



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
2000

LEGISLATIVE ASSEMBLY

Wednesday, 21 June 2000

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 12 noon, and read prayers.

REGIONAL PARK, AUSTRALIND

Petition

Dr Edwards presented a petition bearing the signatures of 309 persons regarding the elbow lands near Australind, and requesting that the area be included in a regional park.

[See petition No 129.]

STATE EQUESTRIAN CENTRE

Petition

Mrs van de Klashorst (Minister for Family and Children's Services) presented a petition bearing the signatures of 20 persons stating that the City of Swan is not entitled to sell the State Equestrian Centre on the ground that it was a gift to the equestrian community, and asking for help in this matter.

[See petition No 130.]

APPROPRIATION (CONSOLIDATED FUND) BILL (No. 4) 1999

Returned

Bill returned from the Council without amendment.

GOVERNMENT RAILWAYS (ACCESS) AMENDMENT BILL 2000

Third Reading

MR COWAN (Merredin - Deputy Premier) [12.05 pm]: I move -

That the Bill be now read a third time.

Last night at the conclusion of the consideration in detail debate, I moved to have this question put before the House today rather than last night because I wanted advice from the Minister for Transport on an issue raised by the member for Armadale during the consideration in detail.

It was a rather minor amendment which would certainly have no significant impact on the main principles of this Bill, and I regarded it as an administrative issue. I thought the proposal by the member for Armadale was quite sensible and would facilitate the administrative responsibilities of the commissioner. I indicated at the time that it would be most unusual for a minister representing a minister in another place to agree to an amendment, notwithstanding the merits of that amendment, without first referring to the responsible minister. I have now done that. The Minister for Transport acknowledges the merit of the proposal by the member for Armadale but has indicated that because it is such a small matter, he is not prepared to accept the amendment as in his view time is now of the essence.

I do not want members of Parliament to accuse me of telling them how to go about their business, but I am about to do that. This legislation was on the Table for three weeks, which is a requirement for all Bills that are not declared urgent. Members had every opportunity to scrutinise the legislation during that period. Had the amendment proposed by the member for Armadale been placed on the Notice Paper, the responsible minister would have had an opportunity to consider it and decide whether it should be accepted. Because of the processes in this Parliament, the Government must now reject the proposal because I had not previously discussed the matter with the responsible minister and he was not available when the amendment was being debated last night. If the Government agreed to that amendment in the Legislative Council, it would be necessary for the Bill to be returned to this House with a message from the other place and to be reconsidered. Consideration of the amendment would not take a great deal of time, but the procedure would.

I acknowledge that the Legislative Assembly could have made a decision last night to accept the amendment, but it chose not to do that on the basis of my advice that I was not prepared to accept the amendment without first discussing it with the Minister for Transport. The lesson to be learnt from this is that, although the House has the right to make an immediate decision on amendments placed before it on an ad hoc basis, when the legislation is being dealt with by a minister representing another minister, and the representing minister would be reluctant to accept an amendment without first referring it to the responsible minister, it would be advisable for members to put amendments on the Notice Paper so they can be properly considered.

I indicated to the member for Armadale that I would advise her about her amendment during the third reading stage. The minister and I agree that the amendment is sensible. However, given that it will make no difference to the way in which those appointments are made, the minister is not prepared to further delay the passage of this legislation by having a message returned to this place. A message may be returned in any event as the other House has a right to make a decision. However, the minister will not make that return automatic by seeking to amend his own legislation.

MS MacTIERNAN (Armadale) [12.10 pm]: I accept, to some extent, the criticism of the Deputy Premier. He has obviously been the beneficiary of a seat on the government benches for so long that he has forgotten what it is like to be in opposition when one must do all the work oneself. I have calculated that I am up against 35 different government agencies; I write my own amendments; and I conduct my own research into this legislation. It is true that often things are not done well in advance because of the constraints of those resources. I also make the point that often legislation is read into this place which never sees the light of day. The Australian Labor Party therefore waited around to see if this Bill would ever emerge from its status as the subject of a press release into something that would be allocated parliamentary time. We have done a great deal of work on the Planning Appeals Bill, for example, which has been on the Notice Paper now for about a year and is still not making a great deal of progress. To some extent, we wait to see whether the Government will proceed with legislation as, in our experience, the mere introduction of the legislation into this place is no guarantee that the Government is serious about proceeding with it. However, I appreciate the difficulties. Some further amendments of a more substantive nature may be moved in the upper House and, if successful, would indicate that we should perhaps consider making this small change concurrently.

I place again on the record that the ALP has supported this legislation as it supports competition on those parts of our rail network which it, together with the Productivity Commission, describes as lines that are other than low volume regional rail; in other words, rail systems where intra-modal competition is desirable. The most notable of those systems is the Kalgoorlie to Kwinana line. We are very keen to establish competition on that line as we recognise that competition is necessary to introduce vibrancy into the rail industry that will assist in its gaining a greater degree of market share. There is a range of reasons, certainly sound environmental and economic reasons, that we should be doing this. Rail freight is between two and a half to four times more fuel efficient than road freight, which has very obvious environmental effects on the emission of greenhouse gases. It is an issue which we will be unable to continue to shy away from. I was interested to note some comments made by the Deputy Premier during the Transport estimates hearing about these issues. The reality is that rail against it as we might, there may be future market barriers to Western Australia, indeed Australia, on the basis of our failure to meet the various protocols set down for the achievement of greenhouse gas limitations, and this is not something we can afford to be narrow-minded about. Clearly, the more transport we can get onto rail and off road, because of the differential in fuel efficiency, the greater will be our achievements in reducing the amount of emission of greenhouse gas.

Likewise, there are profound economic consequences for Western Australia in doing this. I do not believe the increase in fuel prices in the past year is a short-term phenomenon. There will be variations in the peaks and troughs; however, it is evident that the trend is very much upward. As we move to a point in the bell curve where new discoveries are being outstripped by production - we may have already reached that point - oil will become far more expensive as it will be more expensive to extract and we will be utilising those more expensive reserves. An economy which is heavily reliant on road rather than rail for its transportation will then be at a 250 per cent to 450 per cent cost disadvantage. There are profound reasons for stimulating competition on the standard gauge lines and this access regime is part of that competition.

We will continue to reiterate our concern that although we have introduced this Bill, the Government's avowed intention to sell the rail network as part of the vertically integrated operation is contrary to the principles of competition and will result in a fetter being placed on competition. We will continue to point out to the Government that although the rail access regime is in place, any rail operator will say that there are 1 001 ways in which a track manager can thwart the above-line competition through a range of mechanisms, including subtle timetabling moves and the way in which the lines are maintained. Some of the more obvious ones include the fact that to even begin negotiations, a rival above-line operator must reveal to the track managers the potential source of the custom which it has which will give the track managers of the above-line operator an opportunity to seek out those markets themselves. The ring fencing proposed by the Government, in the ALP's view, will be as successful as the Chinese walls in law firms which are recognised to be a nonsense and ineffective. Although this rail access legislation is a positive move, it will be very much counteracted by the Government's proposals for vertically integrated lines. We are concerned that there might not be sufficient resourcing of the independent regulator. Members will recall that the Government was dragged screaming to agreeing to have an independent regulator. The Government decided in the first instance not to allocate any money to a regulator but, rather, have the Director General of Transport remain after work and conduct the regulation in his spare time. The Government therefore has no great commitment to a regulator. The need for a fully resourced regulator becomes evident when one considers the terms of this legislation as we are contemplating a vertically integrated operation. Because of this the regulator must look not only at the track management costs, but also at the cost structure of the above-line operator associated with the track manager. That will require an amazing amount of time of professional accounting staff to go through those records and to be assured that they are an accurate account of where the costs truly lie because of the problem with cost shifting between one part of the entity and the other. The Opposition has had some minor concerns about the nature of the transparency in the appointment of the regulator, however it does not object to the decision being ultimately that of the minister. However, the decision of the minister should be the subject of gazettal. The process that has been adopted allows the minister to substitute his nominee with the nominee who has gone through the selection panel. Provided that the Commissioner for Public Sector Standards goes along in that regard, the process provides for no public declaration that that is what has happened. That is improper and the Opposition will move amendments in the upper House to ensure a greater degree of transparency in that regard.

We also are concerned that there is no provision that enables a regulator who has an enduring conflict of interest to be suspended and ultimately removed from office. That is a drafting oversight rather than an intentional oversight. There is a conflict of interest provision, but ultimately it is one that does not lead to any ultimate resolution of the problem if the regulator does not agree to divest himself of any shareholdings he may have acquired that would put him in a situation of

conflict. The Opposition will move amendments in the other place to attempt to deal with that issue. It should be evident to the Government that it is not the intention of the Opposition to hold up the Bill. We are keen to ensure it is improved. If the Government had listened to us in November 1998, the Bill would have been up and running now.

Question put and passed.

Bill read a third time and transmitted to the Council.

HORTICULTURAL PRODUCE COMMISSION AMENDMENT BILL 1999

Council's Amendments

Amendments made by the Council now considered.

Consideration in Detail

The amendments made by the Council were as follows -

No 1

Clause 6, page 3, lines 10 to 13 — To delete all words after the word “**industry**” and substitute the following words —

“
means a horticultural industry and such other agricultural industry as may be prescribed but excluding broadacre cropping and grazing industries.
”.

No 2

Clause 9, page 4, line 10 to page 5, line 23 — To delete the clause and substitute the following clause —

“
9. Section 5 replaced
Section 5 is repealed and the following section is inserted instead —
“
5. Constitution of the Commission
(1) The Commission is to consist of 4 members appointed by the Minister.
(2) A member of the Commission is to have, in the Minister’s opinion, a broad understanding of agricultural industry and —
(a) experience in financial management; or
(b) other experience relevant to the Commission’s functions.
(3) The Minister shall, prior to making any appointments to the Commission, establish in writing the particular experience relevant to the Commission’s functions which the Minister determines is necessary for membership of the Commission.
(4) The Minister shall —
(a) publish and make available on request the selection criteria for membership of the Commission established under subsection (3);
(b) advertise in a major newspaper circulating in the State when there is a vacancy in the Commission’s membership, and that applicants are invited to apply;
(c) indicate in such advertisement any conditions required of candidates for membership of the Commission including the disclosure of any possible conflicts of interest.
(5) The Minister is to appoint one of the members of the Commission to be the chairperson.
(6) The Schedule has effect with respect to the Commission and its acts and proceedings.
”.

No 3

Clause 15, page 8, lines 22 to 24 — To delete the lines and substitute the following lines —

“
(a) by deleting “Subject to any direction given by the Commission and to this section the relevant growers’ committee may in relation to the horticultural produce in relation to which it is established in addition to any other functions conferred on a growers’ committee under this Act provide any one or more of the following services —” and inserting instead —

“ Subject to any direction given by the Commission and to this section a producers’ committee may provide any one or more of the following services as are prescribed in relation to the agricultural produce in relation to which it is established — ”.

No 4

Clause 18, page 10, after line 14 — To insert the following lines —

“ (2) Section 15(7)(b) is amended by inserting after “directs” —
“ for the benefit of the producers concerned ”. ”.

No 5

Clause 28, page 14, after line 6 — To delete the words “section 12(1) (where first occurring)” in the first column of the table.

No 6

Clause 31, page 15, after line 6 — To delete the words “section 12(1) (the second place where it occurs)” in the third column of the table.

Mr HOUSE: The Government intends to accept all of these amendments from the Legislative Council. I have no argument with any of them and am quite prepared to accept them. I understand that the opposition spokesman would prefer to deal with each clause separately; I am happy to accept that.

The SPEAKER: I could seek leave to deal with them cognately, but if the member wants to deal with them one by one that is fine.

Mr GRILL: If we move them one by one, we will have only five minutes to talk about each amendment.

The SPEAKER: The standing orders indicate that while one speaker has five minutes to raise a matter, another speaker can also raise matters. Members have as many five minutes as is required to deal with the amendments.

Mr GRILL: The Opposition is happy to deal with them cognately.

Mr HOUSE: I move -

That the amendments made by the Council be agreed to.

Mr GRILL: The Opposition will not oppose any of these amendments. The first amendment is the most substantial and limits the scope of the Bill considerably. When this Bill was introduced in this place - that was some time ago now - it included broadacre cropping, grazing and things of that nature. It was a Bill of wide scope. The original legislation - which I introduced many years ago - included only horticulture. The amendments brought forward by the minister opened it up to cover all agricultural industries. The Government has now seen fit to specifically exclude broadacre cropping and grazing industries, and the amendment before us does exactly that.

The Bill was introduced in August of last year and debated in October of last year. At that time, I indicated to the Government that I thought the Bill was too wide in scope and I expressed a number of doubts about it in that respect. The amendment now before us reduces the scope of the Bill; however, it leaves one or two questions up in the air. For the sake of clarity, I put these questions to the minister. Would the Bill, as we propose to amend it, include inland aquaculture as was indicated in the original Bill? Would it include agroforestry? Very pertinently, would it include the dairy industry? Would it include intensive animal production? There are a few grey areas which would be worthwhile clarifying.

When we spoke about this in October last year, I said that the Australian Labor Party felt that the Bill was too wide. I said at the time that we would reserve judgment on what we might do in the upper House. In the upper House the Australian Labor Party spokesperson did move some amendments very similar to those that we are considering today. His view was that the scope of the Bill was inappropriate and that some of the changes that were about to be made were dangerous. We discovered at about the time we debated the Bill in this House that the Pastoralists and Graziers Association and the Western Australian Farmers Federation had not been fully consulted about the implications of the legislation. They contended at the time that although the legislation had been drawn to their attention, the title of it, the Horticultural Produce Commission Amendment Bill, did not tell the whole story. As a result, they were opposed to the legislation embracing broadacre cropping and pastoral industries. It would appear that there was no adequate consultation with those producer organisations at the time. We all agreed, however, that the Bill should continue to apply to horticulture and that we should extend the scope of the Bill so that individuals, organisations or the Government could set up programs to eradicate Mediterranean fruit fly.

Mr MARLBOROUGH: I think the member for Eyre is putting together in a succinct manner his argument, and I wish to hear further input from him.

Mr GRILL: We were all agreed that the Bill should include provisions to cater for the fruit fly situation. A number of fruit fly committees were operating informally at that stage. The first object of the legislation was to formalise their operations

and put them on a proper basis. We were keen to see that happen. We originally thought that the legislation was urgently needed for that purpose. I endeavoured in this Chamber to ensure the expedited passage of this legislation. It went to the other place and got bogged down. Here we are some nine or 10 months later, and the legislation has not gone through both Houses of Parliament. We are a bit disconcerted about that.

As I pointed out when the legislation was first debated here, and as was pointed out strenuously in the upper House, when one looks at the broadacre cropping industries and grazing industries, they had a mature range of industrial funding, well-understood compensation schemes and some sophisticated pest eradication programs. Consequently, the major producer organisations were pretty strongly opposed to the scope of the Bill. That is not to say that the legislation in the past has not worked well; it has worked particularly well. A good example of that is the Carnarvon banana industry, where everyone agrees it has worked well. However, this legislation went a bridge too far; in fact, when it was debated in the upper House, three coalition members crossed the floor.

Mr Osborne: We have tracked them down.

Mr GRILL: So they have been eliminated. A fair bit of concern was expressed about the question that was originally raised in this House and, as I say, three government members crossed the floor. The Government decided that it should withdraw the provision, and that is what we are discussing today with this amendment. With the query that I put forward to define the scope of the legislation as it will be once it is amended, I indicate that the Labor Party supports the first amendment.

The second amendment, which is to clause 9, was brought forth by the Australian Democrats. I hope I am not putting this too high, but I think the Australian Democrats have some fetish about procedure relating to the appointment of members to the commission, or more generally, members to commissions of the sort which was provided for under the Act. The Australian Democrats wanted the minister to publish criteria for the appointment of commissioners, to open up the process to the public, to advertise the criteria that the minister would set, to advertise vacancies and to ensure that any conflicts of interest were disclosed by anyone who wished to become a member of the committee. All of those things are fine, and I am sure that we all can agree with them, as I am agreeing with them now. Quite frankly, I am not sure that all of those things are necessary on all occasions. Of course, people who are appointed to such committees should not have a conflict of interest, but I do not know that we need to set that out in legislation. It is simply good practice that the minister ensures that those sorts of things do not happen and, if they do happen, people suffer the consequences of it. To set it out in legislation is probably going too far, but it has been agreed to and the Government is happy to go down that track, so we will not upset the applecart.

Mr HOUSE: We were going to put the advertised requirements into the regulations. The Australian Democrats believed that they should go into the legislation. That is really the change. Whether it is in the legislation or the regulations does not make a great deal of difference to me, but that is what we agreed to.

Mr GRILL: We are a bit unsure about the third amendment, which is to clause 15. I might need some explanation, but I think the amendment was moved by the Government because of some concern expressed by the Australian Democrats. It reads -

Clause 15, page 8, lines 22 to 24 - To delete the lines and substitute the following lines -

- (a) by deleting "Subject to any direction given by the Commission and to this section the relevant growers' committee may in relation to the horticultural produce in relation to which it is established in addition to any other functions conferred on a growers' committee under this Act provide any one or more of the following services -" and inserting instead -

Subject to any direction given by the Commission and to this section a producers' committee may provide any one or more of the following services as are prescribed in relation to the agricultural produce in relation to which it is established -

I think the difference there is the words "as are prescribed". I am a little uncertain what that means. There is probably a technical meaning for it but "as are prescribed" where? Is it on the label of spray cans or by regulation?

Mr House: I took it to mean by regulation.

Mr GRILL: I presume that is what is meant but it seems a bit uncertain. Once again the Greens (WA) wanted to entrench into legislation a range of criteria by which the committee would act. I think that they thought some of the committees set up under this legislation might go too far in some of the procedures they might adopt to eradicate pests or control things of that nature. An example that might have been brought up was aerial spraying to control weevils.

Mr House: It was the timber plantations.

Mr GRILL: The Greens (WA) wanted to include some of the criteria within the Act, which would be going too far. If the Government is happy to prescribe these in regulations, which need to be gazetted and may be disallowed, it satisfies everyone. I discussed the matter with the Greens last night, and their spokesperson seemed completely at a loss as to whether their amendments satisfied their interests. Maybe the minister could clarify the matter: If this measure is to mollify the Greens, tell us so and we can pass it.

Mr HOUSE: One of these days the member for Eyre may have to negotiate with the Greens, and he will understand the difficulty. These changes were accepted to secure the principles of the legislation. The member is right: I understand that the amendment refers to the regulations prescribed once the legislation is passed.

Mr GRILL: Amendment No 4 will add the words to section 15(7)(b) of the principal Act "for the benefit of the producers concerned". It deals with winding up the committees.

Mr House: Some concern arose that the funds might disappear and people who had made a contribution would not receive the benefit. It is for clarity.

Mr GRILL: Section 15(7)(b) states that on the dissolution of the growers' committee, all moneys and other assets of the growers' committee shall be dealt with as the minister directs. The words add that the moneys will be dealt with as the minister directs for the benefit of the producers concerned. I am guessing, but I assume that this will ensure that the minister does not pocket the money himself!

Mr House: That's not quite right.

Mr GRILL: In those circumstances, it is a very good amendment and worthy of support.

Mr HOUSE: Some concern was expressed that funding raised from a particular group of producers - let us say the pork industry - might be applied outside that industry if the fund were disbanded. These words clarify that the money raised by pork producers, for example, must go back to that industry.

Mr GRILL: We have received explanations, and we support the amendments. The last few amendments are drafting measures which require no comment. However, one grey area needs clarification.

Mr HOUSE: I do not have an adviser with me at the moment as I thought the Bill would come on later today. That is my fault - no-one else's. My understanding is that aquaculture is not included, but agroforestry, the dairy industry and intensive animal production are included. I will clarify that point for the member. A lot of debate took place about whether aquaculture should be included.

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

The Council acquainted accordingly.

COURTS LEGISLATION AMENDMENT BILL 2000

Second Reading

Resumed from 3 May.

MR MCGINTY (Fremantle) [12.46 pm]: This uncontroversial legislation is supported by the Opposition as it deals with a number of administrative issues which arise under various Acts establishing courts in Western Australia. Six changes will be made by this legislation, the first of which relates to the Supreme Court and mediation. This legislation will clarify the confidentiality and status of pre-trial mediation in the Supreme Court. I am sure members regard that as an uncontroversial matter, and essentially good housekeeping.

The second matter relates to the setting of court fees. Superior court fees and fee review processes are currently controlled by the judiciary; however, this is done in the lower courts by the executive. That makes no sense. If one is to have a reasonably unified system, the administrative mechanism involved in reviewing and fixing court fees should be determined in one place. This amendment will standardise procedures to those currently applicable in the lower courts; in other words, the amendment will take from the judges in the superior courts the process of reviewing and fixing fees, and will vest them in the executive. Whether one leaves this matter in the hands of the executive or the judiciary, the same should apply in all courts. This is an uncontroversial housekeeping matter.

The third change relates to judicial support staff. Existing legislation provides for appointment of some classes of staff in courts and not others. The minister gave some examples in the second reading speech. In order to avoid conflict and confusion, provision is made for the appointment of court staff or judges' personal staff not to be subject to the Public Sector Management Act. The current practice is that appointments to assist the judiciary are not subject to that Act. Members will see that essentially those matters are of a housekeeping nature and there is nothing controversial.

The fourth point relates to commissioners of the District Court of Western Australia. The Bill before the House today standardises the qualification for appointment as a commissioner at that required for appointment as a judge. In a few minutes I will pursue with the minister handling this legislation whether that will deal with the current problem being experienced in the District Court, because, as I understand it, it will not. The question that I am interested in pursuing with the minister in the consideration in detail stage is this: If my reading of the legislation is correct, why was that matter not addressed in this legislation? I am talking particularly about Commissioner Reynolds. Perhaps I can give some advance notice that I will seek some clarification of that matter. If my reading of the Bill is correct, standardising the qualification for appointment as a commissioner as that required for the appointment of a judge will not overcome the existing problem. Although it might well equate certain qualifications in the District Court, it is a question of whether it will overcome the problem. Maybe it will. Perhaps I have not read the legislation correctly.

The fifth matter with which this legislation deals is the Liquor Licensing Court. The appointment and conditions of a judge of the Liquor Licensing Court are repealed and incorporated within the District Court system. Provision is then made for the future in that the Chief Judge of the District Court will nominate future judges of the Liquor Licensing Court from among the judges of the District Court. Again, I foreshadow an issue that I will seek to raise with the minister when we get to the consideration in detail stage of this legislation. I understand the system that will apply when the current

incumbent of the position of chairman of the Liquor Licensing Court retires, but what will apply between now and then? Under this provision, will the current holder of that office be made a judge of the District Court and can he then be given other District Court work during the tenure of his office? Those are the sorts of issues on which I will want some information when we get to the consideration in detail stage. A number of issues will arise, dependent upon what is intended by this legislation in respect of the current holder of that office.

The sixth matter with which this legislation deals is Local Court judgment debts. The Bill allows for payment, in full or by instalments, to be made direct to the plaintiff or to the plaintiff's solicitor. Again, that is essentially of a housekeeping nature and is uncontroversial.

The amendments are of a minor, housekeeping nature. I have foreshadowed the two matters on which the Opposition will want a response from the minister. Maybe they can be covered by the minister's speech in response. If not, we will seek to explore the issue of one of the existing commissioners in the District Court. As I understand it, there are currently two commissioners of the District Court, and we might need to explore that issue a little further as well. Perhaps I could add to that question concerning the commissioners of the District Court the status of Commissioner Gotjamanos. I will also seek from the minister some explanation about him. The other matter concerns the current occupant of the position of Judge of the Liquor Licensing Court. Subject to those matters being satisfactorily explained, we may or may not need to go into the consideration in detail stage. That completes my brief comments in support of this legislation.

MR MCGOWAN (Rockingham) [12.54 pm]: The member for Fremantle has addressed the Bill and has dealt with some areas of concern in what is essentially a Bill that is agreed between both sides of the political fence. It does not contain a large number of controversial matters. I have had a brief period in which to look at this Bill. Bearing in mind what I have seen in the Bill, I will make a few comments.

This Bill seems to make it far easier to undertake mediation in the Supreme Court. That ease of mediation is one of the key ways to secure a fast and efficient justice system in our State. To have ease of mediation and an easily accessible and more efficient system of mediation is a key to people obtaining justice without the more expensive measures involved in going before the Supreme Court, with all that entails, particularly the costs. When a person has a civil action which is appropriately dealt with in the Supreme Court, it is a very expensive process. Because of the cost involved, it is beyond the realms of possibility for most ordinary folk to take a case before the Supreme Court. The other day an individual who runs a business in my area contacted me. He had a number of complaints concerning that business. However, the sums of money involved were such that he would have been required to go to the superior courts, either the District Court or the Supreme Court. As such, it would have been difficult for him to pursue the matter because of the costs involved. If we can address in some way the costs of accessing justice, I fully support that. The costs of administration of justice and the costs of accessing justice are probably the biggest issues in the administration of justice in the current age. I fully support anything that will make it a simpler process for mediation to be accessible to people on the street as a way of resolving their problems.

The second change dealt with in the Bill is the review of court fees in the higher courts. That is another area in which costs have risen. In the recent changes to the costs of court access put together by the Federal Government, I note that the cost of accessing the Family Court has been lifted substantially. For people who are going through often traumatic and expensive court proceedings, or traumatic and expensive property disputes in their Family Court matters, the lifting of the cost of court fees in that area has really affected those who are unable to afford it. Trying to keep costs down is a very important part of providing access to justice for ordinary people.

The Bill proposes that the process of assessing court fees in the superior courts - that is, the District and Supreme Courts - be brought into line with that in the lower courts. Under the Attorney General's amendments, it is proposed that the fees imposed in the District and Supreme Courts be subject to scrutiny by the parliamentary Joint Standing Committee on Delegated Legislation to determine whether they are appropriate and, I suspect, ultra vires any provision of any other Act. The Joint Standing Committee on Delegated Legislation, of which I was once a member, does an excellent job. Although that parliamentary committee deals with a huge number of matters, it treats seriously all the issues that come before it.

The Bill will remove the requirement for double handling in the payment of judgment debts in the local court. For example, if the court finds that a person is liable for a debt, he or she is required to pay the judgment amount to the court, and the court disburses the amount to the individual involved. This provision will enable payment to be made direct to the plaintiff by a judgment debtor. That is commonsense, and I am surprised it was not in existence before this.

The magistrates who preside over the local courts, more so than in the district and superior courts, are often people who are given a great deal of power in their communities and responsibility for the administration of justice in the courts in their regions. As such they have a responsibility to exercise that power carefully. When they have the power to send people to jail, to impose fines and to decide one way or another in a civil or a criminal matter, they must be careful about the way in which they dispense justice and about the sensitivities of people who come before them. The jurisdictions of the district and supreme courts are often closely scrutinised by the media and by the legal profession so that we find the judges who occupy positions in those courts are meticulous in the way in which they carry out their responsibilities. I have observed the local court for a period and my observation of some magistrates was that they do not handle that responsibility in the same way as Supreme Court and District Court judges. Many magistrates are appointed at relatively young ages and are a lot younger than District Court and Supreme Court judges. After sitting in a court for 15 to 20 years they become somewhat jaded about the world and are often intolerant of individuals who come before their courts, particularly in a criminal matter, irrespective of whether that person is the accused or the accuser.

I have been present in courts and seen magistrates deal with people in an insensitive fashion. This occurs virtually every day. They deal with people by scolding them like children, regardless of whether a person is accused of a crime or found guilty, is the accuser or the victim, or merely an applicant for a restraining order. I have seen magistrates treat people in an uncivilised and inappropriate manner. Some mechanism should be put in place to monitor magistrates in the way they carry out functions. I know that one is free to make a complaint to the Chief Magistrate about the actions of individual magistrates. However, that is not a satisfactory way to deal with this issue, because in all fields of endeavour, people protect their own. I would like the minister to respond on this issue. I have seen magistrates who, day in and day out for months on end, act in an uncivilised fashion towards people who appear before them. They speak to people as though they are children and yell and scream at people who are often in a sensitive and fragile emotional state. I have seen people who are victims in the proceedings run crying from the court. I hear a lot of complaints about that sort of behaviour. That behaviour makes me very angry about the operations of some magistrates in this State. Those who select magistrates - the Attorney General makes the final decision - should choose carefully before they select a magistrate who will act in such a fashion. That was not directly on the point, and I probably should name the magistrates to whom I am referring, but I will not.

Mrs Edwardes: Perhaps you could give their names to me after.

Mr McGOWAN: Yes, I will. One of the magistrates I am concerned about is widely acknowledged in the profession as acting in the manner I have relayed towards people who appear in court, and something should be done about it.

MS ANWYL (Kalgoorlie) [1.06 pm]: The Opposition supports this legislation. My comments are more by way of inquiries of the minister about the conduct of the legislation. I am pleased that amendments are being made to a variety of existing Acts to ensure that mediation is seen as an attractive proposition by litigants, particularly in the area of privilege. It is important that parties can go into a mediation process confident in the knowledge that whatever disclosures are made in discussions will not result in information being used against that party at a later date. That is assuming that the mediation is not ultimately successful and it is necessary to go onto litigating in the courts. There is a strong public policy reason that this Parliament should support mediation in all its form - principally, the saving of public money. Court procedures are extremely expensive. We all know that. However, those of us who are legal practitioners probably know it better than any; although some people might say it is the people who have had to engage the services of lawyers who would know best the cost of that.

The public purse must maintain the salaries of judges and their staff, as well as the administrative costs of running courthouses. A multitude of court staff are involved, from court reporting through to security. It is a very expensive procedure. One can add to that the cost of legal aid for one or both parties, particularly in the Family Court. It is not unusual for both parties, and sometimes the children, to have separate legal representation. It is important to recognise the extremely high cost to the public purse of litigation. The provisions of this legislation, which will provide for mediation to continue to be attractive to the litigants is most important, particularly clause 71 which provides for privilege. No doubt there have been occasions in which problems have occurred, or it may not have been necessary to adopt this. I note from the second reading speech of the Minister for Police that the majority of these amendments were adopted from the Standing Committee of Attorneys General, and I presume they have been included in legislation in other jurisdictions prior to now.

With regard to the issue of mediation and the public purse, one of the most significant costs that is incurred within the Justice budget in this State is the cost of the native title litigation in which the Government is involved. An extremely large amount of money is being spent on that litigation. This Bill amends the Supreme Court Act to allow for mediation. One would think the Government would be in favour of mediation generally. However, the State Government has made it very clear, through its strategic unit attached to the Ministry of Premier and Cabinet, that it will not mediate on native title claims in the goldfields. A clear written directive has been given to the National Native Title Tribunal. I do not have that document with me at the moment, so I cannot quote from it, but I am absolutely confident that it remains the case that the State Government's formal position is that there will be no mediation with regard to native title claims in the goldfields.

If all the parties could be brought together in a mediation process, we could be hopeful of a good outcome and there would be no need for further litigation, particularly if there is some goodwill between the parties. It has been said that the best measure of a mediated outcome is that every party is unhappy with the resolution, because that probably means that every party has given up something that they had hoped to keep. It is not always possible to have goodwill, and we can get an outcome without goodwill, but it takes much longer. It is also necessary to have dialogue, and the important role of mediators within the state jurisdiction is to achieve that outcome.

On Friday, 16 June, I attended a conference in Kalgoorlie-Boulder at which many representatives of the mining industry and Aboriginal claimant groups, as well as other stakeholders, were present. Three members of the Opposition were present at that conference, but there was absolutely no-one from the State Government. The name of that conference was "Reaching Agreement Together", and the theme was to work out ways of mediating, because everyone understands, except perhaps the State Government, that it is much better to reach agreement than to incur the cost of litigation. Mr Deputy Speaker, you are pretty lucky in your neck of the woods, because the State Government is taking some constructive steps to resolve native title issues. I am quite jealous of what is taking place in your area, because unfortunately that is not the case in my area. More than 100 people attended that conference, yet there was not one representative from the State Government. That was an opportunity missed. The State Government needs to consider what is going on with regard to this matter.

The Attorney General made some comments recently, in what I thought was a fairly petulant fashion, about the backlog of criminal and civil litigation in the District Court and said the reason that more District Court judges were not appointed was that the Opposition would not allow court fees to be increased. If the State Government were to save some of the

money that it is currently spending on litigation in the native title arena, some of that money could be spent to employ more District Court judges. I think everyone acknowledges that justice delayed is justice denied, which is one of those little sayings of which we in the legal profession are so fond, and clearly that is an important issue. It is all very well to promote the concept of mediation in an amendment Bill like this, but the State Government is not practising what it is preaching, and it is about time the State Government became accountable to the people for that lack of action.

This Bill places an emphasis on mediation. However, I am concerned about the mediation opportunities for people who reside in the country. I understand that a list of accredited mediators is maintained by each of the courts and that lawyers can access that list. However, what is the position with regard to access to mediators for people who live in the country? I realise that often one party resides in the country and the other does not, but in situations where a number of the parties reside in the country, mediation should be made available. The Family Court has frequent circuit court sittings in country areas. Some people think that Family Court counsellors are mediators, but they are not mediators within the legal meaning of that term. The Supreme Court civil jurisdiction does not have circuit court sittings, but the District Court civil jurisdiction does have such sittings. I ask the minister whether she can provide some detail about access to mediation in country areas; and if it is not possible for the minister to get that information by the time she responds, I will be happy to accept it at a later date. An important issue of equity arises for people who reside in country areas. The cost of litigation is already great for people who live in the city. However, people who live in country areas incur an even greater cost: The cost of travel to get to the court; the cost of accommodation; the cost of long-distance telephone calls to communicate with their solicitors and any other people to whom they might need to talk with regard to the litigation; and in many cases also the cost of retaining country agents to sign documents. Therefore, once again country people end up paying a lot more for litigation.

This legislation proposes to change the mechanism for the increasing of fees. Clause 7 inserts a new section 89A into the District Court Act, and clause 25 inserts a new section 171 into the Supreme Court Act. I referred a moment ago to the state Attorney General blaming the Opposition for the fact that more judges were not being appointed because it was our fault that court fees had not increased. Could the minister in her response give some advice about whether the Government is contemplating increasing fees? I realise that this legislation deals only with the mechanism for that to occur, but it is a salient issue, particularly given that country people need to pay more to access justice than do other people.

The Bill deals also with the employment of staff. I am not familiar with the background to the problems that have arisen, but suffice to say that the staff who work for judges are extremely important to the administration of justice. Many of the ushers employed in the courts have a military background. I am pleased that the Government will not be privatising these positions and that we will not be losing the sorts of people who have traditionally worked for judges.

An issue surrounds the appointment of commissioners to be District Court judges, and the member for Fremantle has raised a particular difficulty. I echo the need to have a smooth transition process so that commissioners can be appointed to be District Court judges. I am not sure that the Bill deals with that, which is a problem.

In my electorate, the Warden's Court issue comes up again and again. I find it fascinating as a legislator that we have a completely separate jurisdiction for wardens. The Liquor Licensing Court has a judge of a particular status, whereas the wardens are all at a stipendiary magistrate level; in fact, they deal with claims that can be worth millions of dollars. That is not taking anything away from those magistrates, because by and large they do an excellent job. They perform better in their jurisdiction than one would expect, given the other pressures that are on magistrates. They have to deal with the Local Court, the Court of Petty Sessions sitting as the Family Court, the Children's Court and a range of other jurisdictions, particularly in country areas. I am particularly mindful that in the more remote areas, those magistrates have to travel large distances, and by and large they do not do it by train; they do it by motor vehicle. It is important that over the next several years we look at the whole issue of the Warden's Court and whether it should become a separate specialised jurisdiction. It is probably timely that we do that now that we are into a new millennium, particularly as regards the need to have one judge with the status of a District Court judge who could be focused on providing a specialised Warden's Court. There could still be provision for magistrates to deal with part of the Warden's Court jurisdiction. However, for matters that were particularly technical or complex, it would be appropriate to upgrade that jurisdiction.

I note the retirement of the previous Chief Magistrate. He is on the record as having said that the Kalgoorlie court does not need any extra resources at a stipendiary magistrate level because if it coped with the nickel boom, it can cope with anything else. That nickel boom happened a long time ago, and I think it is time it is recognised that Kalgoorlie is the busiest regional courthouse in Western Australia, as well as recognising the pressures that are put on magistrates. It is not that long ago that we lost the extra relief magistrate. It was a factored-in position, not a permanent resident magistrate. A factor-in was allocated to allow for extra fortnight on, fortnight off-type relief, particularly when the resident magistrate, who does an excellent job, is on circuit work. I know the members of Cabinet will be in Kalgoorlie-Boulder in July. I hope that the relevant ministers will take some time to look at this issue. I also hope that at that time, they will look at the situation that the Kalgoorlie courthouse is in. I think I reminded the minister many years ago of the needs of that courthouse when I was the president of the local law society. She and I sat in that courthouse and discussed some of those needs. I am sorry to say that nothing has changed in all those years. I think it is appropriate for this State Government to encourage the use of mediation wherever possible. I wish the State Government would start to practise what it preaches and get involved in some mediation on native title in my electorate.

MRS EDWARDES (Kingsley - Minister for the Environment) [1.24 pm]: I thank members opposite for their comments, and I will refer to a couple of the issues that were raised. On the listing delays in the District Court, Chief Judge Hammond of the District Court stated in a publicly released fact sheet on 9 June 2000 that the median period between initiation and

finalisation of criminal matters - that is the point at which half the cases of trials and pleas combined had been finalised - in Western Australia was 13 weeks for 1997-98. That was the best in Australia. The source of that information was the 2000 report of the steering committee for the review of the commonwealth-state service provision and the 2000 report on government services. There is, however, a backlog within the District Court which has caused delays in the listing intervals. The District Court has not been able to recover from the effects of the provisions of the Criminal Law Amendment Act 1996 that was proclaimed in October of 1996. That legislation resulted in the transfer of jurisdiction for many sexual assault matters from the Supreme Court to the District Court. The transfer of a large number of pending matters from the Supreme Court resulted in a reduction in listing delays in that court from 50 weeks to 19 weeks, but created a listing delay in the District Court that peaked at 18 months. A planned reduction in the hearing of more minor sexual offences by those matters being heard in the Magistrate's Court did not eventuate.

In the comments made by the Attorney General on Saturday, he was critical of the Opposition and the minor parties in the Legislative Council which had disallowed a government regulation that had increased the court fees in the Supreme and District Courts. That would have provided for additional funds of nearly \$3m each year. His comment was to the effect that those funds could have been used to appoint additional judicial officers to the District Court.

On the mediation in the Supreme Court, which was raised by the member for Kalgoorlie, I do not have the information about the accessibility of the list of accredited mediators and the like in country areas, but I will provide her with that information. She and I totally agree on the very strong role that mediation can play in resolving issues and reducing the load on the courts.

The member for Kalgoorlie also referred to court fees. I do not have any information on any proposed increase in the fees. The Bill simply proposes that the superior courts process is brought in line with that of the lower courts. Under the amendments, consistent with the practice of the lower court fees, proposed variations will still be subject to scrutiny by the parliamentary Joint Standing Committee on Delegated Legislation. As the member for Kalgoorlie recognised, it is bringing the processes in line with the practice in other States.

The appointment of commissioners to the District Court was another matter that was raised. The member for Fremantle referred to what was happening with Commissioner Reynolds. We are all aware that he is proving to be a very effective commissioner in the District Court, as he was in the Magistrate's Court. The advice I have is that that is not addressed by the amendments in this legislation. Appointing him as a judge would require the changing of the appointment processes as such; therefore, there is still some ongoing debate among the judiciary and the Solicitor General on that matter.

Another issue involved the Liquor Licensing Court. The provisions of the Bill enabled the Chief Judge of the District Court to nominate, from time to time, a judge or commissioner of the District Court to be the Liquor Licensing Court judge or the acting Liquor Licensing Court judge. The Bill also provides for the present Liquor Licensing Court judge to continue to hold that position for as long as he continues to hold a judicial appointment. However, it is my understanding that Judge Greaves would be able to give three and a half days per week to the District Court. This could be of significant assistance to the court with some of the delays that have been identified.

Mr McGinty: Is Judge Greaves currently a judge of the District Court or will he be made a judge as a result of this amendment?

Mrs EDWARDES: No, he is not currently a judge of the District Court; he will be made a commissioner of the District Court by virtue of these amendments. He remains a judge of the Liquor Licensing Court and that will be his position as long as he holds a judicial appointment. He can be appointed as a commissioner of the District Court, and he expects to be available for up to three and a half days a week. He is very keen to do that.

Mr McGinty: I do not criticise it; it seems like a good use of time.

Mrs EDWARDES: He is obviously looking forward to that.

Mr McGinty: Did he want to be appointed as a judge of the District Court?

Mrs EDWARDES: I do not know but this allows him -

Mr McGinty: To exercise all those functions.

Mrs EDWARDES: Yes, absolutely. With respect to Commissioner Gotjamanos, I understand that issue has not been resolved but it is under review by the Solicitor General, the Chief Judge and the Chief Justice. That is the only information I can provide at this stage.

Mr McGinty: The minister touched briefly on the question of Commissioner Reynolds.

Mrs EDWARDES: Yes, I did. It is an ongoing debate. Appointing him as a judge of the District Court would require a change in the appointment process, and that is currently an ongoing debate between the judicial officers of both the District Court and the Supreme Court, together with the Solicitor General. Everyone recognises the tremendous work carried out by Commissioner Reynolds in the District Court.

Mr McGinty: Absolutely, without any question.

Mrs EDWARDES: These changes do not affect his current status; it would require a change to the appointment process and that is the subject of ongoing debate.

Mr McGinty: It is unfortunate that although this Bill deals with the position of commissioner, it does not also deal with the injustice done to Commissioner Reynolds, who should be a judge of the District Court.

Mrs EDWARDES: I agree with that. The Attorney General has been working on that for some time, but obviously it could not be resolved in time for the development of this legislation. Many of the provisions in this Bill are needed to speed up the process in the courts. When the matter is resolved, I am sure the Attorney General will make the appropriate changes to the legislation.

The member for Rockingham raised a matter of serious concern, when he referred to magistrates acting in an uncivilised manner. I do not think anyone accepts the behaviour to which the member referred and if he will provide me, behind the Chair, with the name of the magistrate or magistrates to whom he referred, I will pass that information to the Attorney General. Magistrates are often the front line for many people in the community who deal with the courts. Magistrates deal with far more people than do judges in the District Court or Supreme Court. Their role is to serve the public and, as such, their behaviour and manner are absolutely critical to the impression many people have of the courts. The type of behaviour referred to is not acceptable. If the member will provide further details, I will ensure the matter is followed up immediately. I know from my period as Attorney General that on a couple of occasions when matters were brought to my attention, a word to the Chief Magistrate enabled him, as the appropriate person, to have the appropriate conversation with the magistrate involved.

People recognise that a significant number of appointees to the position of magistrate over the past few years have improved the ability of the magistracy to relate to members of the public. When appointing magistrates, the Government gives serious consideration to how they will relate to members of the public and explain the decisions they make.

I thank members opposite for their support of the legislation. I thank them for their comments and I commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL 2000

Council's Amendments

Amendments made by the Council now considered.

Consideration in Detail

The amendments made by the Council were as follows -

No 1

Clause 2, page 2, line 2 - To insert before the words "This Act" the following words -

(1) Section 4(2)(a) of

No 2

Clause 2, page 2, line 2 - To delete "comes" and substitute "is deemed to have come".

No 3

Clause 2, page 2, line 2 - To insert after "operation on" the words "and from 5 October 1999 being".

No 4

Clause 2, page 2, lines 2 and 3 - To delete "it receives the Royal Assent" and substitute "section 93E of the principal Act had effect".

No 5

Clause 2, page 2, after line 3 - To insert the following new subclause -

(2) Section 4(1) and 4(2)(b) and (c) come into operation on the day on which this Act receives the Royal Assent.

Mrs EDWARDES: I shall move that these amendments be disagreed to, and I shall propose other amendments. The Government accepts the intent of the changes put forward by the Legislative Council, and that will be reflected in the replacement amendments which are an improvement and have been drafted more formally. This will achieve the intent of the Council, while protecting the integrity of the workers compensation system. The Government accepts the need to backdate the cover for workers with transitional claims, who properly referred questions and produced relevant medical evidence to the director 21 days before the termination date, and who complied with the election provisions of the Act. The Government had the commitment of the insurance industry to do that. The Legislative Council wanted to retain that in the legislation, and the Government has acted to ensure this backdating does not create an opportunity for any other group of workers to use those changes to reinstate an action. The amendment package presented is integral to the successful application of retrospectivity to workers with transitional claims, and will ensure the protection of their right to elect. I move -

That the amendments made by the Council be not agreed to.

Mr KOBELKE: I accept the undertakings given by the minister that the amendments she will move in place of the amendments made by the Legislative Council are to the same effect but drafted in an improved form. When we deal with the minister's new proposals, the Opposition will seek details of why her proposals are better. I am as yet unconvinced of their improvement but I will defer to the expertise and knowledge of the minister and her advisers. We will therefore support this motion to disagree with the Council's amendments and to replace them with the amendments that she has foreshadowed.

I use this opportunity to express my great concern at the way in which amendments are made to the Workers' Compensation and Rehabilitation Act. It is becoming an ongoing drama, and unfortunately, many injured workers are suffering because of the recent changes. Members should be aware that this is the Government's fourth amending Bill since the end of 1999. The Parliament finished dealing with the Workers' Compensation and Rehabilitation Amendment Bill 1997 around 22 September 1999 and it was assented to on 5 October 1999. However, that 1997 Bill was drafted in 1995, came into the Parliament in 1996, was brought back with a new name and proposed amendments in 1997, and proceeded through the Parliament only at the end of last year with a range of other amendments made to it. Because of the standing orders, it was impossible to incorporate in that Bill, now labelled the Workers' Compensation and Rehabilitation Amendment Act 1999, some of the changes. It was therefore accompanied by the Workers' Compensation and Rehabilitation Amendment Bill (No 2) 1999 which included those changes. That was debated about the same time and was assented to also on 5 October last year.

However, we found a number of errors during the amendments to those two Bills, which is relevant to this debate because if the debate is brought on again without due consideration and without ensuring that we have considered the matter correctly, it will result in further errors being made that must be fixed. On a number of occasions when we debated those Bills last September, I pointed out that the way in which they were being handled could result in problems as major drafting decisions were being made on the run and we were likely to get it wrong. Unfortunately, I have been proved correct. The Workers' Compensation and Rehabilitation Amendment Bill (No. 3) 1999 fixed up a simple drafting error which ruled out the rights of a whole range of people. We now have proposed amendments to this Workers' Compensation and Rehabilitation Amendment Bill 2000 in this message. This Bill was introduced into this place on 15 March, passed and transmitted to the other place. We now have a message from the other place which we will amend, and we will return another set of amendments to fix a small error in the Bills that were dealt with in this place last September. I have grave concerns that the way in which we are treating these amendments amounts to a patch job. We are not addressing the major problems with the workers compensation legislation. The problems go beyond the legislation and I know the minister is conducting inquiries into other areas that need reform. However, the legislation itself requires major reform. I am concerned that, as we seek to take another set of amendments, which I heard about only a day or so ago and which totally rewrite the amendments from the other place, we get it right this time. In the time available to me to consider the amendments in detail, I had no opportunity to consult legal experts to have the amendments double-checked. I must therefore assume that the minister and her advisers have got the details right. We know from the sorry history of amendments to the Workers' Compensation and Rehabilitation Act that the Government, more often than not, gets them wrong. I have tried to outline that fact with a list of legislation that we have handled through this Parliament.

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

Mrs EDWARDES: I move -

To substitute for the Council's amendments not agreed to the following -

Clause 2, page 2, lines 2 and 3 - To delete the lines and substitute the following -

- (1) Except as stated in subsection (2), this Act is deemed to have come into operation on the day on which section 32 of the *Workers' Compensation and Rehabilitation Amendment Act 1999* came into operation.
- (2) Section 1, this section, and section 4(2)(b) come into operation on the day on which this Act receives the Royal Assent.

I make no apologies for the drafting changes made to the amendment moved in the other place. The amendment in the other place was made on the floor and with the right intention. I accept and acknowledge that intention and what it wanted to achieve, despite the commitment from the Insurance Council of Australia Ltd, with which the other Chamber agreed. We have no cause for complaint in that regard. We took those amendments back to the parliamentary draftsman, who recommended the changes which would ensure the concerns raised by the member opposite had been addressed and that the amendments would not create another problem which would need to be addressed in the future. Again, I make no apologies for bringing amendments into this Chamber to improve legislation. When a problem arises in implementing legislation, again I make no apologies for bringing back an amendment to this House in order to ensure that the intentions of this House are met.

The majority of the amendments will come into operation retrospectively on 5 October 1999, the day on which section 32 of the 1999 amendment Act came into operation. This will ensure that, except for the change from seven to 14 days, the new provisions will retrospectively include workers with transitional claims who, since that date, properly referred a question and produced relevant medical evidence to the director 21 days before the termination date, and elected within seven days of being given notice in writing by the director for an agreement or determination of the question to be recorded.

Mr KOBELKE: A minor issue was touched on towards the end of the minister's comments; that is, the change to 14 days is not retrospective. Why has that been excluded from the retrospective application? It is a minor point and we can clear it up before proceeding to the wider issues of retrospectivity and why the minister has used that drafting as opposed to the drafting from the other place.

Mrs EDWARDES: It was not intended to be introduced retrospectively. It is part of that amendment put forward by the other place. If the member wants more technical detail of the amendment, I will move to the middle of the room and invite Mr Harry Neesham, the Executive Director of WorkCover, to come forward. The reason that it is not retrospective for the 14 days is the Government implemented the change in the first instance. People have utilised seven days; therefore, what people already have in place in terms of the seven days cannot be changed.

Mr KOBELKE: I turn to the wider issues contained within amendment No 1 which seeks to replace the provisions in the message from the Council which would result in this legislation coming into operation on the date it received royal assent. Contained within the other provisions is the change to retrospectivity under amendment No 3 which the Opposition seeks to knock out. The minister seeks to move that retrospective application into the commencement clause, and that is a key part of the changes the Government seeks to make. In doing that, the commencement clause will have two parts and the first part will contain the exceptions to the retrospectivity provision. Subclause (2) is the part which is deemed to have come into operation at a previous date, which I assume is 5 October last year; however, that is not stated. It states that the provision is to come into operation on the day on which section 32 of the Workers' Compensation and Rehabilitation Amendment Act 1999 came into operation. There must be a technical reason for that, but the difficulty is that, on the surface, it seems to make it incredibly complicated.

Section 32 of the Workers' Compensation and Rehabilitation Amendment Act 1999, comprises 20 pages; it is the major provision of the amendment. The Act contains a commencement section listing a number of sections which were to come into operation on the day the Act received royal assent, while other sections would come into effect on other dates. The relevant sections of the 1999 Act are listed in the commencement section, section 32 being one of them. It may help if the minister could advise whether with respect to the Workers' Compensation and Rehabilitation Amendment Act 1999, all of those sections were to come into operation on the same day or whether they had commencement by proclamation on different days. That would give some background to the issue.

Mrs EDWARDES: They all came in on the same day.

Mr KOBELKE: I thank the minister; that clarifies that point. Why are we putting in such convoluted wording, instead of stipulating 5 October, so that it was immediately transparent that that was the day from which the provision would commence?

Mrs EDWARDES: Section 32 deals with the provision on elections. Obviously elections by individual workers have occurred on respective dates. I am advised the clauses came into effect on the same date, and as such, when looking at amendment No 3 which deals with the actual words, some people might regard that as being a difference in drafting style, but effectively that is the recommendation by our parliamentary counsel for the wording for section 32.

Mr KOBELKE: If I understood the minister correctly, that being the case, I accept the minister's explanation to the extent that the commencement date for this retrospective application is to be 5 October. If there are no technical problems with that, the drafting has that effect.

Mrs Edwarde: It certainly does.

Mr KOBELKE: I accept and agree with that; however, it is a major issue to have such a wordy and convoluted way of saying that. The workers compensation system, with the major Act and the amending legislation, is complicated enough as it is. It seems that we should not make it inordinately complex for no gain. We now have a retrospective application which the Opposition agrees with and supports; however, instead of being able to pick up the Bill and read that it is retrospective in this aspect to 5 October 1999, we have this clause which comes into operation "on the day on which section 32 of the Workers' Compensation and Rehabilitation Amendment Act 1999 came into operation". That is totally incomprehensible to anyone except lawyers working in this area and people in WorkCover WA. I cannot see any justification for not having simpler, straightforward language so people reading the section understand what it means. Anyone reading that would not understand it without going to the considerable difficulty of finding the Act, and many lawyers even have trouble getting hold of the Act to check what it says. Once that amending legislation of 1999 has been consolidated into the Workers Compensation and Rehabilitation Act 1981, the information needed is not readily available. One must go back to the amending legislation. I would like some justification from the minister as to why we should opt for a more complex method of dealing with the matter, rather than the simpler one of putting in the date.

Mrs EDWARDES: That was a recommendation of parliamentary counsel. Parliamentary counsel are far more experienced than I in drafting legislation and it was their recommendation to have the words which are before the House. Although the member opposite might prefer it written in a different style -

Mr Kobelke: A simpler style.

Mrs EDWARDES: The member may prefer a simpler style and I cannot disagree with him that the legislation needs to be easily understood; however, on this occasion I will defer to parliamentary counsel who have a far greater level of experience in the drafting of legislation than I.

Mr KOBELKE: Given the time, I would like to speak once more, although the full amount of time to deal with this clause will not be available before question time. I wonder if I should start my remarks or whether it is appropriate to move back into full consideration.

The DEPUTY SPEAKER: The member will start his remarks.

Mr KOBELKE: In the second reading debate on this Bill I asked the minister to provide the retrospective application of this Bill in the consideration in detail stage.

Mrs Edwardes: I acknowledge that. My response at the time was that we did not need retrospective application in light of keeping everything as simple as possible because we had an undertaking from the insurance industry. As the member well knows, often when we send legislation to the other place amendments are made; and an endeavour was made to get this change through. The Government and members opposite believe it is important to accept the intent of that recommendation. It is something we agree with and that is the reason we are accepting the changes.

Mr KOBELKE: I am glad the minister has been convinced, by whatever reasons or forces, to allow it to apply. Part of the minister's explanation then was that an undertaking was made by the various parties that they would not cut people out because of the technical letter of the law and, because there was an agreement as to the spirit of the legislation, the amendment did not need to be made retrospective. I do not believe that is the way we should operate. There are times when the rigid application of the black letter of the law can cause problems; and perhaps, by agreement, people do things which are not in total conformity to the black letter of the law. When framing legislation in this place we should try to get it right in every detail, and not decide at an early stage that we are willing to have people do things slightly outside the letter of the law because that is a better way to go. One is driven to ensuring the retrospective application of this provision so that the decision of the Parliament, the requirements of the law and the obligation it places on the parties involved, are quite clear. It was certainly necessary to apply it retrospectively, and I am pleased that the minister has now agreed to that.

Point of Order

Mr KOBELKE: Mr Speaker, I seek your guidance. One of your predecessors gave rulings in this place and encouragement to members to give primacy to the Parliament and our duties in it. This was at a time when major inquiries were being conducted into government and in which members were involved. Members were asked to consider their primary responsibility to this House.

We have the difficult situation that for two days the Minister for Fair Trading has not been available at question time or at any other time in which he might be seen to be accountable to this House for his failings and the action he has taken. We find that the minister of his own volition has set up a hiding place at the Gunning inquiry. The Gunning inquiry, as we know, does not have the power to make any findings in respect of the actions of the minister. It is this House to which the minister is accountable and which has the power to make determinations in respect of the actions of the minister.

I seek your guidance, Mr Speaker, on directions which you and other Speakers have made and should make on the responsibility of ministers and members to be accountable to this House and to be present in this House, particularly at a time when a major scandal is under way and when the minister against whom accusations have been made needs to be in the House and accountable for his actions, instead of hiding away at the Gunning inquiry.

Mr BARNETT: The member has not made a point of order. He has made a point about ministers being present in the House and accountable. I think everyone in Western Australia appreciates that the Minister for Fair Trading is appearing before the Gunning inquiry under oath, and that is a proper process.

Mr Marlborough: It is not a proper process at all.

Mr BARNETT: It is a proper process. I am speaking to a point of order. The minister will appear in this Parliament and he will be accountable to this Parliament.

Dr Gallop: When?

Mr BARNETT: I anticipate he will be here if not later today, then tomorrow.

The SPEAKER: The member has asked for a point of order to be considered. It is not a point of order, and I think people understand that. As I understand it, the proceedings are not court proceedings. That may have a bearing on what previous presiding officers have said which indicates that if court proceedings are occurring at the same time as the House is sitting, it is up to the member, and if the member wants to, the member can and will attend this Parliament. I guess that explains that if the minister or a member chooses not to be here, that is the person's decision. We can all be the judge of whether it is by choice or desire. In the event that the Parliament is sitting, there is a fundamental right for a member to attend the Parliament ahead of anything else.

[Questions without notice taken.]

Mr Ripper: Will the Minister for Lands be here tomorrow?

Mr BARNETT: I certainly hope so. He will be here unless he is in some way detained at the Gunning inquiry. I expect him to be here.

Mr KOBELKE: The minister has moved to delete the amendment made in the other place and substitute an amendment

that she claims will have the same effect but has improved drafting. We have accepted the minister's word on that, because we have not had time to send off the amendments that have been put on the Notice Paper today to get the technical advice that we need. However, the proposal to use the words "on the day on which section 32 of the Workers' Compensation and Rehabilitation Amendment Act 1999 came into operation" rather than the words "on 5 October 1999" does not support the statements that the minister made prior to the taking of questions without notice, because we need legislation that is understandable, and this form of words is a very legalistic and convoluted way of indicating the date from which this provision will be retrospective. We thank the minister for agreeing to the retrospective application of this provision, but this amendment is again an example of very poor drafting, not because it will not have the same effect, but because its meaning is very oblique and it will be difficult for most people to understand what it means. It would have been much better to put in the date. However, we do not want to hold up the legislation, and unless the minister can get advice here and now, and I expect she cannot, we will need to live with what has been proposed.

Mrs Edwardes: I apologise that I do not have parliamentary counsel with me, and in respect of your request for clarification about the reasons for this amendment, I am happy for parliamentary counsel to talk to you direct. However, the effect of your words as opposed to the words in this amendment is exactly the same.

Mr KOBELKE: I thank the minister for confirming that, but the point is that we need to have simple language in legislation. We do not want to hold up this legislation, and we do not expect the minister to fix it up now, but it reflects the ongoing problem that we have with legislation in this area; namely, that we get it wrong far too often, and the legislation is overly complex and difficult to understand, which contributes to making it poor legislation.

Question put and passed; the substituted amendment agreed to.

Mrs EDWARDES: I move -

To substitute for the Council's amendments not agreed to the following -

Clause 4, page 2, lines 18 to 21 - To delete the lines and substitute the following -

- (b) although a question of whether the degree of disability is not less than 16% was referred to the Director under section 93D(5) not less than 21 days before the termination day, at the end of the seventh day before the termination day the Director has not given the worker notice in writing that an agreement or determination of the question has been recorded,

The purpose of this amendment is to clarify the Parliament's original intention that even if there is a delay due to the time frames for processing a question that is referred, a worker who properly refers a question and produces the relevant medical evidence to the director 21 days before the termination day will always be able to elect within a specified period; and in these cases, a worker can elect up to 14 days after the dispute is agreed or determined.

Mr KOBELKE: Again, I accept the advice of the minister that this amendment will have the same effect as the previous amendment, but it makes it very difficult for a person like me, who does not have legal expertise and practice in this area of workers compensation law, to put it all together. This amendment will insert a new paragraph (b) in proposed section 93E(6). This matter has been dealt with in amendment No 1. This is the section which is to come into effect on the day on which the Act receives royal assent, so it is tied up with the proclamation date. I now need to try to pick up the difference between this amendment and the original amendment to paragraph (b), and the reason for the change. I go first to section 93E of the principal Act, which deals with the restrictions on amount of damages and payment of compensation. What we find is that subsection (6) allows an extension outside the termination date. In part, subsection (5) says -

... if weekly payments of compensation in respect of the disability have commenced an election cannot be made under subsection (3)(b) after the termination day.

Subsection (6), which we are now amending, says -

- (6) Despite subsection (5), if -
 - (a) medical evidence complying with section 93D(6) was produced to the Director not less than 21 days before the termination day; and
 - (b) a dispute arising under section 93D(8) has not been resolved before the termination day,
 an election can be made under subsection (3)(b) within 7 days after the dispute is resolved.

Before I return to the main point of this amendment, I note that we have already amended the seven days to 14 days. We will further amend in the next clause the final part which is resolved, so I will leave discussion on that for the moment. We come back to what is the effect of the amendment moved by the minister; that is, to replace section 93E(6)(b) in the principal Act, as opposed to the different clause numbering which relates to the amending Act with which we are dealing. Returning to the principal Act, we are to change that paragraph (b) which says, "a dispute arising under 93D(8) has not been resolved before the termination day" to "although a question of whether the degree of disability is not less than 16% was referred to the Director under section 93D(5) not less than 21 days before the termination day, at the end of the seventh day before the termination day the Director has not given the worker notice in writing that an agreement or determination of the question has been recorded". That varies from the amending Bill which the minister brought into the Parliament. It

was much simpler and shorter and it said, "at the end of the seventh day before the termination day, the question of whether the degree of disability is not less than 16% has not been agreed or determined". We are saying that the mechanism now is that there is a requirement for the director to make a determination and to give notice of that. It seems that there is an advantage in the giving of notice. Previously, in debate on this matter we raised the point that if it were simply a matter of the issue being resolved, the resolution could be in terms of an agreement between the parties which then has to go to the director. Does the clock start running, because time is of the essence in all of this, between the time there is agreement between the parties and when it reaches the director or when the director signs off on it?

Mrs EDWARDES: The member is correct: The issue is dealing with the dispute. The worker is always to have the last seven days before the termination day for electing unless the dispute is unresolved, in which case the worker would be given an automatic extension. Under the current provisions, it could be argued that if a dispute does not arise before the termination day due to the time frames for processing the matter, the worker is precluded from lodging an election. It is the issue of dispute as the member correctly identified.

Mr KOBELKE: In my previous contribution I tried to set out the differences without going into the detail between those differences and the effect of the changed wording. I now turn to the proposal before us from the minister. I am talking to the sections in the principal Act, not in the amending Bill. It is a new section 93E(6)(b). What we find is that under proposed subsection (6) there are two requirements to get an extension on the time to elect: The first one is that medical evidence is provided at least 21 days prior to the termination day. The second one is the requirement before us now; that is, the degree of disability is in dispute and by the seventh day before the termination day the director has not given notice. On that basis, there is an extension.

Mrs Edwardes: Yes. That extension is automatic.

Mr KOBELKE: There is no further application.

Mrs Edwardes: No.

Mr KOBELKE: The director just gives the extension. The extension is picked up by what period? The extension is just until determination. In terms of the next legal point which comes into operation, once the extension is given under this new paragraph (b), it is then on hold until there is a determination.

Mrs Edwardes: Yes, that is the case.

Mr KOBELKE: The next legal stage is that there is a determination before the director which the director ticks off on, regardless of how it got to that stage. Then the notice will come back. From that point we are dealing with the other amendment in the latter part of proposed subsection (6) which gives the applicant - the injured worker - 14 days in which to then elect.

Mrs Edwardes: Yes; that is correct.

Mr KOBELKE: What happens when there is a determination by the director eight days prior to the termination date? If we work through that, we will see that there is a slight discrepancy. If the decision were made in the eight days prior to the fixed termination date, this clause would not be operative, in which case the injured worker must elect prior to the termination date. In that scenario, the worker would have only seven days from the next day. However, if the director -

Mrs Edwardes: It is always still 14 days.

Mr KOBELKE: No, this provision does not apply. I will go through it again: Under section 93E(6), the injured worker has put in the medical evidence 21 days prior to the termination date. That worker is getting close to the death knoll when he loses his right to elect. However, because there is dispute over the degree of body disability and the director cannot give a determination that the person can elect, the whole mechanism with which we are dealing is to allow an extension which is to be 14 days after the determination. The first extension is until the determination is made and then there is a maximum time of 14 days after that.

Mrs Edwardes: That can be automatic.

Mr KOBELKE: If a worker does not meet both of these conditions - that is, he did not get it in 21 days before the termination date and if the matter is resolved before the seventh day of the termination date - this whole section is not operative.

Mrs Edwardes: Which section?

Mr KOBELKE: The section before the Chamber. Paragraph (b) then means that the whole of section 93E(6) is not operative. What is the default situation when a person is not captured by this? Am I making that clear? We have before us an amendment to section 93E(6) in the principal Act. The exact wording here impinges on the operation of section 93E(6). I am going to the converse: I am saying that when this does not apply, let us look at the default situation.

Mrs Edwardes: A worker still gets the 14 days.

Mr KOBELKE: How does the worker get 14 days when subsection (6) does not apply?

Mrs EDWARDES: I think the member is confusing the two lots of seven days. If a determination is made on the eighth day, the worker still has the 14 days in which to decide.

Mr Kobelke: Under which section?

Mrs EDWARDES: It comes into the next amendment.

Mr Kobelke: That amendment is still to section 93E(6) of the principal Act.

Mrs EDWARDES: The worker still has 14 days. Our interpretation of the example put forward is that the 14-day period will still apply from the date of determination by the director.

Mr KOBELKE: This amendment is creating an anomaly which, although it is not huge, I draw to the attention of the minister because I am not sure it can be addressed. The proposed amendment will modify section 93E(6) of the principal Act. I understand that the effect of this amendment will be that people applying an extension beyond the termination day must fulfil the provisions in clause 4(2)(a) of the Bill which amends section 93E(6)(b) of the principal Act.

Mrs Edwardes: That is the rolling over.

Mr KOBELKE: This amendment applies only to subsection (6)(b), which provides a method of extension beyond the termination day, otherwise there can be no election after the termination day. People can get an extension through subsection (6) or subsection (7) of the Act. Subsection (7) may impinge on it, but I leave that aside because I do not think it does. The means by which people get an extension beyond the termination day relies specifically on the provisions in subsection (6). People must meet two requirements to qualify for an extension. First, they must lodge their medical evidence 21 days before the termination day and, second, they must meet the requirement under discussion; that is, the degree of disability must be not less than 16 per cent, the matter must have been referred to the director not less than 21 days before the termination day, and at the end of the seventh day before the termination day the director has not given the worker notice in writing that an agreement or determination of the question has been recorded.

Mrs Edwardes: In the example given, the director has given notice on the eighth day, which would give the worker at least seven days.

Mr KOBELKE: Exactly, that is what I am saying. If the notice is given the following day, as a result of this amendment, which I fully support, the worker will have 14 days.

Mrs Edwardes: He still will.

Mr KOBELKE: I do not think that is correct. If the director is not able to give a determination at the end of the seventh day, these provisions will apply and the termination day will be extended to 14 days from the determination. If that does not apply because the director has given notice eight days before the termination day, this provision will not apply. In that case the termination day applies and no other part of the legislation comes into play. Proposed subsection (6) is of no effect, and the other provisions of the principal Act apply. Unfortunately, because of the complexity of this very convoluted legislation, if injured workers have an early determination by the director they are at a disadvantage because they may have only seven or eight days in which to elect. On the other hand, if a decision is not made, the extension to 14 days will come into play and that is much fairer. Do I have that right, and should it be recognised as a minor anomaly? I do not want to reduce the time available for injured workers to make that election. As the minister knows I suggested that 21 days be allowed. This shows the harshness of the situation for a worker who supplies medical information which is in dispute, gets a determination and, on receiving notice of that determination, is likely to have only seven days up to the termination day in which to elect.

Mrs EDWARDES: I do not believe the amendment creates such an anomaly or that the scenario put forward by the member is correct and will result in a disadvantage to workers. However, I will seek an accurate interpretation of the exact example relayed by the member and provide advice to him directly. The Government has extended the period from seven days to 14 days and our understanding is that it will always apply.

Question put and passed; the substituted amendment agreed to.

Mrs EDWARDES: I move -

To substitute for the Council's amendments not agreed to the following -

Clause 4, page 2, line 27 - To delete the line and substitute the following -

Director gives the worker notice in writing that an agreement or determination of the question has been recorded.

These amendments will provide that the 14-day period will start from the date the director gives notice in writing that an agreement or determination of the question has been recorded. The original period of seven days was not considered a reasonable period for the worker to consider whether to make an election, and it will be extended to 14 days. There was some overlap and a potential anomaly, and the Government is pleased to extend the period to 14 days. Members opposite suggested that 21 days was an appropriate period, but the Government considers that 14 days is sufficient. The regulations require the director, on receipt of notification of agreement or determination on the level of disability, to record it and notify the worker. In most instances, this will provide the worker with more time in which to make a decision on whether to elect, as the agreement or determination may occur several days before the worker receives notification from the director. It is intended to benefit the worker by clarifying beyond doubt the exact time from which the 14-day period starts.

Mr KOBELKE: We are dealing with two matters. One is the granting of a slightly longer period in which a worker may make an election or lose the right to elect. The second aspect dealt with specifically in this amendment seeks to more clearly define the mechanisms which determine the start of that period. It ensures the maximum period is available to the injured worker to elect, within the constraints of the legislation, because obviously it is a very difficult decision to make. People cannot make those decisions in 24 or 48 hours, so each additional day is crucial to the injured worker who must make that decision. Also, if there is no clear determination of when that date is set, the clock could be running and the injured worker might not even know about it. Although legally a time may be set for the election to be made, it is not an effective time if the worker is not advised of it. The reason that the worker is not advised when the date is set and the clock is running at the worker's cost could be because the bureaucratic procedures did not pass on the information from WorkCover and the director. It could also be outside the control of the director. It may be that mail goes missing or it is sent to the injured worker's solicitor and, to put it bluntly, the solicitor stuffs up and does not give prompt enough notice to the client, which one hopes does not happen, but mistakes do happen. We would like as clear and as simple a method as possible to set the point in time at which the 14 days will commence.

The minister has moved away from the original wording, which was that the election take place within 14 days after the dispute is resolved, to one of 14 days after the director gives the worker notice in writing that an agreement or determination of the question has been recorded. We now have the fact of it not only being resolved, which is fairly fluid and not well defined, but also being related to where an agreement or determination is recorded. That is more specific and helpful. However, I am not sure what is meant by the "Director gives the worker notice in writing that an agreement or determination of the question has been recorded." It is much better than what we have, but I would like to tease out the minister's understanding of what is meant by "Director gives the worker notice". Is it the date stamp of the director signing off for the letter to be transmitted or is it the receipt of the recorded message from the director? Simply reading the provision, as a person without legal training, it is not clear to me which of those two dates will set the clock running for the 14 days.

Mrs Edwardes: It is when the director sends the letter, but also we will be notifying the lawyer at the same time.

Mr KOBELKE: So "Director gives the worker notice" is taken to mean the day when the letter is date stamped and put into the mail?

Mrs Edwardes: Yes.

Mr KOBELKE: So as long as the date stamp is the same as the day it goes into the mail, there is no ambiguity, but it may be date stamped one day and not get into the mail until the next day.

Mrs Edwardes: It is the date that the letter is sent.

Mr KOBELKE: Would the director have a correspondence or mailing logbook which would indicate the day on which the letter was sent in the mail to the particular worker awaiting a determination?

Mrs Edwardes: Yes.

Mr KOBELKE: With the forbearance of the Acting Speaker, I would like the minister to put a commitment on the record, if she can, for these timing matters as they are caught up in the regulations because, as we well know, regulation 4 of the Workers' Compensation and Rehabilitation Amendment Regulations (No 11) of 1999 is the subject of a disallowance motion in the other place. It relates to the same types of issues that we have here; that is, the ability to extend the time for an injured worker to make election. Although it is slightly different from this clause, it is very much to the same effect.

Mrs EDWARDES: Because the member opposite raised this, we have agreed that we would give an extension of four weeks for treatment and investigation. As I understand it, if the report on the medical examination is not available and the director has advice from the medical specialist to that effect, the director can extend that four weeks by a further four weeks.

Mr KOBELKE: The clause we are dealing with relates to the delay of the termination date because of the bureaucratic procedures required to assess whether an injured worker has not less than 16 per cent body disability. The other provisions are laid out in the regulations. I refer particularly to regulations 19M and 19N, which allow for extensions because an injured worker is not in a position to make a decision because there is not a clear view of the degree of body disability. Under regulation 19N(2) there are currently three bases on which the director may grant an extension, that extension being for a maximum period of six months from the termination date. The first in subsection (2)(a) is that the worker will require major surgery in respect of a disability in the extension period. Subsection (2)(b) relates to the inability, although practical steps have been taken, to get the medical evidence required. The third possibility relates to a medical panel under section 36 of the Act. As I understand it, the minister is proposing a new subsection (2)(d), which would enable the director to grant an extension because the medical specialist indicates that at that stage that specialist cannot say that the worker will require major surgery. If one fudged it a bit, the director might grant the extension on the basis that the director was unable to get an answer from the specialist, which would come under subsection (2)(b).

However, as I said earlier, we really want this legislation to work properly as written and not be trying to play games with it in order to have a reasonable outcome. What we want is a provision which says clearly that when further investigative procedures are to take place or a level of therapy which may obviate the need for major surgery, there is time to consider that. I understand that the minister is willing to bring in regulations to provide for that fourth scenario. I am grateful for that because such regulations are very much needed. My concern is that we do not end up again with a set of rules that are so tight that hardly anyone can use them. On the other hand, we do not want to open the floodgates and have the whole

system abused because it is too loose. I am hoping that if we cannot do it now, perhaps we might be able to speak at the conclusion of this debate on the specific details because that will impact directly on what happens in the other place in respect of disallowance. That is the only way in which we can exert pressure on the minister to try to improve the situation. The improvement that we are seeking is very minor in the overall context of a very unfair system at present. We are seeking in this small way to return a small element of fairness by providing that extra extension in a case of an injured worker who is not in a situation to judge whether major surgery is required and is undergoing treatment which, in a few weeks' time, may indicate whether there is a need for such major surgery.

Mrs EDWARDES: I will go back over a couple of the steps because I want to clarify exactly what we are agreeing to. The member has had my letters to him, and I am happy to put the contents on the public record. What we are talking about here is an agreement to extend regulation 19N(2) by including a further provision which enables the director to extend the termination date on the following basis; that is, where a medical specialist in the appropriate field advises the director that a worker will require further treatment or investigation before a decision can be made on whether the worker will require major surgery in respect of the disability in the extension period. The extension period will be a closed period of four weeks under the provision, but clearly if major surgery in the normal six months extension is necessary, the director can provide a further extension.

The point that I want to emphasise is that the maximum extension provided under section 93E(7) may not exceed a day that is more than six months after the termination day. The issue the member raised yesterday concerned an instance in which the documentation from the medical practitioner was not available within the four-week period. The director will further extend on the basis that the medical specialist certifies that he needs more time to provide a certificate. Following the first four-week extension, the director will be able to extend up to a further four weeks to enable that to occur.

Mr Kobelke: The maximum is only eight weeks.

Mrs EDWARDES: No, it is up to six months after the termination date. The periods of four weeks plus four weeks are on that basis. If a person needs major surgery, the period is up to six months post the termination date.

Mr Kobelke: However, if the situation is still indeterminate, which it can be in a small number of cases, there is no recourse to an extension. For example, with a back injury, the specialist may be holding off putting a metal plate in a person's back on the basis that treatment may obviate the need for that metal plate. The injured person will get the four-week extension because of the treatment that is being tried; he will get the next four weeks because the doctor is still not certain from his assessments whether he will be required to put in the metal plate. However, if the surgeon cannot make a decision, the minister is saying that the person must elect anyway, even though the surgeon cannot give the worker a clear indication after eight weeks of whether he will need the metal plate in his back.

Mrs EDWARDES: The discussions we have had on this matter over almost the past year identified reasons for the determination of the six-month election concept. The member raised with us that there would obviously be concerns about whether the worker had the information and was still undergoing medical investigation - not necessarily the surgery that was identified in the first instance. Yesterday, the member asked what would happen if the person did not receive the report. People can continually ask, "What if?". We are trying to ensure that the worker is given every opportunity, and when some of the concerns and delays are outside the worker's control, we want to provide the ability for the worker to have extra time. However, the critical issue is that the period of six months after the termination date which is provided in the legislation is not to be exceeded.

Mr KOBELKE: I will try to conclude the point we have been discussing. I accept that at the current time the six-month extension is the deadline. I am not suggesting that we should move that. However, I am concerned that a worker can only have a four-week plus a four-week extension under the new fourth provision that will be included in conjunction with the second provision, which relates to the provision of the medical advice. I wrote to the minister saying that there should be repeated periods of four weeks. The problem that I see from the minister's side in controlling the system is that if a surgeon is seen to be abusing the system by giving letters which would not be supported by other doctors generally in that field, it could be said in that instance that the system is being white-anted or eaten away because the director does not have the power to close that off. I remind members that it is the director who makes these decisions in each case. However, the director must take cognisance of the advice that comes from the specialists; he cannot take on the role of the specialist physician. The Government is being over-cautious in saying that it is trying to preclude the system being rorted by medical specialists. I am more concerned that a small number of seriously injured workers will have justice denied them because, quite genuinely, there is no option for them but to hang on to see what the result of their medical treatment will be. The provision here means that after eight weeks an injured worker can be left without any further extensions. That worker will not even have the opportunity to use the six months while he is in a very difficult situation, often in considerable pain, and in circumstances in which there is usually a huge amount of family stress placed on him; yet that individual will be asked to make a decision when he is ill-informed simply because he does not know what the real outcome of his medical condition will be.

I put this in writing to the minister. I hope that the Government will make sure that in the situation of a worker who genuinely does not know what the outcome of the medical procedure will be and who cannot say that major surgery will be required - it might be, but that is indeterminate - the director will have the means to allow the extension for up to six months. It will be only a small number of difficult cases.

Mrs EDWARDES: We are talking about the regulations, not the amendments before the House. I am happy to put the agreement on the record, because the disallowance motion in the other place and in this place is such that if we are to

provide the workers with this opportunity, those regulations should go through. We have worked together cooperatively to ensure that we agree on the best possible legislation for injured workers. Although I am criticised by the member for Nollamara for bringing in amendments, I have indicated that after we have seen the regulations in operation, if the circumstances as outlined by the member become a problem, I am prepared to bring in changes to cater for the concerns he has raised. In that instance, the changes would not necessarily be to the legislation; they would be to the regulations. Once the regulations are in operation, we will be able to see what happens with the six-month period. Both of us will then have a better picture of what is occurring in the lead-up to the election.

Mr MARLBOROUGH: Dealing with the regulations and the amendments to the Bill, particularly in those areas about which we continue to be concerned - that is, the election processes - I was pleased to hear the minister say that she is willing to look at how the system operates, if not now, at some time in the future, and that she is willing to listen to an argument that may at some future time assist her to arrive at a different view.

I will put a couple of matters on the record. The evidence that the Delegated Legislation Committee with which I am involved heard recently indicates that the processes in this area of election are very unworkable. This year alone, four out of 18 cases have been rejected by the Conciliation and Review Director when he has had no medical evidence before him to determine the need for major surgery. Although the minister keeps emphasising the need for medical evidence, that is not always necessary under the Act. I think the minister would agree that the Act does not require the director to get medical evidence to determine what is major surgery. It simply requires the director to make a determination about major surgery.

Mrs Edwardes: I am advised that two of the four cases that you are talking about were out of time, and the other two were determined on the basis of medical evidence.

Mr MARLBOROUGH: I will return to those matters, because in the near future we may have an opportunity of debating the whole process. The minister should be clear in her mind that it is not necessary for the director to have before him medical evidence of major surgery. That is not what the Act and regulations call for. They give the director the authority to determine what is major surgery. When questioned, the director will, of course, support his view about whether it is major surgery by seeking medical evidence, but when asked how he can make a determination if he does not have that medical evidence before him, he can say, and rightly so, that the Act gives him the power to make a determination. Therefore, we say, unlike the minister, that the whole area of election is not in the control of the worker. Immediately a worker is injured and is in the hands of medical practitioners, that worker is not in control of the processes that are ahead of him. The only thing that controls the processes that are ahead of the injured worker is the Act, which gives power not to the worker but to the director.

Mrs Edwardes: Two of the four cases that you were talking about were out of time, and two were determined clearly on the medical evidence that the director had received.

Mr MARLBOROUGH: That is not the impression he gave. I will concentrate on the two cases that were out of time. We have not seen the details of how those two cases were out of time, but my concern is that they were out of time because there was no medical evidence before the director that would have supported the director's making a determination. I argue also that they were out of time in a system that is not in the control of the worker.

Mr KOBELKE: The minister has said that I have attacked her for bringing in amendments. I have not attacked the minister for bringing in amendments that have fixed up problems and have restored a small element of justice to the way the system works; and that is what the minister has done in two amendment Bills since she put through the changes which became effective on 5 October last year. This is the second of those two amending Bills, and I have not been critical of the minister for fixing the problems. My criticism has been about the fact that the minister made such a mess in the first place. My criticism of the Bill last year was about the fact that major issues of complexity were rushed through at the last minute and we were not given time to bring in people with expertise who could check these things, and that led the minister to make these errors. I respect and thank the minister for fixing these errors, but let us make sure that we do not make more errors in the future by the way we handle this complex and difficult legislation. I am not criticising the minister for fixing this legislation, and I hope that as we point out more difficulties the minister will make further amendments to try to improve the system.

Mr MARLBOROUGH: The Act puts in place a system that we believe is out of the control of the injured worker. Anyone would think, listening to the minister today or any other day, that once a worker has been injured, for the next six months he is in control of his own destiny. The truth of the matter is that he is totally without control of his own destiny. The worker first needs to prove that he has a disability of not less than 30 per cent in terms of a common law claim. The worker then needs to prove that he has a significant disability because his degree of disability is not less than 16 per cent; so he must have a degree of disability that is not less than 16 per cent or is not less than 30 per cent. One would think from the way this Act has been written that the worker is in charge of the process. However, I think the minister must agree that the worker is not in charge of the process. The minute a worker is injured, he is in the hands of two key people: The medical practitioners, be they general practitioners or specialists, and the director. The Act and the regulations put a time limit on a worker's ability to opt for one or the other process. That time limit is restricted to 21 days before the termination day; and as a result of discrepancies that we have raised about the period of seven days, the minister has seen fit to increase that to 14 days. However, at no stage is the worker in charge of the process. The worker is not in charge of determining the size of his injury, nor is he in charge of determining when the specialist will reply through the process. Part of the problem with the medical process is that specialists are not willing to put their names to a process that has not been finalised. That is, if

they do not believe that the injury claim can be settled by determining the amount of disability that exists, they will not fill out the medical record. Why should they? What is now happening under this process is that lawyers are taking doctors to the Supreme Court to challenge their evidence. There is very good reason for that. At a local level, I am now dealing with people who are caught up in this workers compensation debacle and who have had to see in the vicinity of 14 different doctors. In the short time since they have been injured at work, they have been put through myriad medical practitioners by the insurance companies until such time as there is medical evidence which supports the position of those insurance companies. To say that the process is fair and equitable and that the best offer from the minister is a review in the not too distant future is to ignore the problems facing workers. The legislation is not working, for the reasons I have given.

Mr KOBELKE: This amendment requires the director to give the worker notice in writing that an agreement or determination of the question has been recorded. I received an answer to a parliamentary question indicating that up to March only four determinations had been made by the medical review panels. How many decisions are being considered that require the director to give notice in writing that a question has been recorded?

Mrs EDWARDES: I cannot provide that information.

Mr Kobelke: Is the process moving more quickly?

Mrs EDWARDES: Compensation matters are before the court. Many parties are awaiting a decision.

Mr KOBELKE: Does that mean an agreement exists between the director and the parties that the matters for determination are on hold and not before the review panels?

Mrs Edwarde: They are disputed; so they are on hold.

Mr KOBELKE: So the director is not dealing with them until we get a decision.

Mr Marlborough: You just told us how good the system is and now you are telling us it is on hold. That is a new twist.

Mrs EDWARDES: If members opposite wish to be rude, I do not need to respond.

Mr Marlborough: You just told us how good this system is and now you have been asked a simple question and you have responded that a key element is on hold!

Mrs EDWARDES: I will not respond.

Mr MARLBOROUGH: I am aghast at the minister's statement about members on this side being rude. I listened to the first half an hour of the debate while the minister lauded this workers compensation system. While I was on my feet, she was being smart and making comments to the shadow Minister for Labour Relations that I did not know what I was talking about. She does not know what she is talking about. She was given half an hour's free run and, when asked by the shadow minister how many matters are before the determining body, she cannot respond and tells us that the process is on hold because of litigation. That is precisely the point I was making: This legislation is about to hit the wall, not because of anything done in this House, but because it is unworkable.

This legislation has been drafted to keep lawyers out of the business. When an injured worker goes to the review panel, he cannot have a lawyer present. The only experts present are those representing the insurance companies. The best representation a worker can get is a lawyer doing his articles. The Government claims that it is keen to look after injured workers even though it believes that lawyers do not have a role to play in protecting workers. It believes that only the Government and medical practitioners have a role in this process. The Government will seek advice from medical practitioners, but the Act puts them in a straightjacket. A medical practitioner has studied five years to get a medical degree and gone on to become a specialist and trained for another five years - 10 years in all. Such a person is likely to have standing second to none in his field. The Government is saying that, regardless of those qualifications and that standing in his field and the community, the medical practitioner will be restricted to determining the injury and capacity of a worker within six months of injury. Because it suits the Government, a further restriction has been imposed - the medical report must be made 21 days before the expiry of the six months election period. A worker might have a back injury, but the Act requires the medical practitioner to determine the degree of disability at that time. No other legislation in this State demands that a qualified person work in that way.

Of course, doctors and specialists are not willing to put their names to such documents. Why? Regardless of workers compensation, these doctors face more and more litigation. Members need only consider what this Government is attempting to do with the inquiry into King Edward Memorial Hospital for Women to understand the situation. The inquiry established by the Minister for Health could lead to defamation charges against doctors. Unless a medical practitioner were on the payroll of an insurance company, he would not be a part of this process. We have now discovered from the minister that the process is about to take the doctors to the courts. If it cannot nail the Government, it will take on the doctors and challenge their decisions in the Supreme Court. The minister has been asked how these matters have been handled and, after prattling on for half an hour, she has at last told us that the process is being held up by court action.

Mrs EDWARDES: I have never heard such rot in all my life! This member is obviously trying to filibuster until 4.00 pm when private members' business starts.

Mr Marlborough interjected.

Mrs EDWARDES: He has nothing else to say. When he goes back over the transcript he will see that he is totally confused.

Mr Marlborough interjected.

Mrs EDWARDES: He is not addressing the matter before the House.

Point of Order

Mr COWAN: The standing orders require members not to address other members in a way that impugns their integrity or reputation. The member for Peel has now twice said something that I believe offends standing orders. He should retract.

Mr Marlborough: You will be judged politically. There will be an election in three months.

The ACTING SPEAKER (Ms McHale): The member for Peel will come to order! Neither member was directing his or her comments through the Chair. While I did not hear the member for Peel make any unparliamentary remarks, I ask him to reflect on what he said. If those comments were unparliamentary, he should withdraw.

Mr Marlborough: I am not sure to which comments the Deputy Premier is referring. Perhaps he can remind me.

Mr Cowan: You know what I am talking about.

The ACTING SPEAKER: Unfortunately I did not hear the words. I am told by the Clerk Assistant that unparliamentary words were used.

Mr Marlborough: I am happy to be reminded.

Mr Cowan: You know exactly what they were.

The ACTING SPEAKER: Perhaps the Deputy Premier can repeat the words.

Mr Cowan: I do not intend to repeat the words; the member knows what he said. He is just being smart.

The ACTING SPEAKER: I cannot rule the words out of order as I did not hear them and the member will not withdraw them. I remind members, in the interest of the debate, to make their remarks relevant and direct them through the Chair. Then I might hear them and be able to judge accordingly.

Debate Resumed

Mr KOBELKE: This debate can be concluded now if the minister can answer this important question that relates specifically to the Bill. The minister's amendment to clause 4 states -

Director gives the worker notice in writing that an agreement or determination of the question has been recorded.

It is pertinent to know how the system by which the director would record that decision is working. The relevant determination for this amendment is the form 22 application for determination on the question of the degree of disability. The Minister for Labour Relations said in an answer to a parliamentary question on 25 May that, to date, there had been 1 749 applications. Of those, 270 had been rejected, 1 349 were referred to review and four decisions had been determined. Of the determinations, one was rejected and three were recorded, registered or approved. That is a very low turnaround. It is now more than a month later, and the minister has indicated that there has been no advance. It is important to the functioning of section 93E that we know why the matter is on hold. The minister indicated that a court decision might alter the way in which the director must operate. What is that decision and when is it expected to be handed down? How quickly can we start to deal with the cases in the backlog, assuming 1 350 cases are still awaiting review? I would appreciate an update on the number of cases awaiting review. I assume more applications are coming in. What are the main issues that must be decided before there can be expeditious handling of those applications for a determination on the question of the degree of disability?

Mrs EDWARDES: The issue of the process of the dispute resolution system is totally separate. Through that process, 400 agreements have been registered and over 600 matters have undergone a preliminary review. I mentioned a couple of issues about what happens when a matter is disputed. A member opposite suggested that the worker's right is not being protected. I emphasise that the worker's right will be protected until the dispute is determined, particularly by the provisions with which we are dealing.

The member for Peel suggested earlier that the director was taking action against the medical practitioners. I suggest he gets his facts straight: The plaintiff lawyers are threatening the doctors.

Mr KOBELKE: I thank the minister for her response. However, it did not go to the heart of the issues I raised. Could the minister provide some indication - I do not expect exact numbers right now - about how many more cases are waiting for review? How many determinations have been made, other than the four I was told about in May? If the court case the minister referred to is the reason for the logjam, what is the implication of that case and when is a determination on that expected?

Mrs EDWARDES: The Thorpe case has been heard and we are waiting for the decision. I do not have an update on the figures provided in the question on notice of 25 May. However, I am pleased to provide one.

Mr Kobelke: Are all the cases up for review on hold, or only certain classes of cases?

Mrs EDWARDES: Preliminary reviews on these matters are continuing to be held. As I indicated, 400 agreements have already been registered.

Mr Kobelke: Were those agreements made through form 22 applications or through the other ways in which a degree of disability can be registered?

Mrs EDWARDES: We can provide that further information and detail.

Question put and passed; the substituted amendment agreed to.

The Council acquainted accordingly.

PUBLIC EDUCATION SYSTEM, CRISIS IN CONFIDENCE

Motion

MR CARPENTER (Willagee) [3.57 pm]: I move -

That this House condemns the Court Government for its poor management of the public education system in its failure to address the following critical issues -

- (a) increased school drop-out rates;
- (b) poor literacy standards;
- (c) poor teacher morale and teacher status;
- (d) lack of support for teachers to deal with new educational initiatives;
- (e) failure to address poor educational outcomes for boys;
- (f) failure to respond to needs of indigenous children;
- (g) failure to provide adequate support for children with special needs; and

regrets that these failures have led to a crisis in confidence in state school education in Western Australia.

I make two preliminary comments: Western Australia should have and needs a full-time Minister for Education; and that minister should immediately lift what is effectively a ban on teachers taking part in the public debate on educational issues in this State.

Mr Barnett: Give me one example where I have intervened.

Mr CARPENTER: An effective ban prevents teachers taking part in public debate when they are critical of the Government. The minister knows that in the past, teachers and administrators have been threatened with disciplinary action which has effectively placed a ban on them.

Mr Barnett: No, they have not; give me an example.

Mr CARPENTER: That is a disgraceful attitude taken by the minister. Teachers and administrators are intimidated by the Government at a time when their input into public debate should be encouraged, not discouraged. This State needs a full-time Education minister. The current Education minister has the Energy and Resources Development portfolios in Western Australia which are major portfolios. Education is the most important portfolio area for a State Government. Given the current circumstances in Western Australia, I do not believe that has ever been more the case. Despite the acknowledged attributes and qualities of the current Education minister - I am not delivering a backhand compliment - the State needs someone who can devote his or her energies full time to this portfolio area and drive the much-needed changes in this area in Western Australia rather than, as we have currently, a person who is fully aware of the issues but who is not driving the changes and, rather, leaving them to the bureaucracy of the department. We are now seeing the results of that lack of application which is most regrettable. We therefore need a full-time Education minister.

I said in the motion that a crisis in confidence exists in our state school system. I challenge any member of Parliament to deny that fact in their own private conversations. Members of Parliament will stand in this place and say that everybody has full confidence in the education system. However, that is not true and every member in this Parliament knows there is a current crisis in confidence in the state education system in Western Australia. That is evidenced by the fact that so few members of Parliament are educating their children in the state school system. The overwhelming majority, especially of government members, are educating their children in the private school system. I will not launch into criticism of members for that as both sides of Parliament, both State and Federal, have members who choose to educate their children in the private system. However, when one examines the numbers of members of Parliament who choose to educate their children in the private system, one can see where they believe their children will get the best education; it is not in the government school system. That is most regrettable and a matter that should be addressed as a matter of urgency in Western Australia.

In the past few years there has been an undeniable trend for parents to take their children out of government schools and put them into the private sector, in which there has been a proliferation of schools. There has been a movement of both numbers of people and funds into the private sector. I am sure an analysis would show that the growth in funding is inordinate in the private school system compared with the government school system.

Mr Bloffwitch: That is the fault of the Federal Government, not the State Government. Don't blame us for that.

Mr CARPENTER: The percentage of students in non-government schools in Western Australia in 1994 was 24.8, according to the Department of Education Services 1999 annual report. By 1998 that figure had grown to 27.2 per cent and was growing. The percentage of students in the government system had declined from 75.5 per cent to 72.2 per cent. A significant growth in the comparative numbers of students were transferring to the private sector. The member for Geraldton mentioned, by way of interjection, that the Federal Government's policies are driving that transfer. To a large extent I concur with that remark. Dr David Kemp is doing tremendous damage to the government schooling system around Australia, and in Western Australia. I acknowledge that the current state Education minister has acknowledged publicly the lack of federal funding flowing into Western Australia for education. Nevertheless, the State Government is responsible for managing and delivering the education system in this State. As members know, the State Government has also increased significantly the amount of funding to the private school system in this State, well above the increase in funding to the government schools in this State.

It is particularly galling for people who send their children to government schools to see government schools in a state of disrepair or dilapidation and knowing at the same time that the non-government sector is attracting record amounts of funding over and above the increases that are going to the government system. Every member of Parliament on both sides of the House should be concerned about that. I would be surprised if in their private moments virtually every member of Parliament has not expressed a concern along those lines. We cannot afford to allow that trend to continue and for a two-tier education system to develop in this State: One system for parents who can afford to send their children to the private sector or the very well-resourced government schools, and another system for parents who are unable to send their children to the private sector.

Mr Barnett: Don't you believe the Government should support low income Catholic schools?

Mr CARPENTER: The minister can speak when he gets his chance and can respond to every point then. I have the talking stick and I will use it. Currently in Western Australia we are consciously transferring resources away from the government sector to the private sector when the government sector is crying out for more resources. There are schools all around the metropolitan area - and in the country, as all country members would know - that need urgent attention.

Mr Bloffwitch: They are getting it.

Mr CARPENTER: They are not getting it.

Mr Bloffwitch: You speak for your own area and I will speak for mine.

Mr CARPENTER: I have just been to Geraldton where I spoke to the principal of the Geraldton Secondary College. It is not getting the physical infrastructure resources that it wants.

Mr Bloffwitch: It is.

Mr CARPENTER: If the member for Geraldton does not know that, he should be booted out of his seat.

Mr Bloffwitch: Is \$5m not enough? When I told him the news he was absolutely astounded.

Mr CARPENTER: The problem with the physical resource allocation is leading people out of the government sector and into the private sector. Page 12 of the Department of Education Services' 1999 annual report states that specific initiatives are also included from time to time, such as the State Government's 1999 commitment to provide an additional \$6m over four years to lift recurrent funding for non-government schools to more than 25 per cent of government school costs. Funds for this initiative were included for the first time in the 1997-98 budget and a figure of 26.5 percent was achieved by February 1999.

In the current state budget that has just passed through this Parliament, there was a 13 per cent per capita increase in the funding allocation to non-government schools. When the minister was asked about that in the estimates hearing, he said that in broad terms the Federal Government funds about 37 per cent of non-government schools, the State Government about 18 per cent and the remaining 50 per cent comes from the parents. He said that it is true the Federal Government has increased funding for the non-government school sector, that the Government has honoured its policy commitment to achieve 25 per cent and that is where it will stay. He said the Government does not intend to go beyond that because that figure is fair.

We have already gone beyond that. According to the Department of Education Services annual report last year, the allocation was 26.5 per cent and the minister has increased that funding this year by another 13 per cent. I have no argument about the 25 per cent figure but the budget is beyond that now, according to the minister's own government documents.

Mr Barnett: Yes, we believe we have met it.

Mr CARPENTER: It is not a matter of meeting it; it is beyond it. The minister knows, as he has been to many schools, that many state schools are crying out for small amounts of funding for items like playground equipment; additional facilities for children who want to study art and music; and for small items like fencing and covered assembly areas, matters to which I previously brought the minister's attention. Parents in the government sector are particularly galled when they see the private sector receiving additional funding over and above the commitment given by the minister in his own budget documents. If we want to maintain a bipartisan approach to the necessity for funding the private sector, we cannot endanger that bipartisanship by infecting community attitudes with the belief that the private sector is getting too much. The minister

is doing that as it is an effect of his policy. It is a very dangerous development for education in Western Australia, over and above the accompanying social issues. I have raised those matters in the Parliament before; I will not raise them again, other than to say that great benefit accrues in a government school system which draws people from all backgrounds, religions, levels of income and so on and educates them together. We change that factor of Australian society at our peril.

I have some Australian Education Union figures which I believe have not been challenged, although I am prepared to accept alternative figures if available. These figures indicate that the current federal budget will give private schools 65 per cent of all commonwealth school funding over the next three years. Also, federal and state budgets between 1993 and 1998 have increased spending on private schools in Western Australia by 70 per cent, at a time of reduction in federal funding at that level. It is not a healthy development. As the minister in charge of the department responsible for managing education services in this State, that should be an area of extreme concern. A 70 per cent growth in federal funding for the non-government sector is occurring at a time of real reductions in government sector funding from the Commonwealth.

Mr Barnett: Tell the full story. That is semantics. The government and non-government schools are lumped together. When you refer to the State, you only talk about the Commonwealth. Don't you think you have a responsibility as a parliamentarian to be consistent.

Mr CARPENTER: I am consistent; the minister does not know what he is talking about.

Mr Barnett: I must have missed the point.

Mr CARPENTER: The minister can get to his feet and respond.

Mr Barnett: I just don't like deception.

Mr CARPENTER: I am not deceiving. Combined funding for non-government schools has increased by 70 per cent in those years. I am prepared to accept alternative figures.

Mr Barnett: Why did you say that the Federal Government has reduced real spending for state schools? You refuse to admit that state government spending is 90 per cent of all funding of government schools. It didn't suit your crumbly little argument, that's why.

Mr CARPENTER: It is not a crumbly argument. Everybody in this House and in this nation knows that a huge transfer of funds has occurred to the non-government sector. Principally, this was driven by the Federal Government. However, the minister in this State has increased funding to the non-government sector by a percentile well above the percentile increase given to the government sector. Is that a fact?

Mr Barnett: It is because it is a fact of life, you fool, that enrolments in the non-government sector have increased by at least three times the rate of enrolments in the government sector.

Mr CARPENTER: That is because people can see what is happening. Governments at state and federal levels believe that only people who cannot afford to be educated in the private sector should send children to government schools; everybody else should be in the private sector. Policies are directed that way.

Mr Barnett: If you are such an authority -

Mr CARPENTER: The minister will get his chance to speak! The best indicator of the performance level of the state government system is the number of children who maintain their interest in education right through the system. Since the election of this Government, the high school dropout rate in Western Australia in government schools has increased significantly; that is, the retention rate to year 12 level has declined significantly. If that is not a matter of concern to the Government, it should be. I know it is a concern to the minister as he said so in this place and elsewhere publicly; however, he has not been able to do anything about it. He admits that. He has not been trying hard enough. He knows that government school retention rates are down to about 60 per cent, whereas eight years ago they were 65 per cent. Vague suggestions have been made of reasons for that trend. Nevertheless, no reduction in retention rates has occurred in private schools. The arguments about alternative forms of education and employment do not apply in private schools, for which retention rates are still high at about 80 per cent. Do we accept as a community that government school retention rates can decline to about 60 per cent? Incidentally, in virtually every other comparable country in the world, retention rates to the equivalent of our year 12 are 85 to 90 per cent. We are down around 60 per cent in Western Australia.

Mr Barnett: It is 71.5 per cent.

Mr CARPENTER: Is that in government schools?

Mr Barnett: It is 71.5 per cent in Western Australia.

Mr CARPENTER: That is because we have 80 per cent in private schools and 60 per cent in government schools. The government school sector is trailing the private school sector. At the same time, huge amounts of resources are being poured over to the private sector. The minister has acknowledged inside and outside Parliament that this is a concern. When I raise the matter, he throws other issues at me regarding children attending TAFE and uses the youth employment figures as an explanation. It does not apply in the private sector. Can anyone imagine all the government members who send their children to private schools being happy if a sign by the front door of the school said that about six out of 10 children at that school are guaranteed to reach year 12? They would not accept that situation, as we should not accept it from our school management; namely, the Education Department and, ultimately, the minister. Those figures are very poor.

As the minister knows, they are worse than the mere 60 per cent. When one breaks down who is and who is not staying at school, a critical problem in Western Australia with dropout rates is evident. High schools in the lower socioeconomic areas and some country areas have very poor retention rates. Some of the government schools in the metropolitan area are doing reasonably well which masks the seriousness of the problem in other government schools. The minister said that some government high schools have retention rates as low as 30 to 35 per cent. I received from the department a list of every government high school in Western Australia and its retention rate. I have it with me. The department also provided a breakdown of outcomes for boys versus girls.

First, we have retention rates in some metropolitan schools in lower socioeconomic areas around 30 per cent to 50 per cent, although some are doing better. The same applies in country high schools. What is happening to the other schools? Would it be acceptable for the Premier, who wants to send his child to, say, Hale School -

Mr Barnett: Emma will not be going there, I suspect.

Mr CARPENTER: I refer to his son, who probably went there. I think the Premier went there also. If John Inverarity said that three out of 10 Hale boys would finish high school, it would not be accepted. On behalf of the people who send their children to their local government high schools, we should not accept that three or four out of 10 students will finish high school. It is absolutely outrageous for the community to let that factor slide by and say, "Some of them are going to TAFE and some are getting jobs. We do not know that, but we think that is so". On 12 March 1997 in this Chamber, the member for Thornlie raised this issue with the Minister for Education, who said it was an area of concern and he was sure that the Education Department would do some research to find out why it was happening. Can the minister tell us, three and a half years later, what research has been done by the Education Department on the dropout rates from high school, why it is happening and what specifically is being done about it as a result of that research? I want to hear about this research. If there has not been any research by the department that is charged with administering education, we should know why not. We should call the Education Department in and let them explain why it is prepared to accept that only three or four out of 10 of our country youth are finishing high school. It is not acceptable. We should be ashamed of that rather than let it slide through to the keeper.

I underline the fact that at the same time the retention rates in the non-government sector are about 80 per cent. I am holding up a graph of our performance in retention rates over the past 10 years. During the 1980s, retention rates rose consistently in Western Australia from 25 per cent to 65 per cent. They tailed off by 1997 to around 60 per cent, and have remained consistent at that level. That is the performance level. We always talk about outcomes in education. Let us talk about the outcomes of the system. That has been that we are letting all these young children leave school without completing their education.

Mr Bradshaw: Maybe people have realised that is not the way to go.

Mr CARPENTER: Unfortunately, the attitude demonstrated by the member for Murray-Wellington permeates through the ranks of government members. It is wrong; it is out of date.

Mr Minson: Do you think it is realistic that all students in their seventeenth year will go through to complete their formal education or will go out into some other form of education? This is serious.

Mr CARPENTER: I agree with the minister: We should aim for a 90 per cent retention rate. The Labor party aims for that. The Government should aim for it as well. It is not. There will always be some people who do not fit into the system, and will find other areas of education or employment. Hopefully, they should find a combination of both. However, the Government is not doing anything about that; we are letting it happen.

The minister spoke recently at the opening of a community college in Esperance and underlined the point that country education outcomes need to be improved. The National Farmers Federation President, Ian Donges, hit the nail on the head on 15 February this year when he spoke about the critical issues that faced country communities. He focused specifically on education and bemoaned the fact that so few country youth in Australia go on to tertiary studies. He said the way they can secure their future and the future of their communities is through tertiary education. Our rural youth are not getting tertiary education; they are not finishing years 11 and 12. They should be, and we need to have that target in mind in our education policies and work assiduously towards that, and never mind the explanations that they can get a job. Of course, 15 and 16-year-olds might be able to get a job, but what kind of job and where will that leave them in two or three years' time or whenever they are too old to be paid junior rates.

Study after study has been done into the economic importance of maintaining people in education, let alone the social costs of letting people leave. During the estimates committee hearing, I asked the Ministry of Justice for a breakdown of the educational achievement levels of prisoners in our jails. They said that 76 per cent of prisoners in Western Australian jails have not finished primary school education, and another 12 per cent have only minimal high school education. Members can work it out for themselves. It is obvious. All members of Parliament see people coming through their doors every day who are the real outcomes of the system. They see people who have not adequately achieved, for one reason or another, in the education system. They see lack of employability, and the attendant social, health and family problems. Members of Parliament see it every day. We are allowing this trend to roll through the government education system without adequate attention being paid to it. If our budgets measure all of the activity of government by output, let us challenge ourselves to measure education by output as well. If that output is 50 to 60 per cent, what do we want?

I spoke about the difference between students attending schools in lower socioeconomic city and country areas compared

with schools in the better off areas. Members will also see a significant trend in the breakdown between males and females completing year 12. Boys in particular are struggling in our education system at the moment. In country high schools the retention rate among girls is 10 percentage points above boys. Boys educated in the government school system are leaving school earlier without finishing their education. Members of Parliament have spoken on a range of issues affecting young men in their electorates - youth depression, suicide in country areas, and juvenile crime. It is all there and everything is connected. If we cannot keep students within the education system, there is a higher probability of their turning up in government statistics elsewhere - in unemployment, with social and crime problems, suicides and so on. It is an issue that needs all of the Government's attention, and the full-time attention of the minister. When compared with some other ministers, the Minister for Education sitting in this place has far more expertise than some of his colleagues. In a way that is a paradox, and everyone reflects on this: It is unusual to have a minister who we all think has great abilities but Education is struggling like hell and nothing is being done about it. Why does the minister not do something about it? It is probably too late because I do not think he will be here after the next election anyway. It is sad; he should have done a lot better. Maybe the answer is that nobody else on the government front bench is capable of taking the portfolio on. Perhaps we should have given it to the Minister for Fair Trading and made him do some work. Although he has demonstrated an unfortunate attitude to this issue in Parliament previously, so we should not dwell on that.

The number of girls achieving across the education system is much higher than boys. Quite a deal of educational research is being done in Western Australia by people like Ian Lillico that addresses the issue of education of boys. The Education Department should seize on this work being done in the community. Parents and teachers are driving this concern about the achievement of boys because they can see what is happening. Boys are struggling and failing and they want to know why. The department should seize on this work that is being done. It should develop policies and implement them straight across the system. It should not leave this to individual schools. Clarkson Primary School has implemented policies specifically to improve the situation for boys. From what I understand, it has had fantastic results. Today's newspaper carried a story about Singleton Primary School, and one or two others are also involved. It should be right across the system. A program should not pop up, and we watch it for two years and say, "Gee that's working well." We need a systemic approach to the problem, and the minister should seize upon this opportunity that is being provided by the wonderful work being done by Ian Lillico and others around the world that demonstrates how we can get better results out of education for boys. The Government is not doing that.

I have spoken briefly about the problems of not keeping boys and girls in the education system. I will quote *The West Australian* editorial, for what is worth, on 7 June 2000. I read editorials assiduously and every now and then they make a good point. This editorial made a good point on 7 June 2000. It reads -

... a drop in the retention rate for any group of students represents a waste of potential.

If we do not realise that we are stupid. To continue -

Students who leave school without finishing Year 12 have little hope of finding fulfilling jobs that pay more than a basic survival wage. Many are destined for the dole queues, or worse.

New South Wales Centre for Independent Studies researcher Jennifer Buckingham has observed that the drop in the boys' retention rate has been associated with unemployment, an impoverished intellectual life, delinquency and crime. In many cases, students who leave school early are doing no favours for themselves or society.

It goes on. It could have been lifted directly from a press release I sent the newspaper a week before. In fact, I suspect it was. It hit the nail on the head.

I now move on to other points. I do not believe that the minister takes issue with this matter of retention rates and dropout rates. It is a matter of being prepared to do something - not just leaving it to the bureaucracy in the department - and to jump in behind the wheel and say, "I will drive this thing and I want this to be done or they are out."

Another issue on which I want to spend a few moments is the conditions, the status of teachers and the position in which school teachers in Western Australia find themselves at the moment. School teachers in Western Australia say that the recognition for the roles they provide to the community is insufficient and inadequate, that they are not being supported sufficiently by the department in enacting the continuous change that is flowing out of the department's bureaucracy and which is expected to be implemented in schools and so on. They are very concerned about the status of teaching, not necessarily for themselves - although of course they are - but for the future of the system. How do we attract people into teaching and into government schools if the profession is not seen to be one which is attractive and into which people want to go? The whole question of the status of teaching and the status of education is bound together.

A month or two ago I released a discussion paper on the status of teaching and I did my best to address one or two of the issues. It went down reasonably well with the teaching community. At least someone was recognising that some action was needed. One matter I did not address in that paper was teachers' salaries. They are involved in the enterprise bargaining agreement negotiations with the department at the moment. It was early in the period and there was a state of some flux and I did not want to put out a paper which was subsequently made redundant because of changes that the Government might have announced. The current certified agreement with teachers has expired and they are still in the negotiation phase to get the next one done.

Mr Barnett: You might be interested to know that the teachers union has pulled out of the last four scheduled meetings.

Mr CARPENTER: The minister should let me go on. Critical to the negotiations - it is not the only thing about which the

teachers are negotiating - is their salary package. That is not unexpected; it is quite reasonable. When the minister stands, I ask him to address this question: Has the minister said publicly in the past couple of months that school teachers in Western Australia have received a 15 per cent pay rise over the past two years?

Mr Barnett: No, I have never said that.

Mr CARPENTER: I am glad the minister said that. I will check some of the public records because I have either heard him say that or he has been reported as saying that.

Mr Barnett: They have received a 21 per cent increase since 1996.

Mr CARPENTER: The minister has not said publicly in the past couple of months that teachers have received a 15 per cent pay rise over the past two years?

Mr Barnett: No, because they have not.

Mr CARPENTER: I know they have not; that is why I am asking the minister.

Mr Barnett: What are we arguing about?

Mr CARPENTER: I have seen it reported that the minister has said that.

Mr Barnett: I haven't.

Mr CARPENTER: If we are dealing with an issue on which teachers are trying to get more pay, we must be honest about the situation: They are underpaid. Does the minister agree that they are underpaid?

Mr Barnett: I believe -

Mr CARPENTER: He did not want to answer.

Mr Barnett: Do you want an answer to the question?

Mr CARPENTER: School teachers in Western Australia are underpaid.

Mr Barnett: You do not want an answer now. You are a fool! I believe teachers' salaries should progressively rise.

Mr CARPENTER: I am not a fool! I am not the Education Minister who has presided over a downward trend in the outcomes of education in Western Australia. The minister is not a fool, but that is what he has done. When he leaves Parliament, he can reflect on the fact that fewer children were achieving in education when he finished than when he started.

Mr Barnett: No, there will not.

Mr CARPENTER: That will be his legacy. He understands the requirement for new buildings. He has done a good job in providing new buildings here and there. However, he does not understand the fundamental importance of education for a whole group of people - those who come from the bush and those who come from poor, socioeconomic backgrounds who need a vibrant, world-class public education system to achieve in life. The minister does not understand that because if he did, he would not have allowed this trend to continue and would not have abused and belittled people who raise those points. Unfortunately, that is what the minister does.

Western Australian school teachers are dramatically underpaid. They are intelligent enough to know that that cannot be reversed in a single year. What they want to hear is that there is a commitment from government to change that situation. They do not expect government members to walk down the street and say, "We will give you a 20 per cent pay rise to get you to the comparative position you were in 10 years ago." They want to hear the Government of the day, and probably every other member of Parliament, say, "We understand that the comparative position of school teachers has declined dramatically in the past 10 or 15 years and we are committed to doing something about it." That is what they should be hearing. I will draw on figures that the union has provided for teachers' salaries, so I am open to correction. The figures the union has provided me show that for new graduates, Western Australia has the lowest paid school teachers of all the States. Western Australia pays its new graduates \$32 925. It is the lowest salary of any State or Territory in the country. At the other end, the top increment -

Mr Barnett: I do not agree with that. Don't you agree that that is not a bad starting salary for a new graduate? What does a new graduate get after five years? I think you will find it is very attractive. I concede that later on in careers, salaries do not rise as quickly as those in other professions. However, starting and initial trainee salaries are high in education.

Mr CARPENTER: They are higher compared with what?

Mr Barnett: Compared with most other graduates out of university.

Mr Thomas: What about after five years?

Mr Barnett: From memory, a graduate would get about \$37 000. I am not sure of the figure, but I will get the figure before the debate is over.

Mr CARPENTER: According to these figures - I got them from the union, so they are open to correction - the top increment for teachers is \$48 264. That is the second lowest salary in Australia above South Australia, which is currently

in the process of negotiating a package which would put its teachers above ours. Most other States are in the process of negotiating their teacher salary packages and will go further ahead than Western Australia. New South Wales teachers have just negotiated a package which gave them about 18 per cent over four years

Mr Minson: What is the cost of living in Sydney?

Mr CARPENTER: It is very high, but so what? Western Australian teachers are the lowest paid in the country. The minister has said that one of the problems is that we cannot get enough people to go into teaching. Why can we not get people into teaching? One of the problems is that the average age of graduates is 28 years. Is \$32 000 an attractive salary package for a 28 year old? Of course it is not. We are facing a massive crisis. The minister knows this: A teacher shortage is looming. The department has done its work on this. At the same time, we are allowing the situation to go on and we are paying our teachers the lowest rates in the country. How stupid can we get? We must pay them more. As I said, teachers do not believe, and would not believe, that the Government will come out tomorrow and say, "We will put you on parity with New South Wales, which is where you were 10 or 15 years ago." In fact, I think the wages were pegged at that stage so that a pay rise in New South Wales flowed on to Western Australia.

What teachers expect and would like is a commitment that the minister understands or accepts that they are underpaid. He can give all the arguments about his budgetary situation, but they want to know that he is committed to reaching a situation at which their salaries are comparable to those in most of the other States.

Mr Barnett: They have had that.

Mr CARPENTER: The minister is not saying that publicly. What happens publicly is that he argues against their position. That does no good for the status of teaching. We end up with the lines that teachers get too many holidays and they do this and that.

We need to attract more people into teaching because a crisis is looming. Fifty per cent of Western Australia's teachers will reach retirement age within the next 10 years. However, insufficient graduates are available to replace them. To a very limited extent the Government is offering small incentive packages to entice graduates from other areas to do one year's Diploma of Education and then begin teaching. I think 30 scholarships a year are being offered, but that is not enough.

Primary school teaching requires four years of committed training. A primary school teacher cannot be trained in one year from another course; there is a four-year time lag. We must consider what will be the situation in 2005, how many teachers are likely to retire and how many graduates will be available. Why are they not coming in? We do not pay them enough. They will not become teachers and we will have a crisis on our hands in a few years. Manifestations of the shortage occurred last year and it will be more obvious as time goes on.

The Government is committed, for example, to reducing the size of early primary school classes, and a Labor Government would do the same. That will require extra teachers. We must plan and we must turn around people's attitudes. When did the Leader of the House become the Minister for Education?

Mr Barnett: Effectively beginning 1996.

Mr CARPENTER: I was working with the *7.30 Report*. We should cast our minds back four years to 1995 and recall what was occurring between the Government and teachers. A massive dispute was taking place over pay between the teaching group and the then minister and his chief executive officer, who had no educational background; he was a manager. The issue became very personal and bitter. Is it any wonder that the young people who were in years 10, 11 and 12 were not particularly excited about the prospect of becoming school teachers? Of course they were not. They did not want to become school teachers and see on television that profession being denigrated and school teachers being verbally abused. Their teachers were probably saying, "For Christ's sake, whatever you do, don't become a school teacher. Look what we must put up with." Four years later there are not enough teaching graduates. Of course there are not, because in 1995 young students decided they would not become school teachers.

Mr Osborne: Fancy denigrating your own profession and telling students in your class not to do what they did.

Mr CARPENTER: The member for Bunbury knows better than that. Would anyone being pummelled by an employer about the fact that they were lazy and took too many holidays recommend to students that they become school teachers? Of course they would not. The Government generated a crisis of its own making and now, four or five years later when we need all those bright young people to become school teachers, they are not there. We are wondering why and what we can do to encourage them into the teaching profession.

We must improve employment conditions and remuneration for teachers. There seems to be no understanding of the importance of that. One of the reasons is that we do not get teacher crises of this nature in private schools which the children of most members of Parliament attend. They are not affected because they will always attend well-resourced well-funded schools. Those schools do not have problems finding teachers because they pay them a bit more.

The people who rely on the government school system want to have the confidence to send their child to their local school knowing that not only will the teacher have a good attitude towards the child's work but also the physical environment will be good and the education will be first class. That is why it is so important for the department and the minister to come to grips with the current problems in the state school system. There are serious problems and we must come to grips with them.

The minister must acknowledge to school teachers in Western Australia that they are underpaid. He must show his commitment, at least in the medium to long term, to giving them the parity with other professions and occupations they enjoyed a few years ago. Otherwise our education system will face worse problems than it is facing now.

National literacy testing introduced by David Kemp is of little benefit in its present form.

Mr Barnett: Were you not just mounting a case for outcomes in education?

Mr CARPENTER: I have not finished yet; I want to refer to literacy. Testing is not an outcome. Literacy is the outcome. Kemp does not understand that.

Mr Barnett: How do we know the results if we do not measure the standard?

Mr CARPENTER: Before those federal tests were carried out, did school teachers know which children in their class had literacy difficulties?

Mr Barnett interjected.

Mr CARPENTER: They may not have known specifically, but in general terms they probably knew.

Mr Barnett: Every child matters.

Mr CARPENTER: The minister should remember that because he does not understand that.

Mr Barnett: I thought I just said it.

Mr CARPENTER: The testing introduced by Kemp indicates that on one day at one school a group of students may not have reached the benchmark. However, what occurs as a result of that? Nothing. I have been around to the schools, although not as many as the minister, in the metropolitan and non-metropolitan areas and asked what extra resources had been provided and how many extra teachers walked in the front door of schools due to the difficulties highlighted in the literacy test? They say that nothing had happened; they did not get any additional people.

Mr Barnett: Haven't you noticed the early childhood program?

Mr CARPENTER: Which school can I visit in Western Australia where additional, trained staff, who have expertise in dealing with literacy, have been employed because of the literacy test?

Mr Barnett: Every school in the State.

Mr CARPENTER: No school in the State. That is absolute rubbish. Nothing has occurred due to the literacy test.

Mr Barnett: Not due to the literacy testing. If you can develop the early childhood program it will not be necessary to employ extra people due to literacy testing.

Mr CARPENTER: The minister just said himself that nothing has occurred. No additional resources have been provided. Kemp has introduced a test to show that he is concerned about literacy and numeracy to provide himself with a political benefit. I am not arguing about the validity of the testing. I am saying that as a result of the testing nothing positive has occurred; the schools do not get any extra people and the children continue to suffer. They ultimately do not achieve and drop out of the education system at an early age. That is not good enough. I await the minister's telling us where in the State additional trained staff have been allocated to deal specifically with literacy problems highlighted by the testing. I do not think it will take him long because none has been allocated.

I have spoken about salaries and teacher morale. Nobody believes that we are not in the situation that needs dramatic attention. The Government has made a commitment to reduce class sizes by four by 2000.

Mr Barnett: We have reduced class sizes already.

Mr CARPENTER: I think the Government has made a commitment to reduce class sizes by four in the early primary school years of 1 and 3.

Mr Barnett interjected.

Mr CARPENTER: What is the average class size of year 2 students?

Mr Barnett: I will answer that when I get up, but it has been done.

Mr CARPENTER: I support that move; we should reduce class sizes.

Mr Barnett: You should congratulate us for doing that.

Mr CARPENTER: The minister has not done that.

Mr Barnett: We have.

Mr CARPENTER: He has not. He should visit his local primary school and see how many kids are in year 3. Will there be 24 children in the class? There will be 28. I am referring to a reduction from 28 to 24 students which I agree is a good initiative.

Mr Barnett: You agree. We have done it.

Mr CARPENTER: I have seen the class sizes at the school where I take my own children. I hope the target is reached by 2003.

This minister will not achieve that; we will. I think he conceded during a previous debate that serious attention must be paid to years 8 and 9, which is the transitional stage when children go from primary school to high school. We need to address the issue of class sizes with the same commitment that has been promised regarding the early years of education. This is a critical time in which many young people, especially boys, become alienated from the high school system and fall away. Regardless of what is offered in years 11 and 12 - the range of subjects is being expanded - they will not stay because their attitudes have become entrenched.

That is an area on which the Government needs to focus strong attention, particularly as the middle school concept is developing and taking off in different places using various models. The Government needs to seriously address the issue of class sizes. The Government has done the right thing in providing computers in schools. I understand the proposed ratio is 1:5 or 1:10, and the minister has said it is close to achieving that. I congratulate the Government on that; it is good, and I do not know anyone who thinks otherwise. However, I compare that with buildings and what goes inside them. It is not just a matter of providing the physical infrastructure; the Government must understand what computers are for. They are an education tool, and the ultimate aim is not just a ratio of 1:5 or 1:10. The Government must be able to provide the schools which now have computers with IT support so that when something goes wrong with those computers, schools do not lose the benefit of them for two or three weeks at a time while they wait for someone to fix them. The school at Wyndham was trying to get someone from Sydney to fix its computers because no-one from this State would provide IT support. The Government has a responsibility to provide back-up support and not just leave it to the individual schools. The Government has a responsibility to make the system work, so that schools get the benefits from the computers provided. It is good to provide the technology in the schools but that technology must function and be useful.

A further issue is the lack of IT expertise among teachers. Schools, or at least districts, need dedicated IT experts over and above the teaching staff ratios. It is not sufficient to designate an existing person at each school who is a whizz on computers to teach everybody else in the school. Teachers do not have the time to do that. When that teacher is helping others, who looks after his or her class? That is happening at the moment. Those designated as IT experts at schools - implementation officers - have their own teaching responsibilities and they do not have the time for other duties. Large numbers of teachers are not getting the professional support and development to use computers as an effective educational tool, and we are not getting the real benefit that should be gained from the provision of that technology. It is good that the Government provided it, but it does not understand what it is all about. The Government thinks it is merely a question of meeting a commitment to provide computers. The computers must have a function other than to sit on a desk.

I will touch briefly on one other issue. The minister has the rhetoric right in relation to education for indigenous people. Everybody realistically concedes that this is a very difficult issue on which to make progress and to get real benefits. My position is that the Government is not doing enough. It is not a matter of spending huge amounts of money, but of making the system work for indigenous children. The Government has some commitment, but it is not doing enough. Retention rates are the ultimate indicator of how the system is working, and the retention rates for Aboriginal children in our schools are not as high as they were seven or eight years ago. They have gone backwards, and it is not good enough. By asking questions in the Estimates Committee, I have stumbled by accident on programs within the education system to encourage Aboriginal graduates, but the number of such programs is small and their impact is minimal. It is a major issue. If any other ethnic group in Australia, or in any advanced nation in the world, were under-achieving in education to the level at which Aboriginal children are, something dramatic would be done. It would not be regarded as a side issue. It must be recognised that indigenous children in our schools need specialised approaches, and until that happens this State will continue to have the concomitant social problems that flow from any group of children who do not remain in the education system. I ask the minister whether the funding levels for Aboriginal specific educational programs were reduced from \$113 a head to \$62 a head from 1998 to 1999? Was that commonwealth funding to the schools through the State Government reduced by almost half because the previous year's allocation had not been spent?

Mr Barnett: I do not know the commonwealth allocation, but in this State we spend more year after year on Aboriginal education.

Mr CARPENTER: I will put that question on notice.

Mr Barnett: You might have to ask the commonwealth minister.

Mr CARPENTER: No, the money goes to the State Government and it is the State's responsibility to acquit it in the schools. I understand one year it was not spent and the following year the allocation was halved, but I do not have the documents to prove that.

In summary, first it must be accepted that education in Western Australia is at a critical stage. Comparatively WA is at the same point it was at in 1972 when the Whitlam Government came to power and did something about the education system. The world has moved on and the requirement for higher education is more than it has ever been. The education system in this State has stagnated. Under federal minister Kemp, and with no assistance from the State Government, WA is going backwards. I appreciate that there is only one minister, but the Minister for Education needs to be a full-time Minister for Education in Western Australia and not a minister who gives the Education portfolio second or third priority. The minister's primary focus is minerals and energy and resources development. I do not decry him for that, because that is his

background, but they are his primary focus. Education is secondary to him and the system is suffering because of that lack of attention. This State needs a full-time Minister for Education, and not a part timer. It needs someone with expertise who is interested in and committed to improving educational outcomes for children in Western Australia.

The Government should encourage, not discourage, dissent, argument and debate about education and what is happening among teachers. It should allow public debate and not stifle those in the education system, because they know what is happening and they have a right to tell people publicly and to disagree with the Government about the progress of education. Let us have a healthy debate within the system. People should not be clamped down and their views should not be suppressed by the department. The Minister for Education - he is preferable to anyone else on that side - should take on the Education portfolio as a full-time challenge and provide the children in government schools in Western Australia with the educational opportunities they deserve. Otherwise, this State will face the consequences in the long term.

MR BARNETT (Cottesloe - Minister for Education) [4.58 pm]: The member for Willagee has spoken for one hour, but I will speak only briefly in response. My first observation is that this Government regards education as its highest priority. This Government has an outstanding record of commitment to education. Indeed, proof of that is the number of members in the Chamber. I ask members to compare the interest on the government benches in a debate on education with the two or three opposition members present. These are members of Parliament who care about education for the boys and girls in their electorates and throughout the State, and they probably all want to speak in this debate. Only two or three members of the Opposition are in the Chamber. This is a commitment by people who go to schools and promote education for their children. The commitment of this Government is on display in the House.

The Opposition said that I am a part-time Minister for Education. It is typical of the Opposition, when it does not have a sound argument, to launch into a quasi-personal attack. I have two major portfolios, and I claim I cover them competently, if not well. Others can make that judgment. Since I have been Minister for Education I have visited nearly 500 schools in this State, averaging over 100 school visits a year. I have been to schools in every electorate, some repeatedly at the request of members opposite and on this side of the House. I continue every week to go to schools and visit classrooms and talk to teachers, parents and students. I continue to make decisions about schools on a weekly, if not daily basis. If that is not doing the job of Minister for Education, I do not know what is.

Mr Carpenter: You do not understand.

Mr BARNETT: I understand exactly.

Mr Carpenter: Turning up at a school with a group of gentlemen in black suits, staying for five minutes and walking out again does not constitute trying to understand the reality of that school.

Mr BARNETT: The ignorance of the Opposition is brought out by that one comment. I have been to 500 schools. I have never turned up with a group of people in black suits. As you would know, Mr Acting Speaker (Mr Baker), I take one person only from my office, generally a woman. I do not turn up with armies of advisers. I have never done it and I never will. I want to speak briefly on some matters because other people want to have a say.

Mr Carpenter: You cannot even address yourself full time to this.

Mr BARNETT: I will be here. This will be a long debate; we will go for two weeks on this. We can see the interest in education on this side of the House.

Let us look at commitment to schooling, because the Opposition started off by talking about the growth of government versus non-government schooling and tried to convey a picture that somehow this Government has a secret agenda to promote private or independent education as distinct from government education. This Government has a clear policy position, which is one of choice. We believe that it is up to parents to choose education. Many parents, particularly Catholic parents, choose Catholic schools. I gained the impression that what the Opposition had to say about non-government schools is worth pursuing in this debate. About 30 per cent of the children in this State go to non-government schools. By far the biggest segment is made up of those children who attend Catholic schools. Many non-government schools, indeed most Catholic schools, have facilities which, on average, are probably below those in the government school system. Many of the poorest equipped schools in this State are low-income Catholic schools. I admire the job that the Catholic school system does, in particular in remote parts of the State where it gives a wonderful service to many disadvantaged families. Why should the Government of Western Australia not support all children and all parents in all schools? That is our policy, and that is what we do.

The member for Willagee seemed to indicate that our policy for the funding of non-government schools was wrong. We came into government with a clear policy commitment that we would fund non-government schools to at least 25 per cent of the cost of educating a child in the government sector. According to our calculations the figure stands at 26.5 per cent, mainly because of the timing of some low-interest loans on capital works. The non-government schools would say that it is a bit less than 26.5 per cent, but we have achieved our target. I take it from the comments of the member opposite, that Labor Party policy will be to cut funding for non-government schools. Is that the policy - yes or no? What is Labor Party policy? Will it go below the 25 per cent level of funding for non-government schools, because I want to tell all those Catholic families out there what the Labor Party is intending to do? What is the Labor Party's policy?

Mr Carpenter: When you finish, you can pick up a phone and speak to the Catholic Education Office and ask what I said when I was asked that question.

Mr BARNETT: This Government will maintain funding for Catholic and other non-government schools to at least 25 per cent of the cost of educating a child in a government school. That is a clear policy commitment of this Government. We will not take funds away from Catholic children in low to middle-income areas of this State. That is what the Opposition is promoting. We will not do it for low-fee Christian schools or any other group. We will provide equitable funding for all children and all families in Western Australia.

Let us talk about government schools which cater for 70 per cent of children. I remind members that the State Government and not the Commonwealth provides 90 per cent of all funding for government schools. They are state schools in every sense. The following are the funding increases by this Government for state schools: 1995-96, a 9.1 per cent increase; 1996-97, a 9.7 per cent increase; 1997-98, a 6.7 per cent increase; 1998-99, a 10.8 per cent increase; 1999-2000, an 8.3 per cent increase; and a 3.8 per cent increase for the coming year 2000-01. We have increased funding for government schools by an average of 8.1 per cent over each of the past five years when enrolments have been going up by about 1 per cent per year and inflation has been running at perhaps 2 to 3 per cent. We have never seen such a dramatic real per capita increase in funding for state government education in the history of this State.

What we have done is boost funding for non-government schools and boost funding by an enormous extent for the government sector. They are merely percentages. This Government spends, from memory, about \$145m on non-government schools. Currently on government schools we spend \$1 469m. Therefore, we spend nearly \$1.5b on the 70 per cent of children in the government school system and allocate about \$140m for the remaining 30 per cent. The increase in percentages has been higher in non-government schools, driven by higher enrolments, but the increase in real dollars spent has been heavily concentrated in government schools. We are proud of funding. I need say no more about that.

The member talked about retention rates. This is one area on which I do agree. I am concerned about retention rates in our school system; I am concerned about government schools and country schools; and I am concerned about Aboriginal children and a whole lot of other groups because it is an issue. However, one must be careful in the way one looks at it. I have said that I would like to achieve a retention rate of perhaps 85 to 90 per cent.

Mr Carpenter: Not "perhaps"; you said 90 per cent.

Mr BARNETT: Okay, 90 per cent. I would go for 100 per cent if I could get it, but that is not realistic. However, I would like to see the retention rate up around 90 per cent. That retention rate does not relate only to schools. I hope that around 90 per cent of young people will continue in education, whether it be in schools, TAFE, a structured learning program or in apprenticeships. There is no doubt that although retention rates have slipped in schools, which we all recognise, the participation rate in TAFE, apprenticeships and the like, has gone up. We must not look only at schools. The retention rate is too low. One can argue numbers, but according to the Australian Bureau of Statistics, the retention rate for Western Australia is 71.5 per cent, which is right in the middle of the Australian average.

Mr Carpenter: What about non-government schools?

Mr BARNETT: There will be a difference between government and non-government school retention rates in every State. The average retention rate for Australia is 72.3 per cent and for Western Australia it is 71.5 per cent.

Mr Carpenter: What about government schools?

Mr BARNETT: I have conceded the point that there is a difference, but there is a difference elsewhere in Australia not just in Western Australia. Western Australia's retention rate is about the national average. It is still too low. About 90 per cent of young Australians should continue in school or educational training. That should be a national objective, and it is. Some of the other speakers will talk about what we are doing practically to achieve better results in education. This Government has spent an enormous amount on restructuring and building schools, the new curriculum, middle schooling, early childhood education, rural education, vocational education and training schools, vocational programs and all the rest. It will take some time for the results to come through. I agree with the member opposite. We are absolutely dedicated to raising educational standards in this State, particularly for disadvantaged students, rural students and other groups.

I will pick up another couple of issues that were mentioned. The capital works program and the building program in this State have been unparalleled. I will not go into that other than to say that, despite what members opposite might suggest, we are building more and better schools in this State. Since 1993 the State Government has established 29 new primary schools and five new secondary schools, and a further 10 schools - five primary, four secondary and one with a special role - are under construction. That involves 44 schools over the same period in which 23 schools have closed or merged. This Government is expanding the school system and modernising schools throughout the State.

Teachers are the key to our education system. I recognise there are problems and that not as many talented young people take up teaching as a career.

Mr Carpenter: I will circulate what you say.

Mr BARNETT: The member can do that. Teachers are the key to our education system. In the 1950s and 1960s, young people had limited career opportunities and teaching was a way of getting into university and further education. It now competes with a wider range of careers and occupational structures. We are conscious that the nature of teaching students has changed. The average undergraduate is a 28-year-old woman who may have a stable relationship and children and who is taking up a second career. Those people are less mobile; they will not necessarily take up all positions offered to them. There is not a shortage of qualified teachers - except in certain disciplines - but there is a shortage of qualified teachers

willing to take up appointments throughout the State. I recognise that we must continue to raise the status of teaching and attract talented young people into teaching.

In 1996, this Government agreed to a substantial boost in teaching salaries of 15 per cent. Teachers' salaries have increased by 21 per cent since 1996. I have repeatedly told the State School Teachers Union and other teachers that I am committed to continuing real increases in teachers' salaries. This Government will continue to maintain teachers' salaries above the rate of inflation. The latest offer we have made to teachers maintains that. We will continue to maintain and raise teachers' salaries in real terms. That is not all we will do. Money is important, but it is not the only thing.

Mr Carpenter: You are offering 3 per cent.

Mr BARNETT: We are offering 6 per cent over two years, above the inflation rate.

Mr Carpenter: That is 3 per cent a year.

Mr BARNETT: We are offering that, plus a lot more.

Mr Carpenter: Plus what? You are taking things away.

Mr BARNETT: Permanency is one of the three biggest issues teachers have raised with me.

Mr Carpenter: You are taking away their bereavement leave.

Mr BARNETT: The member is continually interrupting. I do not mind interjections, but these are continuous.

Mr Carpenter interjected.

The ACTING SPEAKER (Mrs Hodson-Thomas): Order! The minister has the floor.

Mr BARNETT: In the past one or two years, 828 temporary teachers gained permanency. By the end of next year, a further 1 060 teachers will gain permanency in the state education system. The State Government is allocating \$9.8m a year for professional development. In 1998, we created the Centre for Excellence in Teaching.

Mr Carpenter: What is that - \$50 a teacher a year?

Mr BARNETT: There are 20 000 teachers. The member can do the calculations.

Mr Carpenter: It is about \$500 a year.

Mr BARNETT: We have acted on the suggestion of the State School Teachers Union. We have reduced class sizes to an average of 28, and they will be further reduced in early childhood areas to 24 in 2004. We have provided extra duties-other-than-teaching time for primary teachers.

Mr Carpenter: No, you have not.

Mr BARNETT: Yes we have. We have provided an extra 20 minutes.

Mr Carpenter interjected.

The ACTING SPEAKER: Many people in this Chamber would like to hear what the minister has to say. I ask the member for Willagee to stop interjecting so that people can hear the minister.

Mr BARNETT: The State Government introduced the remote teaching service, which addresses a quality of education issue. The service, which provided extra permanency, career and financial incentives to teachers, reduced turnover in remote schools from 85 per cent to 30 per cent in one year. That is quality of education. That is stability. We have also introduced a country incentive package. About 85 per cent of temporary teachers remained in a country incentives school. We have stabilised teaching numbers and conditions in country areas. In conjunction with the Minister for Housing, we are spending \$43m on 343 additional houses and units for teachers, 80 per cent of which are replacing old houses. When I started visiting schools five years ago, the most commonly raised issue was that of the quality of teacher housing. This Government has done something about it. A host of other things are being done to provide career incentives. We are about to offer teachers improved maternity conditions.

Mr Carpenter interjected.

The ACTING SPEAKER: We are discussing an education issue. I thought the motion was important to the Opposition.

Mr Carpenter: I wanted to speak uninterrupted but the minister would not let me.

Mr BARNETT: I will conclude now. I wanted only 15 minutes to speak.

Mr Carpenter: That is pitiful. You are the Minister for Education.

The ACTING SPEAKER: Order!

Mr BARNETT: The reason I am speaking for only 15 minutes is that a good number of government members are here.

Mr Carpenter: You are the minister.

Mr Thomas: Not one of them is listening.

Mr Minson: The member for Willagee will not let me.

Mr BARNETT: This Government has an outstanding record of increasing expenditure in all schools and for all children, in both government and non-government education. We have been innovative. We have introduced new curriculum. Curriculum is the core of learning and of improving education. Nothing is more important than the curriculum. We have introduced the early childhood program. We have introduced universal schooling for 5-year-olds and kindergarten-age students. We have improved a range of terms and conditions for teachers through the Centre for Excellence in Teaching and the like. We have revolutionised middle schooling. We have undertaken an enormous capital works program throughout the State. We have introduced \$100m of new technology. We are updating schools. We have spent more than \$50m a year on school maintenance over the past five years and upgraded facilities throughout the State. The Opposition stopped doing program maintenance while it was in power. It did only emergency maintenance. That was the sort of legacy this Government inherited.

Mr Carpenter: What is the Government's accumulated maintenance cost?

Mr BARNETT: We are spending \$50m a year. Does the member want to know what the Labor Government spent?

Mr Carpenter: What about the teachers and the students? You talk only about the buildings and the curriculum.

Mr BARNETT: We will talk about the students. I will ask some of the government members who have taken an interest in education to talk about Aboriginal education; boys' education; what we have done for students at risk; what we are doing for students with disability problems; what we have done in the early childhood area; what we are doing in literacy areas; what we have done for rural education; the developments we have under way in vocational education; and what we have done with new technology in schools. That will take a while, because this Government has done so much. I want the member for Willagee to hear from the backbench members of Parliament about what is happening in our schools and what this Government is doing.

MS ANWYL (Kalgoorlie) [5.17 pm]: I think it is time we looked at the statistics. It is all very well to talk about the money this Government has or has not spent. The member for Willagee made the point that the Government talks only about buildings, computers and housing for teachers.

Mr Omodei: You have not been listening.

Ms ANWYL: It is important to look at the statistics. One of the reasons members on this side of the House are monitoring spending in government and non-government schools is that they are so concerned about the differing outcomes of those schools, of which the minister is well aware. Figures provided by the Minister for Education in this Parliament last year show that in 1998, the state retention rate of year 12 students in government schools was 60 per cent, whereas the retention rate in non-government schools was 79.4 per cent. We should focus on why it is important to make sure equity exists between government and non-government school sectors. It is important because they are providing different outcomes.

Dr Turnbull: Of course they do.

Ms ANWYL: "Of course they do," says the member for Collie, "It is meant to be that way. It is written in the Bible that children who go to private schools should have a better chance of staying on to year 12". Is that what the member is saying?

Dr Turnbull: I am not saying that. I will explain when I get my turn.

Ms ANWYL: I look forward to that. It is important to look at the percentage of students in the government and non-government sectors staying until year 12. Not everybody has access to non-government schools. I acknowledge many good non-government schools do not charge high fees, although the minister described those as having inferior facilities. I acknowledge that there are some modestly priced private schools in this State. However, not everybody can afford them. In my electorate, a significant number of people might like to send their children to non-government schools, but they cannot afford to do so. We must put this into perspective.

Mr Omodei interjected.

Ms ANWYL: I will not answer questions because I do not have time to deal with the inane interjections from -

Mr Omodei: No, this is a very important interjection.

Ms ANWYL: All right, one interjection, and it had better be good.

Mr Omodei: Do you know of any Catholic schools that have turned away students because their parents could not afford to pay?

Ms ANWYL: I know of a lot of parents who would not put themselves in the position of having to seek what they consider to be charity and who would not be prepared to put their families in that position.

Mr Barnett: Is there a Catholic school in Kalgoorlie?

Ms ANWYL: There are several. I am surprised that the Minister for Education does not know the answer to that, in that targeted marginal seat.

Mr Barnett: Those people will not be too happy with this speech.

The ACTING SPEAKER (Mrs Hodson-Thomas): Order, members!

Ms ANWYL: So far, I have quoted the Minister for Education. He is the one who said in this place that some of those facilities are inferior. In comparison, he talked about some of the remote areas of the State. I have just acknowledged that when it comes to outcome rates, non-government schools tend to have better retention rates and better academic rates. That is the reason everybody sends their children there - let us be real. Apart from the religious education side, which I acknowledge is important, there is also the consideration of the outcomes. Let us be honest and up front about the reason children go to those schools. The quality of the Catholic schools in my electorate is very high.

Mr Barnett: So you support the member for Willagee that funds to Catholic schools should be cut? That seems to be what he is saying.

Ms ANWYL: That is a ridiculous question from the Minister for Education. I was interested when the minister said earlier that we could have this debate for two weeks, because the sad fact is that in this House we rarely have a rational debate on important issues like education. It is not the Opposition's intention to cut funding for non-government schools. Perhaps the next time the minister is in Kalgoorlie, which I believe will be July when the Cabinet is there, he would like to visit some of the non-government schools in my electorate. Only this week I visited John Paul College, which is a secondary school. There is also St Joseph's Primary School and St Mary's Primary School. All of those are excellent schools. The fact is that those schools have better educational outcomes on the whole for a variety of reasons, which I do not have time to go into.

I referred previously to the comparison between retention rates to year 12 for government schools of 60 per cent and non-government schools of 79 per cent. That is a 20 per cent or a one in five difference, if one likes, between students staying on until year 12. That 60 per cent rate for 1998 is not the situation in many country areas. We are not talking here about the actual academic performance in the tertiary entrance examination; we are talking about retention rates; that is, students who stay at school. The figures at which I am looking were provided during the course of the estimates committee hearings. They are based only on semester 2 student enrolments, so they do not provide the true picture through to semester 4. In the high schools in my electorate, there has been a sharp decline in the number of male students completing year 12. In 1993, 40.8 per cent of year 8 students made it to year 12. That declined in 1999 to 29.3 per cent. Therefore, there has been a drop of just over 11 per cent. That is a very important issue to address.

I have been a supporter of the Education Department's decision to establish a senior college on a collocated site with Curtin University of Technology. One of the main reasons I have supported that is that I have done some homework - not as much as I would like - with educators around the nation, who suggest that this sort of scheme has an impact on retention rates. I read in *The Australian* only this week that my electorate has one of the highest per capita incomes in Australia, and certainly in this State; yet only 29 per cent of our young men make it to year 12. That is a significant issue. The overall rate is better for girls. I know that that is not a phenomenon that is restricted to my electorate; these trends are statewide. For girls, there has been an improvement from 1993 to date. That has gone from 41.7 per cent to 59 per cent. Therefore, the rate is much higher for girls. It can be seen that girls have a three times better chance of completing year 12 than boys. The overall rate is fairly static. The Minister for Education will probably be interested to know that since 1993 when it was 41.3 per cent - that is for both sexes - it has gone up to 42.3 per cent, so there has been a slight improvement over that six-year period. I hope that the development of the senior college will result in a marked improvement in the retention rate.

When I raise this issue, as I did during the estimates committee hearing on Employment and Training, I am often told that I am focusing too much on year 12 retention rates and that I should consider all the traineeships and other opportunities available to young people in my electorate. As a result of the estimate committee hearings, I have some figures for the goldfields-Esperance region relating to apprenticeships. As we know, certainly the mining industry tends to be a fairly male-dominated area, although, of course, other apprenticeships are dominated by women, such as hairdressing. When these statistics are married together, it is important to note that in the goldfields-Esperance region, for the financial year ending 30 June 1998 there were 224 apprenticeships, and at 30 June 1999 there were 223, so it was static. However, for the current financial year, as projected, the number is 125, so it has almost halved. Clearly, those boys who are not staying at school are not going into apprenticeships because those numbers have dropped sharply as well.

That leads to an interesting question. There can be all the new buildings in the world, but if the levels of resourcing within them are not adequate, there will be significant problems. There is a clear need for a facility in Kalgoorlie to cater for disruptive students. Many students are suspended and excluded from school, and there is no facility to which they can go. For Aboriginal education in particular, but also for non-indigenous education, there is a need to improve the resources available for primary school students who have difficulties with literacy and numeracy. There are many of those students. One need only talk to high school teachers. Government or secondary college non-government school teachers all speak of the challenges that confront their students, particularly Aboriginal students. It is not uncommon for students who are starting year 8 to have year 1 literacy skills. The statistics on Aboriginal education show that an Aboriginal boy in my electorate starting year 8 has a 1 per cent chance of getting to year 12, let alone completing it. That is a horrifying statistic. East Kalgoorlie Primary School does a wonderful job with many Aboriginal children who are at educational risk. The sad fact is that many of those children do not even complete year 7, and I am told by that school that very few of them will even get to year 8.

Frequently, students come from the central lands area, but they are too old to attend East Kalgoorlie Primary School and they will probably be around for only a short time. They have a desire to be at school, but no school can adequately cater

for them. Clearly, if a separate facility were available to focus on the literacy and other needs of those students who are either excluded from school or who will be available for schooling for a short time, that would be in the interests of all students.

The minister also mentioned that all schools have early childhood education facilities. The oldest school in my electorate, Kalgoorlie Primary School, does not. It does not have a four-year-old program. I am told that funds have been set aside in next year's budget for that purpose. However, I make that distinction because that is affecting the enrolment numbers at that school. As that is the oldest school in Kalgoorlie-Boulder and is also a very high quality school, as are all of the schools in my electorate, it is important that its future be assured with the establishment of a four-year-old program as soon as possible.

I have talked about students in my electorate, but further afield in the more remote areas the problem is even worse and many students do not access the full complement of secondary education. With the development of the senior college it is absolutely vital that the Government put some money towards the establishment of a country hostel facility. No state government funding is being put to that end in Kalgoorlie-Boulder at this time. There is an isolated children's hostel, but that is largely run from funds that are raised by parents, and some limited federal funding has been made available recently.

I wish I had more time to address these issues, but I stress that there has not been an improvement in the retention rates of eastern goldfields students, particularly boys, although there has been a marked improvement for girls and a slight improvement since 1993 overall. The issue of male education will need to be addressed. It will not be addressed by buildings. It must be addressed by resources.

MR TUBBY (Roleystone - Parliamentary Secretary) [5.31 pm]: I listened with a great deal of interest to the member for Willagee. It is a great shame that he did not come into this place 12 years ago, because the speech that he made today should have been given in his party room 12 years ago. The member for Willagee said exactly what I was trying to say in this place 12 years ago. When we came into government, the two major areas that we had to address were buildings and the maintenance of those buildings, and the need to make it a little more equitable for parents to send their children to non-government schools. We focused on those two areas and addressed them very quickly. In the last three years that the Labor Party was in government, the then Minister for Education, who I think was Kay Hallahan, borrowed \$20m for a three-year program to address the enormous backlog of maintenance in government schools. The situation was absolutely appalling. The toilets were atrocious. There were no covered assembly areas. The roofs of the schools were leaking. New schools were desperately needed all around the State. The condition of the staffrooms and administration blocks in schools was appalling. It has cost us a lot of money and it has taken us a long time since we came into government in 1993 to improve those areas.

Mr Carpenter interjected.

The ACTING SPEAKER (Mrs Hodson-Thomas): Order, member for Willagee! I am normally a very patient and tolerant individual. The member for Kalgoorlie had one interjection. I ask the member for Willagee to allow the member for Roleystone to speak without interjection.

Mr Carpenter: He is addressing me directly. He is addressing his comments to me and is asking me to respond.

The ACTING SPEAKER: The member for Roleystone may like to address the Chair.

Mr TUBBY: As I was saying, the situation was quite appalling with regard to the buildings and the maintenance of those buildings, and also with regard to the equity that was provided to parents to allow them to make a real choice between sending their children to a private school or a government school. Since we have been in government, we have increased the recurrent funding to non-government schools from 19 per cent of the cost of educating a child at a government school to just over 26 per cent, as the minister said. We aimed at 25 per cent, and we have gone a bit past that this year. Those were two of the key issues, and we have addressed them.

If the member went to any of the schools in this State and asked them what the minor works and maintenance programs were like 10 years ago and what they are like today, they would tell him there is a vast difference. New and well-maintained school buildings can be found throughout the length and breadth of the State. That is not to say, as the member mentioned, that that solves all the educational problems. It does not solve all the educational problems. The member knows and I know that it takes teachers to solve educational problems.

Mr Carpenter: I do go to the schools. Twelve years ago is 12 years ago. Today is today. Today, 63 schools in Western Australia have reported that they have unhygienic conditions because of the poor standard of cleaning. That is today.

Mr Barnett: All you do is rubbish government schools.

Mr Carpenter: You are the ones who put in place a system which has resulted in 63 schools reporting that they have unhygienic conditions. This is not 12 years ago. This is 2000. Let us talk about what is happening today.

Mr TUBBY: Today, schools are far better off with regard to maintenance. When the Labor Party was in government and I was the principal of a local school in the metropolitan area, it took me three years to get a roof fixed so the water did not leak down the wall and into the art room. They kept having to come back with a tube of Silastic and put in more Silastic until we almost had a Silastic roof. However, they could not address the real problem because they never had the money to do it.

Mr Carpenter: That is unacceptable.

Mr TUBBY: It is absolutely unacceptable, and I kept telling the Government of the day that it was unacceptable, but it did not make one bit of difference. That is why I decided to get into politics and do something about it, and we have done a lot about it.

A few years ago we had a problem with girls' education, because girls were not performing as well in science and maths at school as boys. We focussed on that, and girls' achievements in education are now outstripping that of boys; and there is plenty of statistical evidence to demonstrate that. In year 3, 90 per cent of girls and 83 per cent of boys attained or exceeded the benchmark in literacy, and 88 per cent of girls and 86 per cent of boys attained or exceeded the benchmark in numeracy; so in numeracy they were almost equal. In past years, boys were much better at numeracy and girls were much better at literacy. We have improved the level for girls, but unfortunately boys have dropped behind. In year 5, 89 per cent of girls and 80 per cent of boys attained or exceeded the benchmark in literacy, and 87 per cent of girls and 87 per cent of boys attained or exceeded the benchmark in numeracy.

We often find when we go to school presentation nights at the end of the year, particularly senior high school presentations, that no boys receive major awards. I agree wholeheartedly with the member for Willagee that we do need to address that situation. In 1999, the top tertiary entrance examination prizes for chemistry, applicable mathematics, economics and accounting went to girls. This area used to be strong for boys, but girls have taken it over. Physics and calculus were the only maths and science prizes secured by boys.

Mr Osborne: Yes - Michael Osborne from Bunbury!

Mr TUBBY: In Western Australia last year, the retention rate in years 8 to 12 for girls was 77.5 per cent across all schools, and for boys was 65.8 per cent, which mirrors the 12 per cent difference quoted in a report that was published called "Boy Troubles". There is no question that we do have problems and we have always had problems. There are a number of reasons for that. Some of those reasons are biological. Boys mature much slower than girls -

Mr Carpenter: Has this biological problem happened only in the past few years?

Mr TUBBY: No. It has always been the case.

In maths and sciences, it is not that boys have dropped away but that girls have improved, because we have made a concentrated effort to improve girls' performance in the areas of maths and science. However, we have not managed to improve significantly boys' performance in literacy and numeracy. Because boys mature more slowly than girls, they do not pick up their reading skills at an early age and drop behind. There is a range of reasons that boys are under-achieving at literacy and numeracy in schools. That matter needs to be addressed, and many schools are addressing it. The boys who have a problem need to be identified and given extra tuition. Schools know that the problem exists, and they are dealing with it. There is no way that we can introduce, as the member for Willagee seemed to suggest, some policy from a centralised perspective that will cover all situations in all schools from Wyndham to Esperance and all parts in between. We do not do that sort of thing any more. We do not have the centralised bureaucratic control of our schools that we had 20 years ago. The Labor Government started to move away from that approach and say to the principal and staff, "Your educational problem is within your area and you have to address it. We will provide the resources, but you have to allocate those resources accordingly and target the educational needs of your school." From the central point of view, we are not going to tell schools how to suck eggs, because the eggs in Kalgoorlie are different from those in Willagee or in my electorate of Roleystone. All schools have completely different situations that need different solutions, and it is up to the schools to find those solutions, given the resourcing that is provided to them.

From a state perspective, we can do something, and we are. For example, middle schooling provides an opportunity for boys to undertake programs that are more in tune with the way they think and the things in which they are interested. They are in smaller classes and the focus is on need, not tertiary entrance examination scores and years 11 and 12; the focus is on years 8, 9 and 10. The State Government has established middle schools and developed middle-schooling principles at many government schools, including Belmont City College, Yule Brook College in my electorate, Ballajura Community College and Geraldton Secondary College. New schools that will incorporate middle schooling include Shenton College, Cannington Community College, Halls Head Community College - Coodanup and Mandurah Senior High Schools will revert to middle schools - and Eastern Goldfields High School. These are areas in which the Government is changing the system to address some of the problems mentioned.

As the member mentioned, some Western Australian schools will have single-sex classes. In some cases that works well and in other cases I have my doubts.

A considerable amount of time and money is also being spent on professional development. It is being offered to school administrators, teachers and district office staff to maximise educational outcomes for boys. EDWA is working with the TVW Telethon Institute for Child Health Research on gender issues in education, and specifically strategies that reduce risk and enhance protective factors for boys.

There is no point trying to transform our schools into masculine environments in which boys will be able to achieve better results. If we do that in a coeducational setting, it will disadvantage girls. We must find different solutions for a problem that is becoming even more real. One of the reasons this problem has emerged is that we are finding it very difficult to attract males into teaching, particularly in primary school. Young boys therefore have no male role model in that environment.

Mr McGowan: What are you doing about that?

Mr TUBBY: That is a good question. What can we do? When I started teaching 35 years go, male teachers were paid more than female teachers. That situation was changed in the 1960s. We implemented equal opportunity legislation and women earned the same as men. It became a very attractive proposition for women to go into teaching. What do we do to attract more men to teaching? In the past we have provided special promotions in country areas, but that is no longer done. We might be required to reinvent the wheel and provide more funds to employ the teachers we require in particular schools. If we cannot attract males into teaching, perhaps we should pay them more. That would be very unpopular, but a future Labor Government might like to introduce such a policy. I do not know what else we can do to attract more males into the primary teaching area. It is difficult issue, but one that must be addressed.

There is no question that Aboriginal students do not achieve the same level of education as the rest of the population. That is not from lack of trying. This State spends \$105m each year on Aboriginal education and a range of initiatives has been put in place. Aboriginal children are collected from home in the morning and taken to school, where they are showered, given clothes and breakfast and then educated. At the end of the school day, they change their clothes and are taken home again. That is a very expensive way to educate, but if that is what it takes to get Aboriginal children into schools and to raise their level of education, that is what this Government will do.

During the Estimates Committee, the Minister for Aboriginal Affairs informed members that Aboriginal townships were being landscaped and that swimming pools were being constructed. However, children cannot use a pool if they do not go to school. That is a good incentive. We must find more positive ways to get children into school. Once they are there, we must devise specific programs.

Aboriginal children learn differently from other children. They like to touch things; they learn by feeling. If a teacher puts felt letters on a board, they can touch them and learn. They also draw in the sand. Unlike the rest of the population, they are not very good at abstract learning. Therefore, we must devise specific strategies for them.

Mr Barnett: They are very good with computers.

Mr TUBBY: Yes, they are very good with computers because they can touch, feel and see what they are doing.

We must be more proactive in getting these children to school. Once we have them there, we must provide teaching strategies that will allow them to learn and to develop their skills. The Department of Education is devising programs for Aboriginal children. The minister has mentioned that a special Aboriginal government school will be established at Midland at a cost of \$4.5m. I do not know whether that will be the complete solution; I do not think it will be. However, it is part of the solution. If it is successful - I hope with all my heart that it is - perhaps it can be replicated in other places around the State. We must try everything.

The Government is not backward in coming forward in the education of boys or Aboriginal children. However, the situation cannot be changed overnight. We started from a low base in 1993 and we have made huge inroads into the problems we inherited, but we still have problems. Like the health sector, we will never solve all the problems in the education sector. There will always be challenges and we must adapt our budgets and devise new strategies for identifying and overcoming the problems.

MR MCGOWAN (Rockingham) [5.47 pm]: I welcome the opportunity to contribute to this debate. Educating our children should be the No 1 government priority. I attended state public schools and I was fortunate enough to go on to further education, and it has served me very well. Governments must ensure that all children have the opportunities that we in this place have enjoyed. That is why I endorse what the member for Willagee has said. It had passion and force. The member talked about equality of opportunity between the sexes and high school retention rates. The number of children completing year 12 is now lower than it was when I finished my secondary education. The ambition of every generation should be to make the country better for the following generation. It has been about a generation since I finished high school. It is extremely important that we make the education system better rather than worse. What the member for Willagee said was correct. I am very disappointed that this Government has not addressed this issue.

I will mention an issue that I have mentioned a number of times in this place. The minister has heard me speak on this topic previously. I will not refer to class sizes or retention rates but to school sizes. Anyone with an interest in education knows that the size of a primary school is a determining factor in a child's educational achievement. Having the right size schools makes a big difference to the way in which children achieve. Earlier today I read a study conducted in the United States that stated that excessively large primary and high schools can have disciplinary problems. Any parent will say that one of their most significant concerns in education is discipline in schools. Primary schools with large numbers of children can see a breakdown of discipline of the children who attend those schools. School size is not an issue for the vast majority of members in this Parliament. It is an issue only for those members who represent outer metropolitan, fast-growing areas, such as my electorate. There are probably 10 members in the lower House of this Parliament who represent those outer metropolitan, fast-growing areas which have high numbers of residents with school age children, particularly young working families whom I represent. School size in those areas is a significant issue. My electorate of Rockingham provides the most graphic example of school sizes in the whole State. What I have to say is a serious allegation: The Government's decision on where to build new schools in this State has been totally politicised in the cabinet budgetary process. I absolutely believe that and I have evidence with me to prove it.

Mr Barnett: Okay, prove it. What you are saying is tantamount to an allegation of corruption, so you had better be very secure about what you are saying.

Mr McGOWAN: I am able to prove it right now with facts and figures.

Mr Barnett: Let us see your proof that we politicised schools.

Mr McGOWAN: On a number of occasions I have pleaded, begged and written to the minister, called his office, supplicated myself, met him and done everything to raise this issue with him. To his credit, he came to Rockingham and had a look -

Mr Barnett: That is right, more than once.

Mr McGOWAN: I did not believe the minister would come to Rockingham but, to his credit, he did. I have done everything possible to raise with the minister this issue relating to the suburbs that I and the member for Peel represent. Nothing has been done. I have been raising this issue now for three and a half years and the minister has done nothing.

Mr Barnett: That is not true.

Mr McGOWAN: Every year I open the budget in the hope that the issue will be addressed in the suburbs I represent. However, there has been no mention of it as yet. For the interest of members I will refer to the figures. I asked a question in Parliament more than a year ago about the largest primary schools in Western Australia. I called the schools concerned and the figures are roughly the same now as they were a year ago. The largest school is East Waikiki Primary School, which I share with the member for Peel, with 987 students. It is expected to increase to 1 009 students, according to the latest figures compiled by the Peel Education District Office. How many members in this place represent a primary school of that size? No other member has a school of that size in his or her electorate.

Mr Barnett: The member for Ballajura has one.

Mr McGOWAN: That is a good point. The member for Ballajura has a large school in her electorate with 70 students fewer than East Waikiki Primary School. However, the minister's point would be valid if it were the only one. However, the fifth largest school in this State is Koorana Primary School, which I again share with the member for Peel, with 853 students. The sixth largest school in the State, Charthouse Primary School, has 850 students?

Mr Omodei: What are the second, third and fourth largest schools?

Mr McGOWAN: That is a good point. South Ballajura Primary School has 929 students and Canning Vale Primary School has 840 students. I note a new school is being built in Canning Vale. Clarkson Primary School has 858 students. I note a new school is being built in that area. The member for Warren-Blackwood should not ask questions if he does not know the answers.

I now refer to the 34 demountable classrooms in these primary schools. East Waikiki Primary School has 14 demountables. The school was built for nowhere near the number of children in those classrooms. If members were to look at that school they would see it jam-packed full of primary school children. Of the six largest schools, three are in one small pocket. There are 554 primary schools in this State and the twenty-fourth biggest, Cooeloongup Primary School, is just outside that pocket with 700 students. I imagine that three-quarters of the Liberal Party backbenchers opposite would not have one school in their electorates with 700 students.

Mr Minson: Some of the towns in my electorate do not even have that many people.

Mr McGOWAN: I am glad the member for Greenough is on my side. Obviously, the minister thinks differently. He believes that the way in which one's parents vote determines where a new primary school is built.

Mr Minson: Small communities have problems too, which I will talk about.

Mr McGOWAN: Absolutely, and I know there is a new primary school in Burekup in the member for Collie's electorate which services a couple of dozen students. Good on the member for Collie; it is a good thing that she has a new school there.

Dr Turnbull: I will have the member for Rockingham know it has 120 students; that indicates how it has expanded.

Mr McGOWAN: Good on the member for Collie. It is one-ninth the size of the largest school in my electorate; and next year her school will have another student. Well done!

Mr Bradshaw: Do you know why the Burekup school was built?

Mr McGOWAN: I know the member for Collie was an advocate for it.

Mr Bradshaw: It was because the white ants ate the other one.

Several members interjected.

The ACTING SPEAKER (Mrs Hodson-Thomas): Order, members! The member for Rockingham has the floor and I have shown a great deal of patience today.

Mr McGOWAN: The figures I have with me prove my allegation. The Deputy Leader of the Liberal Party said I was alleging that he was corrupt. I cannot say that as I suppose it is unparliamentary. However, in my view, the way in which he allocates schools is tantamount to corruption because, as I said, there will soon be 1 009 students at East Waikiki Primary School. I suspect he will target my students now and probably close a school in my electorate after I have said that. The

largest school in the State has 1 009 students. The fourth, fifth and twenty-fourth largest are all within one little pocket. Despite all my pleadings to the minister and invitations to my electorate, no action will be taken in the state budget. As I indicated, there are 34 demountable classrooms in three of these schools.

The report published by the Peel Education District Office, which fell into my hands, states that toilet facilities for both children and female staff are inadequate and access to drinking and washing facilities for children is limited. It further states that congestion in the playground caused by increased numbers and reduced space places children in dangerous situations and places extra strain on the duties of staff to provide adequate care. The report refers to temporary classrooms having reduced the amount of recreational space, including hard court areas. Grassed areas have had difficulty coping with increased traffic. At Charthouse Primary School the oval had to be regenerated after only five years at a cost of \$6 000 and at East Waikiki a number of grassed areas had to be restored. The report goes on and on. The recommended area for an ordinary primary school site is four hectares. However, three of the largest schools in the State are in my electorate, and some house more than 1 000 students. For example, East Waikiki covers 4.1 hectares, which is the same area as other schools with the average population of 500 students. This year's budget outlines the five new primary schools including Carey Park, East Eaton, Florida, and North Quinns, all of which sit in Liberal Party electorates. I am familiar with some of those areas, and I am sure they all deserve new primary schools. However, a political decision is made in my electorate and that of the member for Peel. "No, you don't get a school." Schools in my electorate have the worst overcrowding of all in the State. It is the second fastest growing area in the WA, yet we do not get a new school. This area is growing faster than every other area of the State except Joondalup, which will have a new school at North Quinns. Every new school is to be built in a Liberal Party electorate.

Mr Barron-Sullivan: Are you saying that Carey Park and Eaton schools were the result of a political decision?

Mr McGOWAN: I said that a lot of areas no doubt deserve new schools, but government should not discriminate upon how people vote. Children are children and they all deserve a decent education. Members opposite may think that it is bad luck because someone's parents voted Labor. This is a politicisation of the process. I expected better from the member for Cottesloe, who professes to be an honourable and decent person. We have seen a terrible situation eventuate in this case.

I visit all the schools in my electorate regularly. I go to East Waikiki, Koorana, Charthouse and Cooloongup. I love visiting these schools. Each of the principals - they change a little - has been very good to me and very supportive of the school communities. The schools' facilities, ovals, changing rooms, undercover areas and classrooms all suffer from wear and tear. Build a new school in Waikiki Gardens, which is a simple solution to overcrowding. I cannot for the life of me see why the Government does not build that school as it builds new schools all the time.

Mr Omodei: Maybe it should have been built under a Labor Government.

Mr McGOWAN: I guarantee, minister, that it will happen when the member for Willagee is the Minister for Education. He attended public schools and knows about overcrowding. He has a strong commitment, and we will do something about it. I am disappointed that the Minister for Education has sat down and cannot respond to my comments.

Mr Barnett: I recognise that your schools are large. I have been out there. We have made some, albeit fairly minor, commitments to the area. You should wait and see what the Government will do.

Mr McGOWAN: Why not tell me? I have been asking the minister for three and a half years. We are becoming quite close with my asking all the time.

Mr Barnett: You called it political, but making decisions about schools is a very formal process. We are currently going through that process. If a decision is made, I hope you have the good grace to come in here and recognise it.

Mr McGOWAN: I will. The Safety Bay Primary School roof blew off, the toilet blocks came down and it sustained other damage last year. I think I congratulated the minister in here for the action at the time. The school is around the corner from where I live, and I saw the damage being fixed the next morning at seven o'clock. I congratulated the minister and gave credit where it was due. I have been asking the minister for years for these schools, but nothing has been done.

Mr Barnett: Things have been done.

Mr McGOWAN: The minister has given me cryptic answers for years. No more Russian dolls. What will the minister do?

Mr Barnett: We will wait for the formal process to reach its conclusion. I have been to the schools with and without you, and we have been done a number of things to improve facilities at specific schools. I will provide a list of the things done. As we conclude the discussions on the next round of new schools, we will see what comes from the process, which I will not pre-empt.

Mr McGOWAN: It was good. A music room was put on East Waikiki Primary School, and another temporary classroom at Charthouse.

Mr Barnett: It is different from the nothing you said. You reminded me of the music room. Do not get up in Parliament and say that nothing has been done. You ask me to go out, and I visit; we have done some specific things which you have the integrity to finally acknowledge.

Mr McGOWAN: It is a music room for 1 009 kids. Good work! However, a new school is needed.

MR MINSON (Greenough) [6.06 pm]: Much has been said about education, but some things were missed. I will refer to some of the government programs to help students at risk. Before doing so, I make some general points about education, which is a dynamic; that is, it is a relationship between students, parents, teachers and the use of available facilities. I have heard some comments which fill me with concern as they reduce education to dollars and cents and remove the need for a proper attitude.

I live in an area which is evolving rapidly when it comes to education. I have seen considerable change in my 12 years in this place. I reflected the other day on the role traditional occupations play in determining retention rates in schools. Interestingly, an area you and I share, Mr Deputy Speaker, has two extremely strong traditional occupations. A very strong and wealthy crayfishing sector places pressure on young people to continue to operate the family crayfishing business. Many very intelligent students who have the ability to pursue tertiary training choose not to do so as they reach a certain level of secondary education, and then go off to TAFE and work towards a skipper's ticket. Similarly, although agriculture seems to be depressed the world over, one must admit that if one were looking for agriculture in reasonable shape, it can be found in the Geraldton and northern wheatbelt areas. Pressure is applied, or an assumption is made, that children, sons in particular, will follow the traditional occupations.

I take exception to people drawing conclusions about retention rates in schools, especially in rural areas, without examining all the facts. It is a complex matter. My electorate contains district high schools, some of which have very good facilities; schools like Kalbarri primary, which have secondary education centres attached that cater to their clientele as well as they can; and senior high schools. It is not possible to make comments in a general way, as we heard today, without looking at the population of the school, and to whom it is pitched; in other words, is it pitched to satisfy local needs or to satisfy somebody who is conducting a statistical analysis? I am concerned - this was touched on by the minister by interjection - that when the government sector and the private sector are compared, for some reason schools like Hale School, Scotch College or Aquinas College are always chosen, and people want to compare those with a small country school somewhere. That is not fair. As members know, private schools are located in all parts of their electorates. Schools such as Hale School have been going for 140 years or so. They have been the beneficiaries of large bequests and the recipients of the proceeds of the hard work of foundations and so on. They have incredible facilities. However, disregarding schools like Hale School, in my electorate some private schools would kill for the sorts of facilities available in government schools. I would like the member for Willagee to acknowledge that. Some of the independent Christian schools and Catholic schools particularly are extremely proud of what they have been able to achieve. If parents were looking for a prospective place into which to book their child, and they compared those schools with the government schools, they would say that the government schools are far better equipped. Therefore, let us not distort the facts.

I draw the attention of the House to the support for students at risk. Statistically, we know that about one in five students is at risk. That has not happened magically. Because of culture, bullying, learning difficulties that perhaps are not picked up and addressed and social and economic factors, we know that one in five students in any school will feel threatened or alienated all the time or some of the time. That has been recognised for a long time. It was recognised by previous Administrations as well. People have tried to do things, and that is continuing.

I draw attention to some of the programs. The first is in-school support. Apart from the teachers themselves, who are receiving better training, school psychologists are becoming more common across schools. There are also welfare officers, social workers attached to schools and Aboriginal liaison workers. When I first visited the school in Mullewa, for example, in 1989, I remember that it had one of the highest populations of Aboriginal students, but it did not have an Aboriginal liaison officer; it did not have any Aboriginal aides. I am pleased that matter has been addressed. The student service teams that are operating are doing a good job. The chaplaincy program, of which I am very supportive, has been expanded. A couple of years ago the amount involved was \$90 000, but during the next financial year it will be increased to \$250 000. That will extend the chaplaincy program to over 70 schools in this State. If the minister does not mind, I ask that he continue to make progress with that because it is a very good program. A total of \$3.2m will be spent on the Making a difference program, which concentrates particularly on the 20 per cent of students at risk. Under that strategy, every school must have a retention and participation plan to increase attendance and to address truancy problems. Those problems have not arisen recently; they have been around for a long time. I know that because they were around when I was at school, and that is quite a while ago. Schools must have behaviour management policies that are targeted not just in a general way but to particular individuals. Good examples of that are to be found in the schools at Balga, Pinjarra and East Kalgoorlie and at the Andrew Ralph centre, which gives a full semester's instruction to try to correct some of these problems.

On the subject of specific schools, some schools are targeting students at risk. A couple of examples are the Gnowangerup Agricultural School and the Port Community High School, which is a joint public and private venture. Another program which is well recognised and well supported by everybody is the school drug education program.

I reject the notion that not enough is being done. Education is like Health: One can never spend enough. I would like the budget to be doubled, as would all members in this place, but where will the money come from and whose program would be cut to fund it? The increase in funding and the efforts that have been made during the past few years have been outlined by the minister. I congratulate him. I think he is doing a good job. There is always room for more, and we would love to see more. However, I reject the notion that standards are sliding and that nothing is being done.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [6.15 pm]: I am pleased to have the opportunity to speak in this debate on education. Most of my remarks will refer to students with disabilities in schools in Western Australia. However, before doing that, I indicate to those in the House who do not know that I spent about nine and a half years at school. I went to a private school, St Joseph's Convent at Pemberton, and completed junior level. I am very proud

of that school and of all the schools in my electorate. There are about 26 schools, including government and private schools. Schools such as the Montessori school and the Forest Grove Nyindamurra Family School, which are alternative schools, do a very good job. The teachers are dedicated and the parent support is good, both in the parents and citizens associations and the parents and friends associations. The education system is alive and well.

There is a dramatic difference between the facilities and programs that were available 10 or so years ago and what is available now. Every one of those schools has had changes made to it during that time. Fortunately, it has been in the time that I have been the local member representing that district, which covers the area from Greenbushes-Bridgetown to Northcliffe, across to Augusta, at one extreme, and to Cowaramup in the north west corner. Many of the schools at Bridgetown and Northcliffe have virtually been rebuilt. There is a new school at Pemberton, and there is the Margaret River High School. They are now excellent facilities. In the Catholic schools system, I assisted to pull down the old school at Pemberton. I recall the old lunch shed in which we used to shelter when the hail was beating down in September in Pemberton. We took many unusual steps to keep ourselves warm in that school. I assisted in pulling down part of that school only a few months ago. It has been replaced by an excellent new modern school, with the assistance of the Commonwealth and State Governments. Of course, the local parents and friends association and the parish have also put a lot of money into it.

In Bridgetown, the situation is similar. Old school buildings have all been replaced in the past few years. When Steve Versteegen was the principal of the school there, he played a very important role, along with the parish and the parents and friends association. The St Thomas More Catholic Primary School is a new primary school in Margaret River. It was headed by Sister Kathleen Hancock. Steve Versteegen is at that school now. It started off with 69 children about five years ago, and now it has something like 269 children. The growth in student numbers has been significant, and I am pleased that the Government has been able to assist, not only in the construction of those new schools but also in the development of programs. The provision of new technology has been welcomed by the school community.

I am no expert on education matters. However, I am sure that the unemployment rate has something to do with school retention rates. During the 1980s when the unemployment rate was high, school retention rates were higher. At this time, when unemployment is low - almost to the stage that some country towns have full employment - and with the advent of Colleges of Technical and Further Education and other facilities to educate oneself, the retention rates are lower. We do not need to panic too much about the retention rates.

In the school complex in Manjimup, which is the centre in the eastern part of my district, the senior high school with in excess of 600 students was a 1950s building in decay. The Government spent \$6m over three or four budgets. The Government has shifted the TAFE facility so that it is adjacent to that school. The high school has a technology centre that can be used by the TAFE fraternity as well. The high school has a fully fledged industrial kitchen in which students can be trained in hospitality. They are dramatic changes. Also, the Commonwealth Government has given a commitment for what is known as a COFHE house - a centre of further and higher education - which will provide a new interactive technology facility in which, in a few years, students, even mature age students, will be able to take courses from any university in the world. The pace of education has changed dramatically. I am proud of the performance of this Government to ensure Western Australia has moved with the times, so that people have up-to-date technology in country towns in this State. I would go as far as saying there should be a bipartisan approach to education in this State. It is too important an issue to play politics with. I will now talk on the subject I wanted to talk about in the first place. I could not resist the opportunity to make sure that people who are making an excellent contribution to education in this State, particularly in my area, are recognised in this place.

The Disability Services Commission has just launched its second five-year business plan titled "Making a difference". This State has 7 900 students with intellectual, sensory, physical or multiple disabilities and also autism, who receive supported education through the Education Department. As well as increased programs for students who are deaf, blind and also specific planning for services for students with speech and language disabilities, the department has allocated in the 2000-01 financial year a sum of \$39.25m of additional funding for educational support teachers and educational assistance for students with disabilities. The commission has also allocated \$3.6m to develop inclusive education opportunities in mainstream classes for students with intellectual disabilities, and \$280 000 for improved teaching practices for students with autism. To give members an indication of the demographics, according to the 1995 Western Australian child health survey, 8 per cent of students in this State aged between five and 14 years have a disability. The commission provides extensive support to students with intellectual, physical, sensory and language disabilities. The commission has allocated \$1.5m to provide visiting teacher services to students with disabilities across the State. It has provided support, including differential teacher support, which has resulted in smaller class sizes, educational assistance time, specialised equipment to maximise students' access to the curriculum and modified the school environments.

Western Australia also has 330 students with impaired vision, and 850 with impaired hearing, many of whom do not have an intellectual disability. The commission provides a continuum of placement options available in the education of students with intellectual disabilities within government schools. For example, the commission has education support units within a school sharing a principal; educational support centres within a school but with their own principal; and educational support schools which are separate institutions. Many members will have these in their electorates. The Education Department has 13 education support schools and 43 education support centres - 18 centres have been built by the State Government since 1993 - and 251 educational support units. About 1 200 students with intellectual disabilities attend schools in rural locations where there are no educational support facilities within a reasonable distance for travel. These students attend their local mainstream school and are supported by the district education offices and the Centre for Inclusive

Schooling. Some intellectual disability students are in mainstream classes either through parental choice or the inclusion program. That program has been piloted and is now part of mainstream schools. The commission initiated the program in 1995 with six students with intellectual disabilities, and provided professional development for teachers and additional teacher support. The pilot was successful and we have built that up. In 1997, the State Government committed \$3.6m to the program which enabled 20 students to be included in the first year with a view to the progressive increase in the number of students taking part to a maximum of 50 in 2001. Demand for participation in the inclusive program exceeds the number of places available and currently 41 students participate in the program. The University of Western Australia is evaluating that program.

Other members will talk about technology and other matters. The Government has done a lot in the disability area to assist people with disabilities in classrooms. Ten years or so ago we would not have seen one person with an intellectual disability, or a physical disability, in mainstream schooling. Nowadays schools right across the State have included young people with disabilities in the school community, and they are supported by the school community. Not only are we giving those people new opportunities for education, and they have improved in leaps and bounds in their education, but also by adopting this process we have made people more aware that people with disabilities are just like them, the only difference being the disability. Our program of "See the person not the disability" has been advertised successfully across the State. The Premier launched the commission's second business plan "Making a difference" and an earlier program "Count Us In", although it was interesting that the Premier was not mentioned in *The West Australian*. I apologise to the Premier, but *The West Australian* selected the better-looking bloke. Jokes aside, Western Australia has much to be proud of in the way it has included people with disabilities into mainstream schooling in this State.

We have improved the education system over the past decade. If the member for Willagee thinks that the private school system's receiving roughly 26 per cent of its funding from the State Government is a bad thing, he needs to make that clear. I know that in the private schools I deal with which cost the State about \$2 500 per primary school student and \$6 000 per secondary school student, if it were not for the funds injected by the State those private school systems would collapse placing the full burden on the State, the result of which would be impossible to meet. Let us have some commonsense about this. A lot of poor people around Western Australia send their kids to private schools and must dip their hands into their pockets and fundraise to make sure those school stay alive. In my whole political career, I have not heard of one student who has been knocked back to go to a private school because he or she could not afford the school fees. We have a very good system; we should be proud of it. We should not be tempted into playing politics with the education system in Western Australia.

MRS HODSON-THOMAS (Carine) [6.28 pm]: I am sure not one person in this place would disagree with the premise that early childhood years from kindergarten to year 3 are the critical years in a child's education. Having children involved in quality education programs which focus on literacy delivered by dedicated and experienced teachers in the best possible facilities, which this Government has provided, gives children a solid foundation and a head start for their educational success and life experiences. This Government has implemented the most noteworthy expansion and meaningful reforms of early childhood education ever witnessed in Western Australia, and I commend the Minister for Education for that.

Since 1995, the Government has spent in the vicinity of \$148m to provide an additional 800 teachers and teacher aides and over 470 new and refurbished facilities to expand early childhood education in government schools. Every child in Western Australia has access to a government kindergarten. Four-year-olds can attend kindergarten for two half-day sessions a week. Members should know that the program is voluntary. Currently, 17 000 Western Australian students attend kindergarten. In 2001, that program will be expanded from two to four half-day sessions and will remain voluntary. Every five-year-old child in Western Australia has access to a four-day-a-week pre-primary program. While pre-primary schooling is not compulsory, it represents the first year of formal education and is critical for young children. In Western Australia, 21 000 students attend programs for five-year-olds. In 2002, the pre-primary program will be expanded from four to five days a week. The five-day program will continue to remain non-compulsory, but it will provide Western Australian children with a further year of full-time education.

The member for Willagee talked about class sizes. It is vital for members to understand that this Government recognises the importance of smaller classes. An independent study undertaken by Dr Peter Cuttance and Shirley Stokes in November 1997, entitled "The Impact of Class Size on Student Achievement" showed that smaller class sizes in the early years of schooling were associated with higher levels of learning. In 1999, class sizes for the early childhood years - kindergarten to year 3 - were reduced to 28. The Government has committed to further reducing those class sizes to 24.

Next year, the cut-off birth date for entry into the education system will change from 31 December to 30 June. Children born on or before 30 June will start pre-primary or kindergarten in 2001, and those born after 30 June will start their schooling in the following year. Western Australian students are among the youngest in the country when they commence school. This change will raise the average age of children in each year by six months. That will have a twofold effect: Our children will be better placed to take advantage of the expanded programs; and it will bring Western Australian children in line with the entry age of their counterparts in other State and Territories.

I know a number of members would like to speak in this debate and I made a commitment to my colleagues that I would not speak for longer than five minutes.

MR OSBORNE (Bunbury) [6.34 pm]: The member for Carine has won the backbench prize for hitting the five-minute target first. I will make some remarks about literacy testing and education in Western Australia. However, before that, I repeat some of the comments of my colleagues the members for Greenough and Warren-Blackwood that the problem with

a debate like this is that it tends to focus on the negative. I pity the member for Willagee, because his role as an opposition member is to attack the Government's program and make criticisms. The risk in that process is that the good tends to be forgotten. All the schools in my electorate - Bunbury Senior High School, Newton Moore Senior High School, Cooinda Primary School, South Bunbury Primary School, Bunbury Primary School, Withers Primary School and Adam Road Primary School, which is the largest in my electorate - face challenges and wish they had more resources. However, they are outstanding schools. If we focus on the positive and look for the doughnut instead of the hole, we would see that all those schools have things to crow about. Bunbury Senior High School is the best school in the State for hockey and has won the state eisteddfod competition in past years, and Newton Moore Senior High School has an outstanding music education program. By focusing on the positive and looking at the great things being done in our government education system, we come away with a strong, on-balance impression that what we are achieving in government high schools in Western Australia is something of which to be proud, not ashamed.

I will specifically talk about literacy testing and programs. Literacy and numeracy programs are at the core of what any Government tries to do in education, and this Government is no different. It stands to reason that if students cannot read or do not have basic numeracy skills, they cannot access opportunities or education in any sense of the word, cannot find employment, and cannot lead fulfilling and happy lives. To unlock the opportunity for students to have a decent education, we must be able to identify those students with literacy problems and design and operate programs to address them. Schools are increasingly asked to do more. Schools are taking on responsibilities that were undertaken in the past by communities and families. The same is happening with literacy. Many members would have grown up in a family environment that encouraged them to read. Reading was a common activity in my family. Obviously, it is different today. Children in my home, and in others, watch more television and play computer games. Reading is not emphasised in families as much as it was when I was younger. The school system is asked, unfairly, to take up and rectify some of the problems associated with that. The government school system faces the responsibility of fixing the literacy problems in our primary schools. Western Australia is part of a national push to improve literacy and numeracy outcomes so that all children in the school system have access to the opportunities I mentioned. Those opportunities can be unlocked only if a child is able to read. The member for Willagee mentioned literacy and numeracy testing. The primary reason for literacy testing across Australia is that we must know the size and nature of the problem and where it is occurring before we can move forward. In 1998, the Western Australian Government was part of a historic agreement between all the State and Territories for national testing standards as part of the national literacy and numeracy plan. That national plan established and agreed on benchmarks against which students across the nation would be measured. In 1998, 24 000 year 3 students in Western Australia were tested. The Western Australian Government was the only State Government which reported the results to parents. Confidential reports were sent out to parents, showing the state average and the outcomes for boys and girls; children from non-English speaking backgrounds; and indigenous families. The reports also showed comparisons across educational districts. The testing found that 80 per cent of the year 3 students either met or exceeded the benchmarks that were established as part of the national program.

That was repeated in 1999 and was extended to year 5 students. In 1999, 48 000 students were tested, and I am pleased to say that the results were an improvement on the results for 1998. For year 3 students, 86 per cent were at or above the benchmark for literacy, and 87 per cent were at or above the benchmark for numeracy. For year 5 students, 84 per cent were at or above the benchmark for literacy, and 87 per cent were at or above the benchmark for numeracy. In 2001, the national program will be extended to year 7 students, so next year, year 3, 5 and 7 students will be tested as part of the national program. In 2001, we will have a pretty comprehensive idea of where we are with literacy in Western Australian schools.

What will we then do about it? The member for Willagee said that some of the teachers in some of the schools that he visited were disappointed or critical and said that nothing was being done about it. I have two responses to that. Firstly, things are being done about it. An amount of \$2.5m is going every year into the learning difficulties team, and \$2.6m will be funded to the literacy net program over four years. We do have programs that are responding to the results that are being uncovered, and also the results are being incorporated in a seamless and almost invisible way into our whole approach to education. The literacy results are informing just about everything that we are doing in early education, for example.

I am disappointed at the response that was made by that teacher to the member for Willagee, because I believe teachers need to look at themselves as a profession. I said by way of interjection that teachers are also responsible for what is happening in the government education system, and if they can only see problems and refuse to accept that they at a school level need to take charge of this matter and do something about it, then no Government can do anything no matter how much money we throw at education. I used to teach in government high schools, and I went to a government high school. In fact, the member for Willagee and I went to the same high school. I am disappointed at the changes in government high schools from those days to today, because I believe that the standards are not as high as they used to be and I do not think a requirement is implied and said directly to students in government high schools these days that presentation and discipline and those sorts of old-fashioned virtues are important. I believe the teaching profession has a role to play in that. No single approach can be taken to addressing literacy and numeracy programs in our state schools. We have given the responsibility back to the school. The Government is part of the national program to identify where the problems are and to work out where a school or district is not coming up to the benchmark, and we can then ask the schools to design and purchase programs which address their specific school community, because at the end of the day they are the only ones who can make a good decision about what is best for their students.

MR BRADSHAW (Murray-Wellington - Parliamentary Secretary) [6.44 pm]: I would like to correct something that the member for Willagee said so that he does not run around the community misquoting -

Mr Carpenter: I am your greatest supporter.

Mr BRADSHAW: I know, and the member for Willagee has given me some assistance there, but we still do not have that ramp at Harvey railway station.

Mr Carpenter: I was wondering why I had not been invited to the opening!

Mr BRADSHAW: When we get it, the member for Willagee will be the first cab off the rank for an invitation.

The member for Willagee talked about the retention rates of students in years 11 and 12, and I made the comment that times have changed. Just so that the member for Willagee does not run around saying that I think it is a good thing that there is not a high retention rate of students in high schools, what I was saying is that some years ago, everybody thought that the best way to go was to go university and get a degree in some area. People have now found that that is not necessarily the best way to go, and many graduates from university cannot get jobs or can get only low-paid jobs, or not the jobs they expected when they went to university. Students are now voting with their feet and going into other vocations and areas such as technical and further education. Therefore, it is not as though it is all bad that retention rates are not as high as they used to be, because it is a fact of life that people are saying that perhaps they should become a plumber, an electrician or a plasterer rather than stay at school; and we certainly do not want a world that is full of only lawyers and doctors.

I also, like most members of Parliament, visit the schools in my electorate on a fairly regular basis, and I find that in general those schools are of a high standard. They are looked after quite well by the Education Department. The situation is obviously not perfect. I know that Tarcoola Primary School needs renovation and repairs, and I am pushing for that to be done. However, the other schools in general are in pretty good shape and have good facilities. Dwellingup Primary School has just had an undercover area built at a cost of about \$450 000. That made the school very happy and is a wonderful thing that has occurred.

I have found also that the teaching fraternity at the schools in my electorate is very enthusiastic; and I guess that is reflected in schools throughout the State. It is great that they are enthusiastic about their jobs and care for their students. It is unfortunate that some students do not come out the other end in the right way, and that needs to be addressed in a positive way to try to overcome that situation.

I would now like to talk about rural education. It is a fact that rural and remote students lag behind their city counterparts in some aspects of education such as participation and achievement. Only 47 per cent of rural students in Western Australia continue to year 12, compared with 73 per cent of metropolitan students. On the other hand, Perth students outperform rural students in literacy and numeracy assessments. Therefore, it is important that those areas be addressed, and the Government is addressing those areas of concern.

The other problem is the difficulty of attracting and retaining staff in country schools. In 1990, 65 per cent of teacher graduates were prepared to teach anywhere in Western Australia. That figure is now 18 per cent, so there has been a marked change in the attitude of teachers about whether they want to go to the country. It is a changing world, and I see that even in my electorate in the attitudes of people to a number of things. Service clubs are not as well patronised as they were in the past. Many of the young people who live in country towns want to get close to the water, so the young people from Harvey want to live in Australind or Bininup so that they are closer to the water and the larger centres. There is a change of attitude, and that is reflected in the teaching fraternity as well.

The Government is addressing these issues of teacher retention and attracting teachers to country areas. It is important to note that rural and remote students' access to information and education programs has been significantly expanded through technology. We are spending \$100m over a four-year program to increase the number of computers in government and non-government schools. Every school in Western Australia is now connected to the Internet, and all country schools now have digital satellite receiving equipment linking them to the Golden West Network, the Special Broadcasting Service, the Australian Broadcasting Corporation and the Westlink programs.

The schools of the air are very important and have been around for many years and have played a vital role in the education of students in remote areas. The service provided by the five schools of the air has been improved by providing new digital equipment and upgrading transmission sites. Obviously there is a need to encourage teachers to go to country areas and also to retain teachers in country areas. A country incentives package has been introduced for teachers, and it will take some time to get this wound up so that teachers are aware of it and are prepared to go into country areas, but it seems to be working, and it is certainly a positive way to attract more teachers. These incentives will make postings to rural and remote schools considerably more attractive. We have provided \$43m over three years for around 340 additional and improved houses for teachers in rural areas. That is very important. Over the years much more accommodation has been provided for teachers. It is very important to do that, because often in the past teachers who went to country towns had to find accommodation, which was often substandard or below a satisfactory level. It is a disincentive for people, particularly if they have their families with them. If the wife is not happy, the family is not happy; therefore, there is pressure to return those people to the metropolitan area.

This is probably a federal issue, but when teachers go to the country, they lease their houses and pay tax on the rent they receive. They are living in the country and paying rent, but they do not get any tax deduction for that. That should be offset to make it more attractive for teachers to go to country areas. Often, it is a part of the job. Other people have the advantage of living in their houses and not having to pay rent. It is important that the Federal Government look at that.

Another issue is permanency. More opportunities have been provided for teachers to gain permanency by teaching in

country schools. I know permanency has been a vexed question over the years, but at least there is an incentive for teachers to go to country areas and thus have more chance of gaining a permanent position.

Another issue is country teaching practicums. Teacher trainees have been introduced via scholarships to get more teacher trainees to experience rural teaching first hand. Obviously, if teacher trainees go into the country areas, they might like it and realise that it is not as bad as they thought, so there is a good chance they will go back there to teach once they are qualified.

Rural internships for teachers in subject areas where teacher shortages are experienced, such as designer technology and computing, are now offered. Obviously, there is a shortage of certain teachers in some country areas, so the offer of internships will help with that problem. The Country High School Hostels Authority has introduced boarding scholarships for isolated school students committed to a career in the country to attract more young rural people into teaching.

Another matter which will assist rural students is the increase in the state boarding away from home allowance by 20 per cent to \$600 a year. The Western Australian College of Agriculture, made up of the State's five agricultural colleges, has been established to further strengthen the quality of vocational training offered to students. That is a new initiative which was put together this year. There are some top people in that body, which has been put together to look after those agricultural colleges.

The State Government has supported the establishment of regional university campuses in Kalgoorlie, Bunbury, Albany, Broome and Esperance and has developed links between universities, schools and TAFE through joint-use facilities.

Another area of great benefit in the education system is what the Education Department has done in the Harvey area. It has acquired the Wokalup research station, which was becoming redundant to Agriculture Western Australia. There was a squeeze on the current Harvey agricultural site with the building of the new dam. The acquisition of the research station will mean there is a great future for the Harvey Agricultural College and, in the long term, more students will be able to attend that college. That is a firm commitment by the Education Department in acquiring that site. Within a short time a new dairy, as well as an abattoir, will be built on that site. At this stage there is a five-year program to relocate the students from the current Harvey Agricultural College site, because around \$15m in infrastructure is required to set up the students fully at the old Wokalup research station, which is now the Harvey Agricultural College site. It is a great thing.

As I have said, I see no problems with the schools in my electorate. They are not perfect, but I believe that they have a great standard. The quality and the maintenance of the schools has been very good. Early this year or late last year, the school at Waroona needed an extra classroom because of extra numbers. The transportable classroom, which was used as a music room, was going to be used as a classroom. People were not very happy with that, but the Education Department came up with another transportable classroom, so the music room is still there. The parents and the students are now very happy.

What the member for Willagee has said in his motion is not correct. We as a Government have done a great job in education in Western Australia. It is probably not perfect, but nothing is. We have increased greatly the allocation of funding to our education facilities. It is interesting that the member for Willagee criticised the amount of money going into private schools, and it will be interesting to see whether the Labor Party has a policy of cutting back their funding. I doubt very much that it will, because those private schools get very upset when one starts talking about cutting their funding. They have been lobbying for years to get more funding. They believe they make a great contribution to the education system in our State, and I think they do. They need to be funded to a reasonable extent to help them survive and provide that education. It will be interesting to see the Labor Party's education policy. It was also interesting that the member for Willagee griped and groaned about what is happening only in Western Australia. He failed to give any positive indication of the direction the Labor Party will take with its education policy or how it will fix what he thinks is wrong with the education system in Western Australia.

MR BLOFFWITCH (Geraldton) [6.56 pm]: I will speak about vocational education training in schools. In 1967, the Royal Australian Navy sent me to America to do an electronics course and to study the radars and the communications of the new ships we were going to get. The one thing that absolutely impressed me when I was there was the vocational education that was available to all service people and to anybody who wanted to attend. Most of the people with whom I went to class were doing an engineering course through vocational education, but a couple of students were doing psychiatry. That indicates the breadth of that American TAFE college.

Four years ago when we decided to form a single college in Geraldton, I spoke to the representative from TAFE and told him what was available overseas. I asked why we could not coordinate TAFE times with high school times, and he said that there was no reason we could not. Consequently, something like one-third of students at the high school are now attending TAFE courses. I know that several students are doing accountancy and have been doing so since year 8. By the time they graduate at the end of their studies, they will be fully qualified accountants. Those sorts of opportunities were not available when I went through school. Through the coordination of TAFE colleges and high schools, enormous opportunities are being offered.

Another opportunity which is offered is that a person who is in the electronics world can do a two-year electronics degree at a TAFE college, and a lot of people have enrolled in that course and are doing very well. What we have done with TAFE, the middle schools and the high schools for those people who are not interested in getting a high tertiary entrance examination score - let us face it, a lot of students are not interested in getting a TEE score - is give them an enormous opportunity to achieve something by the time they finish their schooling. I do not know of a better system anywhere else in Australia.

Question put and a division taken with the following result -

Ayes (15)

Ms Anwyl
Mr Brown
Mr Carpenter
Dr Edwards

Mr Grill
Mr Kobelke
Ms MacTiernan
Mr McGinty

Mr McGowan
Ms McHale
Mr Ripper
Mrs Roberts

Mr Thomas
Ms Warnock
Mr Cunningham (*Teller*)

Noes (27)

Mr Ainsworth
Mr Barnett
Mr Barron-Sullivan
Mr Bloffwitch
Mr Board
Mr Bradshaw
Dr Constable

Mr Court
Mr Cowan
Mr Day
Mrs Edwardes
Dr Hames
Mr House
Mr Johnson

Mr Kierath
Mr MacLean
Mr Marshall
Mr Masters
Mr Omodei
Mr Osborne
Mr Pandal

Mr Shave
Mr Trenorden
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Tubby (*Teller*)

Pairs

Dr Gallop
Mr Riebeling
Mr Marlborough
Mr Bridge

Mr Prince
Mrs Holmes
Mr McNee
Mr Nicholls

Question thus negatived.

House adjourned at 7.06 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HOMELESS YOUNG PEOPLE, ACCOMMODATION AND SUPPORT FUNDING

2419. Ms WARNOCK to the Minister for Family and Children's Services:

- (1) In the coming financial year, how much additional State funding, if any, will be provided for accommodation and support for young people?
- (2) How much Federal funding will come to this State in the same period through the Supported Accommodation Assistance Program (SAAP)?
- (3) Will the Minister explain how accommodation will be provided for all young homeless people in this State when daily figures from hostels and other facilities show that young people requesting accommodation are turned away each day?

Mrs van de KLASHORST replied:

- (1)-(2) The total amount of funding to be provided for the Supported Accommodation Assistance Program in 2000/01 will not be determined until negotiations for the new SAAP Commonwealth/State Agreement are completed.
- (3) Young people under 18 who are in crisis and in need of a bed must contact Family and Children's Services during the day or Crisis Care after hours for an assessment of their needs. There needs to be a willingness on the part of that young person to be involved in the assessment process so that a resolution to the particular crisis can be found. As the main cause of youth homelessness is family conflict, where possible and appropriate, the preference is to try and reunite the young person with his or her family. Both the State and Federal Governments have services to help bring about this reconciliation. If that is not an appropriate solution, accommodation will be found for the young person in crisis.

TOWN OF CAMBRIDGE, PROPERTY VALUATIONS

2528. Dr CONSTABLE to the Minister assisting the Treasurer:

With regard to gross rental valuations which determine rates within the Town of Cambridge –

- (a) what criteria are used in an external inspection to determine the correct valuation;
- (b) do external inspections include access to the rear of all properties and if not, what is the process to determine correct assessments without that access;
- (c) has the Office of the Valuer General requested official explanations from all local Government authorities as to why they have failed in the past to notify the Valuer General of improvements to buildings;
- (d) if no, to (c) above, why not;
- (e) has the Office of the Valuer General requested copies of all archived, completed building improvement plans from local government authorities for the purposes of reassessing gross rental value of previously undervalued homes;
- (f) if no, to (e) above, why not; and
- (g) will verification inspections be carried out on all 9745 rateable properties in the Town of Cambridge given previous undervaluations of improved, rateable properties?

Mr KIERATH replied:

- (a) The purpose of an external inspection is to either confirm or update the property records upon which the values are based. Key factors include age, construction type, accommodation (rooms), other features (garage, pool etc) and external attributes or detriments (views, traffic noise etc).
- (b) Due to community concerns in relation to security, valuers are instructed not to attempt to inspect the rear of residential properties without invitation. Where records appear to be incorrect, amendment is based on door knock, Local Government records or professional judgement.
- (c) No.
- (d) Local Government is not legally obliged to advise the Valuer General of building completions and historically the Water Corporation have supplied new building details. Many improvements are internal such as bathroom/kitchen upgrade, for which no approval is required.
- (e) No.

- (f) Obtaining copies of all former building works is not a practical proposition. Apart from the magnitude of the task, much of the information would repeat what was already obtained from other sources – primarily the Water Corporation.
- (g) All 5461 properties in Cambridge that have local government rates determined on the Gross Rental Value have now been inspected in the last three years. The balance of the Town is rated on Unimproved Value.

OFFICE OF THE VALUER GENERAL, PROPERTY INSPECTIONS IN TOWN OF CAMBRIDGE

2529. Dr CONSTABLE to the Minister assisting the Treasurer:

- (1) How many valuers are employed by the Office of the Valuer General in the metropolitan area?
- (2) Of those in (1) above, how many are employed in the Town of Cambridge?
- (3) How many inspections are completed daily by valuers employed in the Town of Cambridge?

Mr KIERATH replied:

- (1) 64 of which 24 are exclusively involved in the determination of Gross Rental Values.
- (2) The Town of Cambridge, together with four adjacent local government districts, is serviced by a team of up to four valuers. It is estimated that 0.8 of a valuer is effectively utilised to service the Town of Cambridge.
- (3) Due to the variable nature of valuation tasks associated with maintaining the Valuation Roll, there is no meaningful number of average daily inspections. In terms of the recent inspection and verification of property records programme, valuers were able to review/correct property records at the rate of approximately 80 per day.

BUSHPLAN, BREAK DOWN OF EXPENDITURE

2553. Dr EDWARDS to the Minister for Planning:

What is the breakdown of the \$5 million spent in 1999/2000 on Perth's Bushplan?

Mr KIERATH replied:

Bushplan Sites include private lands which are already reserved in the Metropolitan Region Scheme for Parks and Recreation. Any moneys spent in the 1999/2000 financial year will include these lands as part of the normal acquisition program.

BUSHPLAN, SITES DESIGNATED FOR NEGOTIATED SETTLEMENTS

2554. Dr EDWARDS to the Minister for Planning:

- (1) What Bushplan sites have been designated for negotiated settlements?
- (2) What is the area of each site?
- (3) Has the WA Planning Commission purchased, or will it purchase, any of these sites?

Mr KIERATH replied:

- (1) Generally, Bushplan Sites already zoned or committed for urban or industrial development or for mining purposes have been designated for negotiated settlements. Some will involve a conservation and development trade-off, with lands being ceded free of cost to the Crown above normal contributions.
- (2) Around 1100 hectares is affected in total, which is only 2 % of the total lands identified in the draft Perth's Bushplan.
- (3) There are a number of strategies involved. Some of these sites may involve partial acquisition.

REGIONAL PARKS, TRANSFER TO CALM

2555. Dr EDWARDS to the Minister for Planning:

- (1) Which regional parks have been transferred to the Department of Conservation and Land Management (CALM) to date?
- (2) Which regional parks will be transferred to the Department of Conservation and Land Management in 2000/2001?
- (3) Will this complete the transferral of management of regional parks from the WA Planning Commission to CALM?
- (4) If not, when will the transfer be finalised?

Mr KIERATH replied:

- (1)-(4) A Cabinet decision of 5 May 1997 provided for the creation of eight Regional Parks in the Metropolitan Region with the responsibility for management being established within the Department of Conservation and Land Management. The Western Australian Planning Commission owns land in seven of the Regional Parks. These are Yellagonga, Herdsman, Canning River, Beeliar, Darling Range, Rockingham Lakes and Jandakot Botanic Park.

Woodman Point is managed by CALM by agreement with the Ministry of Sport and Recreation pending the reversion of the land. The Commission has transferred the management of its estate, with the exception of some leased properties, in the seven Regional Parks to CALM. This was completed with the transfer of Darling Range on 1 July 1999. The management of the remaining private land in the Regional Parks will transfer to CALM as and when it is acquired by the Commission.

PLANNING COMMISSION, ASSET SALES

2556. Dr EDWARDS to the Minister for Planning:

What asset sales will be undertaken by the WA Planning Commission in 2000 - 2001?

Mr KIERATH replied:

Properties surplus to the Metropolitan Region Scheme in accordance with approved disposal schedule. Estimates value 2000-2001 is \$4 million.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF IN THE PILBARA

2685. Mr GRAHAM to the Minister for Planning; Heritage; Minister assisting the Treasurer:

(1) What departmental staff, in departments under the Minister's control, are located in the following towns -

- (a) Port Hedland;
- (b) South Hedland;
- (c) Tom Price;
- (d) Paraburdoo;
- (e) Telfer;
- (f) Marble Bar;
- (g) Nullagine;
- (h) Karratha;
- (i) Halls Creek;
- (j) Wiluna;
- (k) Dampier;
- (l) Roebourne; and
- (m) Wickham?

(2) What are the classifications of those staff?

(3) What programs are currently being funded in the towns listed in the departments under the Minister's control?

Mr KIERATH replied:

Office of the Minister for Planning (Appeals)
 East Perth Redevelopment Authority
 Subiaco Redevelopment Authority
 Midland Redevelopment Authority
 Heritage Council of Western Australia
 State Revenue Department
 Insurance Commission of Western Australia
 Government Employees Superannuation Board

(1) Nil.

(2)-(3) Not applicable.

Ministry for Planning

- (1) (a)-(g) Nil.
- (h) Karratha - one.
- (i)-(m) Nil.

(2) Level 5

(3) The Port Hedland Area Planning Strategy is being finalised with a budget in 1999/2000 of \$78 600 and \$15 000 in 2000/01. In 2000/01 a review/update of the 1997 Pilbara Land Use Strategy is programmed, at a cost of \$15 000. This will cover the whole Pilbara region. The Onslow Structure Plan has been prepared as a draft during 1999/2000 (at a cost of \$15 000) and is programmed to be finalised in 2000/01 at a cost of \$20 000.

Valuer General's Office

(1) (a)-(m) Nil.

(2) Not applicable.

(3) (i) Annual General Valuations – Unimproved Values for State Revenue Department (Land Tax) and for local government rating: All rateable and taxable land within all the towns listed above.

(ii) General Valuations – Gross Rental Values for local governments and Water Corporation rating:

Program 1999/2000 financial year: Shire of Wiluna – Wiluna

Program 2000/2001 financial year: Shire of Roebourne – Karratha, Dampier, Wickham and Roebourne
 Towns of Port Hedland – Port Hedland and South Hedland

Shire of Halls Creek – Halls Creek

BUSHPLAN, PROTECTION OF SITES

2703. Mr BROWN to the Minister for Planning:

- (1) What steps is the Government taking to protect the Bushplan sites?
- (2) What funds have been allocated in the 2000/2001 Budget to protect the sites identified in Bushplan?
- (3) What precise sites will be protected by the funds made available in the 2000/2001 Budget?
- (4) Does the Government intend to ensure all Bushplan sites are protected and properly managed?
- (5) If so, what resources has the Government provided for this purpose?
- (6) When does the Government intend to take action to ensure all Bushplan sites are protected and properly managed?

Mr KIERATH replied:

- (1) Bushplan sites will be protected through a series of implementation strategies, including reservation and acquisition, negotiated outcomes and advice and incentives for private rural land management.
- (2) None.
- (3) Lands to be reserved and acquired will be identified in the final Perth's Bushplan when released and protected through planning controls until acquired by the Western Australian Planning Commission.
- (4) Around 64% of all Bushplan sites already have an existing level of protection. The remainder will be protected through a range of implementation strategies, described in (1), in liaison with the affected landowners.
- (5) The Western Australian Planning Commission has agreed to allocate up to \$100 million over 10 years towards the implementation of Perth's Bushplan.
- (6) Implementation is ongoing and will continue over the next 10 years and planning controls will be put in place as soon as possible once the final Bushplan is released.

QUESTIONS WITHOUT NOTICE

MINISTER FOR FAIR TRADING, INFORMATION ON FILE

907. Dr GALLOP to the Premier:

- (1) Has the Premier's office or the office of the Minister for Fair Trading been searching through the files of ministry investigators looking for evidence, to be put before the Gunning inquiry, which may prove embarrassing for the minister or his Government?
- (2) Has the Premier or the minister been trying to pre-empt the Gunning inquiry by searching through files which now are supposed to be in the possession of the inquiry?
- (3) If not, how else were Deidre Willmott and the minister able to tell the Premier two weeks ago that handwritten notes made by investigator Stuart Dowling referred to the minister wanting someone to lean on Blackburne and Dixon Pty Ltd to recover funds invested by two of the minister's constituents when this matter was raised in evidence only on Tuesday?

Mr COURT replied:

- (1)-(3) It is interesting that the Leader of the Opposition has an interest in this inquiry. He has been publicly telling people to boycott it but he likes it being under way. I certainly have not been going through files.

Dr Gallop: What about your office?

Mr COURT: I am not aware of anyone in my office having gone through files. As I understand it, Mr Dowling brought the matter to the attention of his superior when he realised that all of this information was going to the inquiry. He raised it so that the minister would be aware.

MINISTER FOR FAIR TRADING, DISCUSSIONS WITH STAFF

908. Dr GALLOP to the Premier:

Can the Premier guarantee to this House that his Minister for Fair Trading has not consulted with his staff about evidence that they are to give to the Gunning inquiry?

Mr COURT replied:

I cannot speak for the Minister for Fair Trading. When the Leader of the Opposition says "consulted with his staff", I presume that the minister talks to his staff. It would be an unusual relationship if he did not.

Dr Gallop: It would be to get the lines right.

Mr COURT: What an outrageous thing to say when the Leader of the Opposition knows that those public servants are giving evidence under oath. Is he saying that those people would give twisted evidence? That is outrageous and a slur on the public service.

Dr Gallop interjected.

The SPEAKER: I formally call the Leader of the Opposition to order because this is not an opportunity to make speeches.

NATIVE TITLE, LAND AND MINING TITLE APPLICATIONS

909. Mr BLOFFWITCH to the Premier:

How will the Government address land and mining title applications as a result of the recent full federal court decision in the Miriuwung-Gajerrong appeal case?

Mr COURT replied:

There has been some publicity relating to this matter and the Government has made a decision on how it will handle the land and mining title applications in a number of circumstances. It is estimated that currently around 1 000 geologists are unable to work in their profession because of the downturn in exploration activity. It is of great concern to us that exploration activity has come off so strongly in the past couple of years. Dick Wells, the Executive Director of the Minerals Council of Australia, said that as miners had been hit by the cyclical downturn as well as the uncertainty about land tenure and environmental policy, Australian miners were looking abroad. It concerns us that much of that exploration activity is taking place outside this country.

As a result of a detailed legal examination of the recent full federal court decision, as the law currently stands, native title in Western Australia has been extinguished by enclosed and/or improved pastoral leases or parts of leases and mining and general purpose leases granted under the Mining Act in 1978. Native title may also be extinguished by some mining titles under the 1904 Mining Act and in other situations where the court found native title to have been extinguished. That means that the mining tenement applications, land dealings and other acts over such land do not require processing through the commonwealth or state native title legislation. The decision we have made is that if native title applicants wish to have their applications processed without a reference to the Native Title Act and can satisfy the Government as to the extinguishment of native title based on the federal court reasoning, the Government will consider granting the title. Each case of course will have to be considered on its merits. The response from the Deputy Leader of the Opposition was as follows -

"Taxpayers may well pay dearly for what is a foolhardy, irresponsible and provocative course of action."

The Deputy Leader of the Opposition states that we have reached a stage that if the Government complies with the law, it is a foolhardy, irresponsible and provocative course of action. No wonder we have a problem with the unworkable native title legislation! The Government is criticised for operating under a ruling handed down. All we hear from members opposite on this issue is constant carping criticism. They do not come up with any practical solutions. We are complying with the law, and we are told it is foolhardy. Surely that shows there is a bit of an issue here which must be fixed.

MINISTER FOR FAIR TRADING, ACTION TO RECOVER FUNDS

910. Dr GALLOP to the Premier:

I refer to the Premier's claim in the media yesterday that the Minister for Fair Trading had raised with him the fact that a hand-written note in the file of a Fair Trading investigator included a reference to the minister instructing staff to "lean on" Blackburne and Dixon to recover funds invested by two of the minister's constituents.

- (1) Why did the Premier tell Parliament that it was his staff member Deidre Willmot who raised the matter with the Premier?
- (2) Can the Premier clarify the matter and indicate whether it was the Parliament or the public of Western Australia that he misled?

Mr COURT replied:

- (1)-(2) The Leader of the Opposition can do better than this; it borders on pathetic. I was asked on radio yesterday by Paul Murray whether I was aware of this allegation before it became public at the inquiry. I said yes, the minister told me a couple of weeks ago. The Leader of the Opposition asked me a similar question in Parliament yesterday. He asked when I first became aware of the matter. I said "someone in my office" and "I discussed it with the minister". Both answers are correct.

ARMADALE HEALTH CAMPUS, REDEVELOPMENT

911. Mr TUBBY to the Minister for Health:

Can the minister advise on progress being made on the redevelopment of the Armadale Health Campus?

Mr DAY replied:

I thank the member for some notice of this question. I am pleased to advise that excellent progress is being made.

Ms MacTiernan: Is it on schedule?

Mr DAY: Yes; it is happening, and with no thanks to the member for Armadale, who has not lifted a finger to help or uttered a word of support for the project - nor have her Labor Party colleagues. The Labor Government spoke about it for 10 years, but we are doing it.

Ms MacTiernan: Why have you put a ban on my being invited out there?

Mr DAY: The member can go there any time she likes. Helen Morton would be delighted to explain the redevelopment so the member forms a true understanding of it. Excellent progress is being made on not only the redevelopment of the Armadale Health Service as a whole, but also the construction of the new hospital. I had the pleasure this morning of visiting the campus to sign an agreement with a representative of Futuris Corporation Ltd which will result in a 60-bed private hospital wing being constructed and collocated on the Armadale Health Campus site. That represents a significant addition to the 120-bed public hospital which is under construction, and will be of substantial benefit to the provision of health services in the Armadale and the south-east corridor region of the metropolitan area. It will result in economies of scale and opportunities to share services and facilities, and will provide financial benefits to taxpayers in the provision of public services with the symbiotic relationship between the public hospital and the private wing.

The total value of the development is about \$59m, of which \$10.7m is being contributed by Futuris Corporation. I am pleased to say that construction is on schedule; it is a tight time frame, but work is progressing at a fast rate. I am also pleased that the roof has been completed for the new acute mental health unit located at the front of the main part of the hospital. Engineering services are being installed. It is expected that the unit will be completed in October of this year ready for the temporary transfer of the elderly lodge patients into that facility.

Ms MacTiernan: When will the hospital be opened?

Mr DAY: The other construction is progressing on schedule as well, and it is expected that building completion ready for the move into the new hospital will occur about August 2001. Very good progress is being made. The Government is getting on with the job to ensure that people in the Armadale region, and many other regions of Western Australia, are provided with high quality health services.

MINISTER FOR FAIR TRADING, ACTION TO RECOVER FUNDS

912. Mr McGINTY to the Premier:

I refer to the handwritten record of a conversation made by Fair Trading investigator Stuart Dowling which states that ministerial adviser Bill Mitchell told him that the minister wanted somebody to lean on Blackburne and Dixon to recover funds belonging to two constituents.

- (1) Why is the Premier effectively calling Fair Trading investigator Stuart Dowling a liar by rejecting his written record of that conversation?
- (2) Why does the Premier prefer to believe the evidence of witnesses who admit that they cannot actually recall what was said at the time?
- (3) Why would Mr Dowling use the term "lean on" if it was not used by the minister's adviser?

Mr COURT replied:

- (1)-(3) The member wants to ignore evidence given to the inquiry. Mr Mitchell said he would not use that language. No-one has given evidence to that effect. The member is going down a rabbit warren.

Dr Gallop: You're calling him a liar!

Mr COURT: I am not at all. I read out in Parliament yesterday what Mr Dowling said. Mr Dowling said clearly - the member for Fremantle would have to agree, as he goes down to the inquiry despite saying it should be boycotted - that no-one asked him to do anything improper.

MINISTER FOR FAIR TRADING, ACTION TO RECOVER FUNDS

913. Mr McGINTY to the Premier:

As a supplementary question, Minister Shave claimed that Mr Dowling's file note was false. Why does the Premier support his minister's impugning the integrity of a senior public servant who has had the courage to stand up and tell the truth?

Mr COURT replied:

If the member took a bit more time to read the transcript, he would find out about the file note. Then he would save Parliament some time.

Dr Gallop interjected.

The SPEAKER: Order! We are trying to run question time. An opportunity arises through interjection to make various points, but the Leader of the Opposition has started to extend things. I call the member for Wanneroo.

Ms MacTiernan interjected.

The SPEAKER: Order! Somebody said yesterday that the member for Armadale should be nominated for the most improved behaviour award. Unfortunately, she has regressed today - and regressed considerably. She should reflect on that fact.

ROADWORKS, WANNEROO ROAD

914. Mr MacLEAN to the Deputy Premier:

In 1999 urgent roadworks were announced for Wanneroo Road between Wanneroo and Yanchep because of the large number of accidents occurring on that section of road. Will the minister advise when these roadworks, particularly the construction of the 6.5 kilometre dual carriageway, will commence?

Mr COWAN replied:

I thank the member for some notice of this question as it has permitted the Minister for Transport to provide the following response: The Wanneroo Road improvement project is divided into three key initiatives, each playing a role in reducing driver frustration and error and, consequently, the likelihood of road crashes and deaths. The first initiative is minor improvements, and this component of the project has been completed. The following improvements have been carried out: Road markings have been upgraded; speed limits have been revised and amended; clear zones and verges have been improved; curvature alignment markers have been installed; and road signage has been improved. The Carramar Road and Yanchep Road intersections with Wanneroo Road have also been upgraded. Street lighting has been installed at a number of locations along Wanneroo Road between Pinjar Road and Pipidinnny Road.

The second initiative is the dual carriageway from 300 metres south of Hall Road to the Ocean View Tavern. Wanneroo Road will be widened and reconstructed at this location to a four-lane dual carriageway over a length of approximately four kilometres. This initiative will provide adequate overtaking opportunities for both northbound and southbound motorists.

The third initiative is the dual carriageway between Trian Road and Taronga Place. This initiative includes the construction of a four-lane dual carriageway of approximately three kilometres between Trian Road and Taronga Place south of Yanchep Beach Road. Once again, this initiative will provide adequate overtaking opportunities for both northbound and southbound motorists.

Initiatives two and three will be delivered under Main Roads contract No 428/99. Tenders for contract No 428/99 are currently being assessed. Construction work is anticipated to commence early July 2000 and be completed during March 2001. Landscaping will be undertaken between May and July 2001.

MINISTER FOR FAIR TRADING, EQUAL TREATMENT OF COMPLAINTS

915. Mr McGINTY to the Premier:

I refer to the Premier's claim yesterday that the Minister for Fair Trading's former father-in-law received the same treatment as any other constituent who approached the minister, and also to his claim that he was not aware of the minister not dealing with every complaint he receives.

- (1) Is the Premier aware that one of the minister's constituents, who was a victim of Grubb Finance, has written to the Gunning inquiry offering to give evidence to the extent that, during a meeting with the minister last June, he was told by the minister that if people go in for this sort of thing they deserve to get their fingers burnt?
- (2) Is the Premier also aware that the same constituent was told that the Ministry of Fair Trading was unable to help him get his money back?
- (3) Is this what the Premier says is equal treatment for all?

Mr COURT replied:

- (1)-(3) It is a good example of the sort of complaint and the sort of issue that one would put before the Gunning inquiry. That is the whole reason for having the inquiry, so that people can come forward and put their concerns.

Dr Gallop interjected.

The SPEAKER: Order, Leader of the Opposition!

ROSS RIVER VIRUS, STATISTICS FOR WESTERN AUSTRALIA

916. Mr MARSHALL to the Minister for Health:

My question is addressed to the Minister for Health.

Dr Gallop: The member for Dawesville is ashamed of it too; I can tell.

Mr MARSHALL: The Leader of the Opposition will get the Sheedy treatment in a minute.

Ross River virus continues to be a concern to constituents in the Dawesville electorate. Will the minister tell the House -

- (1) What is the breakdown of reported Ross River virus cases in Western Australia?
- (2) How advanced is the \$1m Peel waterways mosquito runnelling project?

Mr DAY replied:

I thank the member for some notice of the question, and I appreciate that the incidence of Ross River virus in Western Australia is one of the major public health issues within the Health portfolio.

- (1) The total number of cases of Ross River virus disease which has been notified to the Health Department from 1 July last year to 24 May this year is 644. The breakdown is: In the Peel region, 80 cases; Leschenault region, 106 cases; Capel-Busselton area, 110 cases; in the metropolitan area, 175 cases; in the north west part of the State, 61 cases; in the south west, other than the areas mentioned, 68 cases; and in the goldfields region, 44 cases.

I was interested to have pointed out to me an article in a recent issue of *Australian Doctor* which dealt with the incidence of Ross River virus in Australia. That article reports on the fact that the level of Ross River virus is likely to increase as urban areas expand in Australia. It says that the virus is endemic in most rural areas, and the incidence is increasing in cities. In the past few years, there have been outbreaks on the fringes of Perth, Melbourne, Brisbane and Sydney, and it postulates that the cause may be that the urban sprawl has expanded into areas in which the mosquitoes and the virus circulate. It seems that this will be an increasing rather than a decreasing problem, particularly as urban expansion occurs in the fringe areas and in areas in which there is a likelihood of stagnant pools of water accumulating.

- (2) One of the ways in which we are trying to control Ross River virus in the Peel region is by the construction of runnels in the Peel Inlet area. That is being funded through the Health portfolio. I am pleased that tenders for the installation of the runnels to 35 sites closed in March of this year. Contracts have been awarded for stages 1, 2a and 5, which involve the environmental management plan, topographical surveys and environmental monitoring respectively. Stage 1, which is the development of an environmental management plan, has been initiated, with the successful proponent already undertaking the preliminary work.

MINISTER FOR FAIR TRADING, PREFERENTIAL TREATMENT OF FATHER-IN-LAW

917. Mr McGINTY to the Premier:

I refer to the Premier's statement yesterday that the Minister for Fair Trading's former father-in-law was treated no differently from all other investors. As neither the minister nor his staff could name one other occasion on which senior ministerial staff personally and directly assisted an investor to recover money by meeting with a finance broker, surely the Premier must accept that Mr Turton received preferential treatment solely because he was the minister's father-in-law.

Mr COURT replied:

I do not accept that. It should be left up to the inquiry to make that judgment. The committee has said publicly quite clearly that it will report on those matters relating to the minister. We cannot get an inquiry that is any more public than the one that is taking place.

Dr Gallop: Yes we can.

Mr COURT: How?

Dr Gallop: A proper, full inquiry.

Mr COURT: Evidence is being given under oath, and the Leader of the Opposition says that is not public.

BUSSELTON, FLOOD PROTECTION

918. Mr MASTERS to the Minister for Water Resources:

Will the minister please outline what flood protection works have been carried out around the Busselton town site since the floods last July, and how will the costs for these and future works be divided between local, State and Federal Governments?

Dr HAMES replied:

As the member is aware, there were serious floods in Busselton in 1998. Following that, the Water and Rivers Commission carried out a review of flood plain management protection. It was supposed to be to the standard of one in 100 years protection, but it was found that it was only one in 20 years protection. Obviously, the Government was required to carry out considerable work to improve the standard of flood protection in that area.

Since that time, I have formed the Busselton Flood Management Steering Committee, comprising representatives from a number of government departments. Those people have come up with detailed works and costings for protecting Busselton from floods. The cost of not providing that service is \$21.5m in terms of the damage that could be done. The cost of carrying out the improvements required is \$4.5m. That will be funded largely by Government. Much of it involves the construction of detention basins in the upper flood catchments. The first stage of that will be initiated immediately at a cost of \$540 000. That will be funded by the Water Corporation. We expect that all of the work will be completed by 2004. We are seeking federal funding as part of that program. We also looked at some issues of drainage in Busselton, because the problems there were recognised. A faulty drainage floodgate has been repaired. We must also look at drainage, particularly in the areas of Peppermint Park and Broadwater. Any necessary action will be taken. It is essential that this Government provide the one in 100 year protection against floods that is required, and it intends to do that.

MINISTER FOR RESOURCES DEVELOPMENT, VIEW ON DUMPING NUCLEAR WASTE

919. Mr RIPPER to the Minister for Resources Development:

I refer to the front page story in the *News Chronicle* community newspaper this week which reveals the minister was one of 20 members of Parliament who did not respond to a survey about future changes to legislation on the dumping of nuclear waste in Western Australia. Is it not the case that if the minister's dream of Western Australia becoming a uranium exporter is ever realised, he will seek to repeal Labor's legislation banning a nuclear waste dump in this State, because he believes States that export uranium have an obligation to dispose of the radioactive waste created by those exports?

Mr BARNETT replied:

That was more a supposition than a question. The member presented a point of view on what he hoped my views might be. I have not seen the article. I make the general comment that I am happy to talk to the media about any issue. However, as a member of Parliament I do not fill in questionnaires for the media. That is a poor way to research an issue, and I do not go along with that. I am happy to talk about any issue. On this issue, there is no uranium mining in Western Australia. Given the current state of the uranium market, I do not expect that we will see a uranium mine in this State in the next 10 or 20 years. Ultimately - this probably depends on world attitudes to nuclear energy - if there is cleaner and more reliable nuclear energy perhaps in 20 years' time, that industry sector may have a renaissance. If that occurs there will also be the issue of whether there should be uranium mining in this State. I have said before - I probably will not be Minister for Resources Development or even a member of Parliament when that occurs - that if uranium mining were proposed in Western Australia the responsible minister should bring that proposal to the Parliament, probably in the form of an agreement Act. It should be done in a parliamentary sense. That provides an opportunity for all people to express their views.

Mr Ripper: Would that change the waste legislation?

Mr BARNETT: That would be an issue at the time. I have always said that if Western Australia is to mine and export uranium it must have a say about how waste is treated or disposed of. That is a fair and responsible position.

VISION FOR PERTH PROPOSAL

920. Mr OSBORNE to the Minister for Planning:

Because of the great deal of media attention on the launch of the minister's Vision for Perth initiative, can he inform the House of any subsequent feedback which the Government has received?

Mr KIERATH replied:

Some of the best cities in the world to live in and to visit have benefited from what I term visionary planning. Many people in this State felt that Perth needed a plan not just for roads, residential and industrial zones, public infrastructure, etc, but to cater for the full context of Perth's future. The vision examined industry and business growth, and how the urban structure can change while retaining our city's environment and lifestyle benefits. The key to the vision was to develop urban villages with good public transport, improved pedestrian access and the ability to work from home, and to develop the centre of Perth into precincts that would give it life outside office hours and enable Perth to become the leading intellectual and educational centre that it rightly deserves to be.

I am grateful for the member's input. The vision has won acclaim from various sources. I have received some positive comments from supporters of public transport, planners, developers and the general community. Even the respected writer John McGlue gave the vision a national profile in *The Australian* when he said, "The vision is not so much a planning blueprint as a set of standards and ambitions that should be set in concrete." They are his words, not mine. He said it was a plan worth a read, and well worth the involvement and commitment of anyone who has cared to whinge about what a dead city Perth can be. The editorial in *The West Australian* on 6 June stated, "A splendid vision for the future of Perth." That recognises that this Government is serious about long-term planning, which is in sharp contrast to the performance of the last Labor Government. We govern for the benefit of all the community, not like Labor, which governed for itself and a few special mates, and did not have policies that went further than the next election. We on this side of the House are proud to have played our part in producing this vision. It goes a long way to ensuring that our capital city has a bright future.

MINISTRY OF FAIR TRADING, MR DOWLING'S HANDWRITTEN NOTE

921. Dr GALLOP to the Premier:

I refer to the handwritten note by Ministry of Fair Trading investigator Stuart Dowling. Why did the Minister for Fair Trading raise this matter with the Premier two weeks ago if it was not to let him know it would be coming up in the Gunning inquiry?

Mr COURT replied:

It is appropriate for a minister to raise an issue when there has been much public talk about it. I do not see anything untoward in that. I do not know why the Leader of the Opposition has gone on this fishing expedition. He cannot cop that all this information is coming out in a public inquiry. The best he can do is to come into the Parliament and ask the same question five times over. When will he start asking questions on a more constructive note?

Dr Gallop: Can I give the Premier a bit of advice? He should look at the faces of his backbenchers; they provide the best answer to my question that we will see today.

Mr COURT: Perhaps next week the Leader of the Opposition can tell us about his corporatisation policies, his privatisation policies?

Dr Gallop: Poor old Dickie's in a corner and he lashes out.

Mr COURT: Mr Speaker, the Leader of the Opposition is answering the question himself.

HOTEL, BARRACK STREET

922. Mr TUBBY to the Minister for Aboriginal Affairs:

With the interest that many people have in the proposed development of a hotel at the foot of Barrack Street on the Swan River, could the minister advise if the proposal has obtained, or needs to obtain, approval under the Aboriginal Heritage Act?

Dr HAMES replied:

The proposed hotel at Barrack Square is an interesting development, so I will take this opportunity to update the Parliament on the progress that has been made up until now. The hotel development, which is to be next to the rowing club on Barrack Square, has been recommended for approval by the Swan River Trust. I have been unhappy with the amount of public response we have had to that development. The public submission period was September-October, but very few responses were received. The City of Perth approved the development and received some public comment at that time. However, there was little public response. I have asked the company to prepare a model to be displayed publicly with some design drawings. That will be displayed at Barrack Square and the public will have one month in which to look at those designs and report back. I will then make my decision. The company has not yet obtained a section 18 clearance, and it will need to, despite whatever approvals it has received from the Swan River Trust.

I also take this opportunity to update the Parliament on what is happening with the Aboriginal Cultural Material Committee and development applications that require section 18 approvals for the Swan River. The ACMC expressed concern in a few areas, particularly that there was no general understanding of the significance of the Swan River to Aboriginal people. Although the whole of the river is significant, some areas are more significant than others, and some developments more significant. In particular, I refer to an existing jetty that required upgrading. That involved a long, drawn-out process to obtain a section 18 approval. The ACMC will look at different sections of the river and work out those areas that are of more significance. It will then try to work out a more rapid process to get approval for work that just requires maintenance or perhaps pylons to be sunk in the river in areas where there are already pylons. It will concentrate its efforts on areas that are of particular significance. That will greatly improve the processing of section 18 approvals for Swan River programs.

KING EDWARD MEMORIAL HOSPITAL, ADMISSIONS

923. Ms McHALE to the Minister for Health:

- (1) Is the minister aware that there has been a significant reduction in booked admissions to King Edward Memorial Hospital for Women as a result of the government inquiry into the hospital?
- (2) Will the minister inform the House of the true picture of booked admissions?
- (3) Will the minister confirm that complex and potentially dangerous pregnancies which should be going to King Edward are going to hospitals such as Osborne Park which do not have the full range of senior staff to deal with those complexities?

Mr DAY replied:

- (1)-(3) I am not aware of any reduction in booked admissions at King Edward Memorial Hospital. In fact, the last advice that I have had is that the level of admissions to King Edward is as high as it was prior to this discussion that is going on. I find this line of questioning very interesting. The member seems to be suggesting that we should not be holding the inquiry that has been established, because she has asserted that there has been a reduction in booked admissions as a result of the inquiry that has been established. The reason this inquiry has been established is to restore public confidence in the hospital and to deal with some very serious issues that have been raised, in the main by people who are employed within the hospital. If the Opposition is suggesting that this inquiry should not be occurring, then I find that very interesting and, I must say, most surprising. There is absolutely no reason that complicated deliveries, or any admission, should not go ahead at King Edward Memorial Hospital. As I have explained here on a number of occasions and publicly, and as the chief executive of the hospital, Michael Moodie, has explained, some changes have been made to ensure that appropriate staffing arrangements are in place at King Edward; in particular, that adequate consultant coverage is provided 24 hours a day. Any woman who is considering a delivery at King Edward Memorial Hospital can have full confidence in the services that are provided at the hospital, and I very much encourage any woman who is considering going to King Edward to go ahead with her plans.