nick Griffiths, MLC  
Member for East Metropolitan.

To enable this motion to be debated, it will be necessary for four members to indicate their support by rising in their places.

[At least four members rose in their places.]

**HON N.D. GRIFFITHS** (East Metropolitan) [3.38 pm]: I move -

That the House at its rising adjourn until 9.00 am on Thursday, 24 December.

I have a number of concerns about the Attorney General's performance in his capacity as Attorney General, as Minister for Justice and as Minister for the Arts. I will refer to a number of areas, but because of the nature of this debate and the limited time available, my comments for the most part will be very brief. The areas I propose to deal with are not necessarily in a specific order of priority but they are matters of significance. At the very least, the Attorney General owes this House, and therefore the people of Western Australia, an explanation.

I refer first to the Supreme Court. I note recent reports to the effect that a dispute exists between the Attorney General and the Chief Justice. Such reports have the capacity to undermine confidence in our justice system, and they are unseemly. The fact that the Attorney General is reported to be in dispute with the Chief Justice about the appointment of a Supreme Court judge to replace Justice Walsh and the appointment of a new master to replace a recently retired master is a matter of grave concern. It is about time the people of Western Australia's concerns were put to rest and we were advised whether there is a dispute between the Attorney General and the Chief Justice and whether the Supreme Court will get a new judge; and, if so, when.

It is also a question of whether a new master will be appointed; and, if so, when? I raised this matter some weeks ago and received the usual response to the effect that it will be resolved in the fullness of time and these matters must go before the Executive Council. Of course they must, but it is a matter of grave disquiet to read that there has been a significant blow-out, particularly in the civil list of the Supreme Court, from three months in February to six months in September. I note the reported observations of the Chief Justice. I read an extract of *The West Australian* of 12 November which indicated that the appointment of a new judge would have given the court an extra 20 sitting days last month. It is a matter of simple arithmetic.

The next area of concern is the Attorney's handling of legislation and the fact that the Law Society of WA, in particular, complains that the Attorney General does not consult effectively. I would have thought it was fairly reasonable and simple for the Attorney General to consult with the Law Society. I will read part of a letter dated 12 November from the President of the Law Society to the Attorney General in which the president raises the issue of sentencing legislation and writes -

Given the importance of the Bills, the Society is strongly of the view that consultation of the nature and extent which preceded the introduction of the Sentencing Act into Parliament is warranted. The legal profession and I understand the judiciary, has not been given any, or any sufficient opportunity to comment on the Bills. This is highly regrettable.

The House and the people of Western Australia need from the Attorney General an explanation of the subject of the Law Society's accusation. If the Law Society is correct in what it says through its president, the Attorney General should say why it is so. If the Law Society is incorrect, he should point that out.

Matters to do with the Director of Public Prosecutions have recently given rise to expressions of concern. Members of this

House would be familiar with the provisions of the Director of Public Prosecutions Act. Section 25 provides for a general freedom from direction. Section 26 sets out the consultation process. Of course section 27 provides for direction. Under section 29 the Director of Public Prosecutions can furnish the Attorney General with information. In today's *The West Australian* two matters concerning the Director of Public Prosecutions were raised: First, as *The West Australian* puts it, the Director of Public Prosecutions' yesterday dropping a corruption charge, and second, the Director of Public Prosecutions' pointing out that his office should have made the decision earlier; that he recognised that and was reviewing the practices of the office accordingly. That is very welcome, but it is appropriate that the public of Western Australia be informed as to whether and to what extent the Attorney General has been advised of these matters and whether he has played any role in them. If he has, he should tell us about it, and good luck to him. It is not a matter of interfering. The legislation sets out his powers and responsibilities. As far as I am concerned, the primary responsibility of the Attorney General is to provide for confidence in our system of justice. It must be realistic confidence and not make-believe confidence based on a con job.

The other matter concerning the Office of the Director of Public Prosecutions which causes me some concern was raised in an article in *The West Australian* headed "DPP to fight aide's trial bid". The article refers to a third person being written to by an officer of the Director of Public Prosecutions speculating on the stance to be adopted by accused persons with respect to forthcoming trials. The speculation is that one of the accused persons is said to have indicated a preference to have trial by judge alone. The accused person's lawyer said that he had not asked for a trial by judge alone. He said -

I do not know how the Office of the DPP could come to that conclusion . . .

I find that an extraordinary report. It is a matter that comes within the Attorney General's portfolio. He should look into it and provide an explanation to this House as a matter of urgency.

Hon Kim Chance interjected.

Hon N.D. GRIFFITHS: As Hon Kim Chance points out, it is bizarre.

The report of the Director of Public Prosecutions was relatively recently the subject of comment. Members will recall that in his report the Director of Public Prosecutions said four new criminal courtrooms were to be operational in 1999 and he needed more funding, as did the Legal Aid Commission. The Attorney General's reported response was that he gave the tick to the Director of Public Prosecutions but it was a different matter with the Legal Aid Commission. I am not quoting this but I think I am getting the meaning right: One is a function of government and the other is merely a matter to which government gives assistance. In carrying out his responsibility to give assistance to the Legal Aid Commission, the Attorney General is far short of the mark.

The House is very familiar with that, but I remind members how the Attorney General deals with the matter. Of course, the starting point is commonwealth funding. The Attorney General knows I have asked him questions on this matter on a number of occasions. I refer to *Hansard* of 13 October at page 1779 where I sought the Commonwealth's contribution to Legal Aid Western Australia. Contributions for each financial year ending 30 June are set out. It is quite clear from that answer that for 30 June 1997 the Commonwealth contributed a sum of \$11 906 962 and for 30 June 1998, \$8.25m. That figure does not include funding for special purposes and community legal centres. It is a shortfall of \$3 656 962. When allowance is made for funding for special purposes and community legal centres, the commonwealth funding for the year ending 30 June 1997 was \$14 353 137 and for the year ending 30 June 1998 it dropped to \$10 156 748 - that is, by \$4 196 389. The Attorney then indicates what he has done. I refer to page 622 of *Hansard* of 20 August and for the corresponding periods for the financial year ending 30 June 1997 the figure was \$8 249 000, and for the financial year ending 30 June 1998, \$10 306 000. Those figures indicate an increase of \$2 057 000 which is far short of the mark. I put the matter succinctly to the Attorney General when I raised the figures and the general treatment of the matter and on 30 June asked him about the findings of the third report of the Senate inquiry into the Australian legal aid system.

That report found that \$5.7m per annum in real terms was slashed from the Commonwealth's contribution to Western Australia's legal aid funding, a 40.7 per cent cut and 10 per cent above the national average. The State Government has not dealt with that to the degree that it should have. When a Government spends money on legal aid it is money well spent because it means money is saved. The Attorney General should be familiar with the Australian Institute of Judicial Administration's book *The Anatomy of Long Criminal Trials*. I trust he is aware of the observation that, particularly in long criminal trials which can be a great charge on a functioning legal aid system, it is better to get in early, brief counsel and provide legal aid because that leads to great savings for the functioning of the court system generally and in shortening trials.

That leads me to another aspect of the so-called long criminal trials. A significant number of these trials are subject to Dietrich applications. We persist with an ad hoc method of dealing with Dietrich applications. I understand that a trial with some 10 accused persons is due to come before the courts in February. The public needs to know the timetable for assessment of these matters as a number of them are subject to Dietrich applications. More importantly, it is about time we knew whether anything and what will take place, and when, in dealing with Dietrich applications on an other than ad hoc basis.

Then there is the question of the Acting Director of the Legal Aid Commission. Do we still have an acting director or do we now have a director? Members may recall that the last director, Ms Carol Bahemia, resigned on 30 June last year - some time ago. This was waiting on legislation. When will the legislation be forthcoming? It is much promised legislation to amend the Legal Aid Commission Act. It is untenable for the Legal Aid Commission to still have an acting director. Why can a director not be appointed? Why does that have to wait on some new legislation? It is a miserable way to treat the Legal Aid Commission. It is indicative of the Attorney General's approach and yet another matter on which he should comment.

**HON PETER FOSS** (East Metropolitan - Attorney General) [3.52 pm]: When I read this motion I thought I was going to receive a pasting but I have found that it is nothing but a toothless attack. Hon Nick Griffiths should brush up on his facts before he mounts such a weak attack in the future. I have a tube of Colgate toothpaste and an Oral B toothbrush here for him and they did not cost me \$10 000. Hon Nick Griffiths is trying to draw attention away from the fact that he has been undermined by his own leader and cast adrift. A person could not be more cast adrift than by his leader, who is also from the same section of the party.

*Point of Order*

Hon LJILJANNA RAVLICH: The Attorney General is not speaking to the motion.

The PRESIDENT: Hon Ljiljanna Ravlich is correct. I trust those were preliminary comments and I ask the Attorney General to address the motion before the Chair.

*Debate Resumed*

Hon PETER FOSS: I will definitely do so. This has to be one of the most cowardly attempts to attack I have ever come across. What has the Opposition done? When I first read the motion I thought the Opposition would commend me for all the wonderful things that this Government and I, in particular, as Attorney General, Minister for Justice and Minister for the Arts, have done. That was certainly a possible interpretation given the wording of the letter.

Several members interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich and Hon Ken Travers will have an opportunity to speak in due course. Hon Nick Griffiths was heard in relative silence with only a few interjections. I expect the same courtesy to be accorded to the Attorney General.

Hon PETER FOSS: That really shows how cowardly this attack is. The Opposition had 15 minutes and will get another five; Hon Nick Griffiths will have had 20 minutes to speak. Each Opposition speaker can speak for 10 minutes; I have one go of 10 minutes in which to reply.

Several members interjected.

Hon PETER FOSS: Be quiet!

Several members interjected.

Hon PETER FOSS: I will raise that point. It is a cowardly way to attack me. The Opposition does not like giving me an opportunity to come back -

Hon Ken Travers interjected.

Hon PETER FOSS: Just be quiet and listen! I listened to the rubbish from Hon Nick Griffiths. He had more time than I to speak and the Opposition is not allowing me to speak.

The PRESIDENT: Order! Attorney General, direct your comments to me. Do not worry about anyone else. I will not interject.

Hon PETER FOSS: It is a cowardly attack. Opposition members know perfectly well that by attacking me in this way, they will not have to put up with my getting stuck into them individually. The Opposition knows it can get away with a quick attack and I will not be able to come back and make it sit there and feel the effects of my words. The Opposition did not include a single thing in that letter to indicate what sort of case I had to answer. It did not want to allow me to prepare for this by saying that it would raise certain points. It said it would discuss what is practically my career and expect me in 10 minutes to know what all the opposition members will talk about in the hour and provide my answer in detail. It is making a sneaky little attack. Every single member of the Opposition should be ashamed of the fact that they do not have the guts to stand up to me. The Opposition prefers to sneak in, make a few little allegations and sneak out, hopefully with nothing nasty happening to it. It does that all the time. Members opposite know how weak and pathetic they are. If the Opposition knew what it would say, why did it not include that in the letter and give me some indication beforehand? The Opposition is gutless! That is the worst thing about the Opposition.

Hon Ljiljanna Ravlich interjected.

Hon PETER FOSS: If there is so much to talk about, why was some of it not included in the letter? Hon Nick Griffiths is a lawyer and he has attacked me. He knows about natural justice and how one should give a teensy-weensy hint of what one will say about a person. I know why he did not put it in the letter; it is so pathetic. He had all the time to prepare. I do not know how many days his big mind has been working on this problem when he is not buying \$10 000 toothbrushes. Hon Nick Griffiths had plenty of time to prepare for this and all he raised was that he has read in the newspaper that I am in dispute with the Chief Justice over the appointment of a justice of the Supreme Court. I am not. Is the Opposition happy with that?

Hon Tom Stephens: Why don't you get on and appoint one?

Hon PETER FOSS: Leader of the Opposition, sometimes people do not want to be appointed to the Supreme Court. At the moment, that is because of the superannuation problem. It is not a matter of my being reluctant to deal with the matter. The fact is, it is hard to get people to go there, especially now with the superannuation problem. There we are. In my whole career I have had a dispute with the Chief Justice which does not even exist.

Second, I do not consult on legislation. Hon Nick Griffiths read it out. It is not that I do not consult on legislation; I did not consult on one-half of one piece of legislation - the sentencing matrix. I did not consult the judges on that. I do not know how many times Hon Nick Griffiths has stood in this House and said one should not use judges as part of the legislative process; one should not quote them or use them. I did not do that. I followed exactly the procedure Hon Nick Griffiths suggested. I did not consult the Law Society of Western Australia because I did not think it was appropriate. Generally, the Government does not consult with the Law Society until after the second reading speech is made. I have made it clear that we give, in confidence, one person in the Law Society one copy of the legislation for him to advise on what we understand to be an individual basis. I did not do that either. The sentencing matrix is a major part of political policy and I introduced it on that basis.

Hon Nick Griffiths asked where the public defender/Dietrich legislation is. It is with the Law Society. We are discussing it with the Law Society. I am doing what Hon Nick Griffiths wants me to do and consulting with the Law Society.

Hon Tom Stephens: Well, get on with it.

Hon PETER FOSS: I will get on with it. However, Leader of the Opposition, the thing about consultation is that it takes a long time. It can hold things up. The Opposition should make up its mind: Does it want me to consult or not? If it wants, I can bring the legislation into the Parliament immediately. However, I happen to believe that is one of the pieces of legislation which needs consultation. I did not think it was necessary to consult on the sentencing matrix. However, extensive consultation took place on remission and parole for which I was also criticised by Hon Nick Griffiths. I cannot win with him. He even moved a motion about my doing too much consultation.

Hon Tom Stephens: I find him more convincing than you.

Hon PETER FOSS: He complains about the time it takes to introduce legislation when I do consult. However, when I introduce something quickly he accuses me of not consulting. What is his next big item? It is the Director of Public Prosecutions, an independent officer. I recall being in this House when Hon Joe Berinson said that he never interfered with prosecutions, in the same way as his predecessors had not interfered. He made his lack of involvement an object of pride. He also said that one of the disadvantages of creating an independent officer is that the minister can no longer be held responsible for that officer's actions.

Members opposite cannot have it both ways. We cannot set up an independent officer's position and expect the minister to be accountable for it. For good reason Parliament has decided to make the office of the DPP independent so that he can carry out his functions free of political interference. As one would expect, and I can say with some pride, I have had nothing to do with the decisions of the DPP. If I had attempted to have my own little way in that regard Hon Nick Griffiths would have been on his feet to move a condemnation motion against me. The real reason for this motion is an answer I gave to Hon Cheryl Davenport when she tried to have a go at me over the Arts. I relished the opportunity to respond to her question.

The same thing happens every time with Hon Nick Griffiths. When something goes wrong he moves a motion. As I recall, in relation to controversy over the police child abuse unit his reaction was to bring some form of committee of privilege against me. He always wants a second bite at the cherry. If he really wants to criticise me, he should serve up something worthwhile in advance and give me a proper opportunity to answer. He should not ambush me by giving me 10 minutes to reply to an urgency motion. Members opposite should not all line up with their nasty, snide remarks knowing full well that I run the risk of not concluding my point. In any event, how do I respond in 10 minutes to 50 minutes of remarks from members opposite? Members opposite are the pits; they are cowards. If they want to get stuck into me they should -

Hon Ljiljana Ravlich: You are getting stuck into yourself.

The PRESIDENT: Order! The Attorney General still has the floor, but I draw his attention to his remarks; he is supposed to be addressing the motion.

Hon PETER FOSS: As I indicated earlier, I need more time. I therefore seek leave of the House to continue my remarks so that I can deal with all the matters I believe are appropriate. Ten minutes in which to reply is unacceptable.

Hon Tom Stephens interjected.

Hon PETER FOSS: We will see about that. If members opposite want to be fair and really discuss my portfolio rather than trying to play a clever little trick, which I sincerely think they are, I seek the leave of the House to continue my remarks until I am finished.

[Leave denied for the member's time to be extended.]

*Point of Order*

Hon TOM STEPHENS: Is it possible for the Attorney General to continue his remarks at 4.30 pm rather than interrupting other members of the House should the Government curtail this debate?

The PRESIDENT: The Leader of the Opposition knows full well that if members wish to continue their remarks after the first hour that the House has been sitting they require the leave of the House.

Hon TOM STEPHENS: Can I ascertain, Mr President, through the Leader of the House -

The PRESIDENT: Order! No. That will be called at 4.30 pm and members opposite can decide whether leave is granted.

*Debate Resumed*

**HON CHERYL DAVENPORT** (South Metropolitan) [4.06 pm]: My comments today relate to the question I asked last Tuesday regarding the minister's handling of the Arts portfolio. Indeed, that question sent the minister into orbit. He referred to me as "Dorothy" and, frankly, his comments degenerated into a personal attack on my colleague, the member for Thornlie.

Hon Peter Foss: She never attacked me!

Hon CHERYL DAVENPORT: She did not, but the minister attacked her.

Hon Peter Foss: She has attacked me several times in the paper.

The PRESIDENT: Order! Hon Cheryl Davenport should address her comments to the Chair. I will prevent any interjections.

Hon CHERYL DAVENPORT: The minister attacked the member for Thornlie for commenting, in much the same way as the arts editor of *The West Australian*, Ron Banks, in an article at the beginning of this year, attacked the minister. During question time I asked a question about his response to *The West Australian's* accusing him of not having any vision for the arts. In fact the minister's comments about the number of times he had attended arts functions compared with those the member for Thornlie had attended were amazing. He claimed he had attended more than any other Arts minister. I wonder how he would know that. It was a silly response and most unworthy of him. Obviously attendances at arts functions are important, but not ultimately how he should be judged as minister.

Hon Peter Foss: The member for Thornlie criticised me for that.

Hon CHERYL DAVENPORT: The minister made the first attack.

Hon Peter Foss: She raised it first. Aren't you aware of her tactics?

Hon CHERYL DAVENPORT: I suspect the minister sees himself as one of the keenest Ministers for the Arts. I am sure members will remember his performance in the Perth production of *Aida* some years ago.

Hon Derrick Tomlinson: He was applauded by the critics.

Hon CHERYL DAVENPORT: He may be the keenest Arts minister -

Several members interjected.

The PRESIDENT: Order! I am trying to listen to Hon Cheryl Davenport, but I cannot hear her because of the interjections.

Hon CHERYL DAVENPORT: Frivolity aside, the arts community in Western Australia is diverse and contains many elements competing for public funds and ministerial support. By his own admission, the minister is selective in the areas he supports. I understand that he has large portfolio responsibilities; nonetheless, people within the arts community feel that he is neglecting them.

Since prior to the 1996 election the Minister for the Arts has given no real commitment to the arts. He had the audacity during his answer to my question last week, which had nothing to do with what I asked, to accuse the previous Labor

Government of providing no capital towards the construction of arts centres and the like. The minister was somewhat duplicitous with his answer, because in 1992 the Labor Government sponsored the amendments to the Lotteries Commission Act which were implemented in January 1993 and which resulted in funds to the tune of \$1.26m being provided to the Festival of Perth. He and his Government in 1996 decided that the Arts WA contribution to the Festival of Perth would cease and that the Lotteries Commission would increase its contribution to \$2m. Although I will not call the minister untruthful, he was a little devious in the way he answered the question. In the light of his claim to have such a commitment to the arts, why is he relying on so much Lotteries Commission funding for events such as the Festival of Perth?

I refer to the accusation by not only the Labor Opposition but also Ron Banks in his article in *The West Australian*, which reads as follows -

The biggest complaint in 1997 was that the Government seemed to have no blueprint for the future, no sense of vision about what the arts would mean in the next century and no real desire to energise the local arts scene by making a few significant decisions.

In recent months I have spoken to many people about the Government's performance in the arts and I have yet to find anyone willing to volunteer a ringing endorsement of Mr Foss and his handling of the arts.

That was damning criticism early this year. Then in the last week or so we had David Blenkinsop's observation at the launch of the Festival of Perth program. The minister took that criticism personally. I do not think that is the way it was meant. Certainly the press articles that have emerged since then, and the comments made by several people in the arts industry, suggest that the criticism is not aimed at the minister personally but at the Government, although the minister obviously has a responsibility in this matter. However, the criticism is chiefly aimed at the Government because there is a perception in the arts in Western Australia that the Government does not have a commitment to the arts. The criticism levelled by David Blenkinsop, David Gerrand, who is the Deckchair Theatre general manager, and John Thornton, who is the Regal Theatre manager, is that they would like to see in Western Australia a commitment to the arts from the Premier in the style shown by the Premier of Victoria, Jeff Kennett, in the way that he sponsors and is a very high profile spokesperson in relation to -

Hon Peter Foss: Would you support him?

Hon CHERYL DAVENPORT: Pardon? I am trying to develop an argument here.

The PRESIDENT: Order!

Hon CHERYL DAVENPORT: The arts community in Western Australia would like to see both the Premier and the Minister for the Arts supporting the arts in the way that the Victorian Premier does. I am no great fan of Jeff Kennett; however, he does have the arts in Victoria at the forefront of what he is -

Hon Peter Foss: He also has serious money going in there.

The PRESIDENT: Order, minister! The member indicated she was trying to develop an argument.

Hon CHERYL DAVENPORT: Jeff Kennett's commitment is a very laudable commitment to his State and to the arts in Victoria. When the minister described the Festival of Perth as just a tin-pot little festival, particularly in the article in *The Australian*, on 13 November, he showed that he is not dealing with the issue, as has been asked of him by the arts community of Western Australia. He is attempting to attack people personally. We all know that David Blenkinsop is retiring after this next festival. Given Mr Blenkinsop's contribution to the arts in Western Australia, I do not believe that the minister should make personal comments about him, as he did, when Mr Blenkinsop is trying to ensure that Western Australia gets a very good deal for the arts.

There are other matters that I would like to raise and I will probably get an opportunity to do so on another occasion as I will be handling the State Records Bill and the amalgamation legislation in the Culture, Libraries and Arts Bill. There is a feeling that there has been no, or at best minimal, consultation on those two Bills. It is incumbent upon the minister to stop, look at the way he is handling the Arts portfolio and ensure that he takes note of what those people who work in the industry know. He should forget about being as arrogant as he can be.

**HON SIMON O'BRIEN** (South Metropolitan) [4.14 pm]: I have some words to say about the Attorney General. I have also a few words to say about the motion. However, I want to address the substance of the motion by drawing a few matters to the attention of the House, once I get over the shock of discovering that Hon Cheryl Davenport does not see eye to eye with everything that the Kennett Government does. That was extraordinary news to all of us, I am sure. Then again, they do things differently in Victoria, Mr President. I point out to the member that under the arrangements with the Crown Casino in Victoria, a fixed amount of income from that casino is earmarked to the arts in that State; whereas under the arrangement set up by the previous Labor Government in Western Australia, there is no such provision to provide succour and ongoing nourishment for the arts from that source of revenue in Western Australia.

Several members interjected.

The PRESIDENT: Order! Members, I am trying to listen. If members are not interested in listening, they can do themselves a favour and leave, but they should not interrupt my opportunity to listen.

Hon SIMON O'BRIEN: I turn to the substance of this urgency motion. I wonder when the urgency will run out, because these motions are moved by Hon Nick Griffiths with monotonous regularity, all targeted at the Attorney General, generally of a personal and indeed bitchy nature, and most of which flounder through lack of substance as he tries to develop his argument. This particular motion is lamentable. It reaches a low point in the catalogue of his motions. It says nothing except that members opposite want to discuss the performance of the Attorney General. It does not raise any issues; it does not raise any allegations. The member is simply playing the man for the sake of it without having a ball to chase.

Hon Peter Foss: They don't have any balls at all, I'd say.

Hon SIMON O'BRIEN: Possibly.

Mr President, I share the Attorney General's view that this is a cowardly tactic and not worthy of the member. If he wants to have a go at the performance of the Attorney General, or any minister, he is entitled to do so by moving a censure motion, or some other form of substantive motion.

Hon Tom Stephens: We might have to do that.

Hon SIMON O'BRIEN: He has done it before and it has come to nought. This motion does not even tell the Attorney General, or anybody else, why he is being attacked. It is a sneak attack. I do not feel inclined to sit by idly and listen to this nonsense while a minister is under attack.

I point out some of the things that the Attorney General has been responsible for through his various ministries or departments in the past 12 months. In October we saw major legislative initiatives in the sentencing matrix, remission and parole. That followed on from reviews called for in March. The benefits of that will include greater truth and consistency in sentencing. There are, and have been recently, other Bills on the Notice Paper under the sponsorship of the Attorney General on a range of matters to address the law and order issue. This is the Attorney General, as a representative of this Government, coming to grips with some of the issues of the day, unlike the carping and whining we get from members opposite. In September we saw changes to the Family Court Act providing that children born outside marriages will enjoy the same rights as those born to married couples. We have seen the extension of support services for victims of crime in the north west. We saw the initiative, again introduced in September, of video-conferencing networks in courts and prisons to provide better security, the reduction of prisoner movements and savings on calling witnesses.

Several members interjected.

The PRESIDENT: Order! Members know the rules. Firstly, the rules in this place provide that if members interject and a speaker does not pick up the interjection, it is not recorded, therefore they are wasting their time. Secondly, they provide that the speaker should be able to get on with what he or she is saying without interruption. It is very simple. Members do not have to be here a long time to work it out.

Hon SIMON O'BRIEN: Thank you, Mr President. The many initiatives taken by the Attorney General in the past 12 months include the opening of the Bibbulmun track, which highlights the value of the work camps that were set up in January 1998 as a pilot program, and which provides benefits to the local community and increases prisoners' self-esteem by enabling them to give back to the community; the opening of Banksia Hill just over 12 months ago, which is a major step forward in the management of young offenders; and the announcement of a new 750-bed medium security prison, which is part of a management program to take the Ministry of Justice to 2005.

Much of this debate has centred on the Ministry for Culture and the Arts. Funding for Arts WA increased from \$10 355 301 in 1992-93 to \$12 109 665 in 1997-98, an increase of 17 per cent. The West Australian Symphony Orchestra has undergone a significant restructure and will receive more than \$1.6m in 1998-99. Funding for that orchestra has been increased by \$250 000 by the State, and that funding has been matched by the Australian Broadcasting Corporation. The West Australian Opera was given a one-off capital grant of \$115 000 in 1995 to enable it to pay off its overdraft. An additional \$157 500 per year has been provided in general purpose funding, bringing the annual grant to \$900 000 per year for the 1995-97 triennium. That real and practical support for the arts has been provided by this minister. I will not detail all of the other initiatives taken by the Minister for the Arts, because other members wish to comment on the minister's performance. However, the minister has also been fundamental in providing assistance to the West Australian Ballet Company, the Black Swan Theatre Company, the Perth Theatre Company, Deckchair Theatre Inc, and the Barking Gecko Theatre Company. Hon Nick Griffiths may have something in common with that name, judging from the nature of some of the motions that he has moved. The Western Australian Youth Orchestra has enjoyed the patronage of this minister, as have the Buzz Dance Theatre, Country Arts WA, Craftwest Centre for Contemporary Craft, Art on the Move, Perth Institute of Contemporary Art, and the Artists Foundation of WA. A special contribution has been made by this minister to Aboriginal arts development and community and regional arts development. This minister's record stands up to any scrutiny, let alone the anonymous accusations that have been made in this ridiculous motion.



**HON MURIEL PATTERSON** (South West) [4.24 pm]: I find this urgency motion extraordinary. I also find it extraordinarily comforting that this State is being run so well that this is the greatest matter of urgency that members opposite can find. That is a great tribute to our Premier and the ministers of this Government. Hon Simon O'Brien listed a series of initiatives by the Minister for the Arts. One initiative that members may not know about is the Coco Youth Theatre in Albany. That theatre is run by youth, for youth. It is inventive and caters for children of all ages, who can come to this very well run theatre and engage in many different forms of expression. I appreciate the arts and understand quite a lot about the arts. I have found this minister most appreciative of the Arts portfolio. He understands much of what the arts is all about.

I mentioned during the Address-in-Reply the work that is being done by inmates at Pardelup Prison Farm. That work is exceptionally well appreciated, not only by the prisoners but also by the people of Walpole and Albany, who find it very gratifying that the people in that prison are doing work that they not only find constructive but also enjoy. I am a member of the Standing Committee on Estimates and Financial Operations, which recently discussed a problem in the Ministry of Justice. I commend the Minister for Justice for the way he listened to the committee, offered advice and made suggestions, and for supporting the proposal that members of the committee would learn more if they had the opportunity of travelling. I find the minister extremely willing to work with, and believe he has made a great contribution to this Parliament. I oppose the motion.

**HON KEN TRAVERS** (North Metropolitan) [4.26 pm]: I support the comments made by Hon Nick Griffiths and Hon Cheryl Davenport. I urge the Minister for Justice and the Arts not to take it too personally, because we could have picked out any one of the ministers in this place, and I am sure our colleagues in the other place could have picked out -

Hon N.F. Moore: Were you the one who said no?

Hon KEN TRAVERS: No.

Hon N.F. Moore: Which one of your colleagues said no?

Hon KEN TRAVERS: I would love to know who it was.

The PRESIDENT: Order! This is a limited-time debate. The more members argue with each other, the less time speakers will have.

Hon KEN TRAVERS: Thank you, Mr President. I indicated to the minister by way of interjection that I would have been happy had he been given more time to respond to these allegations. I would have loved the minister to respond by dealing with the issues that have been raised rather than just running out red herrings. I found it amazing that the minister would have a go at Hon Nick Griffiths about travel! For a minister who competes with the Minister for Finance in collecting frequent flyer points to come into this Parliament and try to attack Hon Nick Griffiths on that issue -

Hon Derrick Tomlinson: We support Hon Nick Griffiths' travelling. You do not.

Hon KEN TRAVERS: I am sure Hon Derrick Tomlinson does support travel. I am sure all ministers would support travel. However, if ministers - whether it be the Attorney General, the Minister for Finance or anyone else - spent a bit more time in Western Australia dealing with their portfolio matters, rather than spending half their time overseas on unjustifiable trips -

Hon Peter Foss: Is that not a slight exaggeration?

Hon KEN TRAVERS: Absolutely not.

Hon Peter Foss: Half my time? Is that so?

Hon KEN TRAVERS: The minister's productive time, absolutely. I am happy to have a chat about the travel arrangements of members opposite, but I am trying to stick to the terms of the motion. I thought the Minister for Justice would have given us a defence of how mobile phones got into the prison system, not once, but twice. What has the minister done to fix that problem? Hon Simon O'Brien told us that the Government has put in place a great law and order package. This Government has been telling us for five years that it will fix the law and order problem. The Attorney General and Minister for Justice has, along with the Minister for Police, some responsibility for dealing with law and order in this State. By any account, the minister stands condemned. Law and order is out of control in this State, and the minister has done too little, too late. Members opposite talked about the great job this minister has done with regard to prison planning. We now have a proposed 750-bed prison. That is too little, too late. It should have been in place a long time ago, but the report got lost in the minister's office for months. The Standing Committee on Estimates and Financial Operations has criticised the disorganisation in the minister's office. All the witnesses before that committee seemed to agree about the difficulties that have been caused by the poor administration of that office. We heard about the legislation that the Attorney General brought into this House; we did not hear about the legislation that he has not brought into this place. Where is the de facto relationships legislation? That is an issue that is near and dear to my heart.

Debate adjourned, pursuant to standing orders.

**JERVOISE BAY MARINE INDUSTRIES***Statement by Attorney General*

**HON PETER FOSS** (East Metropolitan - Attorney General) [4.31 pm]: Almost four years ago the Department of Commerce and Trade identified a need for an upgrade and extension of facilities for the marine industries at Jervoise Bay in Cockburn Sound. Western Australia contributes 70 per cent of the total annual value of Australian ship exports and updated facilities were needed for the Western Australian industry to maintain its competitive international edge.

In recent years there has been a wave of major investments in the north west of the State and the Henderson industrial park at Jervoise Bay is the prime building, servicing and refitting area for the maritime industry. This omnibus amendment to the metropolitan region scheme will allow shipbuilding operations in Jervoise Bay to expand, to employ the latest technology, and to take advantage of rising ship sales to train and employ more Western Australians. It provides for an additional industrial zoning for 10.5 hectares of land and 60 ha of ocean at the Henderson industrial estate, and alters road reserves to cater for transport to and from the estate.

A three-month public submission period, which ended in May this year, drew 400 submissions, including 1 450 comments covering 90 issues. Most of the submissions focused on environmental issues rather than the specific proposals in the MRS amendment. Those issues are being addressed through a series of other processes, including a public environmental review, the Fremantle Rockingham Industrial Area Regional Strategy, a Main Roads WA examination of the regional road network to reduce the impact on Beeliar Regional Park, and development proposals within the Cockburn Sound area, which are the subject of an environmental statement by the Chairman of the Environmental Protection Authority.

The proposed expansion of marine industry at Jervoise Bay will allow for the use of the latest, most efficient marine industry manufacturing technology, will increase export earnings for the State, will nearly double employment in the industry in the next few years, will substantially broaden the manufacturing base, and will improve the training ground for many apprentices. As such, I commend the amendment to the House.

**PUBLIC TRUST OFFICE***Statement by Attorney General*

**HON PETER FOSS** (East Metropolitan - Attorney General) [4.33 pm]: In July 1997 the State Government appointed an advisory board to examine reform of the Public Trust Office. The role of the board is to make recommendations to the Government on the future role and objectives of the Public Trustee - including potential reforms to the management structure and processes including the need for legislative change.

As members would be aware, the Public Trustee plays an important role in providing a range of trustee and management services to those in the community who are least able to manage independently. This includes the elderly, the infirm and those with disabilities. In the view of the advisory board, one of the urgent areas of reform is the more than 50-year-old practice by which the Public Trustee retains the surplus income from its common fund after distributing a market rate of interest to investors. Some of the surplus interest returns are paid each year directly to the consolidated fund. This Treasury levy is sanctioned by the 1941 Public Trustee Act and has been allowed to continue unchanged by successive Governments since that time. To rectify the situation, the advisory board has recommended changes to the Act which will abolish this surplus payment - up to 3 per cent in some years - and replace it with a fixed lower management fee, which is currently 1.25 per cent for this type of fund. The result will be that the net interest income of the common fund will be fully distributed to investors of the fund. Based on the 1996-97 performance of the common fund, investors would have received an extra \$3.1m if the surplus payment provisions had been abolished and replaced with the lower management fee.

To further maximise the efficiency of the Public Trust, the advisory board has prepared a position paper which recommends a three-phase approach - greater operational efficiency, progressive commercialisation and, if appropriate at the time, possible privatisation. Cabinet has received a copy of the position paper, which I tabled today, and has noted its recommendations, but has not endorsed all of its recommendations - particularly those relating to possible privatisation. Instead, Cabinet has agreed only to the first phase which seeks greater operational efficiency and modernisation through amendments to the Public Trustee Act. Along with the abolition of the Treasury levy, these changes will enable the Public Trust to offer a better and more complete range of services. Any future decisions on the advisory board's recommendations will be made only after the successful implementation of the first phase of reforms, and following broader consultation with key stakeholders, community service groups and investors.

In summary, Cabinet has agreed to reforms which will -

- enable the Public Trustee to introduce a new management fee in lieu of the current surplus interest payment to Treasury;

- authorise the drawing of wills and enduring powers of attorney;

enable the Public Trustee to provide for and operate multiple common trust funds;  
 adopt the "prudent person" rule, which already applies to trustee companies;  
 expand its range of services, subject to ministerial approval;  
 provide for the phasing out of the government guarantee; and  
 lead to the adoption of fees and charges in line with the industry practice, particularly in relation to the management of estates.

While the recommendations aim to bring the Public Trust more into line with modern trustee companies, they recognise the Public Trust's important and ongoing community service in helping those unable to manage their own financial affairs.

On the recommendation of the advisory board, Cabinet has agreed that the Public Trust's community service obligations will continue to be met by government.

Finally, the Government believes the position paper and the reforms which have been agreed to by Cabinet will result in a fairer and better service for thousands of Western Australians.

### **MOTIONS FOR DISALLOWANCE, SHIRE OF EAST PILBARA LOCAL LAWS**

#### *Orders Discharged*

**HON N.D. GRIFFITHS** (East Metropolitan) [4. 37 pm]: I move -

That Orders of the Day Nos 3, 4 and 5 be discharged.

I gave notice of motions to disallow on each of the matters in my capacity as Deputy Chairman of, dare I say it, the Joint Standing Committee on Delegated Legislation. I did so because the committee noted that in each case the Shire of East Pilbara had not provided an explanatory memorandum and it was the last day upon which notice to disallow could be given. I am pleased to advise that subsequently the shire has provided an explanatory memorandum on each matter, and under the committee's terms of reference it has no problems with the matters. Therefore, the committee considers it appropriate that the proposed disallowances not proceed.

Question put and passed.

### **SCHOOL EDUCATION BILL**

#### *Second Reading*

Resumed from 12 November.

**HON DERRICK TOMLINSON** (East Metropolitan) [4.38 pm]: Although I recognise that the second reading debate is not an appropriate place to discuss particular clauses, that being better and more properly left to the committee stage, I draw attention to clause 62(2) as a further illustration of my argument that this Bill, which establishes a management regime for a system of schools and for the management of particular schools, contains in it matters which are better contained in regulation rather than legislation. This is one of them. From a point of view of personal philosophy of education, I argue that this should not even be in regulation.

Clause 62 provides that every government school must have a principal. I have no objection to that; I am in favour of schools having principals. However, clause 62(2) states that except with the approval of the minister, a person is not to be appointed unless he or she is classified as a school administrator under section 230. Proposed section 230 relates to the classification of teaching staff. School administrators are defined as -

- (i) principals; and
- (ii) any other office or position, or class of office or position, prescribed by the regulations.

In effect, to become a school principal one must be a school principal or alternatively a person in an administrative position - for example, a deputy principal, a head of the department or some other status position as designated by regulation.

Hon Ljiljanna Ravlich: Acting positions do not count.

Hon DERRICK TOMLINSON: No, acting positions do not count. Therefore the head of drama would not count. My concern is that we will be excluding from selection to the position of principal, persons who by merit could well be suited to the position. Two rather innovative schools are being developed in the Perth metropolitan area at the moment; one is at Halls Head near Mandurah - I am not particularly familiar with that senior campus - and the other is the Cannington senior campus.

Hon J.A. Cowdell: The new one at Halls Head will be a middle school.

Hon DERRICK TOMLINSON: I have just said that I do not know a great deal about that campus and the member has just demonstrated the truth of that. I am glad to see that he agreed with me - for a change. I am familiar with the proposed Cannington facility. It is not to be a middle school; it will be a senior campus. It will be quite different from any other school now operating in Western Australia, not merely in the Perth metropolitan area. There will be a more direct link between the education at that school and the community in which it functions, particularly links of a vocational kind. The person who is to be the principal of that school will be required to show not only educational leadership, but other qualities not usually associated with educational leadership in the schools in Western Australia as we know them at the moment. That is not to say that they are not desirable qualities, but they are peculiar to this school in the current system. Because we have a tradition which says that only principals or school administrators may apply for positions as principals, the Education Department is compelled to advertise internally for a person to fill the position, and it can be filled only by a person who is qualified by virtue of being an administrator under the system. It would be much more appropriate to develop the job description of the principal of the Cannington senior campus and then advertise nationwide for the best person for the job. That runs contrary to the tradition of schooling in Western Australia. We are moving into innovative educational developments, and the constraint upon our school system set out in clause 62(2), in conjunction with clause 230, risks stifling the opportunities for development which are now possible because of the changes within the education system.

I described my attitude to the Bill when I first saw it as one of disappointment. When I approached it with the more sober realisation that it was not an education Act, but an "Education Schools Administration Bill", I came to see it in quite a different light. I impress upon members that sometimes we overlegislate. I think that is the case here. We have included in the Bill matters which are better dealt with by the employing or administering authority through regulation or procedural edict of some kind, thereby allowing the flexibility for schools to be managed according to place and circumstance, to meet the needs of the school population. I commend the Bill to the House.

**HON DEXTER DAVIES** (Agricultural) [4.44 pm]: Members opposite have commended the consultation process associated with the Green Bill which preceded the introduction of this legislation. I had the privilege to deal with it through the Western Australian Council of State School Organisations. All the proposed amendments have been developed with the relevant stakeholders. When the Bill came to the Legislation Committee, of which I am a member, most of the issues were brought forward as matters of urgency after the long process of the Green Bill. Despite the fact that that consultation process has been applauded by the Opposition - this process allowed all people to contribute to the debate - exactly the same issues were brought to my attention when I was on the state council at WACSSO; were raised after the Bill had been to another place; and, lo and behold, were brought forward yet again when the upper House sent the Bill to the Legislation Committee.

Hon Ken Travers: You aren't biased?

Hon DEXTER DAVIES: Those opposite applauded the process. People have said that they agree with the process; however, after that consultation exactly the same issues have arisen because people have not been able to gain the answers they wanted. They take the same concerns to another forum. One of the opening statements was that people wanted choice; that they were not against choice and flexibility. As Hon Derrick Tomlinson said, the way to take away choice and flexibility is to write a piece of legislation which is several inches thick. Good legislation should allow choice and flexibility. I sat through the committee process in which every endeavour was made to legislate things out of existence. Some people think everything must be written in black and white, otherwise they cannot trust anybody and the proposed changes cannot occur.

On one hand, I have heard that we are stifling teachers' professional ability. On the other hand, I have heard that everything must be written in legislation so that professional ability cannot be developed. This comes from the sorts of people who must read the rule book every five minutes and for whom everything must be written down, just in case somebody makes a mistake. It is very disturbing to see some people wanting to develop that sort of education. We need brief legislation which will allow teachers the opportunity to develop their profession and deliver education effectively. That is how to allow flexibility and choice; not the process I have seen taking place since I have been involved with this legislation, albeit very briefly.

I have been involved in education for a long time. I have served as the president of a parents and citizens association, on an education advisory board in the Moore district and, as I said, in WACSSO. These issues relating to choice and flexibility have always been foremost in what was sought to be achieved. This Bill is quite good and it is very moderate. It seeks to put in place what has been in practice until now. It can hardly be called radical legislation. It will bring us to where the system is at the moment.

The issue of fines was brought to WACSSO and after two days of debate on the matter, its members had not got past the first page, because it contained the only issue they wanted to discuss. They passed judgment on the whole piece of legislation, having discussed only the provisions relating to fines. They thought it was terrible to have such provisions in the legislation. As Hon Kim Chance said, I spent some considerable time then, and again in the Legislation Committee, trying to explain why that process was not as big, bad and ugly as people were trying to make it out to be. If I say so myself,

with some capable assistance I developed the arguments very well, to the extent that I got Hon Kim Chance over the line on all but two occasions. The provisions relating to fines are set out in the legislation. All I have heard about is the judiciary and the way fines and penalties are imposed in this State. Ever since I came here, and even before that, I have heard that the penalties imposed by the courts were never severe enough; that the judges are hopeless; they do not carry out their duty; they do not make the penalties severe enough - they do not apply them. However, when there is a head charge, as is suggested in the Bill, the assumption is made that every person who comes forward will cop the maximum penalty. Everybody, but no-one, has been saying that this is a terrible place and there has never been a maximum penalty imposed on anybody. However, in the School Education Bill, suddenly there will be this great transformation, and the maximum will be applied every time.

Hon Kim Chance: Sometimes opposite perceptions lie on either side of the real world.

Hon DEXTER DAVIES: This is right. However, I am still having trouble coming to grips with this. In members' efforts to overcome these real problems of everybody having these maximum fines imposed on them, I suspect a situation may have been created with some of these issues that was not really wanted. Consider, for example, the \$25 daily charge. If a matter goes through sentencing in the Children's Court and so on and it reaches this stage, no alternative is left, as was explained in the paper referred to by Hon Kim Chance. That fine will be imposed. That could well be more than anybody had ever been charged. Therefore, the great moral stand about having no fines and a high head charge could well result in a financial imposition on the people involved that they would not have suffered otherwise. I ask members to think carefully about that. If members are concerned about those people - the very people whom members are trying to look after - being charged and suffering financial hardship, they should think carefully about that issue, because that could be the result.

The issue of the fees has been debated strongly by both sides. It comes down to a philosophical point of view. Hardship will be imposed on people. From my experience of parents and citizens groups and my involvement with the system in recent times, commonwealth money, specifically for school fees, is made available to many people who suffer financial hardship. That money does not necessarily reach the schools. I am talking about my practical experience in the real world. It is fact.

Hon Ljiljanna Ravlich: How many people know about the availability of that money?

Hon DEXTER DAVIES: I am not talking about the people who do not get the money. That is a totally different argument. I am talking about people who actually get it. That money does not reach the school.

Hon J.A. Cowdell: I have had people come along to apply for emergency relief to pay for their children's school fees at a state school, which I have denied them.

Hon Derrick Tomlinson: Have you paid for them?

Hon J.A. Cowdell: I offered to the school, and the school declined. However, I did inform the people that there would be no consequences if they did not pay.

Hon DEXTER DAVIES: We appear to be in committee, Mr President. Fees are needed. We are trying to ascertain the level of the fees, the amount of detail of which people are notified when they receive an account, and the nature of the account. The level of the fee is a judgment that will be made based on what a person believes it should be. I have no argument with a detailed account; I have a problem with the fact that the account may be set at such a low level that once again members may not achieve their desired result; that is, the provision of a quality education for all people.

Of course, there is a degree of involvement at school level, and that participation enhances the level of education that children receive. It is not simply a matter of a person collecting little Johnny from the school and everything else is up to the school. That involvement at the P & C level, the involvement of paying fees and being involved in the education process, is real, and it works.

Hon Ljiljanna Ravlich: Do you accept that some people are really strapped for cash?

Hon DEXTER DAVIES: Absolutely.

Hon Ljiljanna Ravlich: They just cannot make ends meet.

Hon DEXTER DAVIES: Absolutely, yes.

Hon Ljiljanna Ravlich: You seem to think everyone has farms from which they can generate income.

Hon DEXTER DAVIES: If everybody had farms, they would be strapped for cash. I can assure the House of that. Hon Kim Chance can vouch for that. It is a matter of recognising that not all people are well-off and not all people can pay thousands of dollars. However, the system must set a level of responsibility that we must reach rather than throwing all of that out and setting a level that people cannot cope with. As long as those fees are established and an account states what they are for so that people understand, I have no problem with that.

The other issue deals with K-12 and trying to include matters in the Act for the post-compulsory area. The earlier argument was that if it was compulsory, we had to legislate for it. However, we then heard the argument that when it was post-compulsory, we had to carry that through. The logic of the argument does not follow. It is true that this area of learning is voluntary; it is post-compulsory. Unless it is compulsory, I have problems with the argument that we must carry that through in an endeavour to make it uniform. We will debate that later.

I want to make clear that the flexibility and choice that everybody appears to want in education to allow teachers to achieve their level of professionalism and deliver education to children at a higher level is under threat of being thwarted by the possibility of our having legislation that is far too strict, rather than having an open, small piece of legislation, with regulations forming part of that. I commend the Bill to members.

**HON BARRY HOUSE** (South West) [4.57 pm]: I want to make some brief comments on the School Education Bill. The major reason is to explain why I wrote a letter, accompanying the education report, to this House dissociating myself from the findings of the Standing Committee on Public Administration. The reason I did that is set out in my letter, which is reproduced in the committee's report No 9. Unfortunately for me, that report was produced at the same time as the final deliberations of another committee with which I was involved, the Select Committee on Native Title Rights in Western Australia. That in itself was a heavy workload. I also found that many of the meetings of the Standing Committee on Public Administration coincided with the meetings of the Select Committee on Native Title Rights in Western Australia. Therefore, although I had the best intentions of taking part in the committee's deliberations on the School Education Bill, I missed many meetings and many of the hearings. For that reason, among others, I decided that it was not fair or wise to have my name associated with the report of the Standing Committee on Public Administration. In addition, sometimes it is much more difficult being a member of this House who lives and works in the country and has his electorate office in the country. I am not sure that that is always appreciated in view of some of the timetables and agendas that are set for some of the meetings and deliberations that occur. It is much easier to travel one suburb for a meeting and go home or back to one's office than it is to travel for three-and-a-half hours to get to a meeting. That involves a whole day if one does that for one meeting, and it involves an overnight stay in most other cases.

There were other reasons. I expressed them in the initial moves to refer this Bill to a committee. I had my doubts whether it would achieve very much by way of progressing understanding and people's positions on the School Education Bill. I guess we will not finally know that until the committee stage of this Bill.

**[Questions without notice taken.]**

Hon BARRY HOUSE: Before question time I was running through a couple of the reasons that I excluded myself from the findings of the Standing Committee on Public Administration report on the School Education Bill.

Hon Tom Stephens: Because we had you busy.

Hon BARRY HOUSE: I have already mentioned the Select Committee on Native Title Rights in Western Australia, which coincided with a lot of the Standing Committee on Public Administration's meetings. Having seen the quality of the native title report which was brought down last week, I am sure that members will agree that a lot of work went into that outstanding report. I was intrigued about how much time the Standing Committee on Public Administration managed to find for its work on the School Education Bill. After a while I was glad that I was unavailable to attend the meetings because it seemed that those deliberations required an excessive amount of time and commitment from the members who participated in the committee's deliberations. I do not take anything away from the committee. I know it approached the task with genuine commitment. Not everybody will agree with its report but it was rather intriguing to see how much time was suddenly found for the School Education Bill, given the rather limited amount of time available for other activities.

It was also the first time that the changes to standing orders which allow substitute members to attend committees had been implemented. There was a substitute for Hon Cheryl Davenport and an additional member took part in the proceedings. When I realised that I was not able to take part, I offered my position on the committee to other members of the coalition team, but it was such a good seller that nobody took up the offer. The jury is still out on the effectiveness of these substitutions. The Standing Committee on Public Administration which deliberated on the School Education Bill was a markedly different group of people from the normal committee. I am not sure in my own mind whether that is a good or a bad thing. I do not want to pass judgment; it is an observation.

A current issue in a part of my electorate is the local area planning process. I will confine my comments on this issue to the greater Bunbury area. The local area planning process is currently in train. Unfortunately, it is creating a lot of unnecessary anxiety and uncertainty in the community. The sooner this process is completed and resolved, the better. Bunbury is the largest regional centre outside the Perth metropolitan area. It is serviced by excellent educational institutions. It has three government high schools - Bunbury Senior High School, Newton Moore Senior High School and Australind High School - and two private secondary schools - the Bunbury Catholic College and Bunbury Cathedral Grammar School. In addition, there are several primary schools and two tertiary institutions - the Bunbury campus of Edith Cowan University and the extensive South West Regional College of TAFE. Therefore, the area is well serviced by education institutions. There is

no immediate imperative to overturn that system and create upheaval in that region apart from the Eaton area, which is growing rapidly and needs some immediate attention in the secondary schools area. The options being floated are not creating anything worthwhile other than a discussion topic. However, in three to five years it may be necessary to have another look at this issue. The options being floated include the establishment of a senior school for years 11 and 12 at either Bunbury Senior High School or the Edith Cowan University and South West Regional College of TAFE campus. The ECU option includes the sale of the Bunbury Senior High School land, which members will realise is a magnificent piece of land located in an elevated area overlooking the water surrounding Bunbury on the western, northern and eastern sides.

Hon Christine Sharp: Let's save that for the kids then, shall we?

Hon BARRY HOUSE: I am with Hon Christine Sharp. All of these options are premature. If a senior school is created, what happens to everything else in the meantime must be considered along with the benefits that can be achieved. Newton Moore Senior High School and Australind Senior High School would become middle schools consisting of years 7 to 10. I do not mind admitting that I support the idea of neighbourhood, community schools. These schools have an obvious education role and a variety of other developmental roles. They play a role in young people's general education and their social, sporting and cultural development, among other things. The high schools I worked in - ranging from Kalgoorlie to Churchlands, Kewdale and Busselton - all developed a very solid sense of community ownership. I am fearful that in the move towards splitting the system into middle and senior schools, much of that could be lost. We are perhaps rushing into some of these matters a little too quickly. My fear is that a senior school will become an academic factory to which students will go for the sole purpose of achieving an academic score that will get them into a course at a particular university. That is fine for a range of students, but in the past two years in Western Australia more students have enrolled in technical and further education institutions than in universities, for the first time in the history of Western Australia. It is an interesting statistic alone, but it also reflects the fact that many graduates of schools or tertiary institutions who have vocational qualifications find it easier to get a job.

Hon Derrick Tomlinson: Have you been able to look at the senior schools now operating to assess your feelings?

Hon BARRY HOUSE: No, I have not. I freely acknowledge that it is early days for me, but I am making observations from my perspective as a former high school teacher and a representative of an area that already has excellent educational institutions. By and large, they are delivering good outcomes for their students and their parents. I dread the middle-school concept from a teacher's point of view. It would comprise students in years 7 to 10, and would be a hotbed of hormones during the development of young people when they are most provocative and most distracted by sexual feelings.

Hon Ljiljanna Ravlich: Speaking from experience?

Hon BARRY HOUSE: No, I remember a few years ago that Hon Ljiljanna Ravlich and I were probably the same. From a teaching point of view, I fear that staff would become totally locked into a middle-school situation and would have little opportunity for movement from that situation. The theory is that teachers would move between middle and senior schools, but I can envisage senior school teachers who had been in that area for two or three years not wanting to move. They would consider it a downgrading exercise to move to a middle school, even if it were in the same general community. A middle-school teacher who wanted to move to a senior school would be constrained by the fact that technology develops so quickly that after two or three years out of the system it would be difficult to pick up the threads to teach an upper-school course in a senior college. From a teacher's point of view, I fear not only for their career opportunities but also for the general atmosphere of a school with only students from years 7 to 10 to teach. From first-hand experience, I can vouch that not all year 9 students are pleasant to teach, and it can be stressful and at times unpleasant being with a group of students who do not want to be in the classroom. Sometimes the teacher does not want to be there either, but none of them has an option. I need to confirm my understanding that in Canada some communities which have moved to middle schools are now moving back to a neighbourhood community-school concept.

The other argument used - it is academic and I do not necessarily dispute it - is that students need a senior school to access the major options that will carry them forward to the right courses at tertiary institutions and universities. That is a fallacy. In the Bunbury greater area more than 95 per cent of students in years 11 and 12 obtain their first four choices. Approximately 90 per cent obtain their first five choices and approximately 70 per cent obtain all their first six choices. For many students the fifth and sixth options are exactly that; an option and a softer choice and they are not imperative for their career path into the future. That is one of the reasons that the options argument is a fallacy. The schools in that area already do an excellent job. There is a high degree of cooperation between the various schools where these courses are required. Students in the developmental stage between the ages of 12 years and 18 years certainly need interaction with people at different age levels and can benefit from that. They obtain value from role models among students a few years older than they are. All members have personal experience in education because we have all been to school, and most of us have children who have been to school and, therefore, we have had some involvement in an educational institution. Therefore, everybody has an opinion on this subject. It is probably easier for people to remember students from their schooldays who were a couple of years older than they were, rather than a couple of years younger. As a general trend, younger students in a school look up to people who are older and often follow their example - sometimes that is good and sometimes it is bad.

In my area, the Australind school has vertical forms, which means students in form classes range from year 8 to year 12. Other schools also follow that pattern. It is not a novel idea, but I am told it is effective. It has value for pastoral care in the school community.

With modern technology, a school such as Australind, which is well equipped with computer technology, can transmit its courses to all sorts of other areas via computers. It teaches Japanese from that school to a variety of students around the State and perhaps around the country. That is already being done in existing educational institutions. It may seem corny to some people based in the city, but a very valuable experience in the development of young people attending senior high schools in the country is Country Week. The event is focused on sports but it also involves a host of other activities. As a student I went to four Country Weeks and as a teacher I went to about 10 as an organiser or a coach. Many students place high priority and value on the activities at those events for many years. It is an important part of their social development. The senior-school concept will jeopardise this activity.

I hope the process in Bunbury will very quickly determine the feeling in the community. The minister has been to Bunbury and has heard the views of a wide cross-section of principals, staff, students and parents, and those views are clear. Obviously that is not the end of the story: The process must take into account the objective reasons for and against such a move. My view, and I believe it is widely held, is that there is no immediate imperative in the Bunbury area to rush headlong into a senior-middle school mix, although there is an immediate need in Eaton for a secondary school. I cannot see why Bunbury should not wait to see what happens at Esperance and Geraldton and in the western suburbs of Perth over the next few years. The jury is still out on senior schools and their effectiveness throughout the State. This move probably has obvious academic advantages, but we should wait and see before drastically changing the situation in the Bunbury area. I support the legislation.

**HON MURRAY MONTGOMERY** (South West) [5.52 pm]: There appears to have been some ad hoc planning in respect of senior-middle schools. Geraldton and Esperance already have senior schools, and Albany and Bunbury may follow suit. Extensive consultation has been undertaken in Albany and the parents have expressed their views to the minister and their local representatives. High schools at Margaret River, Manjimup, Collie and Mt Barker will have problems because they will be on the outer. Subjects will be offered at schools in the major towns but not in those schools. They will not be able to offer the range of subjects offered by the senior schools, and that will be a problem.

Hon Kim Chance: Is that because they will draw students to them?

Hon MURRAY MONTGOMERY: They are smaller schools in their own right. A bigger school at Geraldton, Albany or Bunbury will have a bigger pool of students and will be able to offer a wider range of subjects.

Hon Kim Chance: That will drag people in.

Hon MURRAY MONTGOMERY: It may do. We could end up with the same schooling arrangements that existed in the 1940s, 1950s and early 1960s, before the development of a network of senior high schools. Hon Kim Chance's electorate will face those problems.

Hon Kim Chance: We already have them.

Hon MURRAY MONTGOMERY: Students will be dragged away from those communities. As Hon Barry House pointed out, there is a need for neighbourhood high schools - students should be taught close to home. The home environment has an influence on the way a student performs at school. In my experience, and I am sure the same is true for many other parents, the home influence in assisting a child through those secondary-school years is vitally important. I am a parent and I have been involved with parents and citizens associations and the Western Australian Council of State School Organisations. It is very interesting to note how many parents get involved in their children's education. On many occasions when my children were at primary school the P & C council comprised 10 or 12 parents. By the time both my children had finished school, about 30 parents were involved and the school population was between 350 and 400 students. That is not a high percentage of parents making decisions on behalf of the school and influencing what is going on in that environment. A handful of teachers also got involved at the P & C or administrative level. I commend the way the teachers led our children through school. On occasion the children deserved a clip over the ear, but they wanted to do their best. They obviously attempted to do so and worked pretty hard.

Hon Derrick Tomlinson: They did.

Hon MURRAY MONTGOMERY: Yes, they did; I have one going on to study at TAFE and the other going to Curtin University.

I am sure all members were lobbied to ensure that provision for home schooling was retained in the legislation. Parents should be able to undertake home schooling even though they have a school in their area. I do not have a problem with parents teaching their children at home if they have the capacity to do so. Children can learn in a different way in a different environment. That is a matter of choice, but only if they are offered the opportunities that the Education Department deems



are necessary in respect of the three R's, environmental studies and so on. Such provisions have been included in the legislation in the past, and I do not see any reason for removing them, as was proposed.

I refer to the design and location of schools and the opportunity for parental involvement to ensure that they suit the local community.

*Sitting suspended from 6.01 to 7.30 pm*

Hon MURRAY MONTGOMERY: Before the dinner suspension I was talking about school designs. I refer to the schools built in Albany, and at places such as Little Grove, just around the coast from Albany and Denmark. The local authority assists in providing facilities within the community. Schools often require facilities on site which the local people wish to use. At the Mt Barker Senior High School the Shire of Plantagenet and the Education Department have provided a facility which is managed jointly. The school community and the community at large benefit as this facility is being used on a weekly and year-round basis. The Education Department should take this on board to ensure we get the best value for the facilities which are required for the education of our children and which the community can have the benefit of outside school hours and school-use times.

Agricultural education is another area I wish to discuss. Members would know that a number of colleges and some high schools around the State have moved into agricultural education. This style of education is paramount for country people and country communities. However, it also gives children from the city who wish to pursue agricultural education the opportunity to work and be educated in years 11 and 12. Encouragement for these facilities to be extended and expanded in areas around the State is paramount as the State has a large dependence on agriculture. Agricultural education covering wide areas ranging from grain, livestock, horticulture and viticulture to dairying is attractive for some of those students who do not necessarily wish to pursue an academic education. It shows them that agricultural pursuits are being recognised formally in Western Australia, as they are nationally, and are included in the education system. It is important that these pursuits are recognised by the Education Department and that they are continually pursued for excellence. It certainly shows in those students who have been through these facilities and have gone into the workplace. They show the advantage of that agricultural education base.

For 20 or 30 years Albany has been seeking a formal footing with a tertiary institution. A number have been tried and in a couple of weeks an open day will be held by the University of Western Australia, which is looking to see what student numbers it might get if it were to site a campus in Albany and kick itself off in that city. I congratulate the university for that because if it is possible to get a campus up and running, it will give students the opportunity to begin a university course in Albany. The regional college in Albany has run first-year courses attached to the universities in Perth. Students have been able to do their first year in Albany before coming to Perth to complete their university education. It would be advantageous for Albany to have such a campus.

It has taken a long time to rewrite the original Education Act; there have been a lot of amendments. I support the Bill.

**HON B.M. SCOTT** (South Metropolitan) [7.38 pm]: I speak with great enthusiasm on this Bill because it is a significant piece of legislation. I will confine my remarks to a few areas. I will look generally at the importance of education and its being an investment in the future. I wish to focus on the key role that families play in education, with parents as partners, and to reflect on the origins of the Bill and the development of the Act, and to pay credit to the previous Minister for Education. I also wish to look at some specifics in which I have been involved in the early childhood field, how the provisions of the Bill have accommodated a number of reports and recommendations, the process of the Bill's development, my part in the Standing Committee on Public Administration, and a few other matters.

I will begin by commenting on the importance of education as an investment in our future. I believe most members of this House recognise that an investment in the education of our children is a true investment in our future. I have often referred to the words that were used by President Roosevelt when the American Government was considering education, in particular early education, when he said, "What a good and wise parent wants for his child, so should a nation want for its children." This Bill reflects the huge changes that have taken place in our community and in parents' expectations since the 1928 Act became law. Parents are now saying more than ever that education is not just a compulsory part of a child's development but also an investment in our future.

Sir Christopher Ball, a renowned English educationalist, who has advised Governments of all political colours, wrote a significant document in 1994 entitled "Start Right, The Importance of Early Learning". He states that the intention of the report is to present a challenge to the nation - to parents, educators, employers, the Parliament and society as a whole - and that it aims to demonstrate the importance of early learning as a preparation for effective education to promote social welfare and social order, and to develop a world-class work force. His report came out one year after my report to the then Minister for Education, Hon Norman Moore. The Start Right report examines good practice in preschool education, and it finds that the key factors are a curriculum which encourages active learning, well-trained staff of the highest quality, and the involvement of parents in a triangle of care. The report concludes that the existing pattern of provision of education in the United Kingdom is insufficient and not good enough.

People around the world acknowledge not only that education is an investment in our future, but also the critical importance of early education, whether that be in school or in the home, and of the involvement of parents in developing sound learning models. That is reflected in the Bill in a number of ways. The key role that is played by parents is reflected in the objects of the Bill in clause 3(d), which states -

to acknowledge the importance of the involvement and participation of a child's parents in the child's education.

It is significant that the Bill acknowledges the importance of developing and encouraging participation by parents. Parents often have unrealistic expectations of their children and expect either too much or too little. The involvement of parents in their children's education enables them to bond with other parents and with the teachers who are dealing with their children, and to observe how their children interact with their peers, so that they can understand that they may be expecting too much, or not expecting enough, of three or four-year-old Johnny. That is a very good lesson for the parents of young children. The rights of parents with regard to their children's education is protected in England through a parents' charter. This Bills deals with that matter by giving parents the right to review decisions that affect their children.

I will now spend a few minutes on the origins and development of this Bill, and will identify the areas of modern education and thought that are encompassed in this Bill. I pay tribute to the Minister for Education in 1993 and 1994, Hon Norman Moore, whose work resulted in the review of the 1928 Education Act, and who encouraged and developed a train of new thought in this area. Hon Norman Moore initiated four reviews into the education system: The Vickery report on the Review of Education and Training, the Scott report on Voluntary Full-time Pre-primary Education in Western Australia, the Tomlinson report on Schooling in Rural Western Australia, and the Hoffman report on the Devolution of Decision Making Authority in the Government School System of Western Australia. I believe Hon Norman Moore also initiated the Shean report on disabilities, or that the Shean inquiry reported during his time as minister.

Hon N.F. Moore: The Shean report was not initiated by me. There was also the House report on physical education in Western Australian schools.

Hon B.M. SCOTT: While Hon Norman Moore was Minister for Education, he not only initiated the rewriting of an Education Act that was extremely outdated, but also ensured that the community was consulted in every way. When we go into committee on this Bill, members will be reminded that the provisions of the Bill have taken on board the important recommendations in the Vickery, Scott, Tomlinson and Hoffman reports, and also the important recommendations about the disabilities area that were made in the Shean report.

I will now focus briefly on the early childhood area and link my 1994 report with the provisions of the Bill in that area. Part 5 of the Bill deals with a change in our education system with the introduction of pre-compulsory education. Prior to 1992, very little pre-compulsory or kindergarten education was available in this State before the commencement of the primary system. Some 300 or 400 kindergartens were scattered across the State, which provided world-class early learning experiences for children and were devoted, as identified by Sir Christopher Ball, to active learning. It is very important that that mode of learning move into the school system. The Bill picks up the pre-compulsory education period; that is, the two years prior to the compulsory education years - the kindergarten year currently being the year in which the child turns four years of age and the preprimary year being the year in which the child turns five.

The other area of early education picked up by the Bill is the entry age change in 2001. It is a major change in the education system in Western Australia. That is a recommendation made to the Parliament by the committee and accepted by the Government, to move the entry age into preprimary education by at least six months and almost a year in some cases. The concept behind that was very simple; that is, Australia has a very large mobile population that moves around the country and there is a need to define a common entry age across Australia. There are strong arguments based on research that the later a child enters a formal schooling situation, the better. I have a comprehensive data sheet indicating when the new entry ages will operate, and it is important that the community at large understands that this Government has accepted the recommendation of moving towards a common entry age across Australia. By 2001 a child must be four years of age by 30 June of that year to enter the kindergarten year, and five years of age by 30 June to enter the preprimary year. They will go through the school system at a later age, for many good reasons, about which I have talked in this Parliament before. I will not elaborate on them this evening other than to note this paper which sets out when the amended entry ages come into operation.

The other issue I refer to briefly in the early childhood field is the recognition in this Bill of the importance of community kindergartens. Prior to 1992 there were between 300 and 400 community kindergartens in Western Australia, and every Government has given lip service to their support. In my view community kindergartens resemble all the things talked about in the report in terms of devolution, self-management, parent bodies in charge of a budget, and other features now thought of as very good. This State has stood by and watched the demise of a system that had huge community and parental support and very good outcomes for children. When the Green Bill was released, there was no recognition of the importance of community kindergartens and no ability to ratify new community kindergartens, but through the process this Bill now contains provisions that will allow new community kindergartens to be formed. I still meet many parents who are so

committed to their children's early education that they are determined to progress and maintain a learning environment based on what Sir Christopher Ball described as active learning or learning through play. It is no secret in education that children should be taught at their point of interest. It can be compared to parliamentarians making speeches; if they do not try to gauge their speech to their peers' point of interest, they are quickly lost. Children and adults learn at their point of interest, so it is important to provide active learning in the early years. I obtained another quote from Sir Christopher Ball from the Internet tonight, with regard to learning. In a report entitled "What's in it for me?" Sir Christopher Ball, Director of Learning at the prestigious Royal Society for the Encouragement of Arts, Manufacturers and Commerce, states that the three most important factors in learning are motivation, motivation and motivation. If we do not achieve that one bottom line in the education system of motivating young people to learn and further their education, we will have failed.

I will spend a few moments on the disability area and the outcomes of the Shean report, a very worthwhile document which is reflected in the provisions of the Bill in a section dealing with a disability advisory committee. This Bill allows parents of a disabled child to knock on the door of any school, ask whether an appropriate program can be provided in the school for their child, and if it cannot be accommodated, ask why.

I will spend a few moments on the process by which the Bill was developed. I want to make some observations that I found interesting. I talked about the extensive consultation that took place on the Green Bill, but it is important to take on board that every one of the reviews initiated by Hon Norman Moore in itself included huge community consultation. In the Scott report submissions were received from more than 275 individuals and 250 groups. I am sure a similar process was involved in the other reports. It is common in Western Australia now to provide a Green Bill, and in the process on this Bill students, parents, community members and the public were able to access the Green Bill, discuss it and raise at public meetings anything they wished to raise. The School Education Bill reflects the accommodation of some of the concerns expressed at public meetings. For instance, the community kindergarten section reflects the fact that the Government will allow new community kindergartens to be established although the Green Bill allowed only for existing kindergartens. It is very important that Governments continue to acknowledge community kindergartens where they exist and if communities wish to form new kindergartens and run them, that should be allowed and it is. At the moment the interim stage of the change to the entry age of children to community kindergartens is causing some conflict and consternation in some communities, which must be resolved. There is an interim period between now and 2001, and parents feel that children with birthdays late in the year - or younger fives - should be able to stay in the community kindergarten for their preprimary years and attend four sessions a week. This Bill very clearly denotes in the pre-compulsory years section which children will be able to attend a community kindergarten, and the permission of the director will be required for children outside that age - either younger or older - to attend. The Green Bill and the public consultation embody all the concerns raised in those detailed reviews conducted since 1993. That Green Bill concept has been very successful. It also takes out to the public the notion of how a Bill is developed, and that in itself is an educative process. Not only did the process gather feedback and educate, but it also provided an explanation of the intent of the Bill.

As many members are aware, amendments were made to the Bill in the Legislative Assembly. Those changes reflect the Minister for Education's spirit of consensus and acceptance of what the community wants. They also reflect Hon Norman Moore's intent in bringing forward this very outdated Bill. We went through this Green Bill consultation process after extensive reviews and the legislation then went to the Legislative Assembly, where amendments reflecting some community concerns were passed.

I will refer briefly to the Public Administration Committee and its role in that process. As the deputy chairman of the committee, I saw it as my responsibility to participate fully in its evidence gathering and deliberations. It was a very worthwhile exercise. I spoke against the Bill's being referred to the committee - I saw it as a delaying tactic - but because the members concerned put in so much time and because they received such good advice, it was a worthwhile exercise. However, I must now distance myself from some of the committee's recommendations to the Parliament. On reflection, the committee did not have the time to gather all the evidence or the expert advice required. It did not have the time to look at the consolidated Bill to ensure that it contained no conflicts. If we were to accept the committee's recommendations en bloc, we would defy the importance of some of the changes Hon Christine Sharp wishes to make, and that is an important consideration.

Home educators were one of the most vocal groups in the community. As the parent of four children, I have great empathy with them. Worldwide research has proved again and again that if we want well-educated children we must have well-educated parents and help them to educate their children. School activities are an adjunct to what is done in the home. The research findings are reflected in the very low levels of education achieved by indigenous groups and those in low socioeconomic areas. After speaking to a number of people, including Sir Christopher Ball, I am convinced that the only solution is to get to the main carer; that is, mothers, who are primarily in that role throughout the world. Sir Christopher stated that if we want to teach the indigenous people of any country we should teach them through their mothers. We should begin with wellness messages about health - drinking clean water, washing hands before eating and so on.

In any school or community, 90 per cent of the highest achievers come from homes in which the parents began putting in that extra effort when their children were very young, and continued doing so. My background is in teaching, including

remedial teaching, and I was a deputy principal. I left teaching to have four children and got involved in early education. More than anything else the kindergarten experience taught me that we cannot teach children in isolation. If the teachers do not understand the home, the parents and the family situation, they are fighting a losing battle. That triangle must be established. This Bill reflects the views of modern parents and the importance of having advisory bodies at every level to encourage parental involvement. My experience tells me that this Bill must encourage parents to be involved at the coalface. The doors must never be shut to parental involvement in education.

The issues the committee considered were important, and it probably focused more heavily on the government sector. The Bill acknowledges that 27 per cent of our children attend non-government schools, and Governments should be very grateful for that high percentage. Development of the non-government sector in this State has been extensive and encouraged by the Federal Government's initiative in providing low-interest loans. My children attended state schools at primary level and then private schools at the secondary level. At all times I took a very active role in parent bodies, councils and school boards. From the time my children were very young I was invited to participate in government advisory bodies, even under the Labor Government, so my involvement has been extensive.

The school boundary issue was an important aspect of the Public Administration Committee's report and deliberations. The Government's intention is very clear; that is, while removing the boundaries it will give parents the option of sending their children to the closest school in their neighbourhood. There are many reasons to accommodate that desire. Young children, in particular, need to build up friendship structures in the community, and if they are required to attend a school far from home they are denied those neighbourhood friendships. I do not have a problem with the thrust of the committee's report that we must allow local access to local children.

The Bill also deals with fees and charges and the importance of assistance schemes to ensure that people in need are helped. During the years I was involved in community kindergartens and when I led the state group - for almost 20 years - the "needy child" grant helped those people. The terminology may not be acceptable in today's climate, but the grant provided those parents who could not afford to pay fees with access to a common funding pool. This Bill provides for collection of fees and charges for consumables. In the early years the consumables included flour for cooking and so on. Some in the community have debated the concept of schools running their own book-hire schemes, how much they cost and whether every child should have new books every year.

I refer members to partnerships for parents and including in the Bill and the system the ability for parents to question decisions. Some of us considered the ability of having an Ombudsman for education. The review mechanism is very important and takes care of this issue in the Bill.

I have mentioned my admiration for the growth of the non-government sector and how important it is that we recognise that in Western Australia. I am fortunate that in my electorate I have dozens and dozens of schools. I will go to some 50 or 60 of them in the next few weeks. I also have four universities. In the time that I have represented the South Metropolitan Region I have seen the growth of Curtin University and Murdoch University and the extension of the Murdoch campus at Rockingham and the beginnings and the establishment of a Catholic university, the University of Notre Dame Australia in Fremantle, which gives students an extremely different option of entering a tertiary institution. Other institutions are now looking at how students should be selected for university. The University of Notre Dame's selection process has forced other universities to re-examine the whole tertiary entrance examinations and entry into university.

With those words, I support the Bill. I commend Hon Norman Moore for its initiation. It is a significant and historical stage in the history of education in Western Australia. I commend the current minister, Hon Colin Barnett, for the acceptance of changes that have reflected community consultation. I congratulate the community of Western Australia for continuing to show that education is very important to it. I think I reflect almost every parent's view; that is, that sound education is an investment in the future. We as a Parliament should always recognise that. I support the Bill.

**HON CHRISTINE SHARP** (South West) [8.12 pm]: I begin my remarks by making a small analysis of the difference between the Bill before the House and the current Education Act. In his second reading speech, recorded in *Hansard* of 26 November 1997, the Minister for Education, Mr Colin Barnett, described the School Education Bill as representing the following -

... a significant and historic point for school education in Western Australia. ...

The Bill provides a completely new legislative and administrative framework by which the operations of government schools, non-government schools and home education can be effectively managed. It reflects a significant amount of development work and consultation with the people of Western Australia.

One could be forgiven therefore for assuming from the minister's introduction of this Bill that the Bill represents a significant departure for education in this State. One could infer that the Bill approaches educational management and issues in a modern, twenty-first century way that embraces current educational research and current best practice as well as community concerns expressed during the consultation period. However, a comparison of the old Education Act and the School Education Bill refutes that inference because there is not a great deal of difference between the old Act and the new Bill.

Much of the Bill is simply a repeat of the old Act, rewritten in current parliamentary legalese with extended and expanded administrative detail. Significantly the tenor and the intent of the Bill is exactly the same as the old Act; that is to say, there is no new philosophical or educational direction in the Bill that warrants any claim that it represents an entirely new direction in education in Western Australia.

The Bill covers and expands on the following parts of the old Act: The procedures for managing various branches of school education, incorporating an expanded section on the administration of non-government schools; an expanded section on the administration of government schools; a revamped section on community kindergartens, which merely reorganises the administrative procedures; a new section on home education, which simply replaces the one-paragraph mention on this subject in the old Act; an expanded section on the minister's role in setting up, closing and amalgamating schools; and an expanded section on the functions of teaching staff, principals and the chief executive officer. It has procedures for enforcing compulsory enrolment and attendance, as does the current Act. It has procedures for setting up school councils and the parents and citizens associations and the limits of their powers. It has financial provisions for school funding and accountability. It has procedures for the suspension or exclusion of students from a government school, limitations on the form of educational instruction, and the form and limitations of the central administrative body.

The 1928 Act was essentially about the control of students, parents and school and administrative staff and the accountability of schools. It was not about educational issues or philosophy. The Bill simply reiterates this approach; in fact, where there are differences between the Act and the Bill the differences tend to strengthen this control approach over the various parties involved in education. This is most evident in the clauses dealing with students, with issues on access to schools and with discipline problems. It amounts to what could be described as a tougher law and order stance in the current Bill. Thus the Bill comes across as more punitive and draconian than the old Act. One can accept that an Act passed in 1928 did not take into account many behavioural problems that are caused by social issues, nor that students and parents have a right to natural justice and due process, nor the need to be sensitive to individual differences now that we accept that we are all living in a multicultural society. After all, these issues were not greatly developed in the era of 1928. However, for a piece of legislation that is drafted in the 1990s to continue to virtually ignore these issues is, to say the least, a disappointment. The differences between the Act and the Bill when taken together represent a singularly tougher approach to students who do not fit well into the middle-class milieu of our government schools. For example, in abandoning the notion of local intake areas, the Bill as proposed means that schools do not have to accept students from within their own local intake area and can accept students who are resident outside the local intake area. The Bill also gives powers to a principal to refuse a student enrolment. The Bill sets out the grounds that the principal must take into account in making such assessment, including the nature of the benefit or detriment likely to accrue or be suffered by all persons concerned if enrolment is refused, any additional cost involved in providing a program for that child, and the effects of the child's behaviour or disability or other condition on the child's participation in the program. In other words, the principal is no longer forced to enrol a student simply because he lives in the local intake area. He can refuse to enrol a student who is seen to be in some sense a potential problem. The combined effect of these clauses is that students who do not fit into the system will be more vulnerable than ever to being removed from it by the school staff. This approach fails to recognise that certain sections of the community such as Aboriginal children, children with learning difficulties, children with disabilities, children from non-English-speaking backgrounds and children with cultural backgrounds different from the dominant culture are already at risk of school alienation. This increased emphasis on removal from the school system only further disadvantages these students and will create more problems for society further down the track.

The Bill proposes that advisory panels be appointed to advise the minister on the right course of action in those situations. However, the Bill provides no recourse to procedural fairness. In all cases, except those involving students with disabilities, no real mechanism is in the Bill through which students or parents can seek an independent review of administrative decisions. I argue, therefore, that if this Bill is to operate in a way consistent with our obligations under international treaties such as the United Nations Treaty on the Rights of the Child, the United Nations Draft Declaration on the Rights of Indigenous Peoples and its Declaration on the Rights of Disabled Persons, and with modern principles of social justice and multiculturalism implicit in much other legislation, two essential amendments must be made. First, the objects and aims overriding the entire Bill must specifically reflect the values inherent in multiculturalism, cultural differences and the needs of the Aboriginal community and their children, the rights of all children to natural justice and due process and the recognition that many students are the victims of powerful pressures and influences outside their school and outside their control. The educational process must acknowledge and come to terms with this to help overcome the causes of these problems rather than further punishing the victims.

Lastly, any decision taken under the new Act that will adversely affect the rights of any child should be subject to an independent review. In other words, although an enormous amount of work has been done and significant detail is in the Bill, I am trying to say that I see the Bill as being essentially lopsided. It is only one side of the dialogue between the State and our children and their parents. The Bill deals essentially with the fact that education is compulsory. It therefore sets out the provisions that will enable parents and children to fit within the requirements of the State. It virtually ignores the other side of that dialogue: What are the obligations of the State while providing compulsory education to provide an appropriate, meaningful education, which will, as Hon Barbara Scott pointed out, motivate our children to relish their

education and to allow it to provide them with a really good start to life? I fear that this lopsidedness has its foundation in financial thinking and a reluctance by the State to set up obligations for itself which may require more financial underpinning than the Government is prepared to commit.

So often we hear, "We cannot have this or that program because there is no money." For example, in my reading I came across a program called "Reading Recovery" trialled by the Education Department of WA 10 years ago and which had remarkable success, particularly for children from non-English-speaking backgrounds. That program has been abandoned because, in the words of the Director General of Education whom I am quoting by hearsay, "There is no money."

Hon Derrick Tomlinson: It was funded last year.

Hon CHRISTINE SHARP: During question time today I asked the minister how many government primary schools use trained remedial reading teachers. I was told -

Individual schools decide how to use their staffing allocation . . . Specific qualifications are not required and schools do not report to central office on the roles undertaken.

I assume from that answer that reading programs, including those for children who are behind in their reading and children who need remedial programs, are not dealt with in a centralised way by the Education Department. This is an example of why I fear that our thinking is dominated by financial prudence. However, I argue to this House that in all the things that come before us as legislators there is not a single area in which it is more important for the State to be generous than in education. It is absolutely critical to the wellbeing of the future of our society as a whole. In fact, it has been said that for every dollar we spend on education now we will save \$5 further down the track that would need to be spent on the justice system.

Hon Mark Nevill asked a series of questions on notice a couple of months ago to which answers were received and which contain some remarkable information about the constitution of people in the Western Australian prison system. They contained the astounding and revealing information that 76 per cent of the entire muster throughout Western Australian jails, including juveniles, females and male adults, have a primary school education level.

Hon Derrick Tomlinson interjected.

Hon CHRISTINE SHARP: Achievement of primary school. This one statistic speaks volumes about the importance of education and the need for generosity by government to be prepared to spend what it takes, not only to educate the bright, mainstream and middle-class children, but also to ensure we do not let the other children fall by the wayside in the process. This is a fundamental responsibility and one that if we neglect we will pay for dearly further down the track. Thus the amendments that I will be moving when the House goes into committee reflect my concern that I would like to see this Bill reverse its lopsidedness and take on some balance and some responsibility in these matters. It may be said that I am advocating a more interventionist approach; that I am advocating that there be specific priorities within all schools to identify at an early stage those children who are not performing well in either educational or behavioural standards and to put extra effort into catering for those children.

The Bill proposes a series of advisory panels on discipline, children with disabilities, non-attendance and so on. If this is the main tool for intervention in the school education program, it is important to ensure that all children will be swept up and carried along by appropriate educational programs. If advisory panels are the main vehicle for achieving that, it is important that we reflect more deeply on how those advisory panels will work. Members will see when the Supplementary Notice Papers are distributed shortly that there are many amendments submitted through the Standing Committee on Public Administration's reflections and deliberations on the Bill and further amendments in my and other members' names, that provide for these advisory panels to protect the interests of children. The advisory panels are not proposed to deal just with problem cases through a punitive approach to rid schools of problem children but, rather, to provide a supportive and interventionist approach. If through these amendments we succeed in building into the Bill a better foundation for the work of advisory panels, this foundation will have a trickle-down effect of the interventionist approach into the schools themselves. If problem children attend advisory panels and the advisory panels are required in turn to provide advice to the schools on specific modifications of the education that those children are receiving in order to help them overcome their difficulties, that kind of modern educational best practice, as imposed under the advisory panels, will trickle down to the schools. It may be that, after a while, children will not require referral to advisory panels because the schools, the Education Department and the whole system will start to accept the overall responsibility for all children and not just the easily managed, high-achieving children.

I will touch on a few specific areas of the Bill, one being home education. I note the recommendations of the Standing Committee on Public Administration on home education. The committee has proposed a couple of significant changes to the administration of home education. I understand that the minister is inclined to support these changes and I am pleased to learn of his support. As Hon Murray Montgomery mentioned, home education should be the right of all children and parents. Accordingly, the committee has suggested amendments that make the requirement to register as a home educator

not a requirement but a right. Secondly, home schoolers should derive enormous comfort from the amendments that provide that home schooling should not be administered by the Education Department. Home schoolers perceive an enormous conflict of interest between the interests of this very large department - which is administering hundreds of schools - and the different requirements of the department's curriculum and the approach to learning adopted by home schoolers. One could say, from bitter experience, that in many cases the administration under the Education Department has been less than sensitive to the milieu that is home education and has - to simplify it - expected the education process within an ordinary home to reflect the same environmental standards expected to be found within a government school. This, of course, is not what a normal home can provide. This is not to denigrate what home schoolers provide for their children. I am impressed, as I am sure many other members were who had contact with people from the home education movement, with the dedication that these parents have. If people are prepared to put up their hands to undertake the huge amount of work and provide the commitment that is required by those prepared to educate their own children, we must respect the good intentions of the parents and allow them to do so, provided that the outcomes they achieve are acceptable under the curriculum framework. The process of how they achieve those outcomes we leave to the intelligence and goodwill of the parents who have responsibility for the matter.

Hon Derrick Tomlinson: Hear, hear! That should be translated also into schools.

Hon CHRISTINE SHARP: Yes, I agree. That it were!

I will touch upon the area of great concern to myself and perhaps also to other members. To be dramatic, I refer to a creeping cancer within our education system; that is, the increasing preponderance of the use of commercial sponsorship and advertising. Having commented upon how seriously I take the responsibility of the State towards children and their parents, I reject the trend which has been undertaken for a long time by P & C associations but is now being undertaken increasingly by schools of seeking commercial sponsorship and advertising within all sorts of educational activities. That is an extraordinarily dangerous trend. Commercial activities and education are completely different and should remain different. If any company were to sponsor learning materials or educational activities in our schools, it would almost certainly be linked to some perceived commercial advantage. I reject the notion of sponsorship. Our children are already subjected to the pressures of advertising and commercialisation through other mediums, and we should keep that out of our schools. It is appalling that not only P & C associations but also schools will be allowed under this Bill to engage in this commercialisation of our education system. If companies have sufficient surplus profit to be able to sponsor activities or learning materials in our schools, it would be far better to reform our taxation system so that those excessive profits were not dealt out in an ad hoc way by the largesse of these commercial companies but were put into Treasury and centrally distributed to our education system and other areas of important social need.

I turn now to the work of the Standing Committee on Public Administration. The Leader of the House and other members appeared to be most alarmed at the proposal that this Bill be referred to that committee. Therefore, in order to accommodate the concerns of the Leader of the House, the committee set about completing its task in an extraordinarily short time frame. The nitty-gritty of the work of that committee, when its members could get together and organise a series of meetings, took place in under one month. That is a remarkable achievement, and it reflects enormously well on all the members of the committee who contributed to that Bill; they worked extremely hard, and in a spirit of goodwill and cooperation across parties. Notwithstanding any deficiencies in the work of the committee, I believe that overall it has presented a far better Bill to the Government for consideration than the Bill that it received; and if the amendments proposed by the committee are accepted, the Bill will go much further in reflecting the concerns that have been raised by parents, the State School Teachers Union, and the special sectors dealing with disabilities, the juvenile justice system and Aboriginal interests. The members of the committee managed to synthesise an enormous number of those concerns, and to work within the limitations imposed upon the Legislative Council of not being able to propose any amendment which would require an appropriation. I began my remarks by saying that it is important that the Government be generous in this area. The committee has done an extremely good job, and I hope the Minister for Education will be delighted with the amendments that it has proposed and the other amendments that are on the Supplementary Notice Paper.

**HON KEN TRAVERS** (North Metropolitan) [8.46 pm]: Mr President -

Hon N.F. Moore: Is this a filibuster?

Hon KEN TRAVERS: It is not a filibuster, and I take offence at that comment. Members who want to look at a filibuster in this Chamber need look only at the actions taken by members on the government side in the past few weeks. I will place on record the very positive work that is being done by Clarkson Primary School in my electorate. That school deserves to be commended for its work, which is a great example for other schools in Western Australia. I will return to that matter later.

I will now make some observations about some of the areas about which I have concerns, and about some of the comments that have been made by other speakers. I commend the Government for using the process of a Green Bill. I notice that the Government has agreed to use that process for another piece of legislation that will come before this place in the future with regard to water law reform. The opportunity for people to make comments about legislation is always very beneficial. It

might mean that people get more than one bite at the cherry, but that is beneficial with a Bill as important as this Bill. I also take this opportunity to agree with Hon Derrick Tomlinson that all too often we are confronted with over-legislation and over-prescription. I have seen that occur in other forums with which I have been involved, where people have tried to prescribe rules for every situation that may arise. However, if goodwill and the right culture do not exist in the first place, people tend to get caught, and once they start going down the path of over-legislating, they come up with 400 things that they have not covered, and before they know it, even a simple organisation has rules that fill three volumes. I tend to agree with Hon Derrick Tomlinson that this legislation commenced with over-prescription and has become worse as the process has continued.

The difficulty, which I have found in other forums, is that once the process has started it is extremely difficult to turn back the clock. The many amendments will make it almost impossible. It is generally a problem in society today that people tend to treat everything as a legal issue rather than differentiate between legal and moral issues. Many things in schooling and education deal with moral issues and should be dealt with in that context, rather than through strict legal interpretations. Because of the change in the numbers in the upper House, people expect members on this side to put caps on the Government. In the old days, if the people did not like what the Government did, they voted out the Government at the next election. Now people look to the upper House to play a role. As we work through this legislation we must consider that aspect in terms of redefining the role of this House. This is one of the first Bills to come before the House that puts before the Legislative Council the question of whether it has a role in placing barriers or protections against the excesses of the Government in legislative areas which have been previously the province of the Government. That obviously makes it harder for the members on this side of the House because if they are too successful in restricting the Government, it will be harder to knock off the Government at the next election.

I turn briefly to the role of schools in our community, and I refer to what is happening at Clarkson Primary School. It first came to my attention when members of the community talked about a positive attitude in their school. In the past there had been some negative views and a range of problems which regularly occurred in many of the new areas in the northern suburbs. The Clarkson school was typical of that situation. It had its ups and downs but, all of a sudden, positive comments were made in the community about what was happening at the school. As a result, I made some inquiries to find out what was happening. One of the actions taken by this school was to remove a teacher from teaching duties and employ that teacher full time working with the community and the social problems in that school. Hon Christine Sharp referred to something similar. The teacher was not just teaching the three R's but was trying to involve the community in the school and to address the problems. This was successful to the extent that last term approximately 50 suspensions took place at the school and this term there has been none. All the teaching staff should be given the credit they deserve for this outcome because they took on extra work to free from teaching duties the teacher who performed this new role. I urge members for the North Metropolitan Region to take the opportunity to find out what is happening in that school. I intend to pursue it further because I think it is an opportunity for some of the other government agencies in that area to become involved with the school and perhaps be collocated on that site. Some of the programs in Family and Children's Services could be offered through the school community. The school is building up trust among the parents and the wider community, and that would allow for the introduction of some of the intervention programs dealing with the social issues facing society. It is living proof that it can work.

The school is also working very hard on parental involvement and on addressing the issue that many parents do not feel confident enough to be involved in the school community. All members know that everybody has a contribution to make. Everybody has some skill which they can contribute to the school community; it could be that a parent is a good footballer and can help the children with their sport. The school is trying to identify these skills and to assist the parents to believe in themselves and to play a role in the school community. That has probably been lacking for some time, and certainly the role played by schools as a focal point in the community has diminished. The role of schools as the central point should be emphasised. I do not suggest that it needs to be incorporated in writing, but we need to make sure that is the culture and the message this Parliament sends as its view of the role of schools.

I now briefly touch on school fees. I know the Bill outlaws tuition fees but I am concerned that the Bill provides an opportunity for an increase in fees. School boundaries must also be considered. Involved in the issue of culture and being too prescriptive in the legislation, is the proposal to impose fines for truancy. When this Bill was first released one of the immediate reactions from a number of people was absolute abhorrence at the idea of imposing large fines for truancy. It struck a chord with me because I do not see how it will address the problem. It does not go to the cause of truancy and address that. A large fine of \$1 000, with an additional \$25 fine each day, may change the habits of some parents and their children, but does the Government propose to take away the driving licences of those parents who do not pay the fines? They probably will have lost their driving licences already. The proposal does not deal with the fundamental issue. Greater emphasis should be placed on school attendance panels, and the role of the school as a point of intervention for addressing some of the social issues in the community is absolutely crucial. I accept the point made by Hon Dexter Davies about the level of the fine but, whatever the amount, the whole issue will be a major problem.

I now refer to the whole question of how the Government will ensure that all children who go through the public education



system have equal access to a high quality education. Western Australia has always prided itself on that, but the system is slowly starting to unwind. I spend a great deal of time in the outer northern suburbs of Perth, which are rapidly expanding, and I understand the Government's difficulties and the financial constraints placed upon it. In these outlying areas some primary schools have close to 1 000 students. Schools in the Wanneroo and Joondalup areas have enrolments approaching that figure and I understand the same applies in outer southern areas such as Rockingham and the like. I cannot see how a child in a primary school of 1 000 students can be given the same opportunity as a child in a primary school with between 200 and 300 students. I accept that it is difficult, and that the Government needs to find new and innovative ways of opening and closing schools. I have seen schools closed and sold off, and that has an impact on the community through the loss of public open space in the area. I suspect it will have further impact in 10 years' time when those areas go through gentrification and there is overcrowding. Something is needed in the school education system to ensure that appropriate schools are available when needed, and that they are used for other purposes in the interim period before gentrification occurs in suburbs, rather than their being closed down and sold off.

Another area which goes to the equality of opportunity was touched upon by Hon Christine Sharp. It is the issue of sponsorship, sale of land and the like. Schools which can get sponsorship or have surplus land of value are often those in the higher socioeconomic areas of our society. They are probably schools which are already doing well. Some of the schools in the inner parts of the North Metropolitan Region are doing comparatively well. One school's parents and citizens association probably raises as much as half the schools in the rest of the North Metropolitan Region combined raise. This flows into the issue of inequity within our education system which we need to protect against. We need continually to draw those inequities to the attention of the Government and the wider community. We have seen recently the proposed closure of certain schools in the western suburbs to create a super school. This is a continuation of that. The whole movement down the path of sponsorship and commercialisation within schools will increase that massive inequity. We will see some schools with parents with higher disposable incomes being targeted for sponsorship. The schools in the lower socioeconomic areas will continue to struggle. That will lead to the students attending those schools experiencing a great disparity in the quality of their education. I admit that I am the beneficiary of a state school which would have been classified as a super school at the time. I attended a school reunion recently and it was a room of over-achievers. We could have set up a reasonable-sized dentistry college and medical practice -

Hon Simon O'Brien: Which school?

Hon KEN TRAVERS: Mt Lawley. We could have set up a legal firm. Even one of the students who left school in year 11 to become a plumber is building underwater worlds around the world. We need to be careful and not allow sponsorship to create a huge disparity between schools. The sponsorship of schools will lead to a conflict between section 214 and section 68 of the Bill. Section 214 deals with sponsorship and section 68 states that a government school should not promote any commercial goods, product or service. I agree with that, but I do not believe people will give sponsorship to schools unless they see it as an avenue for promoting their goods and services. We should all be most concerned about that. I hope that within this Parliament we have a general view that every child growing up in Western Australia should have equal opportunity of access to a high quality education system. Generally that is the case, but there is a growing disparity which we should not allow to increase.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [9.03 pm]: I thank the members who have made a contribution to the second reading debate on this important piece of legislation. Listening to members who have spoken and knowing what members think generally about education, it is apparent that for most of us educating children is one of the most important things that Governments do, if not the most important. We all acknowledge that the State needs to ensure within its area of activity that it has set up an education system which is the best that can be provided. We have an obligation as a community to ensure that all our citizens are educated. We do not have an obligation to force people to be educated, because we cannot do that, but we have an obligation to provide a system which allows people to be educated and to achieve their potential. In that context it is clear that there are philosophical differences in the Chamber. In Western Australia we have an education system which is run partly by the Government and partly by the private sector. This Bill is about the Government's responsibility to all students in Western Australia, whether they attend government or non-government schools. The suggestion that the Government has a responsibility to provide only a government school system for the students who wish to attend government schools lacks a fundamental understanding of the obligation of government, which is to ensure that every child has access to a quality education. It is vital that we maintain a system where parents have a choice.

In Western Australia about 20 per cent of students attend non-government schools. Those with a philosophical view that we should not have private schools or there should be no government funding of private schools should contemplate what would happen to the government school system if the private system closed down, and the enormous impact that would have on the state budget. I am not saying that anybody is suggesting that, but there are those who are of that view. We have a system which we need to ensure is the best we can provide within the financial constraints of this State. Hon Christine Sharp said we should forget about what it costs and spend what is necessary to ensure we have the best education system possible. We would all like to be in a position to agree with that but the fact of the matter is we have to determine the outputs of a system rather than rely simply on inputs, on how much money we spend, and say that that is a measure of the success of a

system. Obviously the success of an education system is the product of those who come through the system and the level of education they achieve, not the number of dollars put in to create a system to deliver that educational program. In Western Australia we spend about one-third of the state budget on education, which is a significant amount. A significant amount of that one-third is used to pay the salaries of the people who work and teach in our schools.

Hon Kim Chance: Health is not much different when it comes to that.

Hon N.F. MOORE: Health is probably identical. Members need to understand that in that situation there is a constraint on how much of what people want done can be done because so much of the money goes on salaries. Whenever teachers or other staff in the education system receive a pay rise it involves a substantial number of dollars. At a time when Governments are seeking to be financially responsible, it is hard for them to cope with large salary increases and still do all the things people want them to do in the education system. It is a very expensive business. Perhaps those members who think we should spend more money on education would like to make a list of all the things the Government spends money on when it should not so that we can transfer that money from one thing to another. We cannot create additional money. It does not come from heaven; it must be created within the community and extracted from the taxpayers' pockets by the Government. If we want to spend more money on education, it must come from somewhere, either from another part of the budget or from somebody else's pocket.

One of the good things about having a private school system is that parents pay a large proportion of the cost of educating their children in those schools. That saves the taxpayers funding those schools in their totality. All Governments have an obligation to provide an opportunity for every child to achieve a quality education. Whether that is in a government school, a private school or at home makes no difference. The conditions must exist for that education to be provided.

Many issues were raised during the debate, and I will deal with them in committee. However, I will comment on the process of this Bill. It first arrived in this House and the second reading speech was delivered on 30 June this year. It was promptly sent to a committee, which looked at it over the recess and then came back requesting more time to consider it. The committee then gave itself a month to go through an extraordinarily complex piece of legislation. Here we are, on 17 November, coming to the end of the second reading debate and heading into very murky waters in the committee stage. This Bill contains 240 clauses, and 140 amendments have been tabled. Members of the Opposition and the minor parties are not the Government. This place is the Parliament, not the Government. Governments are elected to make decisions about the way in which society will function, and this Government made a decision that it would rewrite the Education Act 1928. As Hon Barbara Scott stated, and I appreciate her comments, I was the minister who started that process. I did that because the Act had been amended so many times that it was an amalgam of many ideas over a long period and needed to be brought together with a fresh, new look. This Government made that decision and went through all the consultation processes referred to at length, which gave a range of people a chance to be involved and to make their views known.

Hon Christine Sharp: And then you hardly changed it.

Hon N.F. MOORE: With respect, the Green Bill was a result of consultation. The whole process started when I was the minister, which was a long time ago, and it involved a range of people from different parts of the community saying what they thought should be in a Bill of this nature.

Hon Derrick Tomlinson and Hon Christine Sharp talked about the Bill not having any soul - it is not about philosophy, goals or ambitions for the education system. It was not intended to be that; it was intended to be an administration Bill that put into modern language and circumstances the way we will manage the education system of Western Australia. It would be very hard to legislate the community's philosophical views about education. As we have discovered in the second reading debate, there is significant variation in views on philosophical matters. People elect Governments based upon their philosophy. If they elect the Labor Party to govern, they expect it to take a particular approach to education and other issues. If they elect the coalition, they expect it to take a different direction. It is difficult to put into legislation some of the values that some members think should be included. Those values will change from Government to Government. If they do not agree, Governments will ignore the values written into legislation.

This Government was elected to implement its policies, one of which was to rewrite the Education Act. It has an expectation, as do all Governments, of having its legislation passed by Parliament. However, when it puts forward a Bill comprising 240 clauses and is confronted with 140 amendments, that means more than half the clauses are subject to amendment. In the event that all the amendments are agreed to by the Committee, we will have the collective views of the Opposition - assuming the Government does not agree to the amendments - and not the Government's position. Such a Bill would be completely unacceptable to the Government, and we will have wasted an enormous amount of time, goodwill and consultation.

I was very disappointed when I heard Hon Kim Chance say the Bill had to go to the Public Administration Committee because it wanted to hear from the Western Australian Council of State School Organisations and the State School Teachers Union. Members can consult WACSSO by going to the Leader of the Opposition's office - he employs the organisation's president. Members can also wander down the street to the SSTU and it will provide any information members want. If

members do not know its views without having a parliamentary committee investigate them, they have not been listening to what people have been saying in the community for a long time. It worries me that the product of the review that has been undertaken by the Public Administration Committee represents the views of some people in WACSSO and the SSTU. I do not believe for one minute that the SSTU has the best interests of the education system in mind. I have a view about that union that I will not go into now. Similarly, WACSSO does not necessarily represent the interests of all parents, or many parents. A few years ago we had a dispute about education. When the proposition was put that schools might have more authority and more responsibility for their own affairs, I assumed as a parent that most parents would not think that was a bad thing, only to find that WACSSO was opposed to devolution. The SSTU wants to control education from within and not allow the broader community to have any involvement or any capacity to make decisions within each school. One of the ironies of the education debate is the whole question of devolution of responsibility to schools. When I was minister I attended a number of international conferences, including the International Secondary Principals' Conference in Sydney. I listened to speaker after speaker talking about educational systems and programs in other parts of the world. The delegates were all talking about post-devolution - where they should go after devolution, because they have had it for years. They are looking at going to the next stage and ensuring that their schools are flexible and that they deliver appropriate programs.

Hon Kim Chance: Which of those countries has a better education system than ours?

Hon N.F. MOORE: Many of them. Our education system is far too centralised and far too controlled by several special interest groups; namely, the bureaucrats in the Education Department and the SSTU. I have argued for a long time that their powers need to be shared. Instead of the people working in head office saying how schools should operate, it should be the other way around. I have a similar view about federalism vis-a-vis the commonwealth-state relationship. The SSTU has enormous control over the education system and that is unhealthy. Other organisations have at least the same requirement of the education system as do teachers. The system is supposed to educate children, not create jobs for teachers or soak up government funds. We should create an environment where it happens best. I always thought that it would happen best when schools had some control over their affairs and made decisions for the individual children and their school instead of being controlled by outside bodies, as tends to happen in Western Australia. I was a bit disappointed therefore to find that other parts of the world were a long way ahead of us in this area. That is not to say that we do not have a good education system in Western Australia - we have. There is no question that we have a good education system. It appals me to hear people like Hon Ljiljanna Ravlich be so negative about it.

Hon Ljiljanna Ravlich: You always say I am so negative.

Hon N.F. MOORE: The member was.

Hon Ljiljanna Ravlich: It is a catchphrase because you do not have anything better to say. I am entitled to my opinion.

Hon N.F. MOORE: The member is clearly entitled to her opinion and we are entitled to hear it, as we do from time to time. Because she made a speech in here, I am entitled to respond. She has a negative attitude to our education system. I interjected on her and said that I also felt a bit irritated about it when I was a teacher because the system seemed to be so ponderous, so slow, so unimaginative and so centrally controlled that one could not do anything. That may still be the case. However, I still think that she adopted a negative approach. Her comments about how there has been too much change and how the system cannot cope with it worry me a little because it is necessary for systems, processes and organisations to change. I take members back to the time Hon Bob Pearce was Minister for Education. Did he have the better schools program?

Hon Kim Chance: I think it was the school improvement program.

Hon N.F. MOORE: Hon John Halden had the school renewal program, which was closing down schools with another name. I think Bob Pearce's was the better schools program. That almost frightened people in the education system to death. The Labor Party was in office at the time and said that education had changed and that it could not be like it had always been. We all said to Bob that he was going too fast. He said no and that it would happen. It will continue to happen in education and in every other field of endeavour, for that matter, well into the future. On both sides of politics we must try to sell change in advance of making it. One of the problems with changing Governments every so often is that Governments come in with a new view of the world. We need to try to make sure that we get across the message that change will occur and must occur. That is in the best interests of everybody involved.

One of my disappointments as minister was the immediate reaction of some organisations to change, particularly the reaction to any proposal to change. As a matter of interest, I think I had been minister for about three weeks when a paper on devolution which somebody in the Education Department had written was leaked to the media. The State School Teachers Union went on strike. I had not even read the report, let alone endorsed it or agreed to it. However, the very thought of the word was enough to send the union's president, Brian Lindberg or whoever it was at the time, and his mates into total and absolute apoplexy. It really worried me because I thought that the time had come for us to say to the union and other people, "Let us make sensible change and give your members and the school principals in the system some serious involvement and control over the way in which their school operates and the capacity to make decisions for the benefit of that school and allow us to be flexible and to be able to respond to the needs of every child."

We have an interesting situation. The so-called arch-conservatives are people like me. Hon Tom Stephens says I am the most conservative person who has ever been in politics since Alexander Forrest, which is saying something. The serious arch-conservatives on this Bill and in respect of other issues are people like Hon Ljiljanna Ravlich and Hon Helen Hodgson, who are suspicious in the extreme of change. If one reads their speeches, one sees that they want us to stick with the old tried and true system which they seem to think is for the best in this State. I have looked at the definition of a conservative. Conservatism is defined as the disposition to preserve what is established; opposition to innovation or change. In respect of this Bill and education generally I am sure I am not a conservative. We need to have innovation and change, and the Government is seeking to do that. However, I come back to the fact that we need to do it at a pace at which the community can come along with us. I acknowledge that when I was minister and trying to quickly implement all those reports, I was too quick.

At the end of the day we will come to recognise that the work done by Hon Barbara Scott in early childhood education will be a cornerstone for the way in which early childhood education heads for many years. The establishment of the Curriculum Council has been a good move, provided that we can get some people on it who represent the community and not merely special interest groups. The way this House amended that Bill is a pity. That aspect needs to be separate from the running of government schools. We need to ensure that the other aspects that have been looked at in the past, such as devolution, come to fruition at some time in the future.

I was coming to the way in which this Bill has been arrived at and where we will go to from here. I was talking about the murky waters of the committee system. Under our standing orders, when a Bill gets sent off to a standing committee it has the effect of limiting some of the debate in the Committee of the Whole House. The first motion that is dealt with in committee is a motion put by the Chairman of Committees that the Committee agrees to the amendments recommended by the Standing Committee on Public Administration. Are there 46?

Hon Kim Chance: I think about 33.

Hon N.F. MOORE: There are amendments to 33 clauses or thereabouts. We will be asked to agree to all of those en masse. I find that to be a totally unacceptable process. It may be that the Government will agree with some of the amendments, as it does. There may be some amendments to which it is vigorously opposed. The debate on that motion may degenerate into a debate about 33 clauses of the Bill, which is a fair bit of it. It would be almost a second reading type of debate again on a whole mass of clauses that we must debate as a lump. I would much prefer us to go through the Bill clause by clause as we have always done - here comes the conservative again - which has always worked. I am not sure that the new process will work because it will have the effect of having five different sorts of clauses. Members may tell me how easily the committee stage will go when they contemplate that. There are clauses that the committee did not look at, which means that the Committee of the Whole can debate those and do whatever it likes with them. There are clauses the committee looked at but did not make any recommendations to change, so we cannot even talk about them unless we want to amend them. There are clauses that the committee has sought to amend, so we can only debate those collectively with all the others that it wants us to cover. There are clauses that individual members will want to amend. They may be some of the clauses to which the committee recommends amendments. What happens to those if we agree to them en bloc? We cannot go back and amend them, but I am not sure about that one. With other clauses individual members might want to move amendments. We have 140 amendments. To sort all that out will be a very laborious task. However, I will argue when the time comes that we should do it clause by clause rather than agree to the first motion as put by the Chairman of Committees; that is, that we agree to all the recommendations for amendments by the Standing Committee on Public Administration. It will give us a chance to say what must be said on those issues.

A range of other issues were raised by members in this debate. I do not propose to canvass them now because I hope we will have some opportunity during the committee stage to talk about some of the more specific issues, such as local intake areas, penalty provisions, home education, school fees, corporal punishment, the consultation process, funding of the public education system, sponsorship and advertising, school closures - that is an interesting one. I noted Hon Helen Hodgson's comments about lack of consultation that had occurred on school closures. I put in place a process whereby the parents would decide if their school would close, but they did not want to make the decision because they thought somebody else should do that; it was simply too hard because it was creating confusion and antagonism at the local level.

Hon Helen Hodgson interjected.

Hon N.F. MOORE: There is probably no good system. It is interesting that the Labor Party dealt with this too, because Hon John Halden was given the job of deciding the manner in which schools were to be closed down. It was typical of the Labor Party when he came up with a process called school renewal, which was a very clever use of language. School renewal was about closing schools. It provided the process of consultation and decision-making, but at the end of the day, the minister made the decision. All I did when I was minister was add that instead of the minister making the decision, we would give parents a vote on it.

Hon J.A. Cowdell interjected.

Hon N.F. MOORE: That was what somebody said. It was the most democratic thing that has ever happened and we were asked, "What is wrong with you?" Many people did not like that much. There is no easy way of dealing with this.

Hon Ken Travers made it clear in his speech that he does not understand that every school in Western Australia essentially has the same demographic history. All schools start off with too many classrooms. For a period of their history, they do not have enough; for the rest of their history, they have too many. The number of permanent classrooms must be built up to meet the average number of students at that school throughout most of its history. He also talked about urban renewal creating a problem when schools grow again. That is not the case; they simply do not do it. A decision was made to close the Leederville school because there would never be a chance for that school to grow again. Urban renewal in most parts of the State means that young parents move into those areas, or older parents who do not have children move in. Couples usually move to the outer suburbs when they need a house with four bedrooms, a family room and three bathrooms to bring up their children. That is when they move to the newer suburbs where new schools are needed. When they come back to the inner suburbs, the kids are off their hands and they do not need a school. That is the history of all our schools. If members get hold of a graph of the population of all the schools in Western Australia, they will be found to be almost identical. They grow, they fall away, and never grow again.

A number of issues were raised by other members on this side and who also expressed their support for the Bill. I thank them for their comments. I will ensure the minister provides them with a response.

Mr Chairman, I believe we have a difficulty with respect to the committee stage because I am not sure that all of the amendments are available yet.

Hon Derrick Tomlinson: The amendments are thicker than the Bill!

Hon N.F. MOORE: Have they arrived?

Hon Derrick Tomlinson: Yes.

Hon N.F. MOORE: This Bill has been before this House since 30 June this year. I still have not seen some of the amendments that some members want to move. That is outrageous. Hon Christine Sharp should realise that if she wants amendments moved to a Bill that has been around this long, she should give us notice. I do not propose to delay the Bill any longer. It is not proper for the member to now put additional amendments on the Supplementary Notice Paper at this time. When I rose to speak, I did not have before me a copy of all the amendments. I understand they have been passed around now, but that is not good enough when we have had so long to deal with this. We now have a Supplementary Notice Paper 32-pages long; I think it is the longest in the history of the Legislative Council.

Hon Ljiljanna Ravlich: It is a big Bill.

Hon N.F. MOORE: I know it is a big Bill and it has many amendments. If this House agrees to all these amendments, it becomes the Legislative Council's Bill, not the Government's Bill. The Opposition should reflect on that for a moment before it goes down the path of changing this dramatically, because it is not the Opposition's role to be the Government; its role is to scrutinise and make views, but a potential wholesale 140-clause amendment to a 240-clause Bill is outrageous.

I thank members for their contributions to this Bill. It is a pity that it has been handled the way it has by this House. I think it could have been handled through the normal process of this House. When it was introduced in June, we could have debated the second reading and then debated the committee stage. If we had started then, we would have finished two or three months ago. As it is now almost the end of the year, it is unlikely that the Government's hopes to have it passed by the end of this year for introduction next year will be realised. I ask members to support the second reading and I do not look forward with much enthusiasm to the committee stage.

Question put and passed.

Bill read a second time.

#### *Committee*

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

The CHAIRMAN: For the information of members and with respect to the new procedures that the Leader of the House was referring to in his response to the second reading debate, members might like to refer to Standing Order No 234A(2), which states -

- (2) In a Committee of the Whole House on a bill reported from a standing committee with recommended amendments:
  - (a) the Chairman, before putting any question on the bill shall put the question "*That the amendments recommended by the [title] standing committee be read into and deemed part of the bill*";

- (b) the question in relation to a clause agreed to by the standing committee without amendment (evidenced by its report) shall be put, clause 1 excepted, without debate unless it is proposed to amend such a clause.

The question that I now must put is -

That the amendments recommended by the Standing Committee on Public Administration be read into and deemed part of the Bill.

The motion is subject to debate and to amendment.

Hon N.F. MOORE: The Government opposes the motion. I understand why we have the standing order. My recollection is that it was brought in to facilitate the passage of legislation when, in essence, there was agreement on the Bill and to avoid the need for repetition of a committee debate in the House. As I said at the time of the Bill's referral, this is an inappropriate standing order for a Bill on which there is bound to be a variety of views. If we go down the path of agreeing to the motion, the only people who will have had a chance to debate clauses in respect of which amendments are recommended are members of the Standing Committee on Public Administration. In effect, their deliberations and the results with which they have come forward are being offered to us as a lump sum and we either accept them or reject them. As I understand it, if the motion is agreed to, when we come to those clauses -

The CHAIRMAN: The fire alarm is sounding. I will leave the Chair until the ringing of the bells.

*Sitting suspended from 9.42 to 9.44 pm*

Hon N.F. MOORE: If the Chamber agrees to the motion, when we consider the clauses that have been recommended for amendment by the committee, they are deemed to have been agreed to by the Chamber. We cannot deal with them because, in essence, they have been agreed to. No other amendments moved anywhere else can be inconsistent with those amendments. The Government is prepared to go along with some of the amendments, but I propose that we go through the Bill clause by clause and when we come to those with which the Government agrees I will simply indicate that it agrees and not debate them. However, when we come to those with which we do not agree, I would like to debate them.

I give a simple example. The intended new clause 22 is strongly opposed by the Association of Independent Schools. It is also opposed by the Chief Executive Officer of the Catholic Education Commission of Western Australia, which has serious concerns. I would like the opportunity to argue the case of those two organisations in respect of that clause. I guess that the theory is that, with such a motion, I must do that now. What we will end up having now is a debate on this motion covering 30 clauses. That would be an absolute shambles because we could go from clause 30 to clause 10, from clause 10 to 15 and all over the place with no continuity or logic to the argument. There is a range of reasons that we do not want to agree to all the amendments. I understand that there are several technical faults in the drafting of the committee's amendments. Without dealing with them now - but I will if I have to - we do not support the motion. I undertake that if the motion is not agreed to, when we reach the amendments with which the Government agrees, I will simply indicate that the Government agrees without debate. If the reason for proceeding in this way is to expedite the debate, what I am suggesting will also expedite it, but it will also give us a chance to argue the clauses with which we do not agree.

When else has the Government had a chance to debate new clause 22? It has not. The only people who have talked about new clause 22 are the members of the committee. I could do that now, but that would be counterproductive; it is better to do so in the sequence of the Bill. We would have a better chance to deal with the Bill in a logical sequence if we did not agree to the motion but went through the Bill clause by clause, starting with clause 1 and wending our way through to clause 240.

Hon TOM STEPHENS: I will not intrude much into the debate other than to say that the Government's concerns, as outlined by the Leader of the House, are understood. The Opposition is keen to try to put before the Chamber an orderly and manageable process in the consideration of the Bill. The minister will find opposition members to be as accommodating as possible in the process, which has been adopted for the convenience of the Chamber. It is not ideal; however, in the view of members on this side of the Chamber it is better than any alternative. I put it to the minister that plenty of opportunities will arise to find devices along the way for consideration of the issues about which he has just spoken.

Hon N.F. Moore: What does that mean?

Hon CHRISTINE SHARP: I support the motion. Before we reach an inevitable division on the matter, I seek clarification from the Chair. I have been advised informally that standing orders provide that further amendments to clauses upon which the Standing Committee on Public Administration has recommended amendment are still in order, provided they are not in any sense a negation of the amendments contained in the committee's report. I raise this concern because several amendments appear in my name on the Supplementary Notice Paper which affect clauses to which the committee has also referred. However, my amendments relate to matters upon which the committee did not touch, and in no way contradict the committee's findings. Will they still be allowed if we vote that the committee's recommendations be accepted en bloc?

The CHAIRMAN: If we accept the motion and read in the amendments proposed by the committee as part of the Bill, further amendments affecting clauses amended by virtue of that motion will be in order provided they are not a direct negative of the amendments adopted through the motion.

Hon LJILJANNA RAVLICH: I support the motion. Importantly, a procedure is in place which provides the opportunity to take this course of action; namely, that the amendments recommended by the Standing Committee on Public Administration be read and deemed to be part of the Bill. A helluva lot of work was done and effort made by members of the committee, who probably have the most thorough knowledge of the legislation of all members of this place. Irrespective of what the minister may say, I would place money on the view that members of the committee have been through the Bill in a level of detail not even undertaken by the minister.

When the Bill was sent to the committee, we stated that it was important that the committee contain representation from each party in this place. We substituted Hon Christine Sharp for Hon Cheryl Davenport, and I took the role of a participating member. In doing so, I deemed it appropriate at that stage, in consultation with my parliamentary colleagues, to adopt a position which fairly reflects the views to be expected in this place on any issue before the committee. The committee successfully achieved that intent. I am a little disappointed that this afternoon Hon Barbara Scott distanced herself from some of the committee's recommendations. Given the work of the committee and the thoroughness with which it undertook the task, given that it comprised representatives of all political parties in this place, and given that it produced a unanimous report, it is imperative that the amendments of the committee be deemed to be part of the Bill.

Progress reported, pursuant to standing orders.

## **BUSINESS OF THE HOUSE**

### *Sitting Times*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [9.56 pm]: I move -

That unless otherwise ordered, the Council shall meet for the despatch of business -

at 2.00 pm on Wednesday; and

unless previously adjourned, continue to sit until 6.00 pm on Thursdays.

This order expires on 25 December 1998.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [9.57 pm]: This matter was the subject of some discussion with the business management committee on Thursday. The Leader of the House indicated at the time that it was his intention to try to ensure some additional hours be made available between now and Christmas to address the Government's significant legislative backlog, which the Government is about to identify. The Opposition is very keen to obtain some clear definition of the measures with which the Government wants the House to deal between now and when the House rises. I ask the Leader of the House to provide the Government's legislative program at the earliest opportunity. As a sign of goodwill by all non-government members, arrangements have been made to reorganise committee meetings in order to accommodate the Government's request, and we will not oppose the motion moved by the Government. However, this is in marked contrast to the approach adopted by the Opposition we faced when in government in similar circumstances.

Question put and passed.

## **TITLES VALIDATION 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) [10.00 pm]: I move -

That the Bill be now read a second time.

On 1 July 1998 the Prime Minister announced that he had reached a compromise with Senator Harradine over the amendments to the Native Title Act. On 8 July 1998, those amendments were passed by the Senate and they came into operation federally on 30 September 1998.

The purpose of the Bill is to validate certain titles to land and waters in Western Australia which were granted in what is now termed "the intermediate period" and to confirm the effect on native title of previous land grants and public works. The intermediate period operated from 1 January 1994 until 23 December 1996, when the High Court handed down the Wik decision. During that time, many State Governments granted titles over pastoral leasehold land without complying with the requirements of the Native Title Act, because it was believed that pastoral leases extinguished native title. When the Wik

decision was handed down it became apparent that pastoral leases did not necessarily extinguish native title. That meant that some of the grants issued during "the intermediate period" could potentially be invalid if they affected native title. The Federal Parliament has now passed legislation which allows for the validation of all the grants done during that period which were affected by freehold, current or historical leasehold - not including mining leases - or public works.

The amendments to the Native Title Act provide that the validation of those intermediate period acts is done by States in the same way that the Native Title Act of 1993 allowed for the validation of past acts done prior to the implementation of that Act. This Parliament passed the Titles Validation Act in 1995 in response to the Native Title Act 1993. We now seek to amend the state Act to incorporate the federal changes. Although it is not apparent that any of the titles issued in Western Australia are invalid, we seek to provide maximum certainty, as was done previously, to those people to whom titles were granted, by passing this legislation.

A new part 2A is inserted into the Titles Validation Act to provide for the validation of intermediate period acts and the effect of that validation. Clause 12A provides that every intermediate period act, as defined in the Commonwealth Act, attributable to the State is valid and is taken always to have been valid. It reflects section 22A of the Native Title Act. Clause 12A will ensure that any grants made by the State between 1 January 1994 and 23 December 1996 which were over land that was freehold, a lease other than a mining lease, or a public work at the time of the grant or earlier, are valid. The effect of validation is dealt with in clauses 12B to 12F. Those clauses deal with the effects of category A, B, C and D intermediate period acts as detailed in the Native Title Act. Clause 12G deals with the entitlement of native title holders to compensation for validation. Under the Titles Validation Amendment Bill, the State Government is liable for all such compensation, which is to be determined in accordance with the principles established in the Native Title Act.

A new part 2B is also inserted in the Bill. This part confirms the extinguishing effect on native title by certain valid or validated acts. Clause 12H confirms that exclusive possession acts, as defined in the Native Title Act, extinguish native title. Clause 12I confirms the extinguishing effect of public works associated with exclusive possession acts and reflects section 23B(7) of the Native Title Act. Clause 12J confirms that the validation does not affect any reservations or conditions for the benefit of Aboriginal people. Clause 12K confirms that the use of land which is the subject of crown-to-crown grants is valid. Partial extinguishment of native title by previous non-exclusive possession acts is dealt with in clause 12L. Clause 12M confirms the preservation of conditions beneficial to Aboriginal people in relation to previous non-exclusive possession acts. Clause 12N requires the State to give notice to native title parties of certain types of previous non-exclusive possession acts. Clause 12O deals with the entitlement to compensation by native title holders arising from section 23J of the Native Title Act. The new part 2C deals with the ability to validate future acts through the use of indigenous land use agreement, as provided for in section 24EB of the Native Title Act.

This Bill is essential to provide certainty to the thousands of individuals and developers who were granted titles in that period. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Stephens (Leader of the Opposition).

*House adjourned at 10.04 pm*

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### QUESTIONS ON NOTICE

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

#### RAILWAYS, EXTENSION OF LINE TO CLARKSON

326. Hon KEN TRAVERS to the Minister for Transport:

- (1) Can the Minister confirm that the Northern Suburbs railway line will be extended to Clarkson during the current term of Government?
- (2) If yes, when is it expected that -
  - (a) construction will commence; and
  - (b) the extension will be completed?
- (3) If not, when is it planned that the extension will occur?

Hon M.J. CRIDDLE replied:

- (1) In December 1996, the Government announced that it would extend the railway from Currumbine to the next planned station at Clarkson in this current term. This includes railcar stowage and perhaps limited servicing facilities at Tamala Park, for which land has been reserved.
- (2)-(3) In accordance with the Government's announcement in December 1996, the final Master Planning for the extension will commence in January next year and will be completed by next June. Funding has been allocated for the Master Plan.

#### EDUCATION DEPARTMENT, CONSULTANTS

392. Hon MARK NEVILL to the Leader of the House representing the Minister for Education:

Could the Minister for Education provide details of all consultants used or contracted by the Education Department of WA during the last 12 months including details of -

- (a) the consultants names and business entities;
- (b) the purposes of the work required of each consultant;
- (c) any outcomes of this work, or in the case of incomplete work, outcomes expected;
- (d) all costs incurred as a result of these consultancies including fees and other expenses (that is, funds paid and committed); and
- (e) any intentions to make use of these consultancies in future?

Hon N.F. MOORE replied:

- (a)-(e) Detailed information on consultants contracted by the Education Department of Western Australia can be found in the Consultants report for the six months ended 31 December 1997, tabled in Parliament on 13 August 1998. If the Hon Member has a particular concern about a specific consultancy the Minister for Education will endeavour to make the relevant information available. The report on the six months ended 30 June 1998 is yet to be tabled in Parliament.

#### ELLE MACPHERSON ADVERTISING CAMPAIGN

402. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Why was over \$2m included in the 1998/99 WA Budget for the production and placement of new Elle advertisements when, according to the Minister, the Western Australian Tourism Commission ("WATC") Board of Commissioners had not even approved to "progress the concept" of the new advertisement until May 28, 1998 (one month after the budget was brought down)?
- (2) Can the Minister confirm that the WATC did not give their approval for the final advertising concepts until August 1998 (five months after the budget was announced)?
- (3) When did Elle Macpherson finally sign an agreement to proceed with the new advertisements?
- (4) Did the proposal to embark on another series of Elle advertisements go to Cabinet?

Hon N.F. MOORE replied:

- (1) Advertising of Western Australia as a tourism destination has always been the core business of the WATC since its inception. It is only the content and strategy of the advertising which varies from year to year as a result of market changes. The Board of Commissioners, as part of the normal budget process requested funds for advertising in the 1998/99 year as was the case for previous years and a similar amount was allocated to previous years. The specific nature of the commercial is not determined at this stage, as is normal. After analysing various market results and trends, the Board of Commissioners approved the progression of the Elle Macpherson advertisements.
- (2) At the WATC Board of Commissioners' meeting of 28 May 1998, it was approved to progress the concept of additional television commercials featuring Elle Macpherson and on 28 August, 1998 at the WATC Board of Commissioners' meeting, the final details of the advertising concepts were approved.
- (3) Elle Macpherson signed a Deed on 28 September, 1998 which was executed by the WATC on 30 September, 1998.
- (4) As the expenditure on the second series of Brand WA television commercials is a part of the WATC's ongoing core business and was from the WATC's normal operational budget, it did not require Cabinet approval.

#### ELLE MACPHERSON, MEETINGS WITH TOURISM OFFICERS

417. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Has the Minister, or any tourism officials, had a meeting with Elle Macpherson's representatives since January 1, 1998?
- (2) If yes -
  - (a) where and when did the meetings take place; and
  - (b) who was involved at the meetings?

Hon N.F. MOORE replied:

- (1) Yes.
- (2)
  - (a) Los Angeles. 12 and 13 May 1998.
  - (b) Kevin Carton and Simon Walsh of the Western Australian Tourism Commission, Elle Macpherson and Stuart Cameron of Artistmanagement Associates.

#### ELLE MACPHERSON, OFFICIAL RECEPTION

419. Hon KEN TRAVERS to the Minister for Tourism:

With regard to the official reception held by the Premier for Elle Macpherson at the Sheraton Hotel in Perth -

- (1) What was the cost to the taxpayers of Western Australia of this function?
- (2) Who developed the invitation list for the function and what was the criteria used to determine who received an invitation?
- (3) Was the cost of the function included in the budget for the making of the advertisements?

Hon N.F. MOORE replied:

- (1) The cost of the official reception held by the Premier to welcome Elle Macpherson was \$8,567.50. One of the regular tourism industry briefings, conducted by the Western Australian Tourism Commission, was held immediately prior to this function and included the same guest list. The Tourism Commission is responsible for marketing Western Australia as a tourism destination to national and international audiences, on behalf of and in partnership with the tourism industry in this State. As part of this joint commitment, the WATC provides the industry with regular briefings regarding its activities. The last industry briefing was held in June, during which *Partnership to Success – a guide to the WATC's cooperative opportunities for 1998-99* was launched. As the next briefing was due in September/October, it was scheduled for 7 October to coincide with the visit of Elle Macpherson. The cost of the tourism industry briefing component was \$10,300.
- (2) The invitation list for the function is a standard WATC listing of major tourism industry representatives, WATC Board of Commissioners, senior WATC staff, Tourism Advisory Councils members and Regional Tourism Associations that is used to invite industry representatives to the regular quarterly information forums provided by the WATC, of which this was one. On this occasion, the list was expanded to include representatives from the areas where the television commercials were being filmed (Rottnest Island, Fremantle, Kings Park, City of Perth, Kalgoorlie and Leonora), together with the Premier and Mrs Court and his appropriate staff, the Minister for

Tourism and appropriate staff, the Hon Clive Brown, Hon Barbara Scott and Hon Max Evans. About 200 persons were present at the combined reception and tourism industry briefing.

- (3) No. It comes from the annual budget of the Tourism Commission's Corporate Communications Division which is responsible for increasing the level of awareness of the Western Australian Tourism Commission's direction and activities within the tourism industry.

#### JERVOISE BAY HARBOUR - LOSS OF SEAGRASS

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

- (1) Is the Environmental Protection Authority ("EPA") aware that the proposed Jervoise Bay Harbour will result in the loss of around 20 hectares of the remaining 29 hectares of seagrass habitat on the eastern shoreline of Cockburn Sound?
- (2) Has the EPA assessed the potential impact on the Cockburn Sound environment of this amount of seagrass loss?
- (3) If yes, what are those impacts and what steps will be taken to avoid those impacts?
- (4) If no, why has this issue not been addressed by the EPA?
- (5) Does the EPA have a policy of no net seagrass loss for Cockburn Sound?

Hon MAX EVANS replied:

- (1)-(5) The Environmental Protection Authority has now completed its environmental assessment of the proposal by the Department of Commerce and Trade to develop Industrial Infrastructure and Harbour Development of Jervoise Bay. The EPA report has been published as Bulletin 908. The effect of the proposal on seagrass is one of the issues that has been considered by the EPA. I seek leave to table a copy of EPA Bulletin 908. [See paper No 448.]

#### MINING - LICENCE 15/6424

494. Hon TOM HELM to the Minister for Mines:

I refer to a letter dated July 15, 1998 signed by Mr Eugene Bouwhuis addressed to Mr Carmello Tony D'Agostino with the departmental reference EB:DM;NOI 1454-98 on the letter -

- (1) Can the Minister state for what reason and purpose the departmental officer has stated "Please confirm if rubbish and water pumping equipment has been removed from Johnnies and Yankee Doodle Dams"?
- (2) If not, can the Minister explain why?
- (3) Can the Minister state for what reason and purpose the departmental officer needs to confirm "if any mining related disturbance, created as a result of mining activities located on GML 15/6424 have extended outside the surveyed boundaries of GML 15/6524"?
- (4) If not, can the Minister explain why?
- (5) Can the Minister state what the departmental officer regards as "mining related disturbance"?
- (6) If not, why not?
- (7) Can the Minister state why, for what reason and purpose the departmental officer stated "I recommend that the active mining related footprint associated with GML 15/6424 be reduced where possible"?
- (8) If not, can the Minister explain why?
- (9) Can the Minister state why, and for what purpose, "Rehabilitation programmes must include spreading of topsoil, deep ripping on the contour and seeding with suitable local native flora species"?
- (10) If not, can the Minister explain why?
- (11) Can the Minister state why and for what purpose the officer stated "I recommend that disturbance to the breakaway land formation be avoided where possible"?
- (12) If not, can the Minister explain why?

Hon N.F. MOORE replied:

- (1) The Departmental Officer was following up on concerns raised by the Department of Conservation and Land Management (CALM) in a letter to Mr Carmello (Mel) D'Agostino Dated 24 October 1996 (CALM Ref: 25.4.5

RT:CO) and a subsequent site visit with officers from CALM on 5 May 1997. Gold Mining Lease 15/6424 is located within the confines of the Timberland Pastoral Lease 3114/1072 (Proposed State Forest 21) managed by CALM.

- (2) Not applicable.
- (3) The Departmental Officer sought confirmation from the tenement holders of Gold Mining Lease 15/6424, as to whether mining had occurred outside of the confines of the tenement. Mining related disturbance including a sump (dam), costean and rubbish appeared to extend over the western boundary of GML15/6424.
- (4) Not applicable.
- (5) Any ground disturbing activity conducive to a mining operation including fossicking, prospecting, and exploring for minerals.
- (6) Not applicable.
- (7) The recommendation to reduce where possible the active mining related footprint relates specifically to good environmental management practice, (progressive rehabilitation techniques).
- (8) Not applicable.
- (9) Rehabilitation Programs (Mining Related) aim to reinstate the post mining environment to a safe, stable condition that is capable of supporting self sustaining vegetation cover, comprising of suitable local native flora species. Appropriate earthworks are required to control water erosion and maximise water harvesting, This includes deep ripping on the contour following the respreading of stockpile topsoil. Topsoil is the biologically active component of soil and includes seed, nutrients and soil microbes. The Department of Minerals and Energy recommends the use of local native flora species in preference to introduced species.
- (10) Not applicable.
- (11) Gold Mining Lease 15/6424 is located within Pastoral Lease 3114/1072 (Timberfield) managed by the Department of Conservation and Land Management (Proposed State Forest No 21). The breakaway feature has aesthetic value in the area, therefore it was recommended that where possible disturbance to the feature should be avoided.
- (12) Not applicable.

#### MINING - SAMPHIRE PIT

495. Hon TOM HELM to the Minister for Mines:

I refer to a memorandum dated August 6, 1997 signed by Regional Mining Engineer, J Boucaut, to Assistant Director - Mining titled "Safety issues raised by Raymond Kean during meeting with Environmental Officer - Eugene Bouwhuis on July 18, 1997". Part of the memorandum states "Although the water does not present a hazard at this point its presence near the pit edge requires attention, should mining recommence" -

- (1) Can the Minister state why the water with its presence near the pit edge would require attention if mining recommenced?
- (2) If not, can the Minister explain why?

Hon N.F. MOORE replied:

- (1) If mining of the Samphire Pit recommenced and involved a cut back to the south, water should be removed from the small pit located approximately 50-70 metres south of the Samphire Pit. This is to ensure it would not cause a risk to persons working in the pit should the cut back result in a failure of the wall, and water subsequently flowing from the dam into the pit.
- (2) Not applicable.

#### MINING - OPTIMUM RESOURCES

497. Hon TOM HELM to the Minister for Mines:

I refer to a facsimile cover page dated July 24, 1997 to Mr Peter Capon from Mr Stephen Kamarudin, Senior Chemical Engineer of the Department of Minerals and Energy (see Tabled paper) -

- (1) Can the Minister state whether Mr Peter Capon in fact provided the answers to the questions posed by Mr Steve Kamarudin?

- (2) If not, can the Minister explain why?
- (3) If yes, can the Minister provide and table a copy of the answers?
- (4) Has the Department of Minerals and Energy undertaken any water sampling on Optimum Resources tenements P26/1848 and P26/1858 for Potassium Amyl Xanthate?
- (5) If so, when and will the Minister provide a copy of the results?
- (6) If not, can the Minister explain why?

Hon N.F. MOORE replied:

- (1)-(6) 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 - MR STEIN'S TENEMENTS

530. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

I refer to a facsimile message updated from Mr Harvey Johnstone, Department of Environmental Protection ("DEP") to Alan Bradley, Department of Minerals and Energy (DOME"). The message in part states "Gold Exemption-Kintore Gold Mines. Alan following an appeal against conditions from Eric Stein we now believe that Kintore are exempt from licensing under the Gold Exemption order" -

- (1) Can the Minister for the Environment state how the DEP became aware "that Kintore are exempt from licensing under the Gold Exemption order"?
- (2) If not, can the Minister explain why not?

Hon MAX EVANS replied:

- (1) The Minister for Environment provided the Department of Environmental Protection (DEP) with a copy of his letter dated 27 September 1995 to Mr Eric Stein conveying the outcome of Mr Stein's appeal. The letter indicated, in part, that the Minister was advised that Mr Stein's operation could fall within the Environmental Protection (Gold Extraction) Exemption Order 1992.
- (2) Not applicable.

#### EMPLOYMENT AND TRAINING - SELECTION PANEL'S RECOMMENDATIONS

561. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) Is the Minister for Employment and Training aware that only two State Training Board ("STB") members were on the selection panel for the allocation of \$1.176m funding for non-core functions?
- (2) On what basis did Mr Harry Sorensen, Chair of the STB, in correspondence dated September 25, 1998 state "that STB has endorsed the Panel's recommendations" given that only two members of the STB were on the selection panel?
- (3) Is the Minister aware that at least two STB members, who were not on the selection panel have expressed their disagreement with the selection panel's recommendations?
- (4) In view of the dissent of some STB members to the selection panel's recommendations, will the Minister review the decisions of the selection panel?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) After the Selection Panel had made its decision Mr Sorensen consulted with each of the Board members and obtained his or her view on the Selection Panel's decision.
- (3) Two Board members that were not on the Selection Panel have expressed their disagreement with the Panel's decision.
- (4) No.

CONSOLIDATED CONSTRUCTIONS PTY LTD - CONTRACT DETAILS

563. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Works:

- (1) Have any agencies or departments under the Minister for Work's control awarded any contracts to Consolidated Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

I am advised that:

- (1) No major works contracts were awarded to Consolidated Constructions since 1 July 1996.
- (2) Not applicable.

CONSOLIDATED CONSTRUCTIONS PTY LTD - CONTRACT DETAILS

567. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Disability Services:

- (1) Have any agencies or departments under the Minister for Disability Services' control awarded any contracts to Consolidated Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1) No.
- (2) (a)-(f) Not applicable.

CONSOLIDATED CONSTRUCTIONS PTY LTD - CONTRACT DETAILS

568. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Have any agencies or departments under the Minister for Water Resources' control awarded any contracts to Consolidated Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

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

BGC CONSTRUCTION AND HOMESTYLE PTY LTD - DETAILS OF CONTRACTS

569. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Works:

- (1) Have any agencies or departments under the Minister for Works' control awarded any contracts to BGC Construction or Homestyle Pty Ltd since July 1, 1996?

- (2) If yes, can the Minister provide the following details of those contracts -
- (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

I am advised that:

- (1) Yes. Seven contracts were awarded to Homestyle Pty Ltd, and one contract was awarded to BGC Construction since 1 July 1996.

#### **HOMESTYLE PTY LTD**

- (2)
- (a) Contract number 2712.
  - (b) Awarded 27 June 1996.
  - (c) Bentley TAFE – New Food Technology Building and Upgrade Block E.
  - (d) \$960 000.
  - (e) \$982 691.
  - (f) Keywest Constructions Pty Ltd.  
Rimini Homes.  
City Build Pty Ltd.  
Jaxon Construction Pty Ltd.  
Prime Projects Construction Pty Ltd.
- 
- (a) Contract number 3056.
  - (b) Awarded 22 May 1997.
  - (c) Subiaco Primary School – Alterations and Additions.
  - (d) \$1 038 170.
  - (e) \$1 261 585.
  - (f) Geo A. Esslemont & Son.  
Jaxon Construction Pty Ltd.
- 
- (a) Contract number 3077.
  - (b) Awarded 9 June 1997.
  - (c) Atwell Primary School - Construction.
  - (d) \$2 983 000.
  - (e) \$3 009 583.
  - (f) Universal Constructions Pty Ltd.  
Pindan Constructions.  
Geo A. Esslemont & Son.  
Cooper & Oxley Builders Pty Ltd.  
Jaxon Construction Pty Ltd.  
Keywest Constructions Pty Ltd.
- 
- (a) Contract number 3127.
  - (b) Awarded 20 June 1997.
  - (c) Morley Police Station – Construction.
  - (d) \$1 153 000.
  - (e) \$1 248 650.
  - (f) Southdown Construction Co Pty Ltd.  
Hawk Developments.  
Geo A. Esslemont & Son.
- 
- (a) Contract number 3172.
  - (b) Awarded 10 July 1997.
  - (c) Hollywood Senior High School – Alterations and Additions.
  - (d) \$1 794 000.
  - (e) \$2 030 564.
  - (f) Geo A. Esslemont & Son.  
Palmerston Building Co.  
Southdown Constructions Co Pty Ltd.  
Cooper & Oxley Builders Pty Ltd.
- 
- (a) Contract number 3250.
  - (b) Awarded 3 September 1997.
  - (c) Hillarys Police Station – Construction.
  - (d) \$934 825.
  - (e) \$1 011 599.
  - (f) Pindan Constructions.  
Southdown Construction Co Pty Ltd.  
Geo A. Esslemont & Son.

Hawk Development.  
Merym Constructions.  
GPS Construction Pty Ltd.

- (a) Contract number 3307.
- (b) Awarded 18 December 1997.
- (c) Ellenbrook Primary School – Construction.
- (d) \$2 798 120.
- (e) \$2 841 781.
- (f) Universal Constructions Pty Ltd.  
Pindan Constructions.  
Keywest Constructions Pty Ltd.  
Geo A. Esslemont & Son.  
Jaxon Construction Pty Ltd.  
Cooper & Oxley Builders Pty Ltd.

#### BGC CONSTRUCTION

- (a) Contract number 3407.
- (b) Awarded 15 May 1998.
- (c) Central Metropolitan College of TAFE – WA School of Art and Design.
- (d) \$5 586 120.
- (e) \$5 586 120.
- (f) Geo A. Esslemont & Son.  
Transfield Pty Ltd.  
Keywest Constructions Pty Ltd.  
Pindan Constructions.  
Multiplex Constructions Pty Ltd.  
Universal Constructions Pty Ltd.  
Broad Construction Services Pty Ltd.  
Doric Constructions Pty Ltd.  
Cooper & Oxley Builders Pty Ltd.

#### BGC CONSTRUCTION AND HOMESTYLE PTY LTD - DETAILS OF CONTRACTS

573. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Disability Services:
- (1) Have any agencies or departments under the Minister for Disability Services' control awarded any contracts to BGC Construction or Homestyle Pty Ltd since July 1, 1996?
  - (2) If yes, can the Minister provide the following details of those contracts -
    - (a) the contract number;
    - (b) the date it was awarded;
    - (c) the project the contract was awarded for;
    - (d) the cost of the contract;
    - (e) if the contract has been completed, the final cost of the contract; and
    - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1) No.
- (2) (a)-(f) Not applicable.

#### BGC CONSTRUCTION AND HOMESTYLE PTY LTD - DETAILS OF CONTRACTS

574. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:
- (1) Have any agencies or departments under the Minister for Water Resources' control awarded any contracts to BGC Construction or Homestyle Pty Ltd since July 1, 1996?
  - (2) If yes, can the Minister provide the following details of those contracts -
    - (a) the contract number;
    - (b) the date it was awarded;
    - (c) the project the contract was awarded for;
    - (d) the cost of the contract;
    - (e) if the contract has been completed, the final cost of the contract; and
    - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

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



## PINDAN CONSTRUCTIONS - DETAILS OF CONTRACTS

575. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Works:

- (1) Have any agencies or departments under the Minister for Works' control awarded any contracts to Pindan Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

I am advised that:

- (1) Yes. Four contracts have been awarded to Pindan Constructions since 1 July 1996.
- (2)
  - (a) Contract number 2798.
  - (b) Awarded 22 August 1996.
  - (c) Newborough Primary School – New Covered Assembly and Pre Primary Upgrade.
  - (d) \$239 700.
  - (e) \$245 261.
  - (f) Pacific Building Co.  
Centerline Constructions.  
Forde Constructions.  
  - (a) Contract number 2826.
  - (b) Awarded 18 September 1996.
  - (c) Margaret River Senior High School – Upgrade Stage 2.
  - (d) \$2 648 500.
  - (e) \$2 863 707.
  - (f) Devaugh Pty Ltd.  
Perkin Bros Builders.  
  - (a) Contract number 3176.
  - (b) Awarded 17 July 1997.
  - (c) Ballajura Community College Stage 3A – Middle School.
  - (d) \$1 924 700.
  - (e) \$2 010 200.
  - (f) Universal Constructions Pty Ltd.  
Geo A. Esslemont & Son.  
Jaxon Construction Pty Ltd.  
Cooper and Oxley Builders Pty Ltd.  
Homestyle Pty Ltd.  
Keywest Constructions Pty Ltd.  
Doric Constructions Pty Ltd.  
  - (a) Contract number 3436.
  - (b) Awarded 15 June 1998.
  - (c) Ranford (Canning Vale) Primary School – Construction.
  - (d) \$3 927 800.
  - (e) Project not completed.
  - (f) Universal Constructions Pty Ltd.  
Geo A. Esslemont & Son.  
Cooper and Oxley Builders Pty Ltd.  
Jaxon Construction Pty Ltd.  
BGC Construction.  
Hawk Developments.  
Broad Construction Services Pty Ltd.

## PINDAN CONSTRUCTIONS - DETAILS OF CONTRACTS

579. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Disability Services:

- (1) Have any agencies or departments under the Minister for Disability Services' control awarded any contracts to Pindan Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;

- (c) the project the contract was awarded for;
- (d) the cost of the contract;
- (e) if the contract has been completed, the final cost of the contract; and
- (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1) No.
- (2) (a)-(f) Not applicable.

PINDAN CONSTRUCTIONS - DETAILS OF CONTRACTS

580. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Have any agencies or departments under the Minister for Water Resources' control awarded any contracts to Pindan Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

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

MacMAHON HOLDINGS AND MacMAHON CONSTRUCTIONS PTY LTD - DETAILS OF CONTRACTS

581. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Works:

- (1) Have any agencies or departments under the Minister for Works' control awarded any contracts to MacMahon Holdings or MacMahon Constructions Pty Ltd since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

I am advised that:

- (1) No major works contracts were awarded to MacMahon Holdings or MacMahon Constructions Pty Ltd since 1 July 1996.
- (2) Not applicable.

MacMAHON HOLDINGS AND MacMAHON CONSTRUCTIONS PTY LTD - DETAILS OF CONTRACTS

585. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Disability Services:

- (1) Have any agencies or departments under the Minister for Disability Services' control awarded any contracts to MacMahon Holdings or MacMahon Constructions Pty Ltd since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1) No.
- (2) (a)-(f) Not applicable.

MacMAHON HOLDINGS AND MacMAHON CONSTRUCTIONS PTY LTD - DETAILS OF CONTRACTS

586. Hon Ken Travers to the Minister for Finance representing the Minister for Water Resources:

- (1) Have any agencies or departments under the Minister for Water Resources' control awarded any contracts to MacMahon Holdings or MacMahon Constructions Pty Ltd since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

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

MAINLINE CONSTRUCTIONS - DETAILS OF CONTRACTS

587. Hon Ken Travers to the Minister for Finance representing the Minister for Works:

- (1) Have any agencies or departments under the Minister for Works' control awarded any contracts to Mainline Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

I am advised that:

- (1) No major works contracts were awarded to Mainline Constructions since 1 July 1996.
- (2) Not applicable.

MAINLINE CONSTRUCTIONS - DETAILS OF CONTRACTS

591. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Disability Services:

- (1) Have any agencies or departments under the Minister for Disability Services' control awarded any contracts to Mainline Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1) No.
- (2) (a)-(f) Not applicable.

## MAINLINE CONSTRUCTIONS - DETAILS OF CONTRACTS

592. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Have any agencies or departments under the Minister for Water Resources' control awarded any contracts to Mainline Constructions since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

- (1) Yes.
- (2)
  - (a) TM60619 and AM70527.
  - (b) 4 February 1997 and 28 May 1997.
  - (c) Construction of scheme water reticulation at Golden Bay and the construction of Maida Vale main sewer section 5 and East Cannington reticulation area 9W.
  - (d) \$974,294.00 and \$2,468,973.00.
  - (e) Commercial in confidence.
  - (f) Names of other companies who tendered for the contract are as follows:

Contract TM 60619 - West Coast Drainage Pty Ltd, R & BE Priday, TC Drainage (WA) Pty Ltd, Mary Donald Nominees Pty Ltd trading as DJ & MB MacCormick, Lintock Holdings Pty Ltd trading as Fremantle Drainage, Underground Services Australia Pty Ltd, Direct Drainage, Prestige Civil Contractors Pty Ltd, Premium Corporation Pty Ltd, Ertech Pty Ltd, Prolay Constructions Pty Ltd, DM Drainage and Constructions Pty Ltd, Water Corporation Construction Branch, Achron Pty Ltd trading as Triad Contractors, SVB Engineering Pty Ltd and Wolfe Construction Co Pty Ltd.

Contract AM 70527 - Lintock Holdings Pty Ltd trading as Fremantle Drainage, DM Drainage & Constructions Pty Ltd, Garherst Pty Ltd, Premium Corporation Pty Ltd, Morrone Nominees Pty Ltd, Water Corporation Construction Branch, Mary Donald Nominees Pty Ltd trading as DJ & MB MacCormick and Achron Pty Ltd trading as Triad Contractors.

## QUESTIONS WITHOUT NOTICE

McCARREY, MR LES, CONSULTANCY

**496. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Will the minister confirm that the Department of Aboriginal Affairs paid Les McCarrey \$10 542 for a consultancy?
- (2) What was the nature of the consultancy?
- (3) Over what period did Mr McCarrey work for the department?
- (4) Was this consultancy advertised? If so, when, and how many other applicants applied for the consultancy?

**Hon M.J. CRIDDLE replied:**

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

- (1) Yes.
- (2) The Chairman of the Legislative Review Reference Group on Statewide Aboriginal Affairs Program investigating the development of new legislation to replace the Aboriginal Affairs Planning Authority Act 1972.
- (3) August 1995 to December 1997.
- (4) No.

## CASUARINA PRISON, POSSESSION OF MOBILE PHONE BY PRISONER

**497. Hon N.D. GRIFFITHS to the Attorney General:**

In relation to the most recent discovery of a mobile phone in the possession of a prisoner in Casuarina Prison, I ask -

- (1) For what offences had the prisoner been jailed and what term of imprisonment was he serving?
- (2) How did a mobile phone, which would be detected by the high-tech metal detector through which visitors pass, come to be in the possession of the prisoner?
- (3) Have any charges been laid after this major breach of security?
- (4) If yes, what are the charges and who has been charged?
- (5) If not, why not?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Possession of suspected stolen goods, forge and utter, no motor drivers licence, reckless driving and stealing a motor vehicle. The prisoner is serving an aggregate term of three years.
- (2) Police investigations are continuing and it would not be appropriate for me to comment further at this stage.
- (3) Yes.
- (4) A prisoner has been charged with having an unauthorised article in his possession.
- (5) Not applicable.

## BRAND HIGHWAY, REALIGNMENT THROUGH GERALDTON

**498. Hon J.A. SCOTT to the Minister for Transport:**

- (1) Is the minister aware of the significant community dissatisfaction over the proposal by Main Roads WA to realign Brand Highway in Geraldton through Rudds Gully?
- (2) Is this proposal incompatible with the local regional development plan that has been in place for many years?
- (3) Will the Government compensate the people who sited the houses in the area based on the local regional development plan or loss of land values if the highway is put through their community?
- (4) Has Main Roads WA referred the proposal to align the highway through the wetlands in Rudds Gully to the Environmental Protection Authority? If not, why not?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1)-(2) I understand the proposal is compatible with the draft Geraldton region plan which has been developed in consultation with key stakeholders in the Geraldton-Greenough area.
- (3) Compensation for land required for the project will be paid at market value together with other allowable costs/changes under the Land Administration Act 1997.
- (4) Options are still being investigated in the Rudds Gully area. However, the member may be assured that all necessary environmental clearances will be obtained in relation to this project. The options being investigated may reduce existing impacts on wetlands in the Rudds Gully area.

## REGIONAL FOREST AGREEMENT, RESERVE CRITERIA

**499. Hon NORM KELLY to the minister representing the Minister for the Environment:**

- (1) Has the Minister for the Environment stated that submissions to the Regional Forest Agreement process that call for the protection of all remaining old-growth forests fall outside the scope of the RFA and therefore will not be considered?
- (2) Is the minister aware of the RFA reserve criteria set out in the nationally agreed criteria document that 100 per cent of old-growth forest can and should be protected where old-growth forest is rare or depleted, or in order to satisfy a range of other ecological, social and economic objectives?

- (3) How many submissions were received in the recent public consultation period of the RFA process?
- (4) How many submissions were regarded as falling outside the scope of the RFA and therefore will not be considered?
- (5) What is the main reason for these submissions not being considered?
- (6) Will the minister be releasing a report on the submissions? If so, when?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) The old-growth forest criteria in section 6.2 of the nationally agreed criteria for the establishment of a comprehensive, adequate and representative reserve system in Australia states at page 14 that it is necessary to approach old-growth criteria in a flexible manner according to regional circumstances, especially when forest ecosystems are still relatively widespread and retain large areas of old-growth and that wherever possible, areas of old-growth requiring protection should be included in the area identified to meet the biodiversity criteria. Paragraph (1) states that where old-growth forest is rare or depleted - generally less than 10 per cent of the extant distribution - within a forest ecosystem, all viable examples should be protected wherever possible; that in practice this would mean that most of the rare or depleted old-growth forests would be protected; and that protection should be afforded through the range of mechanisms described in section 4.
- (3) More than 30 000 submissions were received.
- (4) None.
- (5) Not applicable.
- (6) A report on submissions received will be released with the final Regional Forest Agreement.

WESFARMERS LTD, NEW TIMBER MILL, BUNBURY

**500. Hon MURIEL PATTERSON to the Minister for Transport:**

What impact will the proposal by Wesfarmers Limited to build a new timber mill in Bunbury have on existing road and rail transport routes along the South West Highway?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

I am aware that Wesfarmers subsidiary Bunnings Forest Products Pty Ltd has commenced a study to investigate options for a second chip mill in the south west region to complement its operations near Manjimup. An area between Donnybrook and Bunbury is being examined for the mill, which will process plantation timber harvested from late 2000. The Department of Transport is coordinating a major study that will examine the impacts on infrastructure from different mill locations. A key objective is to examine the use of rail for haulage of woodchips to the port of Bunbury. The siting of the chip mill adjacent to rail is critical to achieving that. Transport's work is being done in parallel with Bunnings' study and is scheduled for completion by March next year. I have already met with representatives from the main plantation timber companies and will be having further discussions when studies are completed. The south west study will build on the infrastructure planning work already done in the great southern region for the plantation timber industry. This has involved excellent cooperation between the industry, the State and local government and has produced a comprehensive assessment of the infrastructure needs in the region to handle the timber task.

ATTORNEY GENERAL, JAPAN VISIT

**501. Hon KIM CHANCE to the Attorney General:**

- (1) Did the Attorney General visit Japan during March and/or April of this year?
- (2) If so, was it an official trip?
- (3) Did the Attorney announce this trip to the media prior to his departure?
- (4) If not, why not?

**Hon PETER FOSS replied:**

- (1) Yes.
- (2) I think it was March-April. It was an official trip on which I accompanied the Premier to the Hyogo Prefecture in

response to an invitation to participate in the opening of the major suspension bridge and the opening of the Hyogo Western Australian Park at which there is a major sculpture donated by the Hyogo-Western Australia association.

- (3)-(4) Either I or the Premier would have announced it. It was certainly well known prior to our departure that the Premier and I were to make the trip.

#### ARTIFICIAL SURF REEF, MANDURAH

**502. Hon J.A. COWDELL to the Minister for Sport and Recreation:**

- (1) Does the Government plan to construct an artificial surf reef off Mandurah?
- (2) Has the Government costed any proposals to build such a reef?
- (3) Have any budget appropriations been made in relation to such a project?

**Hon N.F. MOORE replied:**

- (1) No formal consideration has been given to such a project. However, any proposal would be assessed on its merits.
- (2)-(3) No.

#### CROWN RESERVES, CONVERTED TO FEE SIMPLE TITLES

**503. Hon GIZ WATSON to the minister representing the Minister for Lands:**

- (1) Can the minister confirm that, during the period 1993 to 1997, the Government converted 142 crown reserves from land reserved for a public purpose into fee simple titles and sold those titles to individual citizens of the State?
- (2) What was the process by which that occurred?
- (3) Were the provisions of the commonwealth Native Title Act 1993 taken into account in engaging in that process?
- (4) What steps were taken to ascertain whether any native title rights or interest may have existed on the land concerned?
- (5) Were 128 of those former reserves sold for \$17 616 236?
- (6) What was the total value of income derived for the State in respect of those sales?
- (7) Does the Government propose to distribute any share of the income derived from the sale of those lands to native title holders by way of compensation for the effect on their property interest in the land?
- (8) If not, why not?

**Hon MAX EVANS replied:**

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

#### BOAT OWNERS' OBLIGATIONS

**504. Hon RAY HALLIGAN to the Minister for Transport:**

With the introduction of compulsory emergency position indicating radio beacons for all recreational boat owners, what procedure has the minister put in place to ensure that boat owners operating out of facilities such as Hillarys are properly informed of their obligations?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question. The requirement for the compulsory carriage of EPIRBs was first announced in October 1997. A 12-month period of grace was allowed so that boat owners had sufficient time to purchase an EPIRB. The regulation came into effect on 1 October 1998. Since the initial announcement, the boating community has been advised of the EPIRB requirement through local and state newspapers, on radio and in the boating guide which is sent to every registered boat owner. Additionally, signage on mandatory safety equipment requirements is placed at boat ramps throughout the State.

#### GANTHEAUME POINT, TOURIST DEVELOPMENT

**505. Hon TOM STEPHENS to the minister representing the Minister for Lands:**

This is a question about which the minister and I have just spoken. I refer to question without notice 324 to the minister representing the Minister for Lands on 20 October 1998 concerning the proposal for a tourism development at Gantheaume

Point near Broome, in which I asked whether the Government's call for expressions of interest in the project was done following consultation with and approval by the local government authority and other interested parties in Broome.

The honourable minister replied -

The Shire of Broome, the Broome Turf Club and the Rubibe Aboriginal working group were consulted before calling for expressions of interest.

I refer to this reply and ask -

- (1) Will the minister representing the Minister for Lands detail what formal consultations took place between the Government and the Broome Shire Council on the calling of expressions of interest in this project?
- (2) What formal Broome Shire Council discussions have taken place regarding the calling of expressions of interest in this project?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Ongoing discussions and briefings on this project prior to the calling of the expressions of interest have been between the President and senior officers of the Shire of Broome and senior officers of the Department of Land Administration.
- (2) This information should be sought from the Shire of Broome.

#### ATTORNEY GENERAL, VIETNAM TRIP

**506. Hon LJILJANNA RAVLICH to the Attorney General:**

- (1) Will the Attorney General confirm a report in *The West Australian* of 6 November which claimed that he had not revealed public details of his trip to Vietnam?
- (2) If yes, will he table an itinerary and his report of that trip?
- (3) If not, why not?

**Hon PETER FOSS replied:**

That report was most unfortunate because the matter was explained to *The West Australian* with the intent that details of the trip not be published because anyone who read that report would see that the effect of publishing that would be just as bad as reporting the matter. I believe that it is probably in breach of the Family Court Act. Therefore, I do not intend to dwell on that. However, I will submit the usual itinerary and comply with other requirements by government. I give no undertaking to go beyond that which is required of other ministers, in the way I have in the past, because that would seem to be subject to more criticism in another way. However, I will comply with the usual requirements of ministers. As the member knows, this Government has been always very frank because it has regularly published figures on how much things cost and I will comply with government requirements in that respect.

#### SENTENCING LEGISLATION, BRIEFING POLICY

**507. Hon HELEN HODGSON to the Attorney General:**

- (1) Did the Attorney General and/or any members of his staff brief a member or members of the Australian Labor Party about the contents of the Sentencing Legislation Amendment and Repeal Bill and the Sentence Administration Bill prior to their first readings?
- (2) Did the Attorney General and/or any members of his staff brief members of the media as to the contents of the Sentencing Legislation Amendment and Repeal Bill and the Sentence Administration Bill prior to their first readings?
- (3) Does the Attorney General have a policy on briefing members of Parliament or the media on the contents of Bills prior to their first reading?
- (4) If so, what is that policy?

**Hon PETER FOSS replied:**

- (1) Yes.
- (2) A closed media briefing was provided at the time the Bill was first read.
- (3)-(4) The usual practice is that briefings on the contents of a Bill follow the second reading of the Bill.



MINISTRY OF SPORT AND RECREATION, SUPPORT OF *HAVE A GO NEWS***508. Hon CHERYL DAVENPORT to the Minister for Sport and Recreation:**

I refer to claims by the publication *Have a Go News* that it is supported by the Ministry of Sport and Recreation and ask -

- (1) Does the ministry provide any support to *Have a Go News*?
- (2) If yes, what is the nature of the support?
- (3) If no, what action will be taken concerning misrepresentation of ministry involvement in the publication?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1)-(2) The Ministry of Sport and Recreation has no equity or sponsorship commitments to the independently owned *Have a Go News*. Its support relates to the promotion of active, healthy lifestyles for mature- age persons targeted by the publication. Most of us should read it.
- (3) The Ministry of Sport and Recreation logo on the publication banner was removed from October. The newspaper publisher has, I understand, contacted key media outlets to correct their misunderstandings about the ownership of *Have a Go News*.

## PRIMARY SCHOOLS, REMEDIAL READING CLASSES

**509. Hon CHRISTINE SHARP to the Leader of the House representing the Minister for Education:**

- (1) How many government primary schools are administered by the Education Department?
- (2) How many of these use trained remedial reading teachers?
- (3) How many government primary schools have special reading programs for children who are behind in reading?
- (4) Can the minister please table the results of the national test undertaken this year on reading and spelling?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) 543 government primary schools; this excludes 61 district high schools that may cater for primary-school-age children.
- (2) Individual schools decide how to use their staffing allocation to meet the various needs of students, including remedial reading. Specific qualifications are not required and schools do not report to the central office on the roles undertaken. Education support areas also assess intellectual disabilities, which may include remedial reading needs, and apply appropriate strategies to address those needs.
- (3) All schools have reading programs. Through school grant funds and special programs, schools implement specific reading programs to suit the specific needs of their students.
- (4) No national test was undertaken this year. Ministers from all States and Territories have agreed to reporting against national agreed benchmarks through existing state testing programs. In August 1998, Western Australian students were involved in the year 3 Western Australian literacy assessment. The results and reports are currently being finalised for distribution to schools in early December. Around that time, the results will also be publicly released.

## SOUTH WEST HEALTH CAMPUS, PATHOLOGY SERVICES

**510. Hon BOB THOMAS to the minister representing the Minister for Health:**

- (1) Who will provide pathology services to the collocated hospitals at the new south west health campus?
- (2) Can the minister confirm that no tenders have been called for the provision of this service to the hospitals?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) There are a number of private pathology providers in Bunbury. Private patients at the new collocated facilities will be entitled to select a pathologist of their choice. The issue of the pathology service provider for public patients is currently under consideration.

- (2) The minister confirms that tenders have not yet been called for pathology service provision at the new south west health campus in Bunbury.

ELLE MACPHERSON, PREMIER'S MEETING WITH MANAGER

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

With regard to the Premier's meeting with Elle Macpherson's manager in Los Angeles last year -

- (1) Who initiated this meeting?
- (2) Was there any correspondence between representatives of Elle Macpherson and the Premier prior to the Premier's visit to the United States of America?
- (3) If yes, will the Premier table this correspondence?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1)-(3) No correspondence was involved, as it was an informal meeting arranged in what was then their operating base.

MOBILE TELEPHONE IN POSSESSION OF PRISONER

**512. Hon N.D. GRIFFITHS to the Minister for Justice:**

With regard to the mobile telephone found recently in the possession of a prisoner at Casuarina -

- (1) Was a record of the calls made from this telephone obtained from the carrier?
- (2) If yes, for what purpose was the phone being used?

**Hon PETER FOSS replied:**

As the question would indicate, I would require notice to ascertain those facts.

REGIONAL FOREST AGREEMENT, AFTER-CHRISTMAS SIGNING

**513. Hon NORM KELLY to the minister representing the Minister for the Environment:**

- (1) Can the minister confirm that the Minister for the Environment has made it known to timber industry groups, such as the Forest Protection Society, that the Regional Forest Agreement will not be signed until after Christmas?
- (2) If that is the case, why has the minister been unwilling to pass on the same information to conservation groups?
- (3) If the RFA is not signed until 1999, is this still in accordance with the minister's standard response that the RFA will be signed as soon as possible?
- (4) Why is the minister unwilling to release the report on public submissions prior to the signing of the RFA?

**Hon MAX EVANS replied:**

I have been advised that an answer has not yet been given for that question.

GROUND WATER, NORTH METROPOLITAN REGION

**514. Hon RAY HALLIGAN to the minister representing the Minister for Water Resources:**

What limitations exist on the pumping of ground water and the development of new bores for horticultural gardens situated in the North Metropolitan Region?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

The north metropolitan area is covered by several ground water areas proclaimed under the Rights in Water and Irrigation Act 1914. This allows the control of horticultural water use through licensing. These areas are split into sub-areas that are allocated limits for pumping of ground water. The three main areas of Wanneroo, Swan and Mirrabooka that are suitable for horticultural development have 27 sub-areas, 18 of which have over 75 per cent of the available water allocated or fully allocated. Once allocation limits are reached, no further licences are issued except for domestic ground water supplies where no scheme water is available. All applications for ground water use are assessed to ensure conservation areas and wetlands are not significantly affected by nutrient flows or unacceptable lowering of ground water. Any conditions on ground water extraction are clearly set out in licences issued by the Water and Rivers Commission.

## SENTENCING BILLS, BRIEFING

**515. Hon HELEN HODGSON to the Attorney General:**

I refer to question without notice 507, which the Attorney answered earlier today, and ask -

- (1) Why did the Attorney provide a briefing to a member or members of the Australian Labor Party prior to the first reading of the sentencing Bills, contrary to the usual practice?
- (2) Why was the briefing not made available to other members of Parliament at that time?

**Hon PETER FOSS replied:**

- (1)-(2) I decided in the particular circumstances to depart from the usual rule, because I believed that with the expressions of bilateral support that I had received from the Opposition on matters of law and order, it was appropriate to advise the Opposition. If I were to receive the same expressions of bilateral support from the Democrats, I would be very pleased to bring them into the group.

## TRAWLING ON NORTH WEST SHELF

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

In respect of habitat damage caused by trawling on the North West Shelf -

- (1) Is the minister aware that trawling is destroying benthic habitat on the North West Shelf?
- (2) Is the minister also aware that this habitat is essential for species targeted by line and trap fishers?
- (3) Is the minister aware of the concerns raised by the Pilbara line and trap fishers that they consider such habitat damage to be a key threatening process to the sustainability of their fishery?
- (4) In the light of the Fisheries WA policy to "conserve fish and protect their habitat", why does the department continue to allow trawling on the North West Shelf?
- (5) What research is Fisheries WA doing to monitor the impact of habitat loss on the North West Shelf?
- (6) Will the minister table maps indicating the areas of the North West Shelf trawled both currently and historically?

**Hon M.J. CRIDDLE replied:**

There are a number of commercial trawl fisheries within the area of the North West Shelf. I assume the member is referring in particular to the Pilbara fish trawl interim managed fishery.

- (1) The Minister for Fisheries is aware that fish trawling has the potential to impact on some benthic communities on the North West Shelf and considers this to be a very important issue to be addressed in the management of the State's fisheries.
- (2)-(3) Yes.
- (4) Trawl fisheries have existed within this State for many years. Issues such as the member has raised are being addressed as part of the ongoing management of those fisheries. The following initiatives are being and have been undertaken by Fisheries WA -

A draft national policy on fisheries bycatch has been developed by the national Standing Committee on Fisheries and Aquaculture. The Minister for Fisheries has adopted the draft national policy as his current position on bycatch for Western Australia.

Fisheries WA is currently using the draft national policy as a guide for the development of bycatch action plans for specific trawl fisheries. Plans for the Shark Bay trawl fisheries and the Pilbara fish trawl fishery have been identified as priorities and will be prepared over the next 12 months. The bycatch action plans will consider habitat modification in detail and identify remedial or mitigating actions as well as the need for future research in this area.

Fisheries WA has also commenced the preparation of a policy on environmental effects of fishing to address the wider issue of the impacts of fishing on the natural environment.

Fisheries WA has undertaken some quantitative research on the effects of trawling on the benthic habitat on part of the North West Shelf.

On 1 January this year the Pilbara Fish Trawl Interim Management Plan 1997 was introduced to regulate fish trawling on the North West Shelf. Fish trawl effort is strictly limited to a defined management zone.

This zone has six effort management areas of which one is totally closed to commercial fishing. These zones allow for the regulation of fish trawl effort to provide for sustainable harvests of fish stocks and to minimise habitat damage.

- (6) The Minister for Fisheries has requested Fisheries WA to prepare maps which indicate the areas of the North West Shelf trawled both currently and historically and these will be tabled as soon as possible.

TRAFFIC LIGHT MAINTENANCE CONTRACT

**517. Hon J.A. COWDELL to the Minister for Transport:**

When will the contract for traffic light maintenance in Western Australia be let? Has the minister had cause to delay the letting of this tender?

**Hon M.J. CRIDDLE replied:**

I am looking at that issue at the moment, and I am sure movement will be made in that area in the near future.

AUSTRALASIAN CORRECTIONAL SERVICES, NON-CORE SERVICES CONTRACT

**518. Hon LJILJANNA RAVLICH to the Minister for Justice:**

I refer to the recent tendering out of non-core services to Australasian Correctional Services and ask -

- (1) Why was the Ministry of Justice not given the opportunity of tendering?
- (2) Is it not the case that the decision not to allow the ministry to tender has given an exclusive opportunity to the private sector? If not, why not?

**Hon PETER FOSS replied:**

- (1)-(2) One of the things that has been missed by Hon Ljiljanna Ravlich is that we have people who are trained for one purpose being used for other purposes. That is probably most highly evident with police officers. As the member would be aware, much of the court security and the transfer of prisoners, and certainly the handling of prisoners in custody in the court, is handled by the police. Clearly, those police are trained to be policemen, not to do the tasks they are currently being called upon to perform. It is a waste of police resources to have them perform those tasks. There are similar inefficiencies in the prison system. It is meant to manage prisons, handle people within prisons and keep them there. Having prison officers engaged in the transporting of prisoners is disruptive to the prison regime and staffing. The system was neither fish nor fowl and the managing of that process was disturbing to the police and the prisons. The idea of the core functions project was to try to take both police and justice back to their core function. If the Government allowed Justice to tender for that, it would be returning to the same problem. It would be taking a government department and giving it another function altogether. The intent of the core functions project was to bring these departments back to their core functions. We could make this a new function for the Ministry of Justice to handle but the Government did not feel that that was appropriate. The more appropriate approach was to have a new and integrated function and to have somebody come in and perform that function. The Ministry of Justice and the police were not used to many aspects of that. A new process was required. This method is the best way to achieve that efficiency and I remain convinced that this is the best way to go.
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