WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE ASSEMBLY

Tuesday, 5 May 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 2.00 pm, and read prayers.

BILLS (6) - ASSENT

Message from the Governor received and read notifying assent to the following Bills -

1. Small Business Development Corporation Amendment Bill.
2. Building and Construction Industry Training Fund and Levy Collection Amendment Bill.
3. Guardianship and Administration Amendment Bill.
4. Agricultural Legislation Amendment and Repeal Bill.
5. Statutes (Repeals and Minor Amendments) Bill (No 2).
6. Environmental Protection (Landfill) Levy Bill.

KINROSS HIGH SCHOOL

Petition

Dr Constable presented the following petition bearing the signatures of 154 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, respectfully request the Government to
>
> 1. Fast-track the building of Kinross High School as promised and, in the meantime,
> 2. Subsidise Kinross families for public transport costs for children to and from Clarkson High School and/or;
> 3. In combination with the City of Wanneroo, provide plans and funding for the construction of a safe cycle way from Kinross to Clarkson High School so that Kinross families have a low cost alternative for allowing children to attend school.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 194.]

KIARA TAFE SITE

Petition

Mr Brown presented the following petition bearing the signatures of 930 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned oppose the rezoning of Lot 843, corner Morley Drive East and Bottlebrush Drive, Kiara (formerly known as the Kiara TAFE site) from public purposes to urban. We fully support the site being retained for the enjoyment of the community as a managed bushland park.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 195.]

FISH RESOURCE SHARING INITIATIVE

Statement by Minister for Fisheries

MR HOUSE (Stirling - Minister for Fisheries) [2.09 pm]: A total of 1 390 commercial units and about 600 000 recreational fishers fish Western Australian waters. In May 1996, in recognition of increasing competition for our fish stocks by the different sectors, the Government announced a four year $8m resource sharing initiative. We have recognised that as fishing becomes more efficient and as more Western Australians take up recreational fishing, there is an increasing potential for conflict over fishing areas and for particular fish species. The resource sharing initiative will address these issues. The initiative has two parts. The first part, called the "Guidelines for Resource Sharing", is a 17 week community based mediation and consultation process. The second part is a program to buy out commercial fishing licences through the Fisheries Adjustment Scheme Act.

The buy-out program presently focuses on estuarine fisheries including the Swan-Canning, Mandurah and Leschenault estuaries. This focus will provide an immediate benefit for our expanding regional populations, with a clear shift in fish stock resources to the recreational sector. To date, 48 offers have been received, which is a most positive response from the commercial fishing sector, with the initiative to be expanded to other parts of the State. Since 1988, a general fisheries adjustment scheme has also been in place, funded jointly on an annual basis by the Government and the commercial fishing industry. It aims to remove effort from the commercial fishing sector as well as improve viability for remaining operators. As a result of both programs, over 10 per cent of the State's commercial fishing licences have been surrendered and the fishing effort removed. To achieve this result, $4.59m has been invested to remove 193 commercial fishing units, including 113 estuarine and 68 open access fishing boat licences.

This achievement has made and will continue to make substantially more of our fish stocks available to the State's 600 000 recreational fishers. The resource sharing initiative will continue to be managed in consultation and agreement with the commercial fishing industry.

[Questions without notice taken.]

SELECT COMMITTEE ON PERTH'S AIR QUALITY

Final Report - Extension of Time

On motion by Mr Cowan (Deputy Premier), resolved -

> That the date for the presentation of the final report of the Select Committee on Perth's Air Quality be extended to Thursday, 21 May.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)

APPROPRIATION (CONSOLIDATED FUND) BILL (No 2)

Cognate Debate

On motion by Mr Cowan (Deputy Premier), resolved -

> That the Appropriation (Consolidated Fund) Bill (No 1) and the Appropriation (Consolidated Fund) Bill (No 2) be considered cognately and that the Appropriation (Consolidated Fund) Bill (No 1) be considered the principal Bill.

Second Reading

Resumed from 30 April.

DR GALLOP (Victoria Park - Leader of the Opposition) [2.49 pm]: The Budget presented to the Parliament last week is a document prepared by yesterday's men more preoccupied with their own pet projects and prejudices than the real priorities of the community of Western Australia. It is more significant for its pretentious claims and pompous pronouncements about what it will achieve for our State than for tangible benefits for Western Australian workers and their families. It will be remembered as a Budget of wasted opportunities. The Budget is a clear demonstration that the Government has given up trying to provide proper solutions to the crisis in our hospitals and the ever increasing crime in our suburbs. Its architects have displayed an arrogant indifference to the express needs of our community.

The Government has failed to provide the leadership needed to deal with the difficult issues confronting our State. This Budget confirms the Treasurer's bias to the central business district at the expense of our towns, our suburbs and our communities. It confirms the Government's readiness to disregard the regressive impact of its revenue raising

measures on struggling families and people on fixed incomes. It is a blinkered and soulless document driven by a narrow vision of Western Australia's future. That vision is of a privatised State and a bituminised city.

I turn to the economic context of this Budget. The Budget was drafted in the context of a stronger economy in 1997-98 than was the case in 1996-97. Two years ago the economy had experienced only modest growth of 3 per cent as dwelling investment fell and private consumption and business investment rose by only 1.2 per cent and 0.8 per cent respectively. Only a major contribution from public investment kept growth in state final demand in the black. In the 1997-98 financial year growth has risen to 6.5 per cent. Private consumption, dwelling investment and business investment have all contributed to that rise. Low inflation, improved housing affordability and increased consumer confidence have played a role. For a range of reasons it is predicted that growth in 1998-99 will slow to five per cent. That is slightly below the average for the past decade.

The Treasurer quite correctly noted that economic growth in Western Australia has been two points ahead of the national figure since 1992-93. However, he failed to point out that that was the position in the five years before 1993 when the Labor Party was in office. Western Australia is a state of remarkable natural endowment and skilled endeavour. It should realise higher rates of economic growth. The question is how well the community uses its natural and skills advantages to guarantee a quality of life and equal opportunity for all citizens. I will return later to this question.

Some uncertainties are associated with the growth forecast of 5 per cent for 1998-99. These relate to business as well as personal and household reactions to the Asian crisis and developments in the world economy. For its part, the Chamber of Commerce and Industry has forecast growth of 4.5 per cent for 1998-99. That is slightly lower than the Government's prediction. As this is the case, the State will need the Government's $2.7b capital works program in 1998-99 to maintain confidence in our economy. Of that, 17 per cent will be funded from the consolidated fund and the rest will come from other sources within government trading enterprises. We will need to keep up our effort in that capital works area because targeted reductions in our unemployment rate should be a central requirement for all Governments - not only State Governments but also local and Federal Governments. We can never be complacent about unemployment. Indeed, it is interesting to note the comments in the inaugural quarterly bulletin of the Institute for Research into International Competitiveness of Curtin University, which noted that while Western Australia's unemployment rate remains the lowest of all the States at 7 per cent, the rate fell to as low as 5.5 per cent in 1989 at a similar stage of the business cycle. There is no room for complacency about our current rate of unemployment.

Not just some, but all government policies, including our public sector management policies, should seek to reduce unemployment. Of course, the problem in Western Australia is that we have had inconsistent policy directions in relation to the reduction of unemployment. To confirm this, members should simply question the 10 000 former public sector workers in Western Australia, some of whom are currently seeking employment. The Western Australian Council of Social Service has noted that eradicating unemployment must be our top priority because it is the most savage determinant of poverty and disadvantage in our community. We will need a Government committed to targeted reductions in unemployment through a coordinated strategy at all levels and within all agencies of government.

Vigilance will be needed not just from the State Government but also from the Federal Government. Given the internationalisation of the economy today, we will also need leadership from the world's leading economies and their global institutions to promote stability and growth.

We have a growth forecast of 5 per cent. However, the Chamber of Commerce and Industry's prediction is marginally lower at 4.5 per cent, and the Government's own budget papers have outlined uncertainty in relation to it. It is incumbent upon us as state parliamentarians to ensure that our Federal Government has a clear sense of direction for growth and stability in our national economy and also that our national leaders play a constructive role on the international stage to ensure that the world's leading economies and the global institutions that back them up, such as the International Monetary Fund and the World Bank, promote stability and growth in the world economy. We cannot afford to have an internationally induced recession that would have a savage impact on the citizens of this State given our incorporation into that economy.

Strong economic growth has helped fuel record revenue growth for the coalition Government. Along with asset sales, that has been the primary factor behind the current fiscal outcome, which sees the total public sector in surplus. We should be under no misapprehension about the size of the Government's revenue increases. Since 1992-93, the change in recurrent revenue in real terms has been about $1.5b. It is in that context of an extra $1.5b going to the State Government since it was elected that the Labor Party has mounted its case against the priorities set by the coalition, particularly as they relate to health and as they undermine the State's credibility when it enters into argument with the Federal Government about commonwealth allocations to our health system.

On the basis of the Treasurer's annual accounts and the current budget figures which are, of course, the only

publically available reference, real per capita taxes and licences have increased by 77 per cent since 1992-93. The Institute of Public Affairs estimates a different increase. However, after looking at the Treasurer's annual accounts and the current budget figures, that is certainly the conclusion we reach. The estimate by Dr Michael Nahan is 55 per cent; our figure is 77 per cent. However, whichever way we look at it, the Government has received an enormous increase in revenue in real per capita terms to do things on behalf of the people of Western Australia.

If we narrow our time lines to the two Budgets that followed the state election of 1996, the increase has been in the order of $400m in revenue from state taxes and licences. In this year's Budget, consolidated fund revenue was up by 8 per cent in real terms as a result of increases in most revenue categories. They are real growth of 1.9 per cent in taxes and licences mainly due to the Government's budget measures and real growth of 17.5 per cent in dividend and income tax equivalent payments from government enterprises. Those dividend and income tax equivalent payments from government enterprises will not be forthcoming to the State if the enterprises are privatised. We have experienced a growth of 7.2 per cent in commonwealth financial assistance grants.

The other major component of the Government's record revenue tax since it was elected has been the sale of government business and assets, which Treasury estimates in its Economic and Fiscal Overview to be $3.6b since 1993-94. It is very easy to balance the books when assets are sold, and it is remarkable that the reduction in debt that has occurred in Western Australia is about the same as the value of the assets sold by this Government since it was elected. The question is: Are we still in a position to meet the needs of the community in respect of infrastructure when the Government has cut a source of revenue into the future?

Given the vertical fiscal imbalance in Western Australia, we have a problem. The Opposition will take up that debate in this Parliament and outside in future months. If this Treasurer succeeds in his stated objective of privatising our basic public assets, he will be undermining the ability of the State to play a constructive role in the federation because the revenue that comes to the State from its utilities is an important part of what makes up the Government's take each year.

To summarise the Government's fiscal performance since it was elected in very direct terms, Dr Michael Nahan, the Director of the Institute of Public Affairs, made the point that the Government does not have a revenue problem; it does, however, have a credibility problem, particularly since the 1996 state election when it offered the people of Western Australia a social dividend. It is to that social dividend that I now turn.

During the last election campaign the Treasurer promised the people of Western Australia a social dividend. He said that the early years of his Government had involved some necessary pain and now the time had come for a dividend to be paid to the people of Western Australia for their efforts, forbearance and patience. Like most people in Western Australia, I interpreted that commitment to mean one of two things or perhaps both: Either a decrease in taxes and charges - in other words, people would receive a dividend by a smaller tax take from the Government - or a dividend through improved and expanded services, particularly in the core areas of health, education and community safety.

The Treasurer had a problem when he presented this year's Budget. He has not delivered on the social dividend by reducing taxes and charges or expanding and improving services. Therefore, the Treasurer redefined the term. I am reminded of what used to happen in Great Britain during the 1980s. Whenever there was a debate on unemployment, that Government would change the definition of unemployment. That is no different from what the Treasurer of Western Australia has done with this Budget: He has redefined "social dividend". His budget speech reads -

> The best social dividend that any government can deliver is to make sure that future generations are not burdened by excessive levels of debt at the same time as service delivery is improved.

It was very convenient for the Treasurer to redefine that term in this way this year, given that the Dampier to Bunbury pipeline was sold for $2.4b. This enabled him to reduce net debt to $4.8b - $1.9b lower than at 30 June 1997. I pay credit to Labor's Energy spokesman who, when the issue of privatisation of the pipeline arose a number of years ago, said that the State would get more value if it sold the pipeline in whole rather than in parts. Its value as a whole was greater than the sum of its parts. The shadow spokesman convinced the shadow Cabinet to support that proposition. We took it into the election campaign and we are pleased to note that the Government eventually took that advice and received a very good return for the people of Western Australia. The simple point made by the member for Cockburn that the value of the pipeline as a whole was greater than the sum of its parts has been confirmed by the experience of the sale.

Mr Court: Do you support privatisation now?

Dr GALLOP: We supported that before the Government did.

Mr Court: You are privatisation mad!

Dr GALLOP: I will talk about the pipeline in a minute.

This enabled the Treasurer to reduce net debt to $4.8b - $1.9b lower than at 30 June 1997. The Treasurer, however, did not tell his colleagues in this Parliament last week and he did not tell the people of Western Australia. Budget Paper No 3 - Economic and Fiscal Overview states -

> Net debt is estimated to increase modestly in both 1998-99 and 1999-00 due to the capital works program of public trading enterprises, the Transform WA road program, and the measures announced in the Budget.

Later in the same document it is noted -

> The State's capital works program will keep the general government and total public sectors in deficit until 2001-02.

Then comes the crunch. The Treasurer did not place in his budget speech the important line which appears in the document to which I have just referred: No account has been taken of future asset sales in the estimates. This statement has let the cat out of the bag. What the Treasurer means by a debt free future is a privatised future. This comes as no surprise given that most of the State's net debt of $4.6b is held by the Government's trading enterprises. That figure is illuminating. The Government's trading enterprises hold 94 per cent of the State's net debt of $4.6b. The Treasurer's aim of a debt free Western Australia can be achieved only through a privatised Western Australia, because none of the State's public trading enterprises can operate and expand without a debt strategy. The Treasurer has no alternative but to come clean on his privatisation agenda.

Will the "possibility" of the privatisation of Western Power, AlintaGas and Westrail referred to on page 149 of the Treasurer's "1998-99 Economic and Fiscal Overview" become a reality? The Treasurer should come clean on this matter. Democracy and accountability demand that we know of the Government's agenda. The Government of Western Australia has no mandate from the last election for such a wide ranging sell off of government utilities.

Mr Court: We have publicly stated that we will not move on Western Power until after the next election and that one component of that could be sold. Westrail is already in the process of being prepared for sale.

Dr GALLOP: The next stage to achieve the Treasurer's debt free future would require the endorsement of a general election. The Opposition will accept no less. Our numbers in the Legislative Council will be used - hopefully with the support of the minor parties - to ensure that this is the case. The Treasurer has no mandate to privatise those utilities; therefore we will not support legislation for that purpose in this Parliament. Before any other privatisation legislation is accepted in this Parliament, there must be a general election. The privatisation of these agencies will mean that the public sector debt will become private sector debt. However, given the importance of the services, the general public would pay for that debt through the prices charged for those services.

Members on this side of the House will ensure that a narrow debt perspective of the issue is not the sole basis upon which the issue of privatisation is debated. Given the Treasurer's ill-considered statements about this matter, it is hard to imagine how he can extract himself from the situation without contradiction or, perhaps, without some prodding from the National Party, the rank and file of which are with the Labor Party on the privatisation issue. As I move around the State it is a constant theme from non-metropolitan communities in the State - remote areas, mining areas, the wheatbelt and the south west; they do not want government utilities privatised.

If the National Party cannot persuade the Treasurer of the narrowness of his vision, I urge him to consider the comments of the economist of the Chamber of Commerce and Industry Nicky Cusworth, who said that there is nothing intrinsically good or bad about debt in government, and that the key issue is how it is incurred and managed.

If the National Party and other commentators cannot convince the Treasurer, let us take the clock of history back to the early 1980s. Debt was a particular problem for the newly elected Labor Government in 1983. That is revealed by a highly instructive table on page 12 of the 1998-99 Budget Overview. This table shows that the total public sector deficit as a share of gross state product skyrocketed in 1982-83 to just under 5 per cent as a result of the commitments made under the North West Shelf gas agreement. A graph in the Government's report shows that deficits since the early 1980s pale into insignificance.

Mr Court: So that project is now a bad project?

Dr GALLOP: Is the Treasurer now saying that that debt should not have been taken on? That project mortgaged the State's future and strait-jacketed its energy policy for over a decade. However, we must now be pleased that good management and renegotiation saw us through and a new export industry and fuel supply for the State was established. This Treasurer's obsession with debt would not have allowed that project to continue. That project would not have got a guernsey under the Treasurer's criteria.

Mr Court: That is the largest single resource project this country has ever seen.

Dr GALLOP: How would an equivalent project occur in the future with the Treasurer's new debt reduction privatisation strategy?

Mr Court: It will be done by the private sector.

Dr GALLOP: Unlike the convention centre, Treasurer? The fact is that the Treasurer has not delivered a social dividend to the people of Western Australia. I will begin by referring to taxes and charges, which are the first half of the equation.

When the Budget was brought down last year, the Opposition estimated that increases would cost an average family about $236 a year or $4.54 a week. This came on top of the charges that had been imposed by the federal Liberal Government. There has been another bout of increases this year. However, the Treasurer has been unable to tell us what they will mean for the average family. Our estimates of the impact of increases in car licences, third party insurance, water, sewerage and drainage charges, bus and train fares and stamp duty rates on insurance are conservative in that they are based on a one car family. Even that will add another $136 to the $236 from 1997-98, making a total of $372 since the election. The cost to a two car family will be $470 for the two years since the election. We must keep reminding ourselves what those figures mean for low income Western Australian families and for families on fixed incomes.

Going behind those figures, we see a Government which is keen for revenue but unconcerned about its impact on working and low income families. The increase in car licence fees is between $50 and $100; stamp duty on insurance is up from 5 per cent to 8 per cent; bus and train fares are up an average of between 6 and 16 per cent; water, sewerage and drainage rates are up 3 per cent; third party insurance fees for private cars are up 6.2 per cent; and stamp duty on property settlement is up by 12.5 per cent, adding an average of $412 to home purchases.

All of this will give the Government an extra $200m. The people are asking: How is this happening when the Government tells us that it is downsizing, corporatising, commercialising, privatising and contracting out, thus bringing "new efficiencies and lower costs"? The rhetoric of the Government falls flat in the face of reality. Despite the downsizing, corporatising, commercialising, privatising and contracting out, taxes and charges to the people of Western Australia are increasing. There has been no social dividend from the ideology that has become the basis of this Government's policies and programs since being elected to power.

This Government has no policy or strategy for its taxes and charges. It increases them in an ad hoc and inequitable way. However, the Government has sanctioned a further and indiscriminate application by its trading enterprises of the user pays principle. This is further undermining communities in regional and remote Western Australia, which are already under stress from downsizing by government departments and private banks. Building up rural and remote communities is becoming an impossibility as the user pays principle is creeping into the day to day practices of the Government's trading enterprises. The Government regards itself and its agencies as a business unit, with narrowly defined assets and liabilities, income and expenditure. It fails to understand that there are social and environmental debts as well as economic debts. Any Government that bases its policies on ignorance of this fact creates liabilities that must be met by future generations of taxpayers and their Governments.

Perhaps this could all be defended if we were satisfied that the Government was spending our money well and was building a better society through wise investment in social and economic infrastructure. Unfortunately from the point of view of our citizens, such a report cannot be given. It all started this year with the Transform WA program, the brainchild of the Minister for Transport. That program has not been well thought out, and in as much as it possesses a direction, that direction is backwards. That program springs from the same mentality that gave us the Northbridge tunnel. Funds for this program have come from yet another tax on motorists, this time via their motor vehicle licence. This is in addition to the 4¢ a litre that was added to the fuel excise, which, despite the High Court decision of last year, is returned to the State for road programs.

Increasingly, we have evidence that not only are the priorities in the Transport portfolio tragically wrong, but also the money spent on roads is not producing value, if only because of the problems associated with the contracting out of work from Main Roads. As I visit non-metropolitan local authorities, shire after shire informs me of its distress at what is happening to Main Roads Western Australia and what is happening to the quality of road construction in Western Australia today. The story is consistent: Loss of local skills, poorer quality workmanship, and loss of valuable consumers and citizens from country towns.

The Government has failed to demonstrate a vision for the metropolitan area. The one lesson to be learnt from the past decade is that a clean and efficient rail system will attract custom and help promote a livable city. That being the case, the Government has no excuse for not making the extension of the rail service to Rockingham and the southern suburbs a priority.

Opposition members: Hear! Hear!

Dr GALLOP: I suspect that the promise of a rail service to Rockingham is like the other promises that the Government has given in this area: A perennial, but undelivered and, I suspect, unwanted.

To add insult to injury, the Government's user pays philosophy has led it to continually increase bus and train fares. Studies by the Bureau of Transport and Communications Economics have demonstrated that patronage of buses and trains is very sensitive to price. It has been estimated that a decrease in bus fares of 80 per cent will increase patronage by 50 per cent, and that a similar cut in train fares will increase patronage by 23.6 per cent.

Mr Court: Explain what you will do.

Dr GALLOP: The Government's increases in bus and rail fares are a clear disincentive for people to use the bus and rail system. Although studies by the Bureau of Transport and Communications Economics have established the price sensitivity of these services, since this Government was elected, public transport fares have increased by an average of 50 per cent, and pensioner and student concession fares have increased by 120 per cent. For example, the cost of a standard two zone ticket has increased by 80¢ to $2.40, while concession card holders travelling the same distance now pay $1.10 for a ticket compared with 50¢ six years ago.

We need a vision for our city that offers a clean and livable future. Instead, we have received higher fares, and a prejudice against public transport, particularly trains. With regard to buses, the Government has made the extraordinary decision to purchase 128 buses fuelled by diesel, rather than buses fuelled by compressed natural gas. Both industry and environmental associations have called for a proper review and reconsideration of this decision. Depending on the measures that are used, compressed natural gas buses have emissions 30 to 50 per cent lower than those of diesel buses. Bus fleets powered by CNG are operating successfully in Adelaide and Geelong.

The New South Wales Government has made a major commitment. Its purchase of 104 gas buses between 1994 and 1996 was reviewed and found to be an outstanding success. Particulate emissions, and oxides of nitrogen emissions, were reduced substantially. Hydrocarbon emissions were reduced to approximately equal to those of a Euro 2 diesel engine. Although CO_2 emissions from a CNG engine were higher than those from a Euro 2 diesel engine, this CO_2 result can be obtained only if the Euro 2 engine uses European diesel, with 500 parts per million sulphur, rather than our diesel with 3 000 parts per million sulphur. British Petroleum has informed us that this fuel is not commercially available in Australia, and the best estimates are that it would cost an extra 13¢ a litre to import it into this nation. Although the CNG buses cost more, the savings in fuel costs would pay off the difference very quickly and result in medium and long term savings not available from diesel. The review that has been announced by the Government is no review at all, because the decision to purchase the 128 buses is not on the table. It should be on the table for further debate and reconsideration.

This Budget tells us a lot about the Government of Western Australia. This Budget also tells us a lot about the Minister for Transport. The Minister for Transport has let down the taxpayers of Western Australia. He has misled them about the implications of the High Court decision on road funding. He has allowed his prejudices against public transport and metropolitan rail to influence his judgment, in the face of scientific evidence. He has misled them about the economic and environmental consequences of the decision to purchase 128 diesel buses. The people of Western Australia cannot afford an accumulation of mistakes like this. Their future has been mortgaged by prejudice and misinformation.

Unfortunately, other examples can be found of the same phenomenon, most notably the proposed convention centre. The Treasurer's misplaced priorities are no better illustrated than by the $100m commitment to a convention centre. This is a another commitment to the city centre. For the Treasurer, all roads lead to the central business district. He has given business there its own local authority. He has already spent $13m of taxpayers' money on capital improvements in the city centre. What could the suburbs and communities throughout Western Australia have done with that money? Now he is willing to offer more; not only a contribution to the capital, but also government land. When I asked the Treasurer in question time today about the land, he was unable to tell us the value of the two sites being offered for the development of a convention centre.

Mr Shave: I will tell the tourism industry what you think of this.

Dr GALLOP: I told members of that industry what I thought last Friday.

Mr Shave interjected.

Dr GALLOP: If a Labor Government were on the other side of the House, it would spend $100m of capital investment on the railway line to Rockingham.

Mr Shave interjected.

Dr GALLOP: We are absolutely clear on that; no qualifications, no ambiguities.

Several members interjected.

The SPEAKER: Order! I hope members have had the opportunity to cool down.

Dr GALLOP: It would appear that, for the Treasurer, Perth means the central business district, not the many suburbs or communities in which people live, bring up their families, battle to make ends meet, and look to services that are available to them to improve their lives. Perth for this Treasurer is the central business district and the businesses that operate in that district. This Government has taken hard-earned taxpayers' money and redistributed it from the people of Western Australia to the businesses in the central business district. It has already amounted to $13m, with another gift now of $100m and possibly land to the tune of $25m or $35m, or perhaps even more millions of dollars on top of that.

Before discussing the merits or otherwise of the proposal, we must ask this question: Does this Government have a mandate to spend that money on the convention centre? Its election platform was pretty clear when it said that the coalition Government would encourage the private sector to build a dedicated convention centre for Perth, and should this eventuate, the necessary associated marketing plans would be implemented to ensure Western Australia reaped the rewards of this valuable tourism segment. There is no mention of a government subsidy, or of government involvement, or of $100m in the Government's forward estimates of expenditure. Can any member remember the Treasurer saying during the election campaign that he would spend $100m on a convention centre? In the election campaign when we were discussing fiscal responsibility and debt management I did not hear the Treasurer say, "By the way, I'm going to spend $100m on a loss making enterprise in the City of Perth."

This also raises the question of whether the proposal to commit funds was concealed from the people during the election campaign for fear of the backlash that would result. We have a case study of a similar issue in South Australia at the moment. The Olsen Government said that it would not privatise. Now a parliamentary committee in that State is establishing beyond doubt that the Government had the plan to do that all along, and concealed it from the people in the election.

Mr Minson: What has that got to do with us?

Dr GALLOP: I am asking this question: Was the commitment made in the election campaign, but concealed from the people? The bottom line is that the Government has no mandate for that expenditure. What irony! The Government has been lecturing the people of Western Australia for five years on the need to privatise, to release so-called loss making assets from the public sector to the private sector; yet it is proposing the expenditure of $100m, and more, on a loss making venture at a time when our hospitals are being starved of funds and our metropolitan region badly needs an injection of commonsense to protect its environment and liveability

The Pannell, Kerr and Forster report of 7 October 1994 estimated that development costs of about $150m associated with the sites the Government is considering, and that calculations that a centre would reach a financial break-even point by its fourth year, do not include capital costs. Indeed, the reports notes that centres of this sort cannot be developed on a stand-alone, private sector basis. However, this Government is willing to spend taxpayers' money to achieve what the report says are wider economic and social benefits. I am sure the former employees of the Midland Workshops and the other 10 000 Western Australians who formerly worked in the public sector will be very pleased to know the Government has now broadened its concept of what can, and cannot, be done in terms of public investment. The fact is the same people who gave us the Elle Racing fiasco and the Global Dance disaster will now give us a convention centre. Members should watch this space!

No issue is more pressing than that of the crisis facing our health system. Underfunding by the Government has seen waiting lists blow out to 15 000. The pain and suffering being experienced by many citizens, particularly the elderly, are intensified when they hear the Treasurer distinguish between what he calls urgent surgery and what he calls elective surgery. Some surgery is urgent, and that why a time line is given to the hospitals for treatment of those cases. Too many of the time lines are being broken as patients wait for much needed treatment. The Opposition has estimated that at least $140m is needed for our public hospital system to maintain current levels of service, after taking into account inflation and population growth. That figure was based on statements by the Government that the hospitals this year were still in deficit to the tune of between about $55m to $70m. We based all of our comments on that issue on what the Minister for Health told us in this Parliament in response to questions from the Labor spokesperson on health. Nothing of what we have said on this issue has not been based on facts given to the Parliament by the Minister.

It is clear that the money this Government has put into the health system will do no more than maintain the current level of crisis. When we spoke of $140m being needed, we were saying that that would not cure the ailing health system; it would only stabilise its condition. It does not take into account the increased demand for hospital services, the current pay claim by nurses or specific programs to tackle the blow-out in elective surgery. This Budget allocated

about an extra $60m for hospitals. This is less than half what is required to tackle the problem, and barely fills the hole created by the deficit, about which there has been significant debate.

A deficit in the hospital system at the end of the year can be addressed in only two ways: Either the money will be carried over into the next financial year, or the system will be starved of funds. We can either overcome starvation today by borrowing a bit from tomorrow, or we can starve today. Whichever way we look at it, we are in deficit. Our view is that Treasury statements to the effect that we cannot yet say we have a deficit in the health system are quite irrelevant. Even if the system meets the budget given to it, it will do that only by starving that system of much needed resources to treat people who are presenting at the door. We have had no solution to the health problem.

The Government thinks it can justify this shortfall by pointing to its continuing fight for increased allocations from the Commonwealth. This argument may, or may not, succeed; but why should the people of Western Australia experience such suffering in the meantime? How is the argument with Canberra over how to adjust Medicare payments for changing rates of private health insurance, the cost of medical advances and cost shifting practices - granted, they are highly esoteric, theoretical issues which have an important application - affected by the allocation made to the hospitals by the State Government from its own revenues? The Government thinks it can use the suffering of our people as a bargaining chip in the context of a forthcoming federal election. Its general prejudice against the public hospital system and those who use it allows this to happen without too many pangs of conscience. The Government should provide support for our public hospital system as a matter of priority and then engage in a proper political campaign against the federal coalition Government over its offer to the States.

This, of course, is hard to do when it is noted that since this Government has been in power the percentage of recurrent revenue spent on health has fallen from 24.5 per cent to 20.6 per cent. This is a good illustration of the priority accorded to health by the coalition Government.

Teachers and parents in this State will also be interested to know that educational expenditure as a proportion of recurrent revenue has fallen from 20.8 per cent to 16.8 per cent. In other words, in the two key areas of state delivery, where the demands are clearly growing, a smaller proportion of the total cake has been allocated.

Community safety remains a major concern for the citizens of this State. It can only be recorded, however, that after five years of coalition Government, the crime statistics indicate deterioration rather than improvement. All the rhetoric in the world about administrative reform, the Delta program and legislative change cannot hide the comparative statistics for 1997 and 1993. I rely on an answer to a question provided to the member for Burrup in this Parliament. The number of reported break and enter offences of 53 114 in 1993 increased to 56 422 in 1997, an increase of 6 per cent. The number of reported assaults went from 9 023 to 13 573, an increase of 50 per cent. The number of reported assaults against police went from 624 to 910, an increase of 46 per cent. The number of reported stealing with violence offences, including armed robbery, increased from 989 to 2 131, an increase of 115 per cent. The number of damages offences reported went from 31 377 to 43 108, an increase of 37 per cent. The number of motor vehicles stolen is the one statistic that goes the other way from 16 712 to 15 486, a reduction of 7 per cent. The total number of offences reported to police went from 203 274 to 241 355, an increase of 19 per cent.

It is clear that the Government's approach to law and order is not working. The suburbs are not safer, and communities are not crime free. The Opposition has long argued that effective policing strategies, backed up by community initiatives, can greatly assist in turning these figures around. Problem areas can be targeted and resources focused on particular issues that emerge as crime factors. However, to do this, police operational budgets need to be supported, indeed boosted from the decline they have experienced in recent years. It has now been confirmed that police operational budgets were reduced by $6.25m last year. The fact that this reduction is defined by the Government as a "productivity initiative" does nothing to conceal its impact; that is, fewer resources for the police in the suburbs and communities around the State.

This year's Budget assumes another cut, this time of $2.7m. Members can be assured that the Opposition will hold the Government to account for the impact these cuts are having on police effectiveness and crime control in Western Australia.

I now reiterate the central points that must be made about this Budget. Firstly, the Government's so-called debt reduction strategy is in fact a privatisation strategy. Although members on this side of the House acknowledge that Governments must manage their finances responsibly, they cannot agree that a fully privatised future is in the interests of this State's citizens, today or tomorrow.

Mr Court: Who said that will happen?

Dr GALLOP: The Treasurer said it will happen.

Mr Court: I have not.

Dr GALLOP: How then will this State be debt free by 2002?

Mr Court: I said it would be debt free in 2008.

Dr GALLOP: How will it be achieved without privatisation?

Mr Court: The way we are going, we shall get there well before then.

Dr GALLOP: Explain that.

Mr Court: What do you mean?

Dr GALLOP: Under the current projections, net debt will increase in Western Australia in the next three years.

Mr Court: Net debt as a percentage of GSP will be down to 6 per cent in two years' time.

Dr GALLOP: Net debt will increase. I thought this State had a debt free future. Is the Treasurer changing his definition?

Mr Court: Not at all. What we have said we would do with debt, we have more than met that commitment.

Dr GALLOP: Secondly, although the Opposition supports public investment initiatives, it is yet to be convinced that the Government is basing its decisions on proper cost benefit analysis that encompasses economic, social and environmental considerations. Prejudice is no substitute for a proper, scientific approach to these issues. Thirdly, the Government continues its ad hoc and inequitable approach to revenue collection. It seems oblivious to the impact that its decisions are having on families and their household budgets. Fourthly, the Government has failed again to address the health crisis. There can be only more pain and suffering for those citizens languishing on the growing waiting list. The Government has chosen to play politics with Canberra rather than accept its responsibility to properly fund the public hospitals.

The Government has demonstrated yet again in this Budget that it has neither the wit nor the commitment to build better communities throughout the State. Western Australians clearly want - and the Government has failed to deliver it yet again - a real and lasting social dividend.

Debate adjourned, on motion by Mr McGinty.

ENVIRONMENTAL PROTECTION AMENDMENT BILL 1997

Returned

Bill returned from the Council with amendments.

Ruling by the Speaker

THE SPEAKER (Mr Strickland): I have become aware that the Minister for the Environment wished to have this message dealt with at a later stage of this day's sitting. I refer to Standing Order No 305 which provides that when a Bill is returned from the Legislative Council with amendments, the message shall be read and a day fixed for its consideration. In the past that has been interpreted as meaning that a future day will be fixed.

Members will recall that it has not been uncommon for standing orders to be suspended towards the end of a session to allow messages to be considered on the day on which they are received. However, in recent times some such messages have been set down for consideration at a later stage of the day's sitting without the suspension of standing orders. The difference is important as it goes to the question of adequate notice being given to members of a matter being brought on for debate.

Although the interpretation of Standing Order No 305 is open to debate, the interpretation I favour is that which ensures that members have proper notice of a matter being brought on. The Standing Orders and Procedure Committee will consider this matter soon as part of its comprehensive review of the standing orders. Until a proposal is adopted by this House to the contrary, I rule that under Standing Order No 305 a message returning a Bill with amendments must be set down as an Order of the Day for a future day. That, of course, does not preclude the House from suspending standing orders to bring the Bill on earlier if it so wishes.

RAIL SAFETY BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Mr Omodei (Minister for Local Government), and transmitted to the Council.

REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

Third Reading

MR SHAVE (Alfred Cove - Minister for Fair Trading) [3.51 pm]: I move -

That the Bill be now read a third time.

MS MacTIERNAN (Armadale) [3.52 pm]: Since the Bill proceeded through the Committee stage, the Budget has been announced and the Opposition notes there has been a very substantial hike in stamp duty on real estate transactions. Stamp duty is payable in a real estate transaction by the purchaser of the real estate. The combination of the stamp duty, and the deregulation that will follow the legislation approved here today will result in very substantial cost imposts on both ends of residential real estate transactions. The Minister has stated that a deregulation of real estate commission fees charged by real estate agents will come into effect once this legislation has been passed.

An article in *The West Australian* today dealt with a young family lamenting the stamp duty cost with which they will be hit. They would be even more depressed if they were aware that in addition to the increased stamp duty, they will now be exposed potentially to a very substantial increase in real estate agent fees when they proceed to sell their home before they upgrade to a new home.

The essence of this Bill is to provide a framework for the deregulation. An attempt has been made in this legislation to provide a mechanism for the protection of consumers who may be dealt with harshly by real estate agents. For the reasons the Opposition has articulated in great detail during the second reading debate and Committee stage, these protections are woefully inadequate. I was disappointed that the Minister did not support some of the minor amendments the Opposition proposed, which would have given some substance to these particular protections he is seeking to put into place.

I make one final request of the Minister. The Minister is confident that there will not be a very substantial increase in commission fees charged at the lower end of the residential market. I would like the Minister to explain to the House and the public today what mechanisms he proposes to put in place to monitor the changes in commission fees. As all members know, there is no central registry of these fees. How will the Minister monitor what happens in this State once he has put into place the deregulation that I understand will occur almost immediately after the passage of this Bill?

This Bill contains some good provisions, but the motivation for it was to set up the mechanism that would provide for deregulation. There will be a very substantial impost on ordinary working people due to the increase in stamp duty on transactions at the lower end of the market.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [3.56 pm]: I do not support the view that there will automatically be a significant increase in real estate fees and charges on sales as a result of this legislation. From observation of what has happened in other States, it cannot be concluded that it has resulted in increased real estate fees.

Ms MacTiernan: It has occurred in every other State.

Mr SHAVE: It is not the advice I have. In some cases it has gone up and in some cases it has gone down. I do not wish to debate that again because the member for Armadale is convinced that fees will go up and she has a fixation that that will be the case.

Ms MacTiernan: Will you put in place some mechanism to monitor it?

Mr SHAVE: I do not have in front of me a copy of my second reading speech and other comments I made during the debate, however I am reasonably sure that I gave an undertaking that the situation would be monitored. After a period of 12 months the ministry will assess the situation; however, I have been told by the board and other people involved in the industry that the provisions in this Bill adequately address the problem of people potentially paying an unjust fee. I am very confident that this legislation will assist all the parties involved.

Question put and passed.

Bill read a third time and transmitted to the Council.

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL

Committee

The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Shave (Minister for Fair Trading) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Mr BROWN: I take the opportunity to raise an issue on behalf of my constituents, the Mavromatidis family, who were adversely affected by decisions of the Commercial Tribunal and the District and Supreme Courts. I previously raised this case with Mr Bodycoat of the Ministry of Fair Trading to see whether the Government would acknowledge what my constituents saw as a significant injustice. I now raise the matter under the commencement clause because this difficult issue can be addressed only by the Minister exercising discretion regarding the commencement of certain provisions of the Bill.

Mr and Mrs Mavromatidis applied to the Local Court to deal with a tenancy matter, and the application was heard by Magistrate Ivan G. Brown. In the preliminary proceedings, he ruled that the couple had come to the wrong jurisdiction. As the case related to commercial tenancy and the termination of a lease, the magistrate determined it was appropriate for the case to go to the Commercial Tribunal. The magistrate issued orders to that effect. My constituents then prosecuted the matter before the Chairman of the Commercial Tribunal, R. H. Burton, and various decisions were made. My constituents were partly successful and partly unsuccessful. Nevertheless, the decision of the Commercial Tribunal was reasonably satisfactory for them, and they thought that that was the end of the matter.

However, the respondents appealed to the District Court on a number of grounds, which is normal in such cases. One of the grounds of the appeal was that the original proceedings in the Commercial Tribunal had been commenced incorrectly, and that the tribunal had no power to deal with the matter.

Mr CUNNINGHAM: I would like to hear some more from the member for Bassendean on this issue.

Mr BROWN: The District Court found that the Commercial Tribunal had no jurisdiction to deal with this matter. My constituents sought advice from their lawyers and pursued the matter to the Supreme Court, which upheld the decision of the District Court.

My constituents feel aggrieved in relation to this process. They commenced a process in the Local Court, which subsequently told them that the matter should go elsewhere. They took that advice from the court. However, they were then told by the District Court that the place they had taken the matter, on advice from a lower court, was incorrect. Had my constituents been allowed to prosecute this matter in the Local Court in the first instance, rather than it being referred to the Commercial Tribunal, the respondents would not have been successful in their appeal on jurisdiction. My constituents feel aggrieved that, not through any negligence on their behalf, the court process has acted in a way which was prejudicial to them, resulting in the loss of their application and in their incurring significant legal expenses in the process. Obviously it is not a matter government imposed on my constituents. It resulted from neither a decision of the Minister nor the Government. Needless to say, my constituents feel very aggrieved that this happened to them. The events have severely affected them. As I, and as I recollect Mr Bodycoat, explained to my constituents, it is not an easy issue with which Ministers can deal.

My constituents are now in an extremely difficult position as a result of circumstances beyond their control. They are therefore seeking to prevail on the good grace of both the Minister and the Government to see what they are prepared to do in the context of this Bill. This Bill rectifies some of the problems caused by the decisions of the District and Supreme Courts and the lack of jurisdiction of the Commercial Tribunal, insofar as the Bill clearly provides that the Commercial Tribunal will now be vested with the power to terminate leases.

I raise this matter as a plea on behalf of my constituents in the hope that the Government will be prepared to examine this matter in the light of their circumstances, if not today - because there will be time - as soon as possible. When this Bill is passed, the Minister will have discretion under the powers in the Bill.

Mr SHAVE: I have some difficulty with the member for Bassendean's request to make the Bill retrospective for his client, if that is what he is suggesting. If the courts have made decisions, the Government is unlikely to make any proposals retrospective; notwithstanding the fact that it is very disappointing that the constituents of the member for Bassendean have been given unfortunate and expensive advice which has put them in a difficult position. I do not know the full details of the case. Mr Bodycoat has not explained to me in any detail what powers I might have to try to rectify the problem. However, I am prepared to take up the issue and discuss it with Mr Bodycoat when this Bill is implemented.

It is proposed to proclaim the legislation as early as possible. Like the Opposition and most people in the market place, other than the WA Council of Retailer Associations, the Government wants this legislation passed. That is understandable because this legislation is designed to assist in what some people perceive as an imbalance between large property owners and small operators. The proclamation is worded the way it is because of some issues concerning people's end of financial year.

I will take up the issue raised by the member for Bassendean with Mr Bodycoat. Subject to its not being retrospective and setting precedents and interfering in decisions by the courts or tribunal under the existing legislation, I will be happy to examine it.

Mr BROWN: I will be pleased if the Minister does that. It is a difficult situation. My constituents are well aware of the rarity of governments of all political persuasions taking steps to retrospectively apply legislation. However, I am pleased the Minister will examine this unfortunate circumstance which was not the fault of the Mavromatidis family. They legitimately tried to follow the process set out by the court, but as a result was treated most unfortunately and unfairly.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 3 amended -

Mr BROWN: This clause amends the interpretation section of the Act. After reading the definition of "key money" about 12 times and examining the clause notes I think I finally understand the intent of proposed section 4(1)(b). Why will this definition not come into force forthwith? Clause 14 sets out when various provisions of the amending Act will come into operation and this is not one of the provisions that will come into operation forthwith. Surely in the sense that it is normally applied, key money will apply only to new leases. If that is the case, I do not see why that provision will not come into effect immediately rather than simply being related to new leases. It is not explained by the notes. Perhaps the Minister will put on the record why that is proposed?

Mr SHAVE: I assume that it is being done in that manner because many leases have a lease term and an option period. Key money may be payable when an option is exercised. I will seek some clarification from my legal person.

Mr BROWN: I raised that because further on in the Bill reference is made to when various clauses of the Bill will come into operation.

As the Minister said in his second reading speech, it is proposed that many provisions of the Bill will come into operation with the advent of a new lease as opposed to applying from a set date to existing leases. The definition of "accountant" comes into operation immediately the Bill is proclaimed as opposed to the advent of new leases. As I understand it, one of the problems is that people are introducing third parties to whom to make payments and therefore surreptitiously getting around the prohibition of key money in the existing Act. I understand the definition of "key-money" makes it very plain that key money of all descriptions, however paid, will be not permissible. If that is correct, why is it proposed that the definition of "key-money" will not come into effect forthwith but will be delayed and apply only to new leases?

Mr SHAVE: My advice is that to apply it to current legislation makes it retrospective. The parties have agreed to the terms as allowed by the law at present.

Mr BROWN: As I understand it, key money comes into play at a time when people are negotiating new leases or at the time of exercising an option.

Mr Shave: An option is not a new lease.

Mr BROWN: I accept that. Key money should not be paid. We do not see key money problems during the term of a lease. They happen at the time new leases are entered into or in end of term lease transactions. The clause seeks to overcome a deficiency in the section; that is, the legislation sets out an in principle position. Some people who have carefully examined the words found a way through them. They did not breach the law but they breached the spirit and intent of the law. These words are designed to overcome that breach of the spirit and intent of the law. If the Bill is designed to overcome a manipulation of the existing law I cannot understand why this clause does not apply forthwith. If it were a new clause imposing some new condition on existing leases, one might argue that it would be retrospective if it were introduced immediately.

Mr SHAVE: My advice is that it would create retrospectivity. The member is saying that the original intent of the existing legislation was to keep key money out of contracts. I will discuss that issue with my people and talk to the industry people. It may be that when the Bill arrives at the other place, we may be able to look at an amendment.

I will not give an undertaking until I have thoroughly checked this out with my legal people and the people in the Ministry of Fair Trading, because this is the first time it has been brought to my attention. It is an important issue. I do not want to make a decision until I have proper advice.

Mr BROWN: I am pleased that the Minister will do that. I do not have an amendment relating to this on the Notice Paper but I raise it for the purpose of having the matter further examined. I move -

> Page 3, line 20 - To delete "1 000" and substitute "2 000".

The amendment is designed to extend the operation of the Act to retail shops with a retail floor area of less than 2 000 square metres. The Act currently applies only to shops with a retail floor area of up to 1 000 sq m. I, and no doubt the Minister, received representations from the Western Australian Independent Grocers' Association (Inc.), specifically from the executive director, Mr Gregory King. He wrote a letter to me, dated 6 March, which reads -

> The Association is concerned that the interests of its members are not being addressed in the proposed amendments to the Commercial Tenancy (Retail Shops) Agreements Amendment Bill. At the present time, it is proposed to retain a maximum floor area of 1,000m² to qualify for protection under the Act.
>
> A significant number of independent supermarkets unfortunately will fail to meet this qualifying criterion as they operate stores in the vicinity of 1,000m² to 2,000m². As we understand it, the intention of the Act is to provide protection to small business operators in their lease negotiations with property owners, which are often held to be a somewhat one sided affair.
>
> We would maintain that the vast majority of independent supermarket operations can be best described as family based owner operated, like the chemists, newsagents and other speciality shops that will be afforded the protection of the Act. Like these speciality retailers, our members do not necessarily have the skills, resources or capacity to negotiate on a level playing field with their landlord to ensure a fair and equitable lease is agreed between the parties.
>
> In summary, we are not necessarily seeking major revisions to the intent of the Act, but rather a broadening of its application to include independent supermarkets.

I was also written to by Mr Robert Halvorsen concerning a number of changes that he wanted to see to the Act. The one that relates to this definition is contained in his letter, under the heading "Ambit of the Act", and he states -

> The Act needs to be amended to apply to tenancies of up to 2000 square metres. The reason for this request is that there are 22 independent supermarkets which are within the 1000 to 2000 square metre range out of a total of 82 Dewsons, Rules and Supa Valu franchised supermarkets of Foodland Associated Ltd.
>
> These 22 supermarkets enjoy no greater negotiating power with landlords than do those of less than 1000 square metres and even if the Act did encompass some stores owned by large corporations this would not matter regarding the purpose of the Act.

Representations were made to me by the Western Australian Independent Grocers' Association for an extension of the Act to cover those stores for the reasons outlined. It is perceived by that association that its members are not in a wholly different situation from other retailers protected by the provisions of this Act.

Mr SHAVE: One of the reasons we did not accede to the request of Mr Halvorsen was that we could not get a widespread agreement between the parties and there was no consensus on the proposed amendment. Most of the legislation is Australia-wide and in respect of national retail tenants it mentions 1 000 sq m. This legislation is applicable specifically to small businesses, and 1 000 sq m of retail floor space effectively equates to a quarter acre block of land. If the Act is applicable to small businesses, it could be argued that somewhere along the line one must draw the line in the sand and, on a national basis, 1 000 sq m is accepted as a reasonable level. Just because it is done nationally does not always make it right. As a courtesy to the member for Bassendean, I had my staff speak to the Western Australian Council of Retailers Association, which represents the smaller retail organisations; it has been the major group pushing for these amendments and looking to support small retail groups. My staff advise me that they had a discussion with Mr Catania from WACRA yesterday and his view was that they could not support the change. If Mr Catania's group did support the change, if the member wanted to take it further with that group, we would still need to consider the position of other groups in the equation. We indicated that if we were to make any significant changes, we would consult with those groups before we made the changes. Therefore, we will not support that amendment.

Mr BROWN: I wonder if, in the course of the Government's and the Minister for Fair Trading's deliberations on this matter, an examination was made of the Independent Grocers' Association's claim that many of the businesses referred to are family-run businesses and do not have the level of expertise available to certain people who are property

owners or developers. The association's argument is not based on what other industry groups may or may not believe but on the view that as a group within that 1 000 to 2 000 sq m range, when these family-run businesses enter into negotiations on tenancy issues they do so from a disadvantageous position and without the protection of this Act. It seems to me that one of the key questions the Government must answer is whether there is substance in that view. If the Government said, "We believe that there is no substance in that view and that people in the 1 000 to 2 000 sq m range have, because of the nature of those stores, such substantial bargaining power that they can hold their own with property developers or owners", then I could understand the Government's not accepting its argument. If the Independent Grocers' Association's argument is valid that owners of a larger family-type store are not versed in technical lease negotiations, and enter into negotiations with a little more financial clout than some smaller shops - but certainly not with an equal bargaining position to that which Woolworths might have with Galleria, where they are both significant players in the retail area and can, because of their respective bargaining strengths, bargain equally - then it perhaps correctly perceives its members to be in a disadvantaged position in those types of negotiations.

Does the Government, in seeking the views of other organisations that represent the interests of small retailers - whether that is WACRA or the Retail Traders' Association, both of whom are very eloquent and persuasive in representing the views of small retailers - feel it has an obligation to listen to those groups as well as others? It is the Government's obligation to examine the merit of this argument to see whether, in the Government's mind, it stands up. If it does, then the principles underpinning this Act should apply. Is the Government prepared not only to consult with other organisations, which is appropriate, but also to look behind those consultations at the arguments that are raised by the Independent Grocers' Association to decide whether the association's members are in the position they claim they are? If the Government is satisfied that they are in that position, then extending the Act to provide that same level of protection sits on all fours with the spirit and intent of the Act.

Mr SHAVE: A quarter acre of retail trading space makes the operation significant in terms of the size of the store. The argument put to us by the Independent Grocers' Association and the supermarkets is the same sort of problem that I have encountered with Dewsons. A particular Dewsons store in Nedlands argues that the number of staff permitted on Sundays should be raised to 15, rather than 10, because it suits its operation. Somewhere in the process one must draw a line and state what constitutes a small business, and the member for Bassendean asks for the Government's views on where it sees these people sitting.

Clearly a store with 1 000 or more square metres - that is a quarter of an acre in floor area - is a very substantial business even if it is only 1 001 sq m. It covers the majority of small businesses. It is admirable that a business may be family owned; that is wonderful thing. Friends of mine have those sort of businesses. I can cite Macks Food Stores. I do not know whether the McGilvrays still own Macks Food Stores, but they probably fit into that category. I may be wrong. A retail store that operates, pays rent or owns more than 1 000 sq m of floor area is capable of looking after its own affairs and obtaining fair representation. The changes attempt to assist those small business which need some sort of government support to combat inequity in regard to their capacity to represent themselves at a bargaining table. The reluctance of a group such as the Western Australian Council of Retailers Association to entertain the extension at this time is indicative that it also has some concerns about the proposal. The department and I considered the proposition put to me by Mr Halvorsen when he came to see me. We looked at the national benchmarks; at the end of the day, the Government is comfortable that a store of up to 1 000 sq m of retail letting area is a significant business and that it is correct to retain it at the appropriate level.

That will never satisfy the independents. They would like the amendment to bring them into the legislation. The department weighed up the matter. It did not just accept what WACRA wanted and not make a decision at a government level. The department looked at and evaluated the matter. I spoke to the people in the department. The department has no vested interest in whether the size is 1 000, 2 000 or 10 000 sq m. On behalf of the Government, I am comfortable with the department's advice and recommendation to retain the 1 000 sq m cut off point.

Mr BROWN: Does the Government intend to look objectively at the arguments raised by the independent grocers about their negotiating position? I do not say that with any disrespect but in terms of whether any analysis has been done of those arguments. As the Minister knows, there are all sorts of perceptions of business issues. One can have impressions which are totally wrong. As an unrelated analogy, a small business person from a country area came to see me the other day. He explained the circumstances of his business, which is struggling. A few days later I ran into some people from the same country town. They said that the person I had met was doing extremely well and running a profitable business. Sometimes the perception from standing outside is quite different from the one inside the operation.

The House of Representatives Standing Committee on Industry, Science and Technology did an admirable job in looking in an objective way at tenancy and other issues affecting small business. I do not know whether the Government has any plans to step back from the size and look at the issue of equitable bargaining positions raised

by the independent grocers. I know the Minister's perception of that. The Minister obviously is not inclined to accept the amendment and I wonder to what degree the Government is prepared to look at those claims - a process which might result in the Government reviewing its position.

Mr SHAVE: The Government is intent on retaining the criterion of 1 000 sq m. A lot of people make representations to the member for Bassendean. I suggest that in a lot of shopping centres a business occupying 1 000 or 2 000 sq m is the key or magnet tenant. By virtue of the floor area it has the bargaining power to negotiate a lesser rent per square metre. If an analysis were done of a country shopping centre where the 1 500 sq m supermarket occupies the principal area, I suggest that the supermarket would be paying a lower rate per square metre of floor area than the small store in the corner of the shopping centre. The business automatically receives a benefit by virtue of the area it is prepared to lease in that shopping centre. I am not saying that all such businesses make a lot of money. I do not want to be disrespectful of their position. However, members need to bear in mind that this legislation is designed principally to assist smaller shopping centre people. I have a view that in some, although perhaps not all, of those cases they are key and magnet tenants in the shopping centres. If they were prepared to disclose the rate they were paying per square metre one would find it was significantly less in some cases than the flower store, the newsagent or the travel agent.

The businesses have come to the Parliament with a request. They have a right to do that. However, the department's view is that in many cases, by virtue of the bargaining power they have on floor area, these businesses are in a better position than some of the small operators in the shopping centre. That is not to say they do not have the right to wish or hope that they will receive the benefit of coverage under this legislation. However, having weighed all that up and listened to their argument and to the views put by the department I am satisfied that the recommendation to retain 1 000 sq m is appropriate in this legislation.

Ms MacTIERNAN: The definition of retail shopping centres is being changed, apparently with good reason, but will the Minister clarify the scope of the changes? Concerns have been expressed by department stores. Increasingly, franchise operations are acting out of the department store. For example, when the Minister goes to buy an item of clothing for a friend he might note, particularly in the women's clothing area, a number of almost ministores within that department store. Various designers will have their own part of a department store. To some extent the same arrangement applies in food halls, and it certainly applies in cosmetic and male fashion departments. Generally, that has been a licence arrangement rather than a lease arrangement and the store proprietors maintain a much greater degree of flexibility over their operations. Obviously they believe that they need the capacity to move departments around in order for the store to function properly. Now that we are discussing the inclusion of multi-storey buildings in the definition of a "retail shopping centre", it is possible that these specialist licensees or franchise holders operating out of department stores might be caught by the legislation. Is it the Minister's intention that such arrangements within the department stores be caught under this new definition of the "retail shopping centre"?

Mr SHAVE: Yes, they are covered by the legislation.

Ms MacTIERNAN: As a matter of principle, it is probably appropriate that they be covered. One could argue that in certain situations there would be the same imbalance of bargaining power, except that many of the operations are part of large international companies - for example, cosmetic retailers - and do not need the protection of legislation designed to assist small business. However, two very different orders of lessees or licensees are operating under these arrangements - that is, the large and prestigious cosmetic and clothing firms versus the butcher operating in the Myer food hall in the centre of Perth - and they need very different degrees of protection.

Given that those licensees are now to be covered by this legislation - this is a new development - what consideration has the Minister given to the special needs that a department store might have in terms of rearranging its layout and stock? Such operations require a flexibility over and above that which would be required by those operating discrete stores in shopping centres. Is the Minister familiar with the type of layout to which I am referring - uninterrupted floor space and no formal divisions but occupied by separate companies? The department store operators argue in a somewhat convincing manner that their situation is different. In one season the store might have a greater supply of its stock, in which case it would need to move the licensees in a way that would not be an issue in a shopping centre with dividing walls and doors. Given that these retail operations are to be symbiotic to the products offered by the licensees, it is a different relationship from that between a shopping centre proprietor and a lessee. To what extent has the Government taken into account the special needs of that circumstance in the provisions relating to flexibility and the movement of tenants?

Mr SHAVE: I have been given a lot of advice on this issue, including that this is a new issue and that it relates principally to Coles Myer Ltd. There has been no consultation about changes in respect of this. If we were to make amendments at this point, we might get an unacceptable outcome. The member must realise that, if an area is sublet to a genuine tenant, it is preferable that the legislation cover that tenant. We must avoid implementing something that on the surface may appear to be beneficial but, after the legislation is passed, in fact means the tenant's rights are

overridden. While I am interested in the issue the member has raised, it has not been raised with me previously by either the Retail Traders' Association of WA or the Western Australian Council of Retailers Association. If there had been a major problem and, for instance, Coles Myer was trying to circumvent the legislation en bloc, I am sure it would have been raised.

Ms MacTiernan: Therefore, you have had no representations from any department stores in relation to this matter?

Mr SHAVE: There was no contact during the consultation period, but Coles Myer has raised the issue in the past two weeks.

Ms MacTiernan: So, it has raised it?

Mr SHAVE: Yes. I have referred to the consultation period, but I was not aware until the member raised the issue that Coles Myer had been pushing for any variations.

Ms MacTiernan: Therefore, Coles Myer contacted your staff or the department, but it did not communicate that to you?

Mr SHAVE: That is correct.

Ms MacTIERNAN: I am not here as an advocate for Coles Myer, but it appears that the relationship is somewhat different. I am not saying that it should not be covered by the legislation, but it has raised serious concerns about how this legislation would operate in a department store.

There probably does need to be some capacity to bring licensees into the fold of this legislation - not simply Coles Myer, but also groups such as Aherns which have similar arrangements. However, they do have a good case for saying that provisions in this legislation - particularly those relating to a security of space, or a geographic security of tenure - are inappropriate in the arrangement of a department store; that the relationship between the proprietors and managers of a department store and their franchisees within the store is fundamentally different from that between a simple landlord and tenant, because they must work together in a symbiotic way, and provisions in the legislation are too restrictive.

I am concerned that the matter has not been brought to the Minister's attention. I guess that all we can do is suggest to the people who made representations to us that they attempt to make representations to the Minister before this matter goes to the Legislative Council, because they have a genuine case and some provisions of the legislation will not work in relation to those department stores.

Mr SHAVE: I am happy to talk to representatives from Coles Myer, and I understand from one of my staff that the group made a representation in the last two weeks. I find that absolutely incredible because this legislation has been on the drawing board for a number of years. Coles Myer has a very big interest in this legislation, and has had 14 months to consider it. The Government consulted with the industry and with the Property Council. The groups would have read many articles in the newspaper in which the Western Australian Council of Retailers Association and others said that they did not agree with the notion of gross rents. The issues related to Coles Myer; however, two weeks before the matter was brought to Parliament, company representatives saw the member, and phoned officers of my department seeking an amendment to the legislation.

Ms MacTiernan: It was longer than that. I saw them some time ago.

Mr SHAVE: I am told it was in the past two weeks. It is very recent - certainly prior to this legislation being drawn up. If that is the way they operate their businesses, it is very unsatisfactory. No doubt, the member will give them a copy of my remarks. However, it is very interesting that after 14 months they want amendments to be considered when they are aware of the volatility of this legislation. The Property Council and the Independent Retail Traders Association do not always agree with WACRA. We have been consulting with these associations for 14 months to try to reach some consensus, and they suddenly say they would like an amendment to be considered in the last month.

They may have consulted with departmental officers prior to two or three weeks ago. My advice may be wrong. However, the indication is that this proposal was put to my office recently. Notwithstanding all that, the Government is prepared to talk about this issue before it reaches the Legislative Council if the member considers that has some merit. However, it will consult all groups before any decision is made on an amendment. Unless there are strong, compelling reasons and general support from those groups for the proposal, it will not make a change.

Although some of the criticisms I have been levelling at Coles Myers may be a little harsh, and the group may not agree, that is the way I perceive the situation. We have had consultation. Green Bills were introduced by the member for Kingsley. The Property Council said the Government should not do this and the retailers said that it was not doing enough. Coles Myers knew about that, but one month from debating the matter in Parliament, it approached various

groups and said that it would like this change. That is unsatisfactory. When the groups want to talk, the Government will. If we get general consensus from the other parties involved we will look at that. However, I am certainly not prepared to make any changes during Committee when groups have had a long time to make representations to the Government.

Ms MacTIERNAN: I accept what the Minister is saying. Perhaps the groups had not considered themselves as being affected by this legislation; that they had licence arrangements in place. They had never considered them to be leases, and late in the piece they realised that there was a definitional change in the legislation that might have captured them. I do not propose to move any amendments, and I do not think the member for Bassendean does either. I am surprised that the groups have not managed to see the Minister by now. They must look at their performance in this regard. As long as we can get some undertaking from the Minister that this matter will be open for consideration before progressing in the other place, I am more than satisfied.

Amendment put and negatived.

Mr BROWN: I move -

> Page 3, after line 21 - To insert the following -
>
> (d) in the definition of **"retail shop lease"** by deleting paragraph (b) of that definition.

The clause seeks to insert new paragraph (a) in the definition of retail shop lease. My amendment seeks to delete existing paragraph (b) in the Act which reads -

> the lease is held by a corporation within the meaning of the *Companies (Western Australia) Code* that would not be eligible to be incorporated in Western Australia as a proprietary company, or that is held by a subsidiary of such a corporation;

I understand that the paragraph was originally designed to exclude such a company from the provisions of this Act because by virtue of its status, it had equal bargaining power to negotiate with proprietors of shopping centres. Through the Retail Traders Association I have met a number of owners or operators of those businesses who assure me that while they may operate one or more shops, they are nevertheless small business operators. They are not in a position to negotiate on an equal footing with the larger shopping centres. The Minister is aware of ongoing negotiations at a national level between the Australian Retailers Association and the Property Council of Australia on a range of issues that were raised either by the parties or the fair trading inquiry. The Australian Retailers Association has advised that it has agreed that provisions of this nature in relation to retail leases under 1 000 square metres will apply irrespective of the ownership of the business, and that exclusions which are currently in place are no longer appropriate. In light of those two issues, the amendment proposed by the Opposition would ensure that that which has been agreed at national level would be applied in Western Australia.

Mr SHAVE: The effect of this change would be to extend the coverage of the Act to include publicly listed companies, corporations and their subsidiaries. For example, the Act excludes organisations such as Coles Myer, which controls Katies, from gaining protection under it. The Act was not designed to protect groups that are capable of looking after themselves. Notwithstanding the comments of national organisations of property owners and retailers, the recent Victorian Tenancies Reform Bill retained the exclusion of public corporations from coverage. My officers ascertained from Mr Catania yesterday that the WA Council of Retailers Association would not support the Opposition's amendment. A suggestion was made that some of the groups involved have reached agreement on the issue, so I will ask the ministry to undertake further consultation with them. If they have reached a consensus we can look at the issue in the other place. I do not want to make a decision at this time, because WACRA, the organisation that represents the majority of small retailers, will not support it.

Mr BROWN: I take on board the Minister's comment about subsidiaries of large organisations that have both the expertise and the financial clout to represent themselves. However, this exclusion provision applies to much smaller companies that are publicly listed and which do not have the negotiating strength and power of the larger chains or their subsidiaries. Retailers that have had some success and have expanded their operations through good fortune and business acumen could not be perceived to have the same degree of sophistication, financial strength or bargaining power as the major players, be they retailers or property owners. Those retailers want to be protected by the Act. The Minister is aware that shopping centres look for retailing businesses that have been successful elsewhere in order to replicate the concepts that have been tried and tested. Some of the major shopping centres comprise a number of independent family businesses, such as newsagents and dress shops, and other Western Australian based businesses that are not very large but which have come up with a concept that works and with which they have had a measure of success. I agree that this Bill is primarily designed to level the playing field and is not designed, where two corporations are perceived to be of equal strength, to give an advantage to one over the other. I do not advocate that. People of equal strength who negotiate on an equal playing field should be able to reach a fair bargain subject

to their own business acumen and capacity. This Bill is about trying to level out that process, in part, so that those who have less financial capacity and expertise will not be exploited by what the House of Representatives committee found to be a market failure. A strong view has been put to me by some of those smaller businesses - that is, businesses that occupy less than 1 000 square metres - that they, as well as other businesses, need the protection of this Bill. The Minister has said he will consider the question of their negotiating strength vis a vis the strength of the people with whom they must negotiate.

Mr SHAVE: The member has put a legitimate case with regard to some family based businesses; for example, a person who has a chain of florist shops in a number of shopping centres and who is probably paying top rent but who is excluded by virtue of his small business status. I have given an undertaking that consultation will take place with all the affected groups before this Bill goes to the upper House, and if some agreement can be reached, I will support it.

Ms MacTIERNAN: This does not relate directly to the amendment, but it does relate to paragraph (b), which is sought to be deleted. The Act refers to the Companies (Western Australia) Code. The Corporations Law is now the operative legislation. Why has the terminology not been updated in updating this legislation?

Mr SHAVE: The third point at page 60 of the blue Bill covers that issue.

Ms MacTiernan: Will that explanation become part of the new Act?

Mr SHAVE: I am advised that is to be read as part of that new section.

Ms MacTiernan: It seems odd that the Bill refers to the old terminology rather than the new terminology.

Mr SHAVE: I am advised that if we were amending that part of the Act, we would do that, but that part has not been touched. The member knows what solicitors are like!

Ms MacTiernan: Given the amount of time that has been spent on drafting this Bill, I thought that would have been done.

Amendment put and negatived.

Mr BROWN: I refer to the proposed change to the definition of "retail shopping centre" and to the arrangements for strata titled units. The second reading speech states that tenants can be charged so much of strata title levies as are permissible under this Bill. That was previously not possible due to a decision made by the courts some time ago. The second reading speech states also that tenants who lease a strata titled property will not be charged more than tenants who lease a property that is not strata titled. I ask the Minister to clarify for the record that the owners of strata titled premises cannot pass on to tenants so much of the strata title fees and other expenses that those tenants would pay higher outgoings than would tenants who were in an ordinary tenancy situation.

Mr SHAVE: The Bill states at the bottom of page 16 that "operating expenses" in relation to a landlord include "if a strata title levy is imposed on the landlord, that part of the levy which relates to expenses of the landlord in operating, repairing or maintaining the building or buildings of which the retail shop forms part or that building or those buildings and the common area, as the case requires". As I understand the Bill, the intent is that the tenant will be ranked equally with all other tenants.

Mr BROWN: I thought that was the case, but I wanted to get it on the record. I also raise the issue of management fees, both in this clause, which relates to the definition, and in later provisions. It is clearly a government decision that management fees will not be passed on to tenants who have an arrangement to pay a base rent and operating expenses. I take it that that means management fees should not be passed on to tenants but should be incurred by landlords. Because the landlords have decided to engage an agent, or whatever, to manage the property, the costs associated with that should be borne by the landlords, rather than the tenants. As I see is it, that is the policy that has been made by government.

Mr Shave: Without much support from the property council.

Mr BROWN: I understand it has a minor reservation about it, as I have read its literature. If I am correct in saying that it is a policy decision of government, I am interested to know how it will be applied in the event of a wholesale move to gross rentals. According to the feedback I am getting from a number of retailers, when leases are expiring, proposals are coming forward to move into gross rentals. There is one payment for both base rent and operating expenses, and there is no capacity to look behind the gross rent to see its various parts. It is simply a rate. One pays that rate and one may, or may not, know how that rate is arrived at.

If that move is on, and it certainly seems to me it is, and if the Government's decision is that management fees are appropriately a cost that should be borne by landlords rather than tenants, I wonder how the Government will ensure

the management fees are not passed on through that gross rental to the tenants. Management fees are controversial issues between tenants and landlords. They have been controversial for ever, and will remain so. Government has made a decision - applauded by all small retailers, but not so much by the property council - that management fees should be the responsibility of landlords. How will the Government ensure the policy decision is effected if there is a move, as I believe there is, to implement gross rental arrangements?

Mr SHAVE: When the groups initially came to me when I took over this portfolio, I spoke about the exact issue raised by the member for Bassendean. I suggested to the WA Council of Retailers Association and its chief executive that that possibility might occur. I discussed with all the groups ways in which they might try to eliminate that occurring with gross rents, but it is very difficult to do. At the end of the day, having spoken to all the groups involved, they said that their greatest concern was with the owners skimming off the top with management fees. Even if that did occur with gross rents, no-one from any group has put to me a way we could monitor the situation to ascertain that a small component might not be in the gross rent. All parties recognise there is no way the Government can legislate against that happening. Even if it did happen, they wanted the property owners' capacity to levy the small retailers with those management fees taken out of the legislation. They saw a much greater danger and concern on behalf of their members. They felt in some instances property owners were abusing the situation.

The property owners told me that some people might vary their gross rents to take into account the fact that they no longer could charge management fees. At the end of day I told both groups what was being put to me. There was a very strong view from the small retailers that they wanted to go to gross rents. I have seen comments over the past two or three months from the spokespeople from WACRA that they have concerns that those management fees will be included in the operation of a shopping centre. The Government believes the management fees are the province of the property owners. We have no way of legislating to resolve the gross rent situation totally.

I have been given advice relating to a special briefing held about a year ago. That is the one to which I referred earlier, which was about the time I was put in charge of this portfolio. I said to the WACRA people at the time that that might occur. However, the Government does not have the capacity to resolve totally the concerns they had. It is not that they were not concerned, rather they were not as concerned about that as they would be if the status quo remained. Their view was that they would simply tell their members that if they felt the management fees were being incorporated into a gross rent lease, they should not sign the lease. It is easier said than done when someone wants to run a business. In reality, the Government has no capacity to know for sure whether a component is inserted. However, the Government is making a statement to the industry that it should not be done, and it hopes there will be some spirit of cooperation and that consideration will be given to this issue by property owners.

Clause put and passed.

Clause 5 put and passed.

New clause 6 -

Mr BROWN: I move -

Page 7, after line 31 - To insert the following new clause -

Section 7 amended

6. Section 7 of the principal Act is amended -

(a) by deleting "either in whole or in part" wherever occurring; and

(b) by inserting after subsection (5) the following -

" (6) Where a retail shop lease contains a provision to the effect that rent is to be determined by reference to the turnover of the business then such rent must be determined exclusively by reference to such turnover. ".

Section 7 of the Act deals with the circumstances of rent based on turnover. Tenants who enter into a lease containing a rent determined either in whole or in part by reference to the turnover of the business are obliged to provide the landlord with their retail turnover figures. The point has been made to me strongly by a number of retailers and by the Retail Traders Association that many leases contain a base rate plus a clause providing that, in the event of the business achieving a turnover of X dollars, the rent will be based on a percentage of the turnover. If a landlord and tenant reach an agreement on the basis that the rent charged will be adjusted according to the turnover of the business, that is regarded by retailers and the Retail Traders Association as an equitable arrangement. In those circumstances the landlord takes a risk, along with the small business tenant, as to the level of income or rental he will receive. That is regarded as an equitable arrangement because it is a risk sharing arrangement.

The concern about the current clause is that in a number of agreements the rent is set in a two step process. The first step is to set a base rent, and the second step is to base the rent on a percentage of the turnover amount in the event of that turnover reaching a certain figure. It has been put to me that the cut off point for rents being based on a percentage of turnover is often set so high that it is unlikely the business will ever reach that turnover figure. Because the small business tenants recognise that these turnover figures are unrealistically high and that their businesses will never reach those levels, their perception is that the clause is included in the lease as a device whereby the tenants are legally compelled to disclose the turnover of their businesses to the landlord. If the rent were a set figure, it would not be necessary to provide details of turnover. The first part of their argument is that if the parties agree that rents shall be set on the basis of turnover, it should be permitted only when the rent is exclusively based on the turnover figure, and not otherwise. Why do retailers take that view? It is because they believe that the current lease arrangements are designed not to provide a rent based on turnover but to compel small tenants to disclose their turnover figures. Many tenants see this as a disadvantage.

It has been put to me very strongly that a number of small retailers believe that when leases are negotiated, the tenant whose business is doing particularly well will be the first person with whom the landlord negotiates. The landlord knows that the retail business is making a healthy profit, and may then exert pressure on that tenant for a fairly substantial rent increase. Once that negotiation had been concluded, other retailers could be told that a new benchmark had been established and they would be placed under pressure. That is not a fair position for small retailers.

This amendment seeks to vary the existing clause so that rents may be based exclusively on a percentage of turnover. However, if they are not so based, there will be no requirement for retailers to provide the turnover figures to the landlord, as currently required under the clause.

Mr SHAVE: The Government will not accept this amendment. Although I understand the member's concerns, departmental officers have reviewed the proposal. I put this proposition to the member: A tenancy of 200 sqm may be available, for which the potential turnover is $1m. A prospective tenant may not be too confident about paying the marketplace assessed rent of, say, $50 000. The tenant may wish to share the risk by means of the turnover mechanism. He may approach the landlord and say that he wants to lease the property on the basis of turnover. The landlord may say that is reasonable but he may want to know what will happen if the prospective tenant makes an absolute botch of the business. The landlord has outgoings in relation to the building, and he may want a minimal rent for the facility he is providing. He may set $20 000 as the base rent. The member is saying that the landlord may take that $20 000, and then take advantage of the good job the tenant has done in running the business and in achieving a turnover of $1m, and want half of that extra $50 000.

A retailer who is a newcomer to the business and is very nervous about paying a high rent in a shopping centre may be told by the owner that he is prepared to take a punt on his ability but, at the end of the day, the tenant must pay him something in the form of a base rent. The proposed amendment will preclude people from entering into that type of commercial arrangement because it will not provide for a base rent to be inserted into the lease, and rents based on turnover may be arranged only on straight turnover. Some commercial leases include a low base rent. Some people would probably say that is not the majority of cases, but the proposed amendment would restrict the capacity of the people to enact a commercial contract which might be suitable to both the tenant and landlord.

Mr Bloffwitch: A lot of businesses take exception to the fact that, and query why, their landlord has the legal right to look at their trading figures, even though they are paying the agreed rent. I know this goes on because it happened in my local shopping centre. The landlord reviewed their figures each month and, of course, they were horrified at that.

Mr SHAVE: I have looked at that issue. I have sought the view of the department and it has evaluated the issue. On that basis, because it will restrict the ability of the parties to enter into an agreement that is suitable to them, the Government will not accept the amendment.

Ms MacTIERNAN: The Minister has put forward a good argument, and some cases that are clearly bona fide would be ruled out by the amendment. However, the substance of the amendment raised is very important. Another mechanism may have to be investigated to deal with this problem. The member for Bassendean made the point that this is often used in quite an illegitimate way. It is used by the landlord as a measure of control over the tenant. It is not a genuine commercial arrangement, but it is designed to ensure that the landlord keeps absolute information on everything happening in every tenancy within the centre. Quite often the trigger point for paying a percentage of turnover rent is set so high that no-one can possibly reach it. The landlords are not genuinely trying to recover a proportion of the rent on the basis of turnover; they simply want to have access to all that data because it assists them in a range of their commercial relationships with those tenants. That cannot be justified unless there is parity, in which the shopping centre owners are likewise compelled, under the terms of the lease, to disclose the full range of commercial information about the operation of their shopping centre, which of course they would not be. I accept

the Minister has put forward some good arguments, but the underlying principle raised by the member for Bassendean must be addressed, even if this amendment might not be precisely the way in which it should be done.

Mr SHAVE: I thank the member for her kind words in regard to the proposition I put forward. Obviously if there is to be any support for this change, further consultation with the parties will be required. I suspect that the property owners will be quite opposed to this change but, if this practice is occurring, it can be looked at. I give an undertaking that the Government will look at the issue again. The Government will discuss it with the parties concerned and decide whether to support an amendment when the Bill goes to the other place. However, at this point I will not support the amendment, because of the examples I gave the member.

Progress reported.

Sitting suspended from 6.00 to 7.30 pm

SCHOOL EDUCATION BILL

Committee

Resumed from 28 April. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Tubby (Parliamentary Secretary) in charge of the Bill.

Progress was reported after clause 8 had been agreed to.

Clause 9: When enrolment compulsory -

Mr RIPPER: This is the first of the clauses relating to compulsory education and enrolment. Debate has ensued in the community about the Bill's approach towards the application and enforcement of compulsory education, and many people have seen the Bill as too punitive in its approach and too reliant on the creation of an offence and the imposition of penalties. The Government has responded to community concern to an extent as significant differences exist between the draft Bill and the one before the House.

However, the Opposition's approach to truancy, compulsory education and enrolment is different from that of the Government. The Labor Party places a heavy emphasis on social and educational solutions to problems regarding breaches of compulsory education laws and truancy. An examination should be conducted of the education factors which inhibit children from being enrolled at school and from continuing a satisfactory attendance pattern.

It is often the case that children who become chronic truants are alienated from school, do not find programs to be relevant to their needs and fall into patterns in conflict with school authorities. I have sympathy with the situation of some such children. It must be appalling to attend school every day and fail and be made to feel unworthy. Other children succeed - that child does not. It must be a very difficult set of circumstances with which some children must cope.

On the other hand, much non-enrolment and truancy relates to patterns of disadvantage in the community and family circumstance. In some cases, families are very poor and risk factors are involved such as alcoholism and parents being involved in criminal behaviour and marriages of great conflict. Through any number of circumstances, some parents are barely coping with the requirement to provide food and shelter for their children, let alone dealing with the obligation to ensure regular attendance at school.

If we attend to family and social circumstances on the one hand, and educational circumstances on the other, we will have a much more successful approach to ensuring enrolment at school, followed by satisfactory attendance.

Mr BROWN: I take up the point made by the Deputy Leader of the Opposition. The Labor Party has no argument with the need for compulsory education. All evidence suggests that the better the education a child receives, the greater propensity that child has to participate in the community with less likelihood of entering a path of conflict with the law and the authorities.

My criticism of the approach used to deal with problem children is that, unfortunately, government departments and agencies do not work together to overcome a range of social difficulties to which the Deputy Leader of the Opposition referred. I have referred to this issue before: It is a classic case of the degree to which we see the compartmentalisation of government departments and agencies in that they do not work together to ensure that the child goes back to school.

A program conducted in my electorate called "Index" was run by the North East Region Youth Council. It specifically took in school refusers; that is, young people of 13 and 14 years of age who simply refused to go to school. The program had a very high success rate which was measured by a survey conducted six months after a "refuser" completed the program. If he was in full time education or employment by that time, the program was

considered to be a success. The statistics show that approximately 70 to 75 per cent of young people who undertook the program were in full time employment or education six months later. Those young people, prior to going through the program, were vulnerable to coming into contact with the criminal justice system.

My criticism is that that program was eventually defunded. When the youth council went to the Education Department seeking funding, the department took the view that the students concerned were out of the education system and so it was not its responsibility. When the council sought funding from the Department of Employment and Training, the people concerned were told that it was not a matter for that department because the students were too young to enter employment. When the people from the youth council sought funding from the Ministry of Justice on the basis that it was a preventive program, that department refused to assist on the basis that not all the young people eligible for the program had been in trouble with the justice system; therefore, it was not a matter for the Ministry of Justice.

The departments looked very narrowly at what funding they provided and as a result funding was cut. That successful program, which operated on a meagre budget of around $37 000 a year, no longer exists. The person who coordinated the program put a lot of heart into it, was paid a very small wage, and had considerable success with school refusers.

I agree with the member for Belmont that if the threat of those penalties in this clause is seen as a panacea for ensuring that young people such as school refusers attend school it is not sure that success will be guaranteed.

Mr TUBBY: A great deal of debate occurred about the level of penalties when the Bill went out for public discussion. Every time it was raised we came back to this premise: Does the community want compulsory education? The member for Bassendean said he supported it, and we did not find anyone in the community who did not want it.

If we start from that premise there must be some sanction for people who thumb their nose at the system and deny their responsibility of ensuring their children receive an education. The ultimate sanction under the 1928 Act was that children were taken away from their parents and made wards of the State. We did not think we could support that in a piece of legislation leading into the new century. If we did not support that, we must have some way of getting those parents into the court system so that they can be dealt with. We cannot get them into the court system unless sufficient penalties exist. Therefore, we had to devise a system of fines for a range of offences.

When we first put out the Green Bill, the fines were very high. We have modified them considerably in this legislation and we have probably got them about right. These are maximum fines. The magistrate can set anything up to that maximum. Members must realise that cases will not even get to court unless the Government or the Education Department feels some benefit will be derived from that.

Members focused on parents who probably could not afford to pay the fines no matter at what level they were imposed. It would not be in the Government's interest to take those cases to court. Other means are within this legislation to deal with chronic truants and to encourage them to get back into the education system. Some of the agencies are not working as well as they could. The member for Bassendean referred to successful private pilot programs funded by the Government or government departments which drew a blank when they sought recurrent expenditure. Departments do not want to fund those programs because they would require recurrent expenditure for a long time.

The other day I referred to the Minister for Family and Children's Services a similar case to that referred to by the member for Bassendean. The response was that the department could not provide recurrent expenditure for those programs and we were referred to the Department of Employment and Training. The member for Belmont is right; it is a buck passing exercise.

However, nothing in the legislation precludes alternative programs from being developed; in fact they are encouraged. A project called "Students at Educational Risk" is underway to deal with children of Aboriginal descent or other chronic truants who have not been attending school or who were not learning anything when they were attending school. This project will provide programs for children in which they will achieve some success. There is no easy answer to this. We are not claiming this legislation is a panacea for all the problems. However, we must distinguish between parents who literately thumb their nose at authorities and refuse to have their children educated from those whose children are chronic truants or who have socioeconomic difficulties. We must not confuse the two.

We have a system of penalties to deal with those parents and get them into court. A range of strategies exists under this legislation to address those concerns. One of the deputies at a school we visited mentioned a program designed for a child to work on at home under the supervision of parents. She asked whether it would be legal under the new legislation. I said it would be, but it was not legal under present legislation. We are trying to provide a legal framework for many of the good programs being undertaken now which can be undertaken in the future.

Dr CONSTABLE: I understand this clause is not about children refusing to go to school. I empathise with people and understand the problems discussed earlier. However, this clause is about ensuring that children are enrolled for the compulsory years of schooling. I would like to know a little more about it. I was involved in a case in which three children were not enrolled to go to school. They did not live in my electorate, but the aunt's house, to which one of the children went when he ran away from home, was in my electorate. It became complicated for that youngster and for the Education Department. How many children fall into this category? Are we talking about a small number - a few hundred children not enrolled at present? Can we have an estimate of the size of the problem with which we are dealing?

I am also sympathetic with the need to have some set procedures. I am not sure what the procedures and processes should be if someone were to discover that a child or children were not enrolled in school. I would like some idea of what those procedures might be because we do not have enough information to make that clear. I sympathise with the fact that there must be some sort of penalty. However, going back to the one example that I have seen, the parents would not have the resources to pay $5 000. I imagine that in a large number of cases the parents would not have the resources to pay the fine that would be imposed. How will the Education Department deal with that?

Mr TUBBY: I have answered that question to some extent. School attendance panels and the equivalent of school welfare officers provided for in this legislation are authorised to check whether children are of a compulsory school age and whether they are attending a school facility or are registered as home scholars. If a child is not attending school, the legislation contains provisions to try to get those children into an educational program. We do not know what the numbers are.

Dr Constable: I understand from a conversation that I had with the Director General of Education that many hundreds of children are not enrolled.

Mr TUBBY: Many figures have been bandied around. Until children are enrolled at school and then disappear off the scene, we do not know. School attendance officers will try to ascertain whether students in the wider community should be at school but are not on a particular day. It is also up to teachers and principals, and responsible citizens in the community. It is the responsibility of neighbours to contact the local school about school age children who are living next door to them who are not at school and are hanging round the house all day. That happens all the time.

Dr Constable: Those children are more likely to be living, not in the suburbs of Perth or Bunbury but in remote areas, so the department may not ever find them.

Mr TUBBY: Yes. It is very difficult to ascertain the number of students living in the more remote areas in Aboriginal communities who are not engaged in an educational program. The Northern Territory had a similar problem a few years ago. Its Education Department was running schools, designing programs, and sending out teachers to teach those programs but students did not attend them. They were not interested in what was being offered to them. The Government made a conscious effort to hand those schools over to local communities, which then designed the programs, employed the teachers and oversaw the schools. They provided a basic education in which the students would be interested. Instead of not attending, the students went to school and were learning something, although that education was not comparable to that which was provided in an Education Department run school in Katherine or Darwin. At least the students were learning something and attending, whereas before they were not attending the more formalised schooling.

There are different ways to handle such a situation. There are provisions in this legislation to allow the Minister to undertake that sort of program.

Dr Constable: Is there a problem with parents educating children at home but not enrolling them for home schooling?

Mr TUBBY: There is a problem in that the Minister cannot be satisfied that those children are engaged in an education program. If they are not enrolled at a government or non-government school or registered as home scholars, they will slip through the net.

Dr Constable: Has the Education Department any idea of the number of children in that category?

Mr TUBBY: We honestly do not know; all we can do is hazard a guess.

Dr Constable: What will the department do when parents do not have the money to pay a $5 000 fine?

Mr TUBBY: Those parents would not be taken to court. The Sentencing Act provides a whole range of sanctions that do not include a fine. Unless there is a substantial fine, we will be battling to get those cases in the courts.

Mr RIPPER: I move -

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

(3) Where it is not complied with, an authorized person (as defined in Section 12) shall refer the matter to a School Attendance panel constituted under section 229 and the panel may, following reasonable attempts to enrol a child in an educational programme, make recommendations to the Minister for legal proceedings to be instigated.

Several speakers have referred to the problem of children not being enrolled in schools. It seems that we are talking about two different groups of people. The Parliamentary Secretary has referred to those who are thumbing their noses at the law. We on this side of the Chamber have referred to people who, for reasons related to the relevance of the education system to their needs or their social and family circumstances, are not enrolled in schools. Legal processes may be a way to approach people who are consciously and deliberately ignoring the law. However, for those people who are not enrolled in school because their families are in chaos or every day that they have been at school they have failed and there has been nothing in it for them, processes other than legal processes and penalties should apply. Before we get to the stage of prosecuting a parent, every effort should be made to deal with the educational and social circumstances which may be contributing to the lack of enrolment of a child. That is why we should have an additional safeguard. I am suggesting a new clause 9(3), which would refer non-enrolment to a school attendance panel which could try to resolve some of the educational and social factors that may be inhibiting the child's enrolment before we go to the last resort of prosecution.

I imagine a reasonable proportion of the number of children not enrolled in schools would be Aboriginal children. Legal processes for penalties of up to $5 000 and a daily penalty of $25 would not be of much use in some remote Aboriginal communities. What will happen in those cases is that if parents are fined, they will not have the capacity or willingness to pay the fine. Then additional sanctions will be imposed, such as the loss of a driver's licence. The parent might then drive without a licence. The final result might be the incarceration of the parent or the removal of the child from the parent. We would have possibly a most unfortunate chain of circumstances, which would in the end contribute neither to the ongoing stability of that family and its finances nor to the enrolment of the child at school. We need a more subtle and sophisticated process to get children in those circumstances enrolled at school. I would like more definite information from the Parliamentary Secretary about the sort of problem we are dealing with. What proportion of the children who are not enrolled in school are not enrolled for social or educational reasons? What proportion are not enrolled because their parents have some sort of ideological attitude to the State and to the school system or are exploiting the children by employing them in their business? We need to know the size of the problem in more definite terms than the Parliamentary Secretary has so far given the Chamber.

Mr TUBBY: This part of the clause deals with enrolment. It is not the job of a school advisory panel to enrol a student; it is the parent's responsibility. If for some reason the parents do not or are not willing to enrol their child it must be dealt with administratively. An attendance panel would not greatly assist in this regard because one is addressing the parents. The panel becomes involved once the student is enrolled and is attending school and then absconds or truants. We are trying to make the parents accept the responsibility of enrolling their school-aged child and a panel would not assist that in any way. When the parents come to the school to enrol their child, a program of education that is acceptable to the school, the parents and the child involved is worked out in conjunction with the parents and the principal. The panel would not need to be involved in that process. The panel would become involved once the enrolment has taken place and truancy has occurred.

Mr RIPPER: We must look at the way this would be administered. The department becomes aware that a child, or a significant proportion of children in a particular location, are not enrolled at school. At that stage a school attendance officer would visit the family or families concerned and remind them of their legal obligations. If enrolment still did not occur, the next step would be the threat of prosecution, and if enrolment still did not occur, prosecution would proceed and penalties would apply. In a remote Aboriginal community where a significant number of children would not be enrolled, a panel, including some Aboriginal representatives, might enable the parents to enrol those kids without the necessity of resorting to legal processes which, in the end, could be counter productive. Perhaps someone would speak to a parent who was reluctant to enrol the child and find out why. It may be a question of embarrassment that the child does not have proper clothes to wear to school; conflict within the family may be causing the parent to keep the child at home; or the child may be being exploited and made to work in a family business, in which case one would need to proceed straight to penalties. There might be all sorts of circumstances which would cause a parent to keep a child home. Perhaps the child has had an unfortunate experience at school and the parent is overprotective and frightened of what will happen to the child at the school and thinks that he or she is acting in the best interests of the child in keeping him at home. Not a great number of parents who are otherwise functioning well as people are deliberately flouting the law and keeping their children home. There might be some, but most of the people not sending their children to school would be -

Dr Constable: I think there are probably several hundred.

Mr RIPPER: Several hundred who are flouting the law and do not believe in education.

Dr Constable: It is not an insignificant number.

Mr RIPPER: If there are several hundred of those, there might be another several hundred or several thousand who fit the circumstances to which I refer.

Mr Kobelke: They are just defaulters.

Mr RIPPER: Yes, they are defaulters. They are the sort of people who, for one reason or another, do not run their lives very well, at least in middle-class suburban terms. Their families might be in chaos for one reason or another; their families might be very poor; they might be part of an Aboriginal community and the school is not meeting their needs; or they might be an Aboriginal family that is nomadic or transient and the children are not enrolled because the family is moving, perhaps for law business reasons. There is some merit in my suggestion, although perhaps not for the several hundred recalcitrant, anti-education people about whom the Parliamentary Secretary is concerned; however, a larger group of people in different circumstances might be assisted by this panel approach rather than by a straight legal approach. It might be helpful if the Parliamentary Secretary tells us how he envisages the administration of this section.

Mr TUBBY: Nothing precludes the Minister from establishing a panel to do that sort of task if that is considered to be the best way to encourage those parents to get their children into an educational program. The amendment of the member for Belmont provides that the matter shall be referred to a panel and then a decision shall be made about whether to prosecute the parents. That will enable people to duck around the issue and prolong the time before their children are enrolled in a program. In 1975, when I was principal at Boulder Primary School, I received a message that a large family of part Aboriginal children were not attending school within my catchment area. I visited their home and knocked on the door, and a chap spoke to me through the screen door. I told him who I was and asked him whether he had any school-aged children in the house. He said, "Yes, I have five" and I said, "Why are they not enrolled at school?" He said, "I am home-schooling them." I asked him, "Do they have the sanction of the department or the Minister to be home-schooled?" He said, "No, I do not believe in that, but I am home-schooling them." I said, "Personally, I have a great deal of sympathy with your position, but as principal of the local school I have a responsibility to ensure your children are in a proper educational program." I contacted the welfare officer from the Education Department. He visited the family and received the same story. We finished up in the Magistrate's Court. The magistrate gave the order that the children had to attend school on the following Monday. The students who attended the school were the best dressed in the school, and they were almost top of their classes. This chap had done a very good job with those students in his non-registered home-school, but the point was that a sanction applied in that case. The magistrate said, "Send your children to school; if you do not, you will be in contempt of my court and we will review the situation at that point." Those children attended school for the next six months and the father became a very supportive parent and his children did very well through the school system. The situation could have been different: The parent may not have been acting responsibly and may have been seriously ignoring the education of the children. To encourage that parent, through a panel, to enrol in a school program would have been a waste of time. He had strong views and the only way he would obey the law was to be fronted in the courts, and that is the process we undertook at that time. This legislation and the process involved is a not a great deal different from that. Although many children are not enrolled, we need to identify who they are and try to establish programs to get them enrolled. Including a panel in that process will not help. The Government will not be supporting this amendment.

Mr RIPPER: The Opposition supports compulsory education. The Opposition also understands that for compulsory education to have any meaning an offence must be created and a penalty applied, otherwise there is no element of compulsion. Compulsory education was introduced for good reasons. Previously there were too many incentives, particularly economic, for parents not to send their children to school. This was to the ultimate long term disadvantage of those children. When people are poor and a child can help in a family business or when expenses are incurred in sending a child to school there is an inevitable incentive for parents not to do so. Nevertheless, the Opposition believes that a panel is a good idea. Such a panel could weed out those cases where the amelioration of social or educational circumstances might result in the enrolment of the child in school. The Opposition believes that some categories of people exist where children are not enrolled for that reason. Other categories of people are deliberately thumbing their nose at the law and a panel could sort them out.

The example mentioned by the Parliamentary Secretary was interesting. Those children were well schooled at home and had no difficulty fitting into their appropriate level at primary school.

Mr Tubby: The father was not registered as a home schooler. He was a perfect home schooler except that he would not comply with the regulations.

Mr RIPPER: Perhaps a panel might have concluded the negotiation with him. It could have told him that if he registered he would be accepted and his children could have been educated at home. The children's interests would

have been protected and he would have had his way. I am not sure that the Parliamentary Secretary's example justifies the stance the Government is taking. It seems to point to the need for some negotiation and consideration.

Mr Tubby: You asked for an example of the process and I attempted to provide one.

Mr RIPPER: It was not the best example of the Government's case.

Mr Tubby: It was the only one I had.

Mr RIPPER: Despite the Government's argument, the Opposition believes a panel might be effective in sufficient circumstances to persist with our amendment.

Mr RIEBELING: A problem in the Pilbara is the Aboriginal children not attending school. As I see it, the problem in Aboriginal areas is the lack of appreciation of the parents for the value of education. Many of these parents are a product of one generation of education and they do not see the value of sending their kids to school. Therefore, we have quite a large truancy problem. The problem will be perpetuated for another generation unless serious attempts are made to ensure that this generation of kids goes to school. I know it is not politically correct to force kids to go to school. The community should be doing all it can to convince kids to go. Would the Minister tell me where in this legislation the problems faced in towns like Roebourne, Wickham, Onslow and Paraburdoo are addressed seriously? The solutions are designed for children of parents of European descent who have self-educational skills. The Aboriginal people do not have the scholastic achievements. I have heard what has been said about home education. It is fantastic for those who have the skills. My area has a large population of Aboriginal people who do not see education as an advantage. Unless it is seen as an advantage and until such time as the educational levels allow Aboriginal kids to compete realistically for jobs we will continue to have what is called an Aboriginal problem.

When Onslow was in my electorate I got into strife when I told the people in Bindi village that they were not doing a fantastic job. The people in the Education Department were telling them that, but when 30 per cent of the kids were not attending school each day I thought they were doing a remarkably bad job of giving their kids an opportunity to better themselves. After that, angry people from the Education Department visited me for a week and a half telling me how incorrect I was in being critical of the tribal structure at Bindi village. I have not been able to ascertain how the School Education Bill will improve the situation but I hope the Parliamentary Secretary will be able to show me one way that it will.

Mr TUBBY: This clause deals with the enrolling of students rather than the students' attendance once they are enrolled. The member for Burrup seemed to indicate that most of the children he was referring to are enrolled but, for one reason or another, have been truanting. The Education Department has a project under way called students at educational risk. This program is for Aboriginal students and students in a range of categories, including disabled students. The department is addressing the need for Aboriginal education programs in tertiary institutions in order to improve the education of Aboriginal students. Teachers are being made aware of the specific needs in teaching Aboriginal students. Aboriginal children learn in a different way; they tend to learn by touch and by drawing letters in the sand and drawing their hands across felt letters, rather than abstractly. They learn abstracts at a later age than other students.

Mr Riebeling: What emanates from the parents in an area such as mine is a lack of appreciation of the value of education to their kids. It is a bigger picture than just the kids.

Mr TUBBY: The member is right. If the parents do not think that education is important then we are pushing uphill trying to impress on the kids the importance of education. We must address the parents. This can be done by getting more Aboriginal students into teachers colleges and then sending them out to communities to educate Aboriginal students. They can involve the parents. When I was at the Newman Primary School there was an Aboriginal school at Jiggalong. The principal there at the time told me that he spent a great deal of his day talking to parents and convincing them of the importance of education. The parents had to agree to any decisions made in the school before they were implemented, otherwise he was wasting his time. Without the parents' support the students would not be influenced by teachers from down south. He spent a lot of his time sitting in the sand under a gum tree negotiating with the elders about what educational programs and activities would be undertaken in the school. It is a huge job. I do not envy those teachers and principals trying to educate those students in remote areas. They must involve the parents and the parents must realise that education is important. Unless they do, we will have Buckley's chance with the students.

Mr KOBELKE: There is no disagreement about the importance of making school education compulsory. If education is to be compulsory for the benefit of the students and the wider community, there must be a penalty. However, the issue is how we make the system work.

I accept the example cited by the Parliamentary Secretary illustrating that the threat of the penalty was sufficient to remove the obstacle or resulted in the children attending the school. However, there are many other different examples. There might be those who go from non-enrolment to non-attendance. Non-attendance is a huge issue; they might be on the books but never attend. That is covered in a later clause. This clause deals with those who are not enrolled in a given year. If we are to address that, in many cases the threat of a penalty will have no effect; there may not be the money to enforce the penalty and they may know that, or they may simply not be on the books.

I have a real concern that, as a result of the regionalisation process, the guidance officers - or truant officers as they were previously known - will not be available in sufficient numbers to assist the schools to find the children and get them back to school and to deal with the families and parents who are not coping or who do not understand the value of sending their children to school. Earlier contributions by members highlighted the need to ensure that schools are honouring their obligations. If schools are not convincing parents of the advantage of education, the parents will not send their children to school.

The real benefit of the amendment moved by the Deputy Leader of the Opposition is that it provides a halfway house. The legislation should not simply contain threats of court action and a potential fine of $5 000 as the only option. The authorities must work with the children and their families to convince them of the value of education and that the school they are being encouraged to attend has something to offer. There must also be a feedback system to the schools to ensure they understand the children's needs. On occasions schools fail to meet those needs, and as a result it is very difficult to convince some parents of the worth of having their children attend.

The amendment has considerable merit because it provides an intermediate step involving a panel that can look to a number of options before it resorts, if it must, to the penalty. As I suggested, this measure has the added advantage that it is part of the Education Department's bureaucratic structure.

There should be sound feedback mechanisms to ensure that schools are aware of the problems. All too often we find that school resources are stretched; they are battling to meet their students' basic needs. Schools do not have the wherewithal to take that extra step of contacting those who either do not want to send their children to school or who are defaulters in that they have not been able to organise themselves to send their children to school or do not see the advantage of doing so. Some schools do not have the resources to meet that challenge. There might be individuals, such as the Parliamentary Secretary when he was a principal, who are well enough organised or particularly caring that they move out of the mould to get those children to attend school. However, for many schools that is a very big ask.

There is a real need to ensure that the whole system meets this challenge of students who are not enrolling or attending school. Regionalisation is seeing local areas setting their own priorities and as a result many schools are downgrading the need for welfare officers to play a role in solving these problems.

Mr RIEBELING: I thank the Parliamentary Secretary for his explanation. The truant officer scenario mentioned by the previous speaker is exactly the measure I believe is required to ensure that children attend school. Various schools in my electorate - predominantly Aboriginal schools - experience chronic truancy. If the parents do not believe it is important for their children to attend, there is an obligation on the agency involved to ensure that they are rounded up and taken to school. It is unacceptable that another generation of Aborigines will face the same problems as those now confronting Aboriginal populations in remote areas. We can be nice and kind and hug everyone, and point out that last year little Jimmy attended 20 days of school and this year he has attended on 40 days, but at the end of the day he will not be employed when he leaves school. His father and uncles may have been jackaroos on stations, but the days of that alternative employment in the Pilbara are almost over - if they exist now.

It is time to get tough and make the harder decisions. We should start to compel the children to attend school. If the parents do not do it, the State should step in and enforce attendance. A police sergeant at Onslow - I will not mention his name because what he was doing was probably illegal - rounded up the children and took them to school in the paddy wagon. Some people might object to that, but at least those children attended school for two-thirds of a day each day he did it. It was also of benefit to the wider community because they were not committing crimes while they were at school.

When I found out about the level of truancy at Onslow I went to the Education Department to speak to those working with the Aborigines and I was told that they were not responsible for attendance - they were simply working to encourage attendance. I asked whose responsibility it was and was told to speak to Family and Children's Services. I spoke to departmental officers who denied that they were responsible and sent me to the police. It was not a police responsibility, but they were doing it - if they had not done it no-one would have. Everyone would have patted themselves on the back about the wonderful job they had done because the attendance rate was better. However, if those rates of attendance were experienced in predominantly white schools, parents would be marching on Parliament.

Mr Kobelke: There was a ridiculous situation two or three years ago in that a welfare officer looking after the Kimberley was located in the Cockburn district office.

Mr RIEBELING: I have heard recently that the old truant officer approach is being unofficially reinstated in some areas. It is time we stepped back and compelled children to go to school.

Mr TUBBY: We could have done with the member for Burrup at our meetings because we had wanted to do precisely what the member has outlined. It was pointed out to us that, for a number of reasons, we probably should not round up students. We dropped that notion from this legislation. However, nothing prevents police officers from undertaking that role and placing children in schools. The member is correct; we must start getting tough with some students who are absconding simply because they want to. This Bill will allow that process. If after the best endeavours of parents to get the child into school the child still will not attend, there is no point in taking the parents to court, because after all they have accepted their responsibility.

The legislation provides for a child to appear before a magistrate. The previous fairly hefty fine on students has been reduced to $25 - simply to create an offence so that the child can be taken into the court process.

The clause relates to enrolment, but the member is addressing attendance rates. I agree with the member. The provisions address the points suggested by the member. The amendment moved by the Deputy Leader of the Opposition seeks to establish a school attendance panel. A panel already plays a role in the process to which the member refers; that is, returning to schools the students who are already enrolled. The school attendance panel cannot put students into schools if parents do not wish to enrol their children. That is not an option; therefore, the Government does not support the amendment.

Mr RIPPER: The Government has rejected our amendment. The Parliamentary Secretary highlighted the problem of people deliberately not enrolling their children in school. He said that the Government does not have a precise estimate of the number of children not enrolled in school in these circumstances, but indicated that it may be several hundred. During Estimates Committee debate last year the Minister for Education said that as many as 1 000 children are not enrolled at school.

If the Government does not accept our panel approach, I would like the Parliamentary Secretary to indicate how the Government proposes to administer these provisions once they become law. What resources will the Government allocate to authorised persons to get these children enrolled? Will it be purely a policing exercise? Will attempts be made to persuade parents to meet their legal obligations? Given that many people live in remote rural areas - perhaps it is wrong to describe the south west as a rural area but there are remote locations in the south west - how will the Government communicate with families to ensure that their children will be enrolled? Has consideration been given to a joint task force with Family and Children’s Services? What will be done, given that in some cases parents have strong ideological or religious views about the role of the State, the parents and families? Is the Government prepared to take on these people? Will the Government embark on a process of negotiation and persuasion before the use of the blunt instrument of legal penalties?

Many interesting questions relate to this issue. I hope the Government does not intend to pass the law and leave it at that. If the Government has identified this problem which requires these penalties, it has a responsibility to deal with the problem. The Parliament has given the Government the authority to deal with the problem, to administer the law and get these children enrolled. That will require the allocation of resources. It will also require a rather more subtle and coordinated approach than the haphazard imposition of penalties when the department becomes aware on an ad hoc basis of a child who should be enrolled at school but is not.

Mr TUBBY: There will be a variety of responses to encourage parents to enrol their children in schools. One way could be the establishment of an advisory panel, if the Minister determines that is the way to go. However, we do not want it to be compulsory for the Minister to establish a panel as an intermediary and then take court action against the parents. The Minister has that option under the legislation but it is not compulsory. We do not support the amendment.

Resourcing cannot be legislated. It is up to the Government of the day to provide the necessary resources to ensure that the legislation is effectively administered. It is up to the Government of the day to determine how those resources are established and the level of funding.

The family circumstances referred to by the member seem to be prevalent in the south west, and parents thumb their noses at the legislation. People have strong views about the role of the State in attempts to get students either into school or a registered home schooling situation. They also have strong views about where they see the Minister's powers ending. Putting those people before an advisory panel will be a fruitless exercise. It will be up to the Minister and the Education Department to determine whether those parents will be pursued through the courts.

Dr CONSTABLE: I listened with some interest to the example provided by the Parliamentary Secretary of five children who turned up well dressed, ready to go to school, and did very well academically. However, that example is probably the exception rather than the rule. I notice a nod from the Parliamentary Secretary in agreement. I do not like to argue by example, but the example I was involved in was different. The children had never been to school; the eldest child was 13 or 14 years of age, was desperate to go to school, and ran away from home in order to do so. It was a complex situation that took months to work out. There was a question mark over whether the children were being abused. Therefore, other agencies, especially Family and Children's Services, were involved. I am not clear how the Education Department will handle such important cases. I suspect there are many of them. I understand that in other more populous States there are many examples of children who have been neglected in education and in other ways.

What personnel in the Education Department will handle that situation? The example highlighted by the Parliamentary Secretary indicated that he was a caring and professional principal who visited the home and worked on that situation. Ultimately, the children went to school. Will it be the responsibility of school principals to knock on doors? Will there be a group of professionals within districts? Who will be involved? I still do not have a clear understanding of how this will be dealt with by the Education Department. Having said that, I understand the difficulties that the department faces in this situation. However, I also think that we need to have a clearer view. Although I do not think that the solution is contained in the amendment, at least it is an attempt to deal with the issue which is extremely serious and one with which we must come to grips. If the minimum number of children not attending school is 1 000, because their parents do not want to send them for some reason, that is a major problem that the State must solve with sensitivity to ensure those children attend school. I understand that penalties are important but I want to know what the intervening steps are, and which professional staff in the department will deal with the situation.

Mr TUBBY: Clauses 12 to 15 refer to the role and powers of an authorised person. The three different examples given by the member for Churchlands, the member for Belmont and me illustrate why we should not attempt to incorporate in black and white in the legislation one way to deal with the problem.

Dr Constable: Is there a group of people within the education districts who will deal with this, or will it be the principal or the deputy principal?

Mr TUBBY: It is "any person". However, a school attendance officer will undertake the role of and have similar responsibilities to the school welfare officer in the 1928 Act. We have transferred the provisions in the 1928 Act into the new Bill. Parliament cannot determine how many of these officers will be employed or where they will operate; that is up to the Government. We are setting the framework to ensure that all children attend school. The amendment does not assist in that process.

Amendment put and a division taken with the following result -

Ayes (16)

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

Noes (29)

Mr Ainsworth	Mr Day	Mr Kierath	Mr Pendal
Mr Baker	Mrs Edwardes	Mr Marshall	Mr Sweetman
Mr Barron-Sullivan	Dr Hames	Mr Masters	Mr Trenorden
Mr Board	Mrs Hodson-Thomas	Mr McNee	Mr Tubby
Mr Bradshaw	Mrs Holmes	Mr Nicholls	Dr Turnbull
Dr Constable	Mr House	Mr Omodei	Mr Wiese
Mr Court	Mr Johnson	Mrs Parker	Mr Osborne *(Teller)*
Mr Cowan			

Pairs

Ms MacTiernan	Mr Barnett
Ms McHale	Mr Prince
Mr Marlborough	Mr Shave

Amendment thus negatived.

Mr KOBELKE: Clause 9 contains an enforcement provision. However, its effect is somewhat limited as no time aspect is involved in the requirement for a parent to ensure that a child is enrolled. For example, if a child was not enrolled and the department sought to take action against the parent, and the Education Department initiated action in November of the school year, the parent could complete the necessary formalities and enrol the child prior to the matter coming to court and then present the court with the necessary documentary evidence to show that the child had been enrolled. It would be unlikely that a conviction would be recorded. The parents would avoid the effect of the clause despite the fact the child had not been enrolled for most of the school year. That may influence the way in which the department handles cases of students not being enrolled. It does not necessarily subvert the intent, because the potential threat of prosecution will have an adequate effect on most parents; only a minority of parents do not send their children to school for whatever reason. They are the ones to whom this clause is addressed. What will be the effectiveness of requiring children to be enrolled at the start of a school year and not at a time during the school year when they may have been detected as non-clients?

Mr TUBBY: Subclause (1) states that children are to be enrolled in an educational program for each year of their compulsory education. Parents who want to take the home education option must enrol their children before the end of February; so parents who have not enrolled their children before the end of February can be taken to court if necessary.

Mr KOBELKE: I accept that clause 9 requires children to be enrolled in an educational program for each year of their compulsory education. However, subsequent clauses provide that parents may opt out through either home schooling or other means that the Minister may determine. I am not talking about parents who have prevailed upon the potential opt out clauses. I am talking about parents who have not taken appropriate action to ensure that their children are enrolled at a school or are undertaking some form of home schooling in conformity with the Bill. In those cases, the lack of timeliness in this clause leaves the door wide open for prosecutions to fail, because if at some stage late in the school year those parents enrolled their children, they could not be found to have transgressed.

Mr TUBBY: I do not see the problem, because the aim of this legislation is to ensure that all children are enrolled. If parents decided to get out of a court case by enrolling their children in an educational program, there would be no need to pursue that court action.

Mr Kobelke: I accept that the effectiveness of the clause would therefore be upheld, but in the rare number of cases where parents sought to frustrate the effectiveness of this clause, the fact that no time factor was involved could make it difficult for a prosecution to succeed.

Mr TUBBY: I am advised that if parents had not enrolled their children by the end of February, it could not be assumed that they were undertaking home schooling; therefore, they would have committed an offence and could be prosecuted.

Mr Kobelke: If when it came to court action, perhaps in December, the parents produced a document to show that they had enrolled their children in mid-November, I suggest there would be no basis for a conviction.

Mr TUBBY: I am advised that the parents could still be taken to court because their children had not been enrolled for the early part of the year; therefore, they had broken the law during that time and could still be pursued through the courts.

Mr KOBELKE: I accept that under this clause, the department would have grounds to initiate action, but I suggest that the Parliamentary Secretary come back at a later stage with legal advice on whether there was a loophole which might mean that a prosecution could not be upheld if people played with this legislation in that way.

Mr TUBBY: We will have that checked out. We are trying to ensure that children are enrolled; and once they are enrolled, to take the parents to court and fine them a few dollars for not enrolling their children earlier in the year would be rather fruitless. A child cannot be enrolled respectively. Whether the Government or the Education Department decided to pursue the parents at any time for the non-enrolment of their child would be up to the Minister and the Education Department of the day. This legislation does not make it compulsory to pursue those parents.

Clause put and passed.

Clause 10: Ways in which section 9 satisfied -

Mr RIPPER: This clause states that the duty imposed by section 9 is satisfied by the registration under section 48 of a parent as the child's home educator and the continuation in effect of that registration. As the Parliamentary Secretary will know, all members have received letters from home educators who object to this legislation and who have stated that because of the interaction of the requirements of this legislation and the Curriculum Council Act, they do not intend to register their children. I imagine those people will be in breach of proposed section 9, and the Government will have, in essence, a small scale civil disobedience campaign from some of these home educators if

they stick by the comments that they have made in their letters of protest. How will the Government approach this problem?

Mr TUBBY: It is correct that the group which made the most submissions and comments at our public meetings has been the home schooling sector in this State. The Government is not interested in having a fight with home schoolers. There is no question that the majority of home schoolers do a very good job. However, it is the Minister's responsibility at the end of the day to know where the children in this State are enrolled, whether that be at a private or government school, or as home schoolers. It is not an onerous task for parents to notify the Minister that they wish to home school their children. That is all that is required under this legislation. The Minister will then automatically register those students as being home schooled, and at some time within the first three months, the home schoolers will be required to satisfy the Minister about the program and the educational progress of their students. They will do that at their discretion and when they are ready. This legislation will not be onerous for home schoolers. Parents who are registered or certified to home school their children under the current legislation will not need to reapply; the transition provisions will ensure automatically that they are registered. Parents who are home schooling now and who will not be registered when the new Bill comes into effect are breaking the law now, because they do not have the sanction of the Minister or the department to home school and they are not being supervised.

Mr RIPPER: Does the Government intend to enforce the law more vigorously once this Bill goes through?

Mr TUBBY: Our intention is to ensure that the provisions of this legislation are adhered to so that students are either enrolled at government or non-government schools or registered as home schoolers. That will be done by administrative process once the legislation comes into effect. All the parents who are currently home schooling and working closely with the Education Department will continue to do so under this legislation, because the transition provisions will allow them to be registered automatically.

Clause put and passed.

Clause 11: Exemption by Minister -

Mr RIPPER: This clause allows the Minister to exempt a child from the compulsory education requirements. I have no quarrel with this clause. However, can the Parliamentary Secretary advise how many children are now being exempted from those compulsory education requirements and what numbers are expected to be affected by the operation of this clause?

Mr TUBBY: We do not know the answer to the first part of the question. This provision is related mainly to the providing of exemptions once a child reaches 14 years and gets a job prior to the end of the school year. The majority of those exemptions will occur in that area. The Minister can allow other exemptions, but I do not have any idea of them.

Mr KOBELKE: This is a small point. I have no difficulty with the general thrust of this clause; however, I raise two points. The first is that subclause 1(a) says that a child is exempt from proposed section 9(1) - that is, the requirement to enrol - if the Minister is satisfied it is in the best interests of child to do so. Subclause (2) repeats that, with the condition that the child is exempt from proposed section 9(1) if the conditions of the exemption are being complied with. It gives the Minister the power to set those up at a later stage. The drafting of this provision seems to be cumbersome. I do not know whether the Parliamentary Secretary can comment on why it has been drafted in that way. It is a bit convoluted. Surely the requirements for the child to meet conditions, if they are set, can be presented in a more straightforward way.

The second point concerns the power of the Minister to establish an advisory panel under clause 229 for the purposes of any decision required under this clause. That is a good thing. I acknowledge it is up to the Minister to decide whether he requires an advisory panel; it is not compulsory. The fact that the clause refers to an advisory panel suggests that some thought has been given to it. Can the Parliamentary Secretary advise what is envisaged with these potential advisory panels and, in particular, whether such advisory panels will contain representatives of any group or parents directly involved in home education?

Mr TUBBY: The answer to the first point is that the exemption can be revoked if the conditions change; for example, if the child was granted an exemption on the ground of having employment and the employment ceased, the Minister could require the student to complete the year of schooling.

Mr KOBELKE: That is not really the point. I understand the effect of it. It is drafted in a way which is difficult to read. We all acknowledge this education Bill is a very important piece of legislation. Lots of mums and dads and people who do not normally deal with the law may wish to refer to it from time to time. The point is that we want to make it readable for ordinary people. I am suggesting there may be a good reason for the clause to be structured as it is; however, it does not present in a way which is immediately understandable. The conditions set by the

Minister are provided in a following clause. I have difficulty with the drafting order and presentation. Can the Minister tell me whether the clause is drafted in this form for a reason, rather than what we take to be the expected effect of it?

Mr TUBBY: Far be if it for me to advise the member about the correct way to draft legislation. Right from the start we tried to get it as readable as we could, by as wide an audience as we could, bearing in mind that home schoolers, along with a whole range of other people, will want to read this legislation to find out what are their rights and obligations under the legislation. At the end of the day Queen's Counsel will be interpreting this legislation, probably in the Supreme Court, when various parts of the Act are tested. Not only must it be readable by laypeople, but it must also have a legal framework. I am advised the parliamentary draftsman feels this framework is the best way to go.

Mr Kobelke: I suggest that he failed to come up to the mark on this clause.

Mr TUBBY: The member may be right, but we have succeeded in a lot of others.

Mr Kobelke: What about the intent and whether or not there is likely to be representatives of home based educators on such an advisory panel?

Mr TUBBY: The Minister will establish an advisory board to oversee the home schooling parts of the legislation. He has already given a commitment to do that. Membership of the advisory panels is set in clause 229. The Minister can put any person onto that committee who has relevant expertise in different areas to look at whatever aspect is being considered. If it is to do with home schooling -

Mr Kobelke: There is clearly an intent. Are you at this stage able to give any indication of some of the elements of that intent and do they go as far as hoping to have representation from home based educators?

Mr Cowan: We have had a commitment for you to put your case while you are on your feet.

Mr Kobelke: I don't want to get up again. We can deal with this quickly.

Mr Cowan: Maybe we can, but I don't think so. You could have said that standing up. You don't have to complete your speech every time you stand.

Mr TUBBY: I am sorry. I missed the point the member was making.

Mr KOBELKE: I rise to speak, rather than interject on the Parliamentary Secretary, who is doing a very good job in trying to the respond to the matters raised. Subclause (5) clearly gives the Minister the ability to obtain advice from advisory panels established under clause 229. What is the current intent of the role of such an advisory panel established in this area? Will it be quite specific to home based educators? Does one of the elements of that proposal relate to providing representation on that panel for home based educators?

Mr TUBBY: This clause has nothing to do with home based education; it is more to do with students who are seeking education exemptions to gain employment or for some other reason, such as to go to university at 12 years of age. The Minister may wish to exempt students from the compulsory enrolment in a school education program for a whole range of reasons.

Mr Kobelke: An exemption does not cover home based educators, in particular.

Mr TUBBY: No. This clause does not deal with that. It is for other exemptions. It is not an exemption for a parent to enrol in a home based education program because that is already a legitimate way of meeting the compulsory education aspects of clause 9. It is not an exemption.

Dr CONSTABLE: I seek an explanation from the Parliamentary Secretary. In subclauses (1) to (5), we seem to be dealing with ministerial powers related to children in government schools. Subclause (6) deals with children involved at non-government schools, and those powers are then given to a bureaucrat. I cannot see why the chief executive officer in charge of non-government schools should have the same power to grant exemptions as the Minister, just because the children are in different schools in different sectors. I seek an explanation. If it is good enough for this ministerial power to apply to children in government schools, why does it not apply to children in non-government schools?

Mr TUBBY: Clause 212 gives the chief executive officer of the Education Department a general delegation to administer this part of the Bill for children enrolled in government schools. Clause 11(6) allows the chief executive officer of the Department of Educational Services to perform that function for non-government schools.

Mr KOBELKE: It would be right and proper in the case of children enrolled in Education Department schools for the full powers under clause 11 to be delegated to the chief executive officer or an appropriate officer in the department. This clause allows the delegation of these powers in a non-government school to a chief executive

officer. There does not seem to be any power for partial delegation. There does not appear to be a power to allow a child enrolled in a non-government school to gain exemption from the chief executive officer for these subclasses of events. This clause appears to apply to the delegation only of all the powers. This clause would restrict the Minister in the guidance he or she may give to a CEO receiving such delegated powers. Is the Minister permitted to delegate only total powers under clause 11, and is partial delegation provided for in other clauses?

Mr TUBBY: I am advised it is a total delegation, and there is no qualification on that delegation anywhere in the legislation.

Mr Kobelke: Is it not possible?

Mr TUBBY: No.

Clause put and passed.

Clause 12: Authorized persons -

Mr RIPPER: I move -

Page 11, line 9 - To insert after "223 (1)" the following -

who has the required expertise to perform this role

This clause relates to authorised persons, who will have quite considerable powers to deal with the non-enrolment of children of compulsory education age. Traditionally this job has been done by truant officers or school welfare officers. The clause allows the Minister to authorise any persons in the class of employees set out in clause 223(1) to exercise the powers outlined in clause 13. The Minister will be able to appoint a teacher, principal, member of the wages staff or public servant in the Education Department as an authorised person who can then exercise the fairly extensive powers provided for in clause 13. Both the parents' organisation and the teachers' union do not think it appropriate for principals and teachers, in particular, to exercise these royal commission type powers of investigation with regard to the enrolment of children of compulsory education age.

At first, the Opposition was sympathetic to the proposition that principals and teachers should not be asked to undertake these roles. The Opposition felt that the Government should honour its responsibility and appoint school attendance specialists to exercise this role. However, the Opposition is cognisant of the position of country and remote schools, and knows that, with the best will in the world, even under a Labor Government, school attendance officers could probably not be appointed in every remote corner of the State, although there might still be a need to investigate the circumstances of children not enrolled in school. Therefore, the Opposition reluctantly accepts that in some cases it will be necessary for teachers and principals to undertake this role because otherwise in some areas no-one will undertake the role.

However, the Opposition does not want to let the Government off the hook entirely. It believes the Government should primarily employ specialist school attendance officers to deal with this task and, in those circumstances where that is not practical, the Government should not appoint just any teacher or principal to perform this role. The Government should make sure that the persons appointed have the required expertise. The powers these people will have are quite extensive. They will have more significant powers than a police officer has, because these authorised persons can compel people to answer questions, either orally or in writing, and those people must comply with the requirement, and cannot give information that is false or misleading lest they find themselves subject to a maximum penalty of $1 000. When people are given the power to call at houses and demand answers to their questions, and when those questioned face a penalty for giving false information, some training should be provided for them. Ideally, the role should be performed by specialists but in those cases where it cannot be, some training should be provided. The Opposition seeks to insert a provision that those appointed must have the required expertise.

Dr CONSTABLE: I will support this amendment because I have considerable concerns about this clause. It is very important to make sure that it is right. It appears almost to be setting up a force of enrolment police. Clause 223(1) states that wages staff, among others, may be appointed as authorised persons. I do not think wages staff would be qualified to carry out this task. I have a number of concerns about this clause, but particularly about the powers an authorised person is given in clause 13(1)(b) to require any person over the age of 18 years to answer any relevant question. The power to compel people to answer questions at the door of their home is similar to the powers of the Anti-Corruption Commission. I have grave concerns, and I seek reassurance that the authorised persons will be qualified to do this task. I ask the Parliamentary Secretary whether this is another case in which these powers could be delegated to the CEO. I find this legislation convoluted. It was not clear in clause 11 if that was the case. I would like to know whether it is the Minister who authorises, or if it is another power delegated to the CEO to determine who can be an authorised person to ask these questions of people in this manner.

Mr TUBBY: The Deputy Leader of the Opposition presented a good case why we should have this clause in the legislation. The Government does not wish to send an authorised person or a school attendance officer from a large regional centre or the metropolitan area to the remote areas to check up on a student who has entered the community and whom the parents have not enrolled in the local school. That is the sort of task that can be performed from within the local school and the Minister needs the power to authorise somebody to undertake that task. It is a matter of convenience. The expertise is at the discretion of the Minister. He would not send somebody who does not have the expertise to fulfil the legal requirement that clause 9 be observed.

Mr RIPPER: There should be a professional development or training module for principals and teachers to undertake this role. If they have undertaken that training module and they are in a remote area, the Minister can appoint them as authorised officers. However, unless something like my amendment is inserted into this clause, there is no requirement or obligation on the Government to train people to enable them to fulfil this role. Given the extensive powers of the authorised officer, that is required.

Mr TUBBY: The member for Churchlands commented about enforcement police. She insisted earlier in the debate that there must be a way to ensure these parents enrol their children in the schools. This is a means of identifying those people. In the remote areas somebody is authorised to go out and perform the duties of a school attendance officer in an attempt to have those students enrolled in a school.

Dr Constable: With extreme powers to compel people to answer questions.

Mr TUBBY: I honestly do not know how else the Government can get around it, because it is an extreme situation. Some parents may thumb their noses at the compulsory education aspect of the legislation and the person who is doing the investigation needs some powers.

Dr Constable: And they need some expertise to be able to do it; that is not clear in this clause.

Mr TUBBY: I do not have a problem with that. Those powers can be delegated to the chief executive officer. The Government will support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 13: Powers of authorized person -

Mr RIPPER: An authorised person under this clause has virtually the powers of a royal commission. Normally a person has the right to remain silent when he is approached by a police officer. If a police officer wants to talk to a citizen about something, a citizen is required only to give his name and address. However, if a citizen is approached by an authorised person under this legislation, he must answer the questions, perhaps in writing, and if the citizen fails to comply with that requirement or gives information which is false or misleading, he is subject to a penalty. These are extraordinary powers. I am concerned about clause 13(1)(b) because that requires any person on the premises appearing to be over the age of 18 to answer any relevant question, whether orally or in writing. An authorised officer can go to a house, acting in the belief that a child who is living at those premises should be enrolled at school. However, there is no requirement in the clause that those officers must have that belief. They can go to any dwelling and ask any person who appears to be over the age of 18 whether there are children living on those premises who are not enrolled in an educational program when they are legally required to be so enrolled.

I am concerned about the breadth of those powers and the number of people who could be potentially questioned. The Opposition is interested in questioning those people who are the parents or guardians of children who should be enrolled at school, but not in questioning any adult or any person who appears to be an adult and who happens to live at a house where the authorised person thinks there might be a child who is of compulsory education age and not enrolled at a school. I move -

Page 11, lines 14 to 16 - To delete the lines and substitute the following -

(b) require a parent of the child about whom the inquiries are being made to answer any relevant question whether orally or in writing.

I am prepared to listen to debate from the Parliamentary Secretary about the merits of the wording that I have proposed. I concede that I may not have the wording quite right, but he can see what I am trying to do. I am trying to impose some limit on what I regard as extraordinary powers for authorised persons.

Mr TUBBY: The Government will not accept this amendment because we are talking about relevant questions, whether orally or in writing. Subclause 2 states -

> A question is relevant only if it is reasonably connected with finding out whether there is living at the premises any child of compulsory school age who is not enrolled in an educational programme.

That is what the member for Belmont is tying to determine. The question must be relevant to that section. It is not unreasonable for a person over the age of 18, whether it is an elder brother or sister, an uncle, aunt or anybody else living at that premise, to answer this question: Is there is a child on this premise who is of school age but is not enrolled in an educational program? To determine whether the person is a parent of a child on that premise completely complicates the process. These are reasonably extensive powers, but at the end of the day, we are trying to determine whether there is on the premises a child of compulsory school age who for whatever reason has not been given the opportunity to enrol in an educational program. If we are serious about compulsory education, I do not think that the powers within this clause are over the top. They are necessary to ensure compliance with clause 9, which refers to relevant questions being asked to determine whether a child of compulsory school age lives on that premise. Any adult could answer that question.

Mr BROWN: I support the amendment moved by the Deputy Leader of the Opposition. I suggest that some additional words be added to the amendment which might provide some comfort to the Parliamentary Secretary. The amendment currently refers to "require a parent", and "or guardian or apparent guardian" could be added after "parent".

Mr Tubby: A guardian is not recognised under family law - in both federal and state legislation.

Mr BROWN: It may refer to the person who has control over the child. If the provision stands as printed, it will be so wide that anybody on the premise could be questioned. I instance a recent experience: Some young visitors from New South Wales who were staying with me answered the door to some doorknockers who were making some inquiries. These young people, somewhat mischievously, decided to have some lighthearted banter with the doorknockers. They told them a range of stories which caused the people not to frequent my house any more. This was a fairly lighthearted episode, in which I hope no damage was done. However, these people were staying on the premises; presumably, if someone called to question them - they were over the age of 18 years - about whether someone of a school age was living at my home, they could have had some fun with that person. In that situation, a penalty will no doubt apply. In making these inquiries, it is important to deal with the people who have control or custody of the child. I understand the Parliamentary Secretary's concern relating to subclause (2) and the requirement that questions are only reasonable if connected to determining whether any child of compulsory school age lives on the premises. A person temporarily staying at a place can be asked for an opinion. That person may or may not know the answer. However, he or she can still be subjected to the questioning, and may not provide an accurate answer. The Deputy Leader of the Opposition seeks to ensure that where an authorised person calls to make such investigation, the questions be directed to the people who have the care or custody of the child. I cannot see what is wrong with that process. It ensures that this obligation is focused on people who have that care or custody.

Mr TUBBY: The problem with the amendment is that when an authorised officer knocks on the door, he does not know the people answering the door. A person may be a parent, an elder brother or sister, or an aunt or uncle - anyone at all. He may ask the person, "Do you have a child of compulsory school age in this premise?", and the reply may be that no child fitting that category lives there. Where does the questioner then go? Obviously, for the inquiry to be made, the matter must be reported to the authorities. Does he keep returning and knocking on the door until a parent of the child opens the door so he or she can answer the question? These authorised persons will be working in the community, and they need no ambiguity. This will ensure compliance with the legislation. We should not put barriers in their way. The barrier applied is that questions must be limited to satisfying themselves that a child of compulsory school age lives at the premise.

Mr Brown: What if it is a situation in which the child lives mainly with the custodial parent, but part time with the non-custodial parent? Does that child live at the other premise or only visit it?

Mr TUBBY: The non-custodial person would surely know whether the child was enrolled in an educational program or at a school.

Mr BROWN: That parent may not know. I am sure the Parliamentary Secretary has been doorknocking. How many times have doors been opened by domestic persons engaged to clean, iron and wash at the home? Some of these people start work at 9.00 am and finish at 3.00 pm. They would not have a clue about whether children live in the home, apart from speaking to the householder.

Mr TUBBY: They would answer, "I do not live here and I do not know whether a person of school age lives here." The authorised person would go away. People can only answer questions to the best of their ability. To try to impose on the investigative officer a requirement to satisfy himself that the person answering the question is the parent of the child is an unfair imposition. In wanting to ensure that the provisions of the legislation are adhered to, we should

not throw obstacles in the path of the investigative officer. We should place obstacles to ensure that he or she does not ask questions which the officer is not entitled to ask. Privacy legislation addresses that question. Questions asked must be relevant to whether a child of school age lives on the premise. If the person does not know, that is the answer given. If the person gives misleading information, sanctions apply. I do not know that there is any easy way around it. The Deputy Leader of the Opposition is trying to throw hurdles unnecessarily in the path of people's efforts to ensure that compulsory schooling is complied with.

Amendment put and negatived.

Mr BROWN: Clause 9 imposes a penalty of up to $5 000 on the parents if a child is not enrolled in an educational program. Clause 13 authorises a person to ask questions of any person on the premises and compels that person to answer. If that person fails to answer or provides misleading information a penalty can be imposed. If an authorised person spoke to a parent who knowingly did not have his child enrolled and was in breach of the Act once the questions were put to the parent, would the parent be required to admit that fact?

Mr Tubby: Yes.

Mr BROWN: The parent could then be charged under clause 9. Under this Bill, as opposed to other Acts, he would not have the right to remain silent, and any evidence extracted from him under penalty would not be privileged.

Mr Tubby: Yes.

Mr BROWN: I think the Parliamentary Secretary was present when we debated this issue last week during debate on the Rail Safety Bill. These investigative arrangements are a serious matter for Parliament to consider. Our system of justice today gives people the option of remaining silent if they believe they may have committed a breach of the law. This clause will remove that right. The provision agreed to last week in the Rail Safety Bill requires the investigator to advise people that he has the power to instruct people to answer questions and if they fail to answer truthfully and accurately they can be subject to a penalty; however, if they answer truthfully, it is protected evidence. In other words, that evidence obtained under penalty cannot be used to convict the person. Given that, would it not be appropriate to include a similar provision in this Bill?

Mr TUBBY: A parent would not be dealt with under this clause but under clause 9. If a child who was not enrolled at the school was on the premises, that information could be obtained anywhere. If parents were involved, they would be charged under clause 9 irrespective of whether they answered the question. The penalty will be $5 000. This clause is intended to address a person other than a parent.

Mr Brown: It doesn't say that.

Mr TUBBY: I realise that; nonetheless that is its intention. In other words, if an uncle or aunty deliberately lied about whether a child was on the premises, he or she would suffer the penalty. That person could not be taken to court under clause 9 but could be caught under this clause. If the parents, for reasons best known to themselves, decided to thumb their noses at the compulsory requirements of the legislation, they would be dealt with under clause 9.

Mr BROWN: This Bill provides that a number of authorised persons be appointed. Their job will be to read and understand this provision. If I were such a person, I would read what powers, obligations and duties I had under this provision. The powers would allow me to go to premises and require people to answer relevant questions. If they misled me or did not answer truthfully, a penalty could be imposed. It could be imposed on the parents.

Let us suppose that neighbours said that only a child and his parents were living at No 14 and an investigating officer called in the evening. He would not question the child; he would question the parents. Under this provision, one of those parents could be required to answer the questions of the authorised officer. If the parent did not answer or misled the officer, the parent would be in breach of this provision and a penalty could be imposed. If the parent answered truthfully and said that although he knew it was a requirement under the law, he decided not to enrol his child, that evidence could be used to prosecute him in court. In that circumstance those people would not have the same right as that afforded to other citizens who commit an act contrary to the Criminal Code or whatever.

I appreciate that for investigating authorities the right to remain silent is painful. Many investigating authorities would like to see the right to remain silent provision disappear. I read in an article the other week that the Federal Attorney General, Daryl Williams, had raised the issue of whether we should change our court system to be more like the French system and be more inquisitorial. The whole of the community needs to participate in that fairly monumental debate on changing our justice system if we decide to go down that path.

At this stage we have not decided to adopt that course of action. If we are still working on the same principles that have operated in our system of justice over this century, the right to require people to provide evidence, which may

be self-incriminating, under pain of penalty, and the option for the investigating authority to use that evidence to prosecute them in a court of law, are not countenanced in the rights of ordinary people. I understand that it is very frustrating for agencies and investigating officers, but it is a matter of whether we agree that that right should disappear. I have some grave reservations about agreeing to that right disappearing as a result of this Bill.

Mr TUBBY: The member for Bassendean puts a fairly compelling case. However, if the right to remain silent is granted, we make a mockery of clause 9 with regard to compulsory education. How else do we ascertain if a child of compulsory school age is enrolled at a school, unless we ask the parents? If the parents decline to say, where does it leave the investigative authority? If a parents remain mute, surely the State has a responsibility to that child.

Mr Brown: You do not follow the argument. I will go through it again.

Mr TUBBY: I followed the argument as the member went through it.

Mr Brown: Parents who remain silent are in breach of clause 13. They can be prosecuted under clause 13 because they refuse to answer the question. That is not the issue. The issue is that clause 13 requires them to answer the question truthfully and accurately, and they do so under pain of penalty. Their answer will be used against them to prosecute them under clause 9. That is a problem in common law.

Mr TUBBY: I am not denying that it is a problem.

Mr Brown: The point is whether people should be compelled to answer self-incriminating questions.

Mr TUBBY: I acknowledge that what the member is saying is correct. However, at the end of the day, we are trying to ensure that children of compulsory school age have access to an educational program. I do not know that there is any easy or more legitimate way to determine it than that which is encompassed in this clause. Clause 13(2) relates to the relevance of the questions. On the best advice of parliamentary counsel we have come up with this. When he drafted the legislation, he told us that these were significant powers but they were required if the compulsory aspects under clause 9 were to be enforced.

If the member has some other way of addressing this, rather than our trying to amend the Bill on the run, I suggest that he liaise with the director of the review group during the time when the legislation goes from this place to the other place. If there is another way in which we can address this and still ensure that the compulsory aspects are met, we will look at it.

Mr BROWN: The problem is that we extract the information and then use it to prosecute. The way through this is that we can leave clause 13 and say that the information cannot be used in any court of law to prosecute but it can be used to put an order on the parent or parents to have their child attend a school.

Mr Tubby: An order by whom?

Mr BROWN: The director general or whoever; I do not know where the head of power is. If the order is breached, we enforce the order. We are not then using evidence gained under pain of penalty to prosecute. We would obtain an order provided and then say, "Your child must attend school. Which one do you want him to attend? In the next seven days you will enrol your child at that school. You will provide a certificate from that school to say that the child has been enrolled." If the parents do not do that, it is not a question of using their evidence, which should be protected, but of taking action. I make that suggestion on the run. I do not have an amendment to put, but that is one way of protecting the evidence and at the same time achieving the result that we want to achieve.

Mr TUBBY: I accept the eloquence of the member for Bassendean and his legal expertise. We will have the matter investigated during the time of the passage of the Bill from this Chamber to the other place. If appropriate, we will move amendments in the other place.

Mr RIPPER: I move -

> Page 11, line 26 - To delete the line and substitute "Penalty: $250".

A number of these amendments will be moved as we proceed through the Bill. Most of these issues should be handled, if possible, by social means rather than the use of legal processes. We are seeking to de-emphasise the role and stringency of the penalties provided in this legislation. The penalties in the draft Bill were quite heavy and there was a significant public reaction. The Government has responded by reducing the penalties in this Bill, but the Opposition feels that the process needs to go further. We would like to see a lower rate of penalties throughout the Bill. It is not that we do not think these issues are important - we do. However, the whole philosophy governing the resolution of these issues should be focused on social and educational measures rather than legal processes and penalties.

Mr TUBBY: As a result of the negotiations of the member for Belmont with the director of the review group and after consultation with the Minister, the Minister has agreed that some of the penalties can be amended. He thinks that $250 is a little light. If the member moved to make it $500, we would be quite happy to accept that amendment.

Mr RIPPER: Madam Deputy Chairman (Mrs Holmes), I am prepared to accept the suggestion of the Parliamentary Secretary. I move -

> That the amendment be amended by deleting $250 and substituting "$500".

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Clause, as amended, put and passed.

Clause 14: Certificate of appointment -

Mr RIPPER: This clause deals with the certificate of appointment given to an authorised person exercising the powers provided in clause 13. Clause 14(2) reads -

> An authorized person must produce the certificate whenever asked to do so by a person in respect of whom the authorized person is exercising or about to exercise his or her powers.

That is inadequate protection for the person who is being investigated by the authorised person. Most of the people approached by an authorised person will not know that they have a right to ask that person to produce a certificate of appointment. The authorised person should as a matter of course produce the certificate and identify himself or herself as an authorised person. I move -

> Page 12, lines 5 to 8 - To delete the lines and substitute the following -
>
> > (2) An authorized person must identify themselves to any person in respect of whom the authorized person is about to exercise any power as an authorized person by producing the certificate.

Originally I believed that we should go even further and provide that the person should be required not only to produce the certificate but also to explain the powers he or she is entitled to exercise to avoid unnecessary conflict with the person being investigated. After discussion with the Parliamentary Secretary's advisers, I decided to restrict the Opposition's amendment. It was argued that it would be impractical for an authorised person always to be required to explain what powers he or she had before they could be exercised. However, there should be greater protection than that provided in the original legislation. A person should be told formally that the person investigating is authorised before that person is required to answer questions and thus be subject to penalties for providing false or misleading information.

Mr TUBBY: The Government accepted a previous amendment moved by the member for Belmont which will require that such an officer undergo training after appointment. I have no doubt that that training would include an instruction to show or carry some form of identification, and that would be an administrative function. If we were to accept the member's amendment, we would be required to move another amendment providing that that officer's actions are not invalid if he or she fails to provide identification as soon as the process starts, because that would be a technical defence.

Mr Ripper: Surely, as a matter of course, he would show his ID badge, say that he was an authorised officer for the purposes of the School Education Act and that he wanted to ask some questions. Would there be any circumstance in which he would not do that?

Mr TUBBY: I cannot think of any circumstance, except, for example, if officers were based in Northam, Merredin or Geraldton. The children being pursued around the streets would know the officers fairly well, and the fact that they are authorised. The member's amendment would require them to formally identify themselves every time they confront a person.

Mr Brown: I may see that person down the road or in the deli; he might come to my place for a drink or whatever. However, I may not know that the officer is wearing his official hat at the time. If a person is wearing his official hat - whether a police officer or a meat inspector - and says that he is a person duly authorised by the Minister for Education, or whoever, that is a symbol of power. People will immediately know. I might know this person very well and if he starts questioning me I might use some choice words and tell him what to do with his questions. However, if he shows his badge of authority I will know it is official. People should know that in the same way that they know when they enter a court it is an official forum.

Mr TUBBY: The amendment relates to the production of a certificate of appointment. Whether that needs to be produced every time an action occurs or whether the person has a badge on his attire, is debateable. However, as part of the training process I am certain that will be one of the requirements. If a person is required to carry a certificate of authorisation, it can be produced. I do not think it needs to be produced every time an officer confronts a truant because they probably know each other.

Mr RIPPER: This is a matter of basic protection of people's rights. When people do not know what the legal position is, they can be led into situations where they unwittingly commit an offence. The least we can offer people who may be subject to these fairly extreme powers is that the person exercising the power has identified himself as capable of exercising that power. It may be that he is well-known to the person but the member for Bassendean, by interjection, has indicated that that can in itself be a misleading circumstance for the person being investigated. If it is proved that the training provided by the previous amendment will involve an understanding that people will identify themselves, the only question is whether the identification of the authorised officer will be provided for administratively or in the Act.

The authorised officer will be able to exercise very significant powers. Not many circumstances in our society compel people to answer questions truthfully. A royal commission is one. There are other circumstances but not many. The Bill will provide powers which are not often provided. It is not very much to ask a person who will exercise these powers to identify himself as a person capable of exercising these powers.

It is less than I think should apply. An officer should explain those powers, otherwise there will be unnecessary conflict with the person being questioned. That person could say the officer is not a police officer; he has no authority as he is just the local principal; and that if a police officer asked him questions he would have the right to remain silent. Consequently, that person would have committed an offence, which might not have been committed had that person been fully advised of the law.

Mr BROWN: I support strongly the amendment moved by the member for Belmont. The authorised officer can call at any premises used as a dwelling. He can potentially front up to someone's home and start to fire questions at an adult who comes to the door. If the officer does not establish at the point the door is opened that he is there on official business as a person authorised under the Education Act and show some form of identification, the officer may find that he is turned around quite quickly and frogmarched down the drive. These days people are concerned about crime and are tetchy about people coming onto their property without an invitation. In some places, woe betide anybody who not only comes onto the premises but starts to fire questions at the person who opens the door without a how-do-you-do.

I agree with the Parliamentary Secretary that anyone with a modicum of commonsense would not do that. However, it is important that the Bill is clear and precise that it is an obligation of an authorised officer to identify himself. The Parliamentary Secretary says that if the officer does not do that, the person who refuses to answer might have grounds to avoid being convicted. I would support that person's getting off every time. If someone comes to my house and starts to fire questions at me and I do not know who the hell he is or under what authority he is acting I would not stand there like muggins and answer questions.

I would not be an orphan in that respect. If someone identified himself as a police officer or an officer authorised under the Education Act one would expect and respect that he is inquiring into ceratin matters. I cannot see why the Government would object to this amendment. It is a matter of courtesy and a common law principle that the officer identify himself as holding an official position, so that the person he is attempting to interview knows who that officer is and the nature of his visit. I cannot see the rationale for not accepting this amendment.

Mr TUBBY: My advice is that this amendment will unduly complicate the process. The Government is confident that the processes outlined by the member for Bassendean will be put into effect. People who are confronted at their door with a series of questions would immediately respond with the question, "Who are you and what right do you have to ask me those questions." At that point the officer would show his authorisation. That is covered under clause 14(2). The Government will not accept the amendment.

Amendment put and a division taken with the following result -

Ayes (16)

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

Noes (27)

Mr Ainsworth	Mr Day	Mr Kierath	Mr Sweetman
Mr Barron-Sullivan	Mrs Edwardes	Mr Marshall	Mr Trenorden
Mr Bloffwitch	Dr Hames	Mr Masters	Mr Tubby
Mr Board	Mrs Hodson-Thomas	Mr McNee	Dr Turnbull
Mr Bradshaw	Mrs Holmes	Mr Nicholls	Mr Wiese
Mr Court	Mr House	Mr Omodei	Mr Osborne *(Teller)*
Mr Cowan	Mr Johnson	Mrs Parker	

Pairs

Dr Gallop	Mr Barnett
Ms MacTiernan	Mr Prince
Ms McHale	Mr Shave
Mr Marlborough	Mrs van de Klashorst

Amendment thus negatived.

Clause put and passed.

Clauses 15 to 17 put and passed.

Clause 18: Principal may act on application by one parent -

Mr RIPPER: This clause enables the principal to take an enrolment by one parent when the parents are estranged, without having to inquire whether another parent might have responsibilities for the child, or when there is another person, whether that person concurs with the enrolment. Although there is a saving clause that says nothing in this clause affects the operation of the enforcement of a Family Court order, I still have some concerns about the overall operation of clause 18.

Although there have been reforms to family law in this country designed to maintain the contact children have with each of their parents, in most cases children still miss out on contact with the parent who does not have what in the old terms was called custody or in modern terms is called a residence order. In most cases the parent who has a contact but not a residence order - that is, who has access, but not custody - is the father. Many fathers are unhappy with the degree of contact they have with their children, and many children are missing out on what is a right and what would be very beneficial for them in terms of contact with the absent parent.

I would like to see organisations in our society, including schools, encourage fathers to remain involved with their children, and support the right of children to have contact with their fathers. I realise the difficulties schools might have. Many schools do not want to be involved in dealing with two people who are responsible for the child; they want to deal with only one parent per child. They want to send one advice to the home; they do not want to send out two advices, and so on. However, that administrative inconvenience must be set against the benefits for children of having both parents involved. We know there are educational implications as well. The more interest parents show in their children's education, the more likely the children are to succeed. If two parents are interested in the education of a child, including the parent who has only a contact or access order, the results will be all the better for the child.

Mr Johnson: It could also be a problem by having a parent who has access getting involved too much with the school. It works both ways, as you and I know.

Mr RIPPER: I realise there are cases where people are in conflict. We would not want the school to be in receipt of conflicting instructions about the way in which the child is to be treated, with one parent giving permission for the child to go on an excursion and the other denying that permission. We would not want the schools to be faced with that sort of an administrative problem. Usually it is quite clear which parent has responsibility for those matters and which does not. Where people have joint custody of children, those parents are involved in an amicable settlement. If they were not, the Family Court would not have allowed them to proceed with that joint custody arrangement.

Mr Johnson: You are asking schools to get involved in an area they feel uncomfortable with and are not equipped to deal with.

Mr RIPPER: I am asking schools to acknowledge the rights of those people who have only a contact or access order for their children. They, too, have a right to know what is happening with their children. They might not have a right to sign excursion permission slips, but they have a right to be advised about what is happening to their children's education.

Mr TUBBY: I have a great deal of sympathy for the case presented by the member, but it is unfair to insist that

principals have responsibility for following up estranged parents who may live in another part of the State, interstate or wherever. Why should it be the principal's responsibility to follow up with that parent? It is for parents to inquire about the progress of their children. There is nothing to prevent that. The member wants to put the onus on the principal to initiate that process. However, the other parent should become involved in the process.

Mr RIPPER: I accept the point made by the Parliamentary Secretary. I do not think a principal should be required to conduct a search of the electoral rolls to establish where the absent parent is living, in order to communicate with him. It is more a matter of attitude. This clause states that the principal need deal with only one parent and has no obligation under the legislation to deal with the absent parent. I would like schools to adopt a cooperative attitude when the absent parent makes himself known to the school and seeks information and a degree of restrained involvement. The message in this clause is not the right message. It provides that the principal does not have to care about these people, has no obligation to them and is entitled to treat them as an administrative inconvenience. Schools are fearful of being involved in marital conflict, and are not anxious to be in contact with both parents. However, it is a right of children to be in contact with both parents, and it is beneficial to their education if both parents are interested in their progress. It would be a good thing if schools were more sympathetic to the modern circumstances of many children, and more appreciative of the rights of parents who have only contact and access orders and of the rights of children to have continuing involvement with those parents.

I do not want to impose a burdensome obligation on schools but I would like the legislation, if at all possible, to send a message to schools that they should try to involve both parents and not just the parent with the custody or residence order.

Mr TUBBY: The issues the member is addressing could be better dealt with under clause 117 regarding dealings with parents. In my experience, as a principal enrolling students for a number of years, seldom did both parents enrol a child. Usually just one parent, the mother, enrolled students because the father was at work or doing other things. It was not incumbent on the principal to determine whether the child's father was living at home or what the family situation was.

Clause put and passed.

Clause 19 put and passed.

Clause 20: Cancellation of enrolment -

Mr RIPPER: This clause relates to the cancellation of an enrolment when false or misleading information is provided; that is, when the clause regarding giving particulars about people's addresses is not complied with. Will the Parliamentary Secretary explain how disputes regarding the operation of this clause will be handled? Enrolment restrictions apply for what are regarded as favoured schools. Perhaps such a school is full with children from the local intake area, and it is difficult to enroll children living outside that area. It is possible that some people will say that the child lives with his grandmother who happens to live in the local intake area for the favoured school, when the child lives at home and only spent a couple of days at grandma's during the enrolment period. People may try to defraud the system to have their child enrolled in a favoured school by lying about the child's address.

Also, genuine ambiguity may arise about where a child lives. He may live at one address one week, and another address the next week; it may alternate fortnightly. People have all types of arrangements with children in the 1990s. Argument could arise about the operation of this clause. What happens if the department states that the information provided about a child's address is wrong, yet the parent says that the child is living with his aunt, father or grandmother for a portion of the time, or he is moving to the other address and it is intended to be on a permanent basis? How will such dispute be resolved?

Mr TUBBY: Clause 16 requires certain information to be provided, and subclause (1)(b) requires the name of the usual place of residence.

Mr Ripper: Some have two.

Mr TUBBY: The parents can declare those addresses when they enrol the child. The provision will not apply as long as parents are up-front and make the declaration. A principal will decide whether to accept the enrolment depending on the provision of information on the usual residence. People may wish to cross boundaries, and may be denied the right to do so by the district superintendent. However, the child may be enrolled using his aunt's or grandparents' address to meet the requirement for enrolment. That would be providing false or misleading information unless the child lived at that address for part of the time.

Mr Ripper: What happens when the department says it is false and misleading information and the parent says it is true?

Mr TUBBY: It will be a fact or not a fact. If the address given for the child is different from where the child is living, it is an indisputable fact. Therefore, the original information was misleading and no argument is involved. Either the child resides where the parent identified in the enrolment information, or false and misleading information was provided. That will be grounds for cancelling enrolment.

Other grounds are if the parent moves to another place of residence in another suburb and retains the child at the original school while failing to provide the new address to the school. That situation would not comply with clause 17.

Dr Hames: Parents could send children to the grandparents' place until you stopped pestering them.

Mr TUBBY: They could do that. However, in that case, each time the matter was investigated, the child would need to be living at the grandparents' house.

Mr Ripper: Do you not think there is room for genuine dispute over this matter - that the address of a child might not be somewhat ambiguous?

Mr TUBBY: Clause 82 provides for crossing of boundaries to attend government schools and covers issues arising from enrolment. It is not an issue in non-government schools because students can be enrolled from anywhere they like. There should not be any real concern with this clause, remembering that we intend to continue to allow students where possible to attend the school of their choice. I know the member has some problems with this, but he cannot have it both ways.

Mr RIPPER: Perhaps, towards the end of the Bill, our amendments for the establishment of an educational ombudsman will provide a way for disputes like this to be resolved.

Clause put and passed.

Clause 21: Removal from register -

Mr RIPPER: This clause provides for the removal from the enrolment register in certain circumstances of the name of a child of compulsory school age. Subclause (1)(f) provides that the child's name can be removed when the Minister has authorised the removal on the ground that inquiries to establish the whereabouts of the child have not been successful.

The Opposition is concerned that some children fall through the gap; that in the end each agency of government finds a reason that it should not be concerned about the circumstances of a child. When a child's name is removed from an enrolment register it should not be left at that. Referral to an appropriate government agency should be undertaken to ensure the child's welfare is provided for and that the child is enrolled at school. An appropriate agency might be Family and Children's Services. If a child disappears from a school and cannot be found, and the Education Department is unable to find that child at any other school, government should not wash its hands of the matter.

This clause allows for the department to say that if a child cannot be located the issue is finished; therefore his name should be removed from the register and no further action is required. Action should continue until the matter is resolved. The Education Department should not allow children to administratively disappear without continuing efforts to locate them. If the Education Department cannot do it, then for welfare reasons the issue should be referred to Family and Children's Services.

My amendment does not provide that it should be referred to Family and Children's Services because the department's name has been changed often in recent years. I included "an appropriate government agency" to allow the legislation to survive the changes we make to names of agencies such as Family and Children's Services.

The amendment also provides for referral to an alternative to an agency such as Family and Children's Services. It could be possible to refer it to an advisory panel constituted under clause 229. An advisory panel might be appropriate in an Aboriginal community. If an Aboriginal child does not turn up for school and no-one seems to know his whereabouts, an advisory panel containing some representatives of the Aboriginal community might be the most practical way of finding out more information about him. I move -

> Page 16, line 17 - To insert after "successful" the following -
>
> > provided that the Minister ensures that a follow-up on the child's whereabouts takes place by referring such follow up to an advisory panel constituted under section 229 or to an appropriate government agency

Mr TUBBY: The Government does not accept this amendment. Clause 21(1)(a) through to (f), provides a whole range of processes must be gone through before a child can be taken off the roll. These processes are much more

onerous than those contained in the 1928 legislation. There were no real processes in that legislation for removing children from the roll. One simply notified the Education Department and their names went onto a list of children whose whereabouts is unknown. The list was published in the education circular every month. The list grew and grew. Once one notified the welfare authority, one took the children off one's roll, and that was it. A whole range of requirements in this legislation must be gone through before a principal can remove a child from the roll. If after that process has been gone through, an advisory panel is established, what is its purpose? The students might have gone interstate, overseas, or anywhere; they would have disappeared.

Mr Ripper: They may have gone to somewhere in Western Australia.

Mr TUBBY: If a student happened to be at Jiggalong, how would an advisory panel without any resources that was established at Jiggalong track down the student?

Mr Ripper: The advisory panel might include an Aboriginal person who might be able to say that the child was on law business at Marble Bar.

Mr TUBBY: That would be known in the school community. As a student went through the process from paragraphs (a) to (f), the principal would become aware of that. All principals have their sources of information.

Mr Ripper: Paragraphs (a) to (f) are not a series of processes but a series of grounds for removal from the register.

Mr TUBBY: The member will find it is the same thing. Under paragraph (f) the Minister can authorise the removal on the ground that inquiries to establish the whereabouts of the child have not been successful. Setting up an advisory panel in some remote place, without the resources of the Education Department at its disposal, to inquire into the whereabouts of the child under paragraph (f), will not achieve anything. Therefore, we cannot accept the amendment.

Mr RIPPER: The difference between the Government's and the Opposition's positions is that the Government is prepared to say that it will give up on certain children when it cannot locate them. The Opposition says that we should not. If we cannot locate some children, we should make sure that other government agencies with responsibility for the welfare of children know about those cases, so that some continuing effort can be made to locate the children. It may be that children go interstate or overseas, but there will be cases when children move about the State. Some families are quite transient. The welfare of those children and their educational progress will be at risk. It may be that no agency is continuing to interest itself in the welfare of those children because the Education Department has said that it has tried and has not been successful and it will not try anymore and no referral is made to any other agency.

We should be encouraging agencies such as Family and Children's Services and the Education Department to work together on these matters. It should be automatic that, when the Education Department has lost track of someone of school age, a referral is made to Family and Children's Services, because failure to enrol such a child is a significant indicator that the welfare of that child could be at risk and that that child could be a possible suitable candidate for departmental inquiry. The Opposition does not think that the department should give up, even after extensive efforts have been made to locate children who have disappeared from school rolls.

The Parliamentary Secretary might be able to advise us of developments in administration and technology that will allow better coordination of enrolments across the State and each principal might be able to type a name into a computer and find that a child previously enrolled at his or her school is now enrolled at a Port Hedland school. However, at the moment, it is easy for children to fall through the gaps and to end up as part of that group of 1 000 who should be enrolled at school but who are not.

Mr TUBBY: Of all government departments, the Education Department probably has the most resources to do what the member has suggested Family and Children's Services should do. If all the necessary inquiries have been made and have been unsuccessful, there is not much more we can do. We can establish as many panels and lines of inquiry as we like, but if we have followed paragraph (f) to the letter, it will be fruitless. Those children will not fall through the net because we have passed clauses 9 and 12 to 15 to address the circumstances to which the member is alluding and in relation to which he is attempting to carry this amendment. The Government will oppose the amendment.

Amendment put and a division taken with the following result -

Ayes (15)

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

Noes (29)

Mr Ainsworth	Mr Day	Mr MacLean	Mr Shave
Mr Barron-Sullivan	Mrs Edwardes	Mr Marshall	Mr Sweetman
Mr Bloffwitch	Dr Hames	Mr Masters	Mr Trenorden
Mr Board	Mrs Hodson-Thomas	Mr McNee	Mr Tubby
Mr Bradshaw	Mrs Holmes	Mr Nicholls	Dr Turnbull
Dr Constable	Mr House	Mr Omodei	Mr Wiese
Mr Court	Mr Johnson	Mrs Parker	Mr Osborne *(Teller)*
Mr Cowan			

Pairs

Dr Gallop	Mr Barnett
Ms MacTiernan	Mr Prince
Ms McHale	Mr Kierath
Mr Marlborough	Mrs van de Klashorst

Amendment thus negatived.

Clause put and passed.

Clauses 22 and 23 put and passed.

Clause 24: Arrangements alternative to attendance -

Mr RIPPER: Clause 24 provides for students and principals to make arrangements for students to attend at places other than the school for part of their education program. The Council of State School Organisations of Western Australia suggested the following amendment to this clause. I move -

Page 19, after line 5 - To insert the following -

(6) Nothing in subsection (4) shall limit the principal's authority to cancel the arrangement in a situation in which the principal has reason to believe the student may be at risk of harm.

This is a reaffirmation of what one would expect principals to be doing in these circumstances. It is important when students are not in traditional places of educational instruction - they might be at workplaces or with community groups - to be aware that they might be in circumstances where there are risks which would not be apparent in the normal school environment.

Mr Johnson: It might be Parliament House.

Mr RIPPER: That is right. They might be subjected to corruption of their innocent minds in observing question time at Parliament. They might be subjected to the corruption of the growing rigour of their young minds by too much exposure to parliamentary debate. There might be all sorts of moral risks. However, in those circumstances the principal should have authority to cancel the arrangements immediately without any possibility of it being questioned. The safety of students who might be involved in unusual arrangements in workplaces or in community groups should be a priority.

Mr TUBBY: The Government does not accept this notion because it is irrelevant. I refer to subclause (3)(c) - an arrangement under subsection (1) may be terminated at any time by the principal.

Clause 63(1)(c) refers to the safety and welfare of students on school premises and away from the school premises on school activities as far as that can be reasonably done, so the amendment moved by the member for Belmont is irrelevant.

Mr Ripper: The Council of State School Organisations is concerned with the notification requirements in subclause (4). Will those requirements inhibit a principal wanting to terminate immediately some arrangement which he or she thinks is placing a student at risk?

Mr TUBBY: It will give the principal the power to terminate the arrangement immediately and to let them know at the later date.

Amendment put and negatived.

Clause put and passed.

Clause 25: Non-attendance for reasonable cause -

Mr BROWN: Subclause (2) provides that a student is excused from attending at school or from participating in an educational program of a school on any day. Paragraphs (a) to (c) are conjunctive so the issue cannot be satisfied by only one paragraph. Paragraph (a) states that the student is excused if he or she is prevented from attending a school or from participating in an educational program by temporary physical or mental capacity or other reasonable cause. Does "other reasonable cause" in subparagraph (ii) include the suspension of the child?

Mr Tubby: No. The parent does not have to send a note if the school has suspended the child.

Mr BROWN: Which provision in the Bill either overrides or clarifies the issue in relation to the suspension provision? If this clause does not apply to suspensions there must be another clause that removes the obligations of this clause. Do suspensions fall within the words used in paragraph (a)(ii); if not, does a separate clause override that clause?

Mr TUBBY: Clause 90 deals with suspension for breaches of school discipline. In those cases, the parent is not required to send a note to explain to the school why the child is not attending school, because the school already knows the child is not attending school and the reason for that, and it knows the time period that is involved.

Mr BROWN: Is the Parliamentary Secretary saying that suspension does not fall within the words used in paragraph (a)(ii) and is an entirely separate matter that falls within clause 90; therefore, none of the provisions in subclauses (1), (2), (3) or (4) applies where a student is absent as a consequence of being suspended?

Mr TUBBY: That is right.

Mr BROWN: Subclause (4)(a) provides that a student is excused from attending at school, or from participating in an educational program of the school, on any day if a parent of the student has applied, or intends to apply, to be registered under clause 48 as the student's home educator. How can one reach the conclusion that a parent intends to apply?

Mr TUBBY: Paragraph (b) provides that the parent must notify the principal in writing within three school days.

Mr BROWN: How long is it envisaged it will take to consider the application?

Mr TUBBY: Clause 47 provides that the application is to be made within 14 days after the last day on which the child was recorded as attending. The registration will be automatic, and the parent will have three months in which to arrange for an officer from the department to look at the program - a moderation visit.

Mr BROWN: The most we are talking about when considering the interruption of a child's education is 14 days. Theoretically, if the child is not undergoing home education after the application is made, we are talking about a gap of 14 days. Is that the maximum time we are talking about?

Mr Tubby: We must rely on the parents undertaking their responsibilities, remembering that they have up to three months in which to require a moderation visit. In theory, a parent could keep the child home from school, apply for registration as a home schooler, and do nothing for three months.

Mr BROWN: Is the Government happy to accept that risk?

Mr TUBBY: Yes, it is, knowing the protracted debate we had with the home schooling movement to arrive at something the Government could live with, even though some home schoolers still do not accept the provisions of the legislation, but we will not make it any less onerous than it is.

Mr BROWN: Clause 233 says that a review is to be carried out after five years. Given the rather controversial nature of home education, and also a desire that is shared by those on all sides of the Chamber that a child does receive a proper education, is it intended to review how successful these provisions are operating before that five years has expired? Five years can be an awfully big slab out of a child's primary school or high school education. What is the Government's thinking in terms of reviewing just how successful these provisions are in respect of home education, prior to that formal review of the whole Act, which will go into many other things?

Mr TUBBY: It is the Minister's intention to establish a home education board to advise him on the oversight of the home education provisions within the legislation, remembering that parents have three months in which to request a moderation visit. If, as a result of that visit, the moderator is not satisfied the children are receiving an adequate education, there are provisions under the home schooling clauses to require the parents either to raise the standards or at the end of the day to get those children into a formal educational setting. We do not have to wait for five years before we can review it. There are provisions within the home education clauses to address the issues very quickly if the moderators are not happy with the progress of the children.

Clause put and passed.

Clause 26: Reference to a School Attendance Panel where doubtful reasons given about non-attendance -

Mr TUBBY: I move -.

> Page 20, line 23 - To delete "Reference" and substitute "Referral".

This is simply an editorial amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 27: Principal may require non-attendance for health reasons -

Mr RIPPER: I move -

> Page 22, line 16 - To delete "$1 000" and substitute "$250".

This amendment is consistent with the other amendments we have moved to reduce the scale of penalties in the Bill. I am not sure whether the Parliamentary Secretary will offer me the same arrangement as he did the last time I sought to substitute $250 for $1 000. I will wait for his response before proceeding with debate.

Mr TUBBY: The Minister accepts that the fine of $1 000 is probably a little high for this, but it is a reasonably serious offence. Some diseases, such as meningitis, can be highly infectious. If the parents do not obey the conditions, many other children could be affected. The Government wants a penalty that has some significance but perhaps $1 000 is a little high. If the member withdraws that amendment and moves that the amount be $500, the Minister will accept the amendment.

Amendment, by leave, withdrawn.

Mr RIPPER: I move -

> Page 22, line 16 - To delete "$1 000" and substitute "$500".

Amendment put and passed.

Mr BROWN: This clause relates to provisions under which a principal may require the non-attendance of a student for health reasons. The principal may direct that a student suffering a medical condition should not attend school or participate in an educational program. My question relates to the nature of the person who may be charged with an offence under this provision. If such a direction were given to a student defined as a prescribed child - that is, one living independently but under the age of 18 years - and the student disobeyed the instruction, could that person be charged with committing an offence? Is that the intention of subclause (3)(b)?

Mr Tubby: No. Subclause (4) states that an adult who is notified of a requirement will commit the offence.

Mr BROWN: A requirement could be given to a prescribed child but no penalty would be imposed if that prescribed child did not carry out the requirement?

Mr Tubby: That is right. If they turn up at school, they will be sent home.

Mr BROWN: In the very unlikely event of a parent seeking to exercise parental control by keeping a child away from school, but the child disobeying the parent and arriving at school -

Mr Tubby: In that highly unlikely event, I think the parent would have a reasonable defence - if it ever occurs.

Mr BROWN: That clarifies the matter.

Clause, as amended, put and passed.

Clause 28 put and passed.

Clause 29: Employment during school hours -

Mr RIPPER: This provision provides a penalty for both parents and employers who employ a child of compulsory school age during school hours. It states -

> A person must not employ or permit to be employed a child of compulsory school age . . .

The penalty of $5 000 is very significant. The Labor Party believes that employers who engage in the employment of child labour during school hours should be subject to significant penalties. However, parent representatives lobbied the Opposition to reduce penalties applied to parents throughout the Bill. The Western Australian Council

of State School Organisations has lobbied us regarding a possible penalty of $500 being applied to parents under this provision. Having listened to WACSSO's argument, the Opposition wants to leave the $5 000 penalty for employers, and reduce the parental penalty to $500. Therefore, I move -

Page 23, line 14 - To insert after "$5 000" the following -

in the case of an employer; and $500 in the case of a parent

Mr TUBBY: The Government does not accept that amendment because it is inconsistent with clause 9. The intention would be to pursue the parent under clause 9 with a maximum penalty of $5 000, and a daily penalty of $25. The penalty in this clause provides consistency between the compulsory provisions under clause 9 and clause 29 regarding parents as employers who keep a child of school age at home. The same penalty applies.

Mr RIPPER: I am puzzled by the Parliamentary Secretary's explanation. Is he saying that a parent could be guilty of an offence under clause 29 and clause 9, but would be pursued under clause 9, not 29?

Mr TUBBY: The Minister would have the choice of whether to prosecute under the employment provision in clause 29 or the compulsory enrolment provision in clause 9. Either would do. I have also been given advice on the attendance provisions under clause 23.

Mr Ripper: It is at least possible a child could be enrolled at school but kept home and employed during seeding time on a farm. His parents might not be liable under clause 9 but they would be liable under clause 29.

Mr TUBBY: Under clause 23 the attendance requirements are fairly explicit. I am informed the breach occurs under clause 38 where the penalty is only $1 000. A choice is involved.

Mr RIPPER: This traverse through the Bill in which both the Parliamentary Secretary and I have been engaged reveals some interesting inconsistencies with penalties. The penalty of $5 000 for employing a child during school hours is consistent with the penalty under clause 9 for not enrolling a child. However, where a child is enrolled but is kept home to work in the family business during a rush period such as seeding on a farm or helping out at a takeaway food store or delicatessen, the penalty is $1 000 and a daily penalty of $25.

The Opposition will move an amendment to reduce the penalty to $250. If the Parliamentary Secretary follows previous form he might agree to a reduction in the penalty under clause 38 to $500. The Government would have a choice of penalising someone under clause 29 where the penalty is $5 000 or under the combination of clauses 23 and 38 where the penalty is $1 000, or $500 if the Parliamentary Secretary accepts a compromise on the Opposition's amendment. Those differences in penalties might need to be examined. If the Parliamentary Secretary is not prepared to accept this amendment he might need to consider it before it is moved in the upper House.

Mr TUBBY: The legislation provides some flexibility for the Minister to pursue non-attendance at school through prosecution. If it is not a grossly serious offence, clause 38 could apply. If a child were being kept home to work rather than attend school and the Minister considered it to be serious, he could take the parents to court under that provision, which involves a much more substantial penalty. There is no inconsistency in this; it simply provides the Minister of the day with a range of options to pursue parents who are not fulfilling their obligations to ensure their children are attending school on a regular basis.

Amendment put and negatived.

Clause put and passed.

Clauses 30 to 32 put and passed.

Clause 33: School attendance officers -

Mr RIPPER: The Opposition wants to see the Government employ school attendance officers, who might have been referred to in the past as school welfare or truant officers. We do not want to see the Government avoid its responsibility and simply pass the work to principals or teachers who are designated under clause 223. I understand that, as with the question of authorised officers, the Government may need to appoint school staff as school attendance officers in remote areas, otherwise the job would not be done by anyone. However, that does not mean that the Government should be able to get out of its responsibility in the areas of the State where it is practical to appoint specialist school attendance officers. I seek an assurance from the Parliamentary Secretary that the Government will use the full scope of clause 33 to provide for school attendance officers only in remote areas and that in the metropolitan area and large regional centres it will continue to employ specialist school attendance officers.

Mr TUBBY: That is the Government's intention but there is another possibility; that is, where a teacher undertakes a community liaison role in a school and may interact with school aged children away from the school site. For example, in a large high school a designated teacher may have a liaison role with particular groups of students. The

teacher may well be given responsibility to round up those children and get them back into school as part of that teacher's duties, especially if the schools are undertaking alternative programs, which the Government envisages some will, to ensure that the children are attending school and receiving an education.

Mr Ripper: So a teacher engaged in the Belmont area youth intervention program at Kewdale Senior High School, which deals with chronic students, might be given those responsibilities?

Mr TUBBY: Exactly. Rather than continually having to call in the school attendance officer to address those circumstances, that person could be given that role and perform it whenever he or she was required to.

Mr Ripper: That role would not replace the system of school attendance officers, would it?

Mr TUBBY: No. That role could be delegated to teachers to enhance the role they already perform in the school and to give them the legal right to go out and round up some of their students who would prefer to be elsewhere.

Mr BROWN: The divisions of this Bill that we have debated will give school attendance officers considerable powers. Under clause 36 their powers enable them to stop and detain a person whom they reasonably believe to be an absentee. The person detained may be questioned, and so on. These powers are substantial. They would obviously be exercised in normal circumstances away from the school. They need to be exercised very carefully and judicially. I suggest two things about that: First, there is a need for the Government to implement the spirit of the amendment that was moved earlier by the member for Belmont if school attendance officers are to have some level of success. There is no doubt of that when one looks at the level of responsibility and skill that will be necessary to be exercised by school attendance officers, particularly in areas where there has been chronic truancy and in areas where that chronic truancy has resulted from a dysfunctional family or whatever. These investigations and investigative powers vested with the school attendance officer will need to be judiciously used and the officer will require considerable skill in exercising those powers.

The second matter I raise in support of the comments of the member for Belmont is the need, wherever possible, to have specialist attendance officers rather than teachers carrying out that function. First, teachers should not be expected to have the appropriate level of skills and expertise to deal with this type of function, which is separate and distinct from the teaching function. Second, there are good disciplinary reasons from a school point of view why teachers should not exercise these powers outside the school. It is wise to separate the powers so that people who are exercising them outside schools and who might experience some resentfulness on the part students are not teachers within the school. That resentment should not be taken into the school and directed towards the teacher. Members should look at the way in which some institutions deliberately use different people to perform disciplinary functions. There are good grounds for trying to ensure that teachers, who should be primarily focused on teaching students, do not have that role undermined by a disciplinary role, which involves trying to enforce attendance at school. I hope that the Government will do as the member for Belmont has suggested and ensure that, wherever possible, school attendance officers are specialists and that these functions are not simply added to those already carried out by teachers.

Mr TUBBY: The member seems to have an old fashioned view of teachers. These days they perform a number of roles in the school and the community. There is no longer any fine distinction; they have a very flexible role, particularly in the areas that the member for Belmont and I were discussing a few moments ago in respect of alternative programs and ensuring that chronic truants receive an education. The arrangements for those teachers should be flexible and it is not an imposition on them to perform the duties of an attendance officer as part of their overall package of duties. However, I take on board what the member has said.

Mr BROWN: I understand that teachers are very much involved in the community and that they have a broad range of roles and responsibilities. However, there are very strong coercive powers in this legislation and exercising those powers is entirely different from a teacher operating in the broader community by encouraging young people in youth groups and so on. That is admirable work and it should be appreciated. However, it is different when a teacher is instructed to exercise coercive powers as opposed to working with students who might need additional tuition or encouragement to go back to school.

Mr TUBBY: I said earlier, this provision will be used in extreme circumstances, particularly in remote areas; and in the second instance specialist teachers performing specialist roles.

Clause put and passed.

Progress reported.

House adjourned at 11.36 pm

QUESTIONS ON NOTICE

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

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS

3021. Mr BROWN to the Minister for Resources Development; Energy; Education:

(1) In any of the departments or agencies under the Minister's control, are there any plans to contract out to the private sector any services or functions currently being carried out by the public sector workforce?

(2) Have any plans been made to contract such work out over the course of 1998?

(3) What work is planned to be contracted out?

(4) Has any department or agency contracted any work out since 1 July 1997?

(5) What work has been contracted out?

Mr BARNETT replied:

(1)-(5) As part of normal business management, government departments and agencies continuously review opportunities to improve the efficiency of services and functions currently being carried out by the public sector workforce. This includes consideration of contracting out to the private sector. The Government's approach is that the decision to contract out services and functions is made at agency level to suit agency needs. Since July 1997 many agencies have contracted out work previously performed by the public sector workforce. This ranges from small and routine functions contracted out to release skilled public sector staff for higher value work in their agencies, to significant out sourcing projects where moving functions and staff to the private sector has resulted in better service and value for money to the community. Agencies normally disclose their key contracting processes as part of their annual reporting process.

SPORTING FACILITIES - FEASIBILITY STUDIES

3063. Mr CARPENTER to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) What feasibility studies investigating the need for State or national sporting facilities, totally or partially funded by the Government, have been completed in the last six months or are in progress?

(2) What was the cost of each study?

(3) Were tenders called for these studies?

(4) What companies and who were the consultants and other personnel involved conducting each study?

(5) What experience in undertaking studies on major sports facilities did these companies and individuals have?

(6) What is their previous or present involvement with sport in a voluntary or paid capacity?

(7) If any, which sports?

Mr MARSHALL replied:

(1) The following studies looking into the need for State or national sporting facilities or their conceptual design have been financially supported by the Government in the last six months:

* Multi Sports Stadium
* Athletics State Headquarters
* Canning River International Rowing Course

(2) Costs for each study are as follows:

* Multi Sports Stadium	$50 000
* Athletics State Headquarters	$60 000#
* Canning River International Rowing Course	$20 000

[# State Government contribution $20 000]

(3) Tenders were called for all studies. However, only the Multi Sports Stadium tender was called for by the Government. Tenders for the Multi Sport Stadium feasibility study were received from:

Bollig Design Group
Bovis McLachlan
Brand Deykin and Hay Architects
Cox Howlett and Bailey
ISFM Sports Projects Specialists
Jones Coulter Young
Peter Hunt and Darryl Jackson

(4) The following companies were successful in gaining tenders:

(a) Multi Sports Stadium - Cox Howlett and Bailey with lead consultants Murray Etherington, Russell Lee, James Edwards together with Rick Graf from Graf Consulting International.

(b) Athletics State Headquarters - Canda Holdings Pty Ltd with lead consultants Peter Gianoli and Alan Tranter, John McKenzie and Associates Architects and Macquarie Bank Ltd Financial Modellers.

(c) Rowing Course - Mr Jim Paton, former partner of GB Hill and Associates.

(5) Cox Howlett and Bailey were involved in the design and feasibility studies for the Bruce Stadium in Canberra ACT and the Sydney Football Stadium in NSW. Canda Holdings has been involved in studies on indoor and outdoor recreation facilities. Mr Jim Paton's experience has been with GB Hill and Associates who designed the original Canning River Rowing Course for the 1962 Perth Commonwealth Games.

(6)-(7) Consultants have had voluntary or paid involvement with sport as follows:

Mr Murray Etherington - Current voluntary member of the WA Swimming Association Board.

Mr Rick Graf - Former Director Brisbane Bullets Board.

Mr Peter Gianoli
- Director 1997 World Aerobics Championships.
- Consultant to Athletics West.
- Past President Australian Competitive Aerobic Federation.
- Nominated and appointed in a voluntary capacity to the AthleticA Board on 25 March 1998
- Past involvement with football including as reserves coach East Fremantle and member WA Football League Marketing Committee

Mr Alan Tranter
- Nominated and appointed in a voluntary capacity to the AthleticA Board on 25 March 1998.
- Past member of the WA Boxing Commission.

Mr Jim Paton - No involvement in any capacity with rowing on an administrative basis.

The above refers to their involvement in specific sports and several have had a broader involvement, for example, one is a Board member of the Western Australian Sports Federation and one was employed with the Ministry of Sport and Recreation.

WESTERN AUSTRALIA SPORT AND RECREATION COUNCIL

3064. Mr CARPENTER to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) What was the cost of establishing the Western Australia Sport and Recreation Council?

(2) What is the Council's annual operating budget?

(3) Does the Minister concur with the contents of the strategic directions document prepared by the Council?

(4) If not, with what components of the document does the Minister disagree?

(5) What progress has been made with the development of a facilities blue print referred to in the directions document?

(6) Will decisions be made on the provision of funding support for any major sport facilities (other than through the CSRFF) before the blue print is completed?

(7) If yes, which facilities and why will such decisions be made?

Mr MARSHALL replied:

(1) $157 000 in the first year (1996/97).

(2) $250 000 per year.

(3) Yes.

(4) Not applicable.

(5) The Minister for Sport and Recreation convened a meeting of relevant organisations to consider International/National/State/Regional level sport facility requirements in late January 1998. Studies for several projects have been or are being conducted [rowing, athletics, rugby, soccer, speedway (and drag racing)]. At the regional level, in the metropolitan area the South East Regional Recreation Advisory Group and the North Metropolitan Regional Recreational Committee have commissioned preparation of regional recreation plans. MSR and the Ministry for Planning are providing funding support and project supervision. In addition, the South West Regional Recreation Advisory Group is about to initiate work for the preparation of a plan.

(6) Decisions may be made depending upon the circumstances.

(7) Undetermined at this stage.

EXMOUTH RESORT AND CANAL DEVELOPMENT - 1995 MEETING

3080. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Further to question on notice 1687 of 1997, has a copy of the summary of the meeting prepared on 2 March 1995 been kept?

(2) Does the summary indicate any steps or measures to be taken following the meeting?

(3) What steps or measures are outlined?

(4) Who was given responsibility for implementing those steps or measures?

(5) Were any further meetings planned or proposed as a result of that meeting?

(6) What role was given to the Western Australian Tourism Commission at that meeting?

(7) Did the Western Australian Tourism Commission undertake to carry out any further work of any nature on the proposal including any work involving bringing various government or other parties together to discuss its implementation?

(8) If so, what further work was it envisaged the Western Australian Tourism Commission would undertake?

Mr BRADSHAW replied:

(1) Yes. The Western Australian Tourism Commission (WATC) has retained a copy.

(2) Yes.

(3)-(4) The steps outlined were:

(i) Development Syndicate to write to CALM asking -

(a) for confirmation that CALM does not intend extending the northern border of Cape Range National Park;

(b) to request, in principle, support subject to the site investigations proving satisfactory for the excision of a suitably sized piece of land from the reserve and return to vacant Crown land under the control of the Department of Land Administration.

(ii) The Gascoyne Development Commission or the WATC to prepare a Cabinet Submission recommending the endorsement of the strategy outlined above and the establishment of an inter-departmental working group of relevant agencies to expedite the project.

(5) Yes.

(6) To bring together CALM, DOLA, the Department of Planning and Urban Development, the Shire of Exmouth and the Gascoyne Development Commission.

(7) Yes.

(8) The WATC met with the above agencies, wrote to the Casino Control Division of the Office of Racing and Gaming and to meet again with the developers - Trade Centre Pty Ltd.

TANTABIDDY CREEK DEVELOPMENT

3088. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Is the Minister aware of a Western Australian Tourism Commission facsimile dated 23 July 1996 to one Eugene Stankevicius which advises the Minister and the Western Australian Tourism Commission Chief Executive Officer to progress the release of the site of the Tantabiddy Creek Development?

(2) In the facsimile is reference made to a joint agency working group?

(3) Was the joint agency working group formed to consider the application by the developers?

(4) Who are or who were the members of the joint agency working group?

(5) On what date or dates did the joint agency working group meet?

(6) Had, as the memorandum refers to, the joint agency working group made any recommendations?

(7) How many recommendations had been made by the joint agency working group?

(8) What recommendations were made by the joint agency working group?

(9) On what date were those recommendations made?

Mr BRADSHAW replied:

(1) As advised in Question 3087, I believe the facsimile in question is one sent by Mr Eugene Stankevicius, an employee of the Western Australian Tourism Commission to the Department of Land Administration in which the Commission is endeavouring to progress the issue of the Tantabiddy Creek development site.

(2)-(3) Yes.

(4) The initial group comprised -

The Shire of Exmouth
The Gascoyne Development Commission
The Department of Conservation and Land Management
The Department of Land Administration
The Department of Planning and Urban Development (now the Ministry of Planning)
The Western Australian Tourism Commission.

(5) 1 March 1995.

(6) Further action points came from that meeting.

(7)-(8) The action points outlined were:

(i) Development Syndicate to write to CALM asking -

(a) for confirmation that CALM does not intend extending the northern border of Cape Range National Park;

(b) to request, in principle, support subject to the site investigations proving satisfactory for the excision of a suitably sized piece of land from the reserve and return to vacant Crown land under the control of the Department of Land Administration.

(ii) The Gascoyne Development Commission or the WATC to prepare a Cabinet Submission recommending the endorsement of the strategy outlined above and the establishment of an inter-departmental working group of relevant agencies to expedite the project.

(9) 1 March 1995.

BED AND BREAKFAST ACCOMMODATION - GOVERNMENT'S POLICY

3116. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Has the -

(a) Western Australian Government;

(b) Tourism Commission,

a policy on the promotion, establishment or use of bed and breakfast accommodation?

(2) If so, what is that policy?

(3) Is it true that the -

(a) Western Australian Government;

(b) Tourism Commission,

discourages the -

(i) promotion;
(ii) establishment;
(iii) operation,

of bed and breakfast accommodation?

(4) What is the reason or are the reasons for bed and breakfast style accommodation being discouraged?

(5) Have promoters of bed and breakfast accommodation been provided with the same level of assistance as promoters of other forms of tourist accommodation?

(6) If so, what assistance has been made available?

(7) If not, why not?

(8) Does the Government/Tourism Commission have any research which indicates that the nature of the market tapped into by bed and breakfast accommodation is -

(a) the same;

(b) different;

(c) partially different,

to other forms of tourist accommodation generally provided?

(9) What does that research indicate?

Mr BRADSHAW replied:

(1) (a)-(b) No.

(2) Not applicable.

(3) (a)-(b) (i)-(iii) No.

(4) Not applicable.

(5)-(6) Yes. The bed and breakfast accommodation sector is well represented by the Bed and Breakfast Association of Western Australia which has a growing membership of over 70 establishments statewide. This association is also a member of the WA Branch of Tourism Council Australia and as such, can avail itself of the WATC initiated National Tourism Accreditation Program. The bed and breakfast accommodation sector is also actively encouraged to take part in the Western Australian Tourism Commission’s cooperative marketing opportunity along with all other sectors of the accommodation industry. Examples of the involvement of many bed and breakfast establishments can be seen in the WATC’s "Winter Breaks" campaign and specialist product promotions. The Western Australian Tourism Commission also provides a comprehensive consultative service to prospective, new and existing operators. This service is supported by referrals from the Small Business Development Corporation and the Bed and Breakfast Association.

(7) Not applicable.

(8) No, the WATC has no research to indicate Bed and Breakfast markets are the same or different or partially different to other forms of tourist accommodation generally provided.

(9) Not applicable.

FINES - IMPRISONMENT FOR DEFAULT

3139. Mr BROWN to the Minister representing the Attorney General:

(1) Did the Attorney General issue a media statement on 3 July 1996 saying that only three people had been imprisoned for fine default since the new fines enforcement system had been introduced in January 1995?

(2) Until 31 December 1997, how many people have been imprisoned for fine default since the fines enforcement system came into place in January 1995?

(3) How many warrants of execution were outstanding as of 31 December 1997?

(4) How many warrants of commitment were outstanding on 31 December 1997?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(1) Yes. However, at the time of issuing the media statement, backlogged matters were still being processed through the system.

(2) 741 persons are recorded as being imprisoned for fine default in the three year period 1 January 1995 through 31 December 1997. In the former system, approximately 6,800 persons were imprisoned for fine default per annum. In the corresponding period, in excess of 20,000 offenders would have been imprisoned if the new system had not been implemented.

(3) As at 31 December 1997, 30,217 warrants of execution were outstanding. The reduction of this backlog is progressively being addressed. It should be noted that in addition to the current workload of some 4,200 court related enforcement matters entering the system each month, there were 118,000 unexecuted warrants from the former system that must be processed.

(4) As at 31 December 1997 there were 1,250 warrants of commitment outstanding. New warrants of commitment are being entered onto the system at the rate of approximately 300 per month.

GOVERNMENT DEPARTMENTS AND AGENCIES - NATIONAL POLICY BODIES

3156. Mr BROWN to the Minister representing the Minister for Mines:

(1) How many national policy bodies does the Minister and each of the departments and agencies under the Minister's control participate on?

(2) What is the name of each policy body?

(3) Does each policy body meet on one or more occasions during the calendar year?

(4) Has the Premier and/or any of the departments or agencies under the Minister's control made representations to that policy body and/or the Commonwealth or other State governments for the policy body to be abolished or changed in any way?

(5) If so -

(a) what was the nature of the submission made;

(b) when was the submission made?

Mr BARNETT replied:

(1) Two.

(2)-(3) (i) The Australian and New Zealand Minerals and Energy Council which usually meets once per year, and

(ii) the Advisory Committee on Transport of Dangerous Goods (ACTDG), which meets every second year.

(4) Yes.

(5) (a) As part of the review of the function of the ACTDG and its subcommittees, the Department of Minerals and Energy suggested the committee structure should be changed to improve operational efficiency.

(b) Submissions were made to the ACTDG during the review period during late 1997 and early 1998.

GOVERNMENT DEPARTMENTS AND AGENCIES - NATIONAL POLICY BODIES

3161. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) How many national policy bodies does the Minister and each of the departments and agencies under the Minister's control participate on?

(2) What is the name of each policy body?

(3) Does each policy body meet on one or more occasions during the calendar year?

(4) Has the Premier and/or any of the departments or agencies under the Minister's control made representations to that policy body and/or the Commonwealth or other State governments for the policy body to be abolished or changed in any way?

(5) If so -

(a) what was the nature of the submission made;
(b) when was the submission made?

Mr BRADSHAW replied:

(1)-(3) In regard to tourism, the Minister is involved in one national policy body, the Tourism Ministers' Council which meets once a year. The Western Australian Tourism Commission sits on the Australian Standing Committee on Tourism - two meetings per year and the Tourism Research Council which meets twice per year and others have been scheduled as required.

(4) No.

(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - NATIONAL POLICY BODIES

3163. Mr BROWN to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) How many national policy bodies does the Minister and each of the departments and agencies under the Minister's control participate on?

(2) What is the name of each policy body?

(3) Does each policy body meet on one or more occasions during the calendar year?

(4) Has the Premier and/or any of the departments or agencies under the Minister's control made representations to that policy body and/or the Commonwealth or other State governments for the policy body to be abolished or changed in any way?

(5) If so -

(a) what was the nature of the submission made;
(b) when was the submission made?

Mr MARSHALL replied:

MINISTRY OF SPORT AND RECREATION

(1) There are two national policy bodies.

(2) Sport and Recreation Ministers' Council (SRMC) and Standing Committee on Recreation and Sport (SCORS). SCORS comprises departmental representatives.

(3) SRMC meets once a year. SCORS meets once or twice a year.

(4) No.

(5) Not applicable.

WESTERN AUSTRALIAN SPORTS CENTRE TRUST

(1) The Western Australian Sports Centre Trust does not participate on any national policy bodies.

(2)-(5) Not applicable.

WESTERN AUSTRALIAN INSTITUTE OF SPORT

(1) One.

(2) National Elite Sports Council.

(3) It meets three times per annum.

(4) No.

(5) Not applicable.

COMMONWEALTH REGIONAL TELECOMMUNICATIONS INFRASTRUCTURE FUND APPLICATIONS

3191. Mr GRAHAM to the Minister representing the Minister for the Arts:

(1) Has any organisation within the Minister's portfolio area made application to the Federal Government for grant funds made available under the Commonwealth Regional Telecommunications Infrastructure Fund?

(2) If yes to (1) above -

(a) for what purpose was the application made;

(b) which organisation made the application;

(c) how many applications were made;

(d) how much funding is each application seeking;

(e) what amount of state funding is committed to each application;

(f) which other State bodies are joint applicants;

(g) which other State bodies have an interest in each application;

(h) on what date was each application submitted;

(i) has the Minister sought discussion with the Federal Minister to support each application;

(j) which Federal Members of Parliament have supported each application;

(k) will the Minister make a copy of each application available?

(3) If no to (1) above, why was no application made?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

ArtsWA

(1) No.

(2) Not applicable.

(3) There has never been any requirement to make such an application.

Library and Information Service of Western Australia

(1) No.

(2) Not applicable.

(3) LISWA has been implementing the Regional Libraries Online Project for the last twelve months. This project has been funded jointly by Federal and State Governments. It is LISWA's intention to apply for funding to extend this project and submissions will be made for the next round.

Art Gallery of Western Australia

(1) No.

(2) Not applicable.

(3) The Art Gallery of Western Australia was unaware of this fund.

Western Australian Museum

(1) No.

(2) Not applicable.

(3) The WA Museum was unaware of this fund.

Perth Theatre Trust

(1) No.

(2) Not applicable.

(3) The Perth Theatre Trust was unaware of this fund.

Screen West

(1) No.

(2) Not applicable.

(3) Screen West was unaware of this fund.

WESTERN POWER - RENEWABLE ENERGY PROJECTS

3250. Dr EDWARDS to the Minister for Energy:

(1) How many staff are employed by the Western Power Corporation?

(2) How many of these staff have direct, full-time responsibilities for renewable energy projects?

(3) Why did Western Power abolish the previous SECWA Renewable Energy Branch?

(4) How much did Western Power spend last year on renewable energy related activities?

(5) What was the total spending of Western Power during last financial year?

Mr BARNETT replied:

(1) There are 3310 staff employed by Western Power Corporation.

(2) Five staff have direct full-time responsibilities for planning and design of renewable energy projects. Additional personnel (currently) have part responsibilities amounting to the equivalent of two full-time staff.

(3) The Renewable Energy Branch has had a number of name changes. Since 1977 the sequence was Energy Research Branch, Renewable Energy Branch, Technology Development Branch and lastly, following its amalgamation with the Environment Branch (to exploit synergies) in early 1996, it became the Energy Technology and Environment Branch. The name "Renewable Energy" was abandoned as it was too restrictive. The Branch has been involved in new energy technologies which do not fit the definition of renewable energy, for example, its investment in Ceramic Fuel Cells Pty Ltd, and its focus on demand management and energy efficiency.

(4) Western Power spent $6.1 million on renewable energy related activities in the 1996/97 financial year.

(5) Western Power's total expenditure before interest, tax and dividends as shown in the profit and loss statement for year ending June 1997 was $981.6 million.

GREENOUGH PRISON

Escapes

3283. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the Greenough Prison how many prisoners escaped from custody in the calendar years -

(a) 1994;

(b) 1995;
(c) 1996;
(d) 1997; and
(e) 1998 (to 1 March)?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(a) 1 minimum security prisoner who absconded from a Section 94 work party.

(b) Nil.

(c) 3 minimum security prisoners. 1 absconded from a Section 94 work party, and 2 escaped from a prison escort vehicle.

(d) 5 medium security prisoners.

(e) Nil.

ROEBOURNE REGIONAL PRISON

Escapes

3284. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the Roebourne Regional Prison how many prisoners escaped from custody in the calendar years -

(a) 1994;
(b) 1995;
(c) 1996;
(d) 1997; and
(e) 1998 (to 1 March)?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(a) 1 minimum security prisoner.

(b) 3 in total. 1 maximum security, 1 medium security and 1 minimum security.

(c) 2 minimum security prisoners. 1 absconded from a Section 94 work party, 1 absconded from court.

(d)-(e) Nil.

LOCAL GOVERNMENT

Compensation for Removal of Rating

3307. Mr GRAHAM to the Minister for Resources Development:

(1) How should a local authority that wishes to seek compensation for the removal of rating under an Agreement Act progress their claim?

(2) What is the budget allocation for such compensation in the years -

(a) 1998;
(b) 1999; and
(c) 2000?

(3) In which Departmental budget is/are the allocation/s contained?

Mr BARNETT replied:

(1) Agreement Acts do not remove the ability of local-authorities to obtain rates from rateable property held under Agreement Act provisions. Local authorities are able to charge rates based on the unimproved value of industrial land and mining tenements. Land for housing or within townsites may be rated on unimproved values or gross rental value in accordance with the Local Government Act.

(2)-(3) Not applicable.

MINISTER'S FAMILY

Government Credit Card Issue

3325. Mr RIPPER to the Minister for Resources Development; Energy; Education:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mr BARNETT replied:

(1) No.

(2) Not applicable.

MINISTER'S FAMILY

Government Credit Card Issue

3337. Mr RIPPER to the Minister representing the Minister for Mines:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mr BARNETT replied:

(1) No.

(2) Not applicable.

MINISTER'S FAMILY

Government Credit Card Issue

3342. Mr RIPPER to the Parliamentary Secretary to the Minister for Tourism:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mr BRADSHAW replied:

(1) No.

(2) Not applicable.

PARLIAMENTARY SECRETARY'S FAMILY

Government Credit Card Issue

3344. Mr RIPPER to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mr MARSHALL replied:

(1) No.

(2) Not applicable.

SALE OF GOVERNMENT ASSETS OVER $1 MILLION

3422. Dr GALLOP to the Minister representing the Minister for Finance:

Will the Minister provide the following details for all Government owned assets sold since January 1993 (excluding

land and building sales undertaken in the ordinary course of business, for example land sales undertaken by the Department of Land Administration), in both the general government and government trading enterprise sector of their portfolio areas, which had a sale value of $1 million or more -

(a) name and nature of the asset;

(b) date sold;

(c) nature of sale and name of buyer;

(d) proceeds received from the asset;

(e) associated revenue from the sale, such as stamp duty;

(f) the application of the funds received; and

(g) any associated costs incurred in the sale process?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department

Not applicable to State Revenue Department

Insurance Commission of Western Australia

(a) SGIO Insurance Limited, general insurance business

(b) 31 March 1994

(c) Public float

(d) $129.4 million

(e) $400,000 (interest on float account)

(f) Moneys realised from the sale of SGIO Insurance Limited were used to reduce the overall deficit of the Insurance Commission

(g) $10.8 million (privatisation costs)

This reply does not include details of the sale of investment assets as there have been over 1,000 transactions with a sale value in excess of $1 million since January 1993. The Insurance Commission has sold four (4) investment properties for more than $1 million each since January 1993, however, details of these have not been provided as the properties form part of the investment portfolio and the sales were undertaken in the ordinary course of business.

Government Employees Superannuation Board

The Government Employees Superannuation Board has not sold any organisational assets since January 1993 which had a sale value of $1 million or more. With respect to investment assets, it is not practicable to provide an answer to this question with respect to the Government Employees Superannuation Board. As a financial institution, the Board is trading assets valued in excess of $1,000,000 in the ordinary course of its investment operations. The bulk of these assets includes equities and fixed interest securities, which are traded by both the Board's Investment Division and its external managers.

Valuer General's Office

The Valuer General's Office has not sold any government owned assets since January 1993 which had a sale value of $1 million or more.

SALE OF GOVERNMENT ASSETS OVER $1 MILLION

3424. Dr GALLOP to the Minister representing the Minister for Racing and Gaming:

Will the Minister provide the following details for all Government owned assets sold since January 1993 (excluding land and building sales undertaken in the ordinary course of business, for example land sales undertaken by the Department of Land Administration), in both the general government and government trading enterprise sector of their portfolio areas, which had a sale value of $1 million or more -

(a) name and nature of the asset;
(b) date sold;
(c) nature of sale and name of buyer;
(d) proceeds received from the asset;
(e) associated revenue from the sale, such as stamp duty;
(f) the application of the funds received; and
(g) any associated costs incurred in the sale process?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Lotteries Commission

(a)-(g) Not applicable.

Office of Racing, Gaming and Liquor
Burswood Park Board
Western Australian Greyhound Racing Association

(a)-(g) Not applicable.

Totalisator Agency Board

(a) (i) Lewara Pty Ltd (Parent of Western Broadcasting Cor (Radio 6PR).
(ii) Land - Lots 160 and 161 Hasler Road, Osborne Park.
(iii) Land - 10 Walter Drive, Osborne Park.
(iv) Land and Buildings - 847-849 Hay Street, Perth.

(b) (i) 1.12.1994
(ii) 6.2.1997
(iii) 2.5.1997
(iv) 12.5.1997

(c) (i) Disposal of commercial radio licence. Sold to Southern Cross Broadcasting (Aus.) Ltd.
(ii) Disposal of surplus property. Luca Investments Pty Ltd.
(iii) Disposal of surplus property. Brown C & CM.
(iv) Disposal of surplus property. Sansom Nominees Pty Ltd.

(d) (i) $5,253,000
(ii) $1,231,475
(iii) $1,216,458
(iv) $1,341,629

(e) (i) (a) Advertising on 6PR - Racing Codes $ 360,000
Non-profit Orgn $ 6,115,000
Sporting teams $ 360,000
State Govt $ 120,000

(b) Stamp Duty $ 31,518

(ii) Stamp Duty $48,225
(iii) Stamp Duty $47,588
(iv) Stamp Duty $53,325

(f) (i) Loan repayment $ 533,000
(ii) Betting terminal replacement $1,000,000
(iii) Capital Grant (racing clubs) $2,420,000
(iv) General Reserve $1,300,000

(g) (i) Nil.
(ii) Advertising $ 8,854
(iii) Advertising $ 8,852
(iv) Advertising $13,349

COLLIE POWER STATION

Pacific Power Contract

3436. Mr THOMAS to the to the Minister for Energy:

With regard to the recent announcement that the new Collie Power Station will be operated and maintained by a company called Pacific Power International -

(a) will the Minister confirm that Pacific Power is the business name for the government owned, New South Wales Electricity Commission;

(b) will the Minister explain how the NSW Electricity Commission is managing a facility owned by the Western Australian public utility, Western Power;

(c) was Western Power allowed to tender for the contract to operate this power station; and

(d) If not, why not?

Mr BARNETT replied:

(a) No. The New South Wales Electricity Commission was split into three separate corporatised generation utilities in 1996. The three corporatised generation utilities are Delta Electricity, Macquarie Generation and Pacific Power.

(b) Western Power received 52 Expressions of Interest to operate and maintain Collie Power Station. The 52 applicants consisted of international and Australian generation utilities and private companies. The final bidders were three American utilities (Pacific Corp, Duke Fluor Daniel, Energy) and the Australian utility, Pacific Power. Pacific Power was the lowest price bidder.

(c) A benchmark analysis established the cost for Western Power to operate and maintain the power station. All bidders had to be lower than this benchmark cost to be considered.

(d) Not applicable.

ABORTION CHARGES

Attorney General's Role

3553. Mr PENDAL to the Minister representing the Attorney General:

I refer to the article by Matt Price in *The Australian* of 4 April 1998 about the role of the Hon. Cheryl Davenport, MLC, and the Attorney General in the abortion debate -

(a) did Ms Davenport telephone the Attorney General with the request that he check the basis of the charges against Dr Chan with the Director of Public Prosecutions (DPP);

(b) did the Attorney General telephone the DPP;

(c) on what basis did the Attorney General explain to the DPP his need for any pre-knowledge of the case;

(d) did the Attorney General at any time ask the DPP to delay the laying of the charges in this case;

(e) is it correct that the Attorney General telephoned Ms Davenport within half an hour to say: "Cheryl, there is a prima facie case to answer.";

(f) if there was a prima facie case to answer, can the Attorney General say why he then decided to introduce the so-called Foss Bill into Parliament;

(g) upon what basis and on whose authority did the Attorney General pass on confidential information to Ms Davenport;

(h) does the Attorney General acknowledge that such a leak to Ms Davenport constitutes a clear departure from the normal strict confidentiality with which pre-charge prosecution matters are treated;

(i) does the Attorney General acknowledge that among the sound reasons for strict confidentiality are that -

  (i) it protects witnesses from intimidation;

  (ii) it protects the integrity of any on-going surveillance or other investigation of other offences; and

  (iii) it guards against situations by which premature notice can prompt suspects to flee a jurisdiction;

(j) does the Attorney General acknowledge that Ms Davenport's comments on the Attorney General's inquiries of the DPP may have influenced potential jurors;

(k) is the Attorney General satisfied that his behaviour in this incident is consistent with that of an Attorney General discharging his duty as the first law officer of the State; and

(l) will the Attorney General indicate if he has ever previously made such an approach to the DPP and, if so, in what circumstances?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(a)-(l) The question is misconceived. I was asked whether the prosecution was as a result of a change of policy. I was informed that it was not - the policy remained the same and on the basis of that they recommended prosecution. I so advised Hon Cheryl Davenport. Of course there is thought to be a prima facie case. In the absence of such a belief it would be improper to recommend. That is policy required by practice and the published Guidelines. Rather than confidential information it is a public necessity. What is important is that the public be aware there was no change in policy and the DPP and I both made public statements to this effect.

The member's questions evidence a failure to understand the process of the DPP or prosecutions. My conduct was not only consistent with my office but demanded by it in view of the incorrect rumours relating to a campaign by the DPP against abortions.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Auditor General's Report

3607. Dr EDWARDS to the Minister for the Environment:

What measures have been taken by the Department of Environmental Protection to rectify problems identified by the Auditor General in his report on Ministerial Portfolios, concerning -

(a) non-current assets, and

(b) depreciation expenses?

Mrs EDWARDES replied:

The Department of Environmental Protection has developed a detailed assets maintenance and recording procedure, including non-current assets. The procedure includes specific provision for:

- control over acquisition and disposal of assets;
- correct treatment of depreciation expenses;
- appropriate systematic reporting for statutory purposes.

The procedural document has been developed in compliance with the provision of the Financial Administration and Audit Act and Australian Accounting Standards. In addition, a dedicated specialist officer has been assigned to complete the department’s Asset Register, to achieve compliance with legislative requirements by 30 June 1998. These tasks are being undertaken in close consultation with the Office of Auditor General, to ensure that all concerns are fully addressed.

GREENHOUSE GAS REDUCTION

3613. Dr TURNBULL to the Minister for the Environment:

What action is the State Government taking on Greenhouse Gas reduction in order to meet the Western Australian component of Australia's Greenhouse Gas reduction commitment made at the Kyoto Conference?

Mrs EDWARDES replied:

Western Australia’s component of Australia’s greenhouse gas reduction commitment made at the Kyoto Conference of the Parties in December 1997 will form part of the National Greenhouse Strategy, due for finalisation around the middle of 1998. However, it is unlikely that individual jurisdictions and sectors will have specific quotas or allocations.

The State Government has recently established a WA Greenhouse Council. The Council will include chief executive officers from relevant Government departments, representatives from peak industry bodies such as the Chamber of Commerce and Industry and Chamber of Minerals and Energy, representatives from relevant community groups and includes individuals with relevant expertise. The WA Greenhouse Council will provide Government with advice on matters such as:

. Achievement of the objectives and targets within WA of the National Greenhouse Strategy and Framework Convention on Climate Change;

. Co-ordination of WA's contribution to the national greenhouse gas inventory;

. Provision of advice to the WA Government on climate change matters;

. Strategies for monitoring and reporting on the implementation of the National Greenhouse Strategy and the WA Greenhouse Strategy;

. Climate change policies and programs in other jurisdictions; and

. Methods of informing and raising awareness about climate change and greenhouse response in the community.

Other proposed initiatives include:

. Continued WA representation in national greenhouse fora such as the Council of Australian Governments and State/Commonwealth High Level Group;

. Updating the WA Greenhouse gas emissions inventory;

. Undertaking an economic impact analysis and costing of implementation of the National greenhouse Strategy and other Commonwealth measures for WA;

. Establishing a Performance Contract Program for energy efficient government occupied buildings; and

. Establishing an Energy Efficiency Support Program for industry and commerce.

An initial allocation has been made by the Department of Treasury for $1.075 million over 5 years, divided between the Departments of Resources Development, Environmental Protection, Treasury and the Office of Energy.

NARROWS BRIDGE EXTENSION

3654. Ms WARNOCK to the Minister for the Environment:

(1) Has the planned extension of the Narrows Bridge and associated works been referred to the Minister's Department for Environmental Impact Assessment?

(2) If not, why not?

(3) If so, what was the outcome of the referral?

(4) What advice has been provided to the Minister in regard to the proposed extension of the Narrows Bridge?

(5) Will the Minister table a copy of all advice received which pertains to the environmental impact of the proposed bridge widening?

(6) If not, why not?

Mrs EDWARDES replied:

(1) No referral under Section 38 of the Environmental Protection Act 1986 has been received by the Environmental Protection Authority (EPA) on the proposed extension of the Narrows Bridge and associated works.

(2) Main Roads Western Australia advise that they intend to refer the proposal for the extension to the Narrows Bridge to the EPA in approximately one months time. Main Roads are currently formulating the referral documentation.

(3) Not applicable.

(4)-(6) As no referral has been received by the Environmental Protection Authority, no advice has been forwarded in relation to the proposed extension of the Narrows Bridge. Therefore I cannot table any information relating to the potential environmental impacts of the proposed bridge widening.

QUESTIONS WITHOUT NOTICE

CONVENTION CENTRE

1110. Dr GALLOP to the Premier:

I refer to the Premier's intention to allocate $100m of taxpayers' money and land towards the construction of a convention centre in Perth and ask -

(1) What is the value of the two government-owned parcels of land that are being considered as sites for the new convention centre?

(2) What reports have been prepared for the Government on the viability of a new convention centre?

(3) Are all of those reports available for public scrutiny; and, if not, will the Premier table them so they can be scrutinised by the public?

Mr COURT replied:

(1)-(3) Studies on a convention-exhibition facility have been undertaken. The industry has been pressuring the Government for some years for this to occur. I can see no reason that those reports cannot be made public, and I will make inquiries of the Western Australian Tourism Commission, which has done some work in that regard. The reports show the benefits that flow from having a dedicated centre. It is common knowledge that dedicated convention and exhibition centres lose money, but, on the other hand, they are the catalyst for bringing large conventions to a city. Unlike Brisbane, Melbourne and Sydney, we do not have the ability to cater for large conventions because we do not have a suitable facility.

Mr McGowan: What about Burswood Resort Casino?

Mr COURT: For some years, the Burswood people have been putting up proposals to expand their facilities, because they have difficulties in being able to host major conventions and exhibitions. Burswood Resort Casino is currently hosting the LNG 12 conference, which has required the construction of a lot of temporary accommodation. That exhibition is incredibly professional. Any member who has an interest in not only the LNG industry but also how exhibitors can display themselves will not find a better range of exhibits anywhere in the world.

The value of the parcels of land will depend on which site is chosen. One of the studies that was done was to identify suitable sites. The first preferred site is in front of the busport on the river, which is regarded as a very good waterfront location for such a facility. The second site is on railway land between the railway station and the freeway, with a piece of land in the middle of that site being privately owned. That would have to be incorporated. If that site were used, there would need to be cooperation with the owners of that land; that is, Kerry Stokes and the entertainment centre. The park next door to it was originally to be the home for the Channel 10 studios when that licence was first discussed. I cannot give a valuation for all of the sites being considered, but I can find them out for the alternative sites.

Dr Gallop: Surely the Government had some valuations when it made its decision. Is it a bit like Global Dance; you didn't bother about valuations?

Mr COURT: The Opposition has come out very critical of this proposal.

Dr Gallop: Underline the word "very".

Mr COURT: The Opposition has been "very" critical of this proposal!

Dr Gallop: That's good. I like that.

Mr COURT: We propose to put out expressions of interest outlining the types of facilities we would like to see incorporated in a development. We envisage that the development will incorporate many facilities, including theatres, possible sporting facilities and the like.

Ms McHale: How many theatres?

Mr COURT: How many does the member want?

Ms McHale: How many are you proposing?

Mr COURT: If those opposite tell us their wish list, we will see whether we can accommodate them.

It will be interesting to see the proposals that come forward for this development. As I have said, we have a completely open mind in that regard. They will be properly analysed. If it is of interest to the Leader of the

Opposition, I am sure at appropriate times we will brief him on the processes being followed through, leading up to whether a decision is made for the private sector to go ahead with such a concept.

MURDOCH DRIVE AND MANDURAH BYPASS TRAFFIC LIGHTS

1111. Mr NICHOLLS to the Minister representing the Minister for Transport:

The need for traffic lights at the corner of Murdoch Drive and the Mandurah bypass has been raised on a number occasions. Can the Minister indicate whether this intersection is seen to warrant traffic lights by the Department of Transport?

Mr OMODEI replied:

The Minister for Transport has provided the following response. Yes, the traffic control signals will be installed towards of end of 1998. The project is contingent on the application for federal government black spot funding in the 1998-99 year being approved. The member for Mandurah is to be commended, once again, for being very diligent on this important issue. It has been raised with the Minister for Transport and we look forward to the Federal Government cooperating and providing the necessary funds.

HEALTH FUNDING

1112. Mr McGINTY to the Treasurer:

(1) Can the Treasurer confirm that the budget deficit for metropolitan hospitals for 1997-98 is still projected to be between about $55m and $60m, as stated by the Minister for Health in this place on 7 April, and that the health budget is expected to show a deficit of the same order?

(2) Can the Treasurer also confirm that the 1998-99 Budget includes only $60m in additional recurrent funding for our public hospitals?

Mr COURT replied:

(1)-(2) No, we cannot confirm what the deficit in the hospitals will be for the current financial year. The member received a briefing from Treasury officers yesterday. They made is clear that a figure could not be put on a deficit position when there is still three months to go. Like any other business, the hospitals will do what they can to live within their budgets. Of course, members will know the final outcomes because those figures must be published.

No-one denies that the health and public hospital system is under considerable pressure. In relation to those figures it is premature to say that.

Mr McGinty: Will there be a deficit?

Mr COURT: We will wait to see what the outcome is. The negotiations with the Federal Government are of concern to this State. The Government has not been able to reach agreement with the Federal Government. It has put a proposal to Western Australia in relation to some additional funding which is simply not acceptable. The strategy this Government is using in its negotiations with the Federal Government has been supported even by Labor Party people. They support the strategy we have been trying to work through with the Federal Government.

Mr McGinty: We have never supported you walking out of the Premiers' Conference.

Mr COURT: Identifiable Labor Party people support the strategy the Government is using, and the member knows that.

Mr McGinty: I have said that I support this Government holding out for more money, but I have never supported the strategy it is employing.

Several members interjected.

The SPEAKER: Order!

Mr COURT: Even branches of the Australian Labor Party publicly support our proposal.

Mr Cunningham: Which branch meetings have you been to?

Mr COURT: I will name one branch. I receive a lot of correspondence from the Labor Party, but I refer to one letter I have received from the Warilla-Mt Warrigal branch of the ALP as follows -

Dear Premier,

At a recent meeting of Warilla/Mt. Warrigal Branch of the Australian Labor Party a motion was passed congratulating yourself and your colleagues on your stance against cuts to Health Services.

We are happy that you have crossed political barriers to protect the health and well being of ordinary Australians.

Yours fraternally

Marianne Saliba
Honorary Secretary

That branch wrote to me supporting this Government's health initiatives.

HEALTH FUNDING

1113. Mr McGINTY to the Premier:

In light of that response, as the extra money for hospitals will do no more than pay last year's debt, how does the Government expect to reduce elective surgery waiting lists? Does it have a strategy or has it simply given up completely?

Mr COURT replied:

Again, the member has made an assumption about deficits. It is no secret that this State requires additional funding. It has allocated $90m, a large component of which goes into the recurrent section of the Budget. The proposals put to Western Australia in recent weeks by the Federal Government to address that issue are quite inadequate and, contrary to the press statement released yesterday by Dr Wooldridge, a certain amount of money is not guaranteed to the States. I am currently pursuing that issue with the Federal Government.

CAT CONTROL LEGISLATION

1114. Mr TRENORDEN to the Minister for Local Government:

Will a cat Act or a similar type of legislation, to control the very negative impact cats have on native fauna, be introduced in the Legislative Assembly in the foreseeable future?

Mr OMODEI replied:

I share the view of the member for Avon that urban, stray and feral cats are significant predators on the unique fauna of this State. However, as the nature of the problem, and therefore its solution, differs from inner city to fringe metropolitan and desert areas, a uniform cat Act is not the answer to the problem.

The Local Government Act allows councils to introduce cat local laws that limit ownership, require registration and provide for strays to be impounded and destroyed. To date, several councils, including the Shires of Carnarvon and Dardanup, have introduced such local laws and many others have the matter under close consideration and will follow suit. Accordingly, the Government has no plans to introduce cat legislation.

PUBLIC HOSPITALS FUNDING

1115. Mr McGINTY to the Treasurer:

(1) Did the Minister for Health tell the truth when he told *The West Australian* that the Health Department had received Treasury approval to override government policy by selling assets, including land, to bail out Western Australia's public hospitals?

(2) If so, will the Treasurer table the Treasury approval?

(3) What hospital land has been considered or earmarked for sale to meet the hospital budget deficit?

Mr COURT replied:

(1)-(3) It is not the Government's policy to use asset sales for recurrent expenditure.

I have been advised that approval has been given for the moneys from the sale of, I think, some land at Mt Henry Hospital to be used for restructuring in the short term. All the savings must go directly into capital works. I am prepared to provide that information to the member.

NURSES' PAY CLAIM

1116. Mr McGINTY to the Treasurer:

If the only land the Government has earmarked, or even considered, for sale in order to raise money for the hospital deficits is at the Mt Henry Hospital, and if Treasury will not allow land sales to fund recurrent expenditure, how does it expect to be able to give the nurses their deserved pay rise?

Mr COURT replied:

The pay rises for nurses and for other people right across government have all been built into the Government's forward estimates.

KWINANA FREEWAY TRAFFIC LIGHTS

1117. Mrs HOLMES to the Minister representing the Minister for Transport:

I commend the Minister for his action which will resolve the Kwinana Freeway's unworkable traffic situation.

When is it anticipated that the traffic lights will be removed from the freeway and the building of the bridge will commence?

Mr OMODEI replied:

The Minister for Transport provided the following response, which is a similar answer to that given to a question asked recently in the House. However, it is a very important issue.

The recently announced major capital works program, Transform WA, includes a number of improvements to the existing freeway, such as the widening of the Narrows Bridge and approaches, the provision of dual dedicated bus lanes from Perth to South Street and the replacement of traffic signals with interchanges. This initiative also includes the extension of the freeway to Safety Bay Road. These road improvements and public transport enhancements will result in less congestion, reduced travel times and reduced fuel costs for motorists, as well as to provide a viable alternative to the private car.

In addition, the State has applied for funding under the Federal Government's roads of national importance program to enable the freeway to be further extended to Mandurah.

Expressions of interest have already been called for the design and construction to replace the traffic signals at the intersections of the Kwinana Freeway and Berrigan Drive, and Forrest, Russell, Rowley and Anketell Roads as part of this project. A contract will be awarded by the end of this year.

Bridge works will commence by mid-1999 and the whole project will be completed by December 2000.

GOVERNMENT CHARGES INCREASES

1118. Dr GALLOP to the Premier:

A week ago in this place the Premier was unable to say what the overall impact of higher government charges announced last month would be on the annual household budget in dollar terms.

Is he now able to say what those higher charges and other revenue raising measures announced in the Budget will cost the average family a year or does he not care?

Mr COURT replied:

It is difficult to come up with an average family cost.

Dr Gallop: It is not difficult, Premier!

Mr COURT: It is very difficult. As I said in the budget speech, the average family's portion of state debt is about $1 100. If the Leader of the Opposition wants some specific calculations, and the basis of those calculations, I will provide them.

Mr Kobelke interjected.

The SPEAKER: Order! Members know that they cannot interject from all over the Chamber. Interjections should cease unless members want question time stopped.

Mr COURT: It does not seem to mean anything to members opposite that this State's debt in five years has reduced from $8.3b to $4.8b.

Several members interjected.

Mr COURT: I now cite some figures on state fees and fines. The percentage of our revenue raised in taxes, fees and fines as a percentage of our gross state product has risen from 4.9 per cent when members opposite were in government, to the current 5.2 per cent. If members opposite are interested, at the same time grants from the Grants Commission have been cut by $778m. At the same time, we have lost our ability to tax in fuel, liquor and tobacco. Therefore, a very narrow tax base now applies. If members take into account the decline in our Grants Commission moneys, they will find that we have been very moderate in that area.

HMAS *SWAN*

1119. Mr MASTERS to the Minister for Fisheries:

Some notice of this question has been given. HMAS *Swan* was sunk in Geographe Bay on 14 December last year to create a world-class dive wreck.

Dr Gallop interjected.

The SPEAKER: Order! I remind members that shortly they will have the opportunity in Parliament to speak to, or vent their spleen on, the Budget. We want to conduct a reasonable question time without too many interjections.

Mr MASTERS: HMAS *Swan* was sunk to create a world-class dive wreck. Since then, some 6 000 divers have visited the *Swan*. What restrictions have been placed on fishing and spear fishing around the *Swan,* and what future actions are required to provide permanent protection from the wreck site?

Mr HOUSE replied:

The member for Vasse approached me in early April about the site of the HMAS *Swan*. He was concerned, along with other people involved in recreation fishing in that area, that people were taking advantage of what was intended to be a dive site and observation area. We wanted people to enjoy, but not to remove fish from, the area. On 17 April, I implemented regulations which prevented people taking fish from within 200 metres of the wreck. In due course, we will undertake a full consultation process with local authorities and fishing groups to put in place, with their agreement, a more permanent arrangement to prohibit fishing within 500 metres of the site.

Dr Gallop: Are a few of Chris Corrigan's companies down there with the wreck?

Mr HOUSE: Even though members of the Opposition do a lot of fishing in this place, they will not be able to fish around HMAS *Swan*.

STATE POVERTY TASK FORCE REPORT

1120. Ms ANWYL to the Minister for Family and Children's Services:

I refer to the report of the state Poverty Task Force commissioned by the State Government in 1996 and completed in December 1997.

(1) Why has this report still not been made public when it was presented to the Minister more than four months ago?

(2) Has the Minister presented the report to Cabinet, and if so, did Cabinet consider the report before increasing taxes and charges in the recent state Budget?

(3) Will the Minister table the report today; if not, when will she do so?

Mrs PARKER replied:

(1)-(3) I thank the member for this question. The Poverty Task Force was established by the former Minister for Family and Children's Services as an initiative during the decade for the eradication of poverty. It is an important task force. During the past year, the chairman of the task force requested that its reporting time be extended in the light of the breadth of work to be undertaken, to which I agreed.

When that document was presented to me, the time frame requested was that we report back by June or July. We are on target. We are presently seeking responses to the recommendations of the task force from a range of government agencies. I am confident that we will be able to report to Parliament in the time frame requested by the task force committee.

MIGRATION TO WESTERN AUSTRALIA

1121. Mrs VAN DE KLASHORST to the Minister for Ethnic and Multicultural Affairs:

Will the Minister please advise the House of the level of migration into Western Australia?

Mr BOARD replied:

I thank the member for that question. Some debate has occurred about levels of migration into Australia. Members might be surprised to know that the level is a total of 73 000 into Australia, with some adjustments on refugee status on a year to year basis. Of that number, Western Australia receives 9 000 migrants, which is ahead in percentage terms of its population. We also suspect that cross-border migration occurs between the Eastern States and Western Australia. That is because Western Australia is seen as a State of opportunity in which small business flourishes.

Many of the migrants coming to Western Australia are self-employed and initiate small businesses, consequently generating additional employment for Western Australia.

One of the issues debated recently was the level of family reunion versus skilled migration. A very high percentage of skilled migrants are coming into Western Australia.

RALLY AUSTRALIA YOUTH PROJECT

1122. Ms ANWYL to the Minister for Family and Children's Services:

(1) What action has the Minister taken to investigate the alleged rorts occurring in the Rally Australia youth project?

(2) Is it true that the children of prominent racing driving families were improperly selected to take driving and navigating positions in two of the three teams funded by her department in place of disadvantaged young people?

(3) Is it also true that the government worker paid to coordinate the project took the place of a disadvantaged young person as driver of one of the department's cars in a rally last month?

(4) How much is allocated in the 1998-99 Budget for this project?

Mrs PARKER replied:

(1)-(4) I cannot give a specific amount off-hand; however I undertake to do so in the next day or so. That will not be a problem. The Rally Australia youth project is very positive and has benefited over 300 Western Australians since it began in 1994. It is important to understand that the purpose of the Rally Australia youth project was to provide a forum for marginalised and at risk youth to have a chance to participate in a mainstream activity.

Several members interjected.

The SPEAKER: Order! We are all entitled to hear the answer. We cannot hear it clearly if several members are interjecting virtually by catcalls across the Chamber.

Mrs PARKER: Thank you, Mr Speaker. The question relating to what has been achieved can be responded to with employment opportunities, results and so on. Youths find themselves in employment later on as a result of the skills gained through participation in the project. I repeat: The purpose of the project is to provide a forum for marginalised and at risk youth to have a chance to participate in a mainstream activity in a mainstream environment. The project provides not only skills for young people and direct links to employment but also enhances community awareness of young people and their abilities and promotes self-esteem and communication.

Dr Gallop: Answer the question.

The SPEAKER: Order!

Mrs PARKER: It is important to hear the context. The project increases confidence, skills and team building. A project such as this will not result in the same benefit to marginalised youth if it targets that group exclusively. The project has broad community support. It has strong support from sponsors, including the Lotteries Commission, Oceanfast Marine Pty Ltd, the Royal Australian Air Force and Shell Australia Limited.

Ms Anwyl interjected.

Mrs PARKER: I will give the specific budget allocation to the member. I am confident that this project will continue to provide benefits to young people in Western Australia, as it has over the past few years.

RALLY AUSTRALIA YOUTH PROJECT

1123. Ms ANWYL to the Minister for Family and Children's Services:

As a supplementary question, will the Minister suspend funding for this project pending the outcome of the inquiry into the alleged rorts?

Mrs PARKER replied:

I have undertaken discussions with people in the department and made inquiries of the sector of people who are involved in the project. I am confident that this project will continue to be of benefit to children in Western Australia. I have absolutely no intention of suspending funding, because the project has had good results. I am confident it will continue to have good results. It is extraordinary that the Opposition should criticise a different initiative which provides a whole range of skills for marginalised young people to enable them to build skills of communication and skills in other activities, and find themselves benefited. It is outrageous that the Opposition will not support such an effective program.

BUILDING AND CONSTRUCTION INDUSTRY TASKFORCE

1124. Mr BLOFFWITCH to the Minister for Labour Relations:

Some in the trade union movement have claimed that the Building and Construction Industry Taskforce is anti-union. Does the Minister have any figures to disprove these ill-founded accusations?

Mr KIERATH replied:

The role of the Building and Construction Industry Taskforce has been to ensure that everybody working in the industry, including major builders, subcontractors, employees and trade union officials, obeys the industrial relations laws and other laws, such as the Criminal Code.

Ms MacTiernan: How many builders have you prosecuted?

Mr KIERATH: If the member holds her breath, I will give the answer. There have been several successful prosecutions of union officials and employers. In the statistics that the task force gave me, two figures particularly attracted my attention.

The charges pending against union officials is seven and the charges pending against employers is 39; albeit 27 against one particular person. To give members opposite a summary of charges against unions under the Industrial Relations Act, there have been seven convictions and there are none pending at the moment. There have been four convictions of employers and two are pending. Under the Criminal Code which applies to every citizen in the State, there has been one conviction of unions and there are seven pending. There have been six convictions of employers and there are 39 pending. Everyone who is involved in criminal conduct is being investigated and appropriate charges will be brought against offenders whether they be union officials or employers. The only reason the unions are worried about the task force is that they are learning about what will happen if there is misbehaviour and criminal conduct in the building industry in this State.

DIESEL BUSES

1125. Ms McTIERNAN to the Premier:

Does the Premier agree with the Minister for Resources Development that it is ironic that the Government is purchasing 128 diesel buses when at the same time the Government is busy promoting the economic and environmental benefits of gas at a major industry conference in Perth? Is the Minister for Resources Development correct when he says the Minister for Transport is having another look at the decision to buy diesel instead of gas-powered buses?

Mr COURT replied:

The Minister for Transport has not stopped looking at this option for many years and has given a great deal of support to the research programs carried out in the State; that is, the buses that have been converted here to support -

Ms MacTiernan: That is old technology.

Mr COURT: - Western Australian based technology, which the member describes as old technology. The Minister for Transport has made it clear that we have deliberately entered into a contract that gives us flexibility. We would much prefer to have an all-gas fleet but the manufacturers - the suppliers - cannot give us the guarantees that are required to run a fleet of buses.

Ms MacTiernan: The Minister for Transport's facts and figures have been shown to be wrong. Is the Premier prepared to give us a panel of independent experts?

Mr COURT: I had a conversation with the major distributor of gas in this State which was very keen to have a new fleet of all gas-fired trucks and it could not get an engine manufacturer to give it guarantees on the trucks because of the difficulties with technology. We are in a similar situation.

Ms MacTiernan: That is simply not true.

Mr COURT: We hope that Mercedes will provide us with reliable gas buses with guarantees and we will be the first to receive them when those commitments are made.