



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE ASSEMBLY

Tuesday, 23 June 1998

Legislative Assembly

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

TOWN OF CAMBRIDGE BOUNDARY CHANGE

Petition

Dr Constable presented the following petition from 3 542 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned express our opposition to the Town of Cambridge Boundary Change to transfer an area of land from the City of Stirling to the Town of Cambridge, (namely, that area of the City of Stirling bounded by Powis Street, Herdsman Parade, Flynn Street, Pearson Street, Cromarty Road, Empire Avenue, Brompton Road, Cobb Street, Williamtown Road, Huntriss Road and Scarborough Beach Road), as publicly advertised in May 1998 by the Local Government Advisory Board in the State of Western Australia.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 239.]

TOWN OF VINCENT BOUNDARY CHANGE

Petition

Dr Hames (Minister for Housing) presented the following petition from 2 284 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned express our opposition to the Town of Vincent Boundary Change to transfer an area of land from the City of Stirling to the Town of Vincent, (namely, that area of the City of Stirling bounded by Cape Street, Flinders Street, Wiluna Street, Green Street, Main Street and the Mitchell Freeway), as publicly advertised in May 1998 by the Local Government Advisory Board in the State of Western Australia.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 240.]

CANNINGTON AND MADDINGTON SENIOR HIGH SCHOOLS, CLOSURE

Petition

Mr Ripper (Deputy Leader of the Opposition) presented the following petition bearing the signatures of 3 685 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia urge you to keep both Cannington Senior High and Maddington Senior High School open with the current yr 8 to 12 campus arrangement.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 241.]

GEOGRAPHE BAY

Petition

Mr Masters presented the following petition bearing the signatures of 3 567 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens who live, work or holiday in and around Busselton and Geographe Bay and who are concerned about the environmental health of the bay and its seagrasses and marine life, are **OPPOSED** to the **DISCHARGE** of treated **SEWAGE** and waste water into Geographe Bay by the Water Corporation and request the urgent intervention of Parliament to stop it.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 242.]

LANGFORD REDEVELOPMENT PROJECT

Petition

Ms McHale presented the following petition bearing the signatures of 293 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned wish to express our utmost disappointment and concern at the delay in the commencement of the Langford Redevelopment Project.

We call upon the Government to take heed of the community's needs and concerns and take immediate steps to ensure that no further delays are experienced and that work on this project is undertaken forthwith.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 243.]

WOOL INDUSTRY IN WESTERN AUSTRALIA

Statement by Minister for Primary Industry

MR HOUSE (Stirling - Minister for Primary Industry) [2.12 pm]: This week the annual general meeting of the International Wool Textiles Organisation will be held in Dresden, Germany, and the "India Wool Meet" textile seminar will be held in New Delhi. These events represent new opportunities for the Western Australian wool industry and will be attended by representatives of my Wool Strategy Group. Both events will concentrate on developing new quality initiatives to enhance wool processing performance and the promotion of new products in the textile industry. Wool remains Western Australia's second largest agricultural export industry and is contributed to by 9 000 woolgrowers. The industry generated export earnings of \$643m in 1996-97 and accounted for 21 per cent of national wool exports.

This Government, through the Wool Strategy Group, which I established in 1993, and Agriculture Western Australia, continues to provide a framework of support and initiative to the wool industry. The key focus of this group is wool quality, which is achieved through delivery of the right product and specifications. A second focus has been the strong linkages with the Indian wool textiles industry. As a result of this relationship, the Esperance Wool Exporters Group, the Australian Merino Society and the Darkan Wool Marketing Group have supplied consignments directly to Indian processing mills and to a range of other international customers.

In addition, this Government has initiated an education program with the Indian Woollen Mills Federation to train Indian university students and staff in wool production and processing performance. These students are the future buyers, spinners, and managers within the industry. We have also supported the successful relocation of a wool scouring plant to the East Rockingham precinct. The medium term program is to attract a top maker to complement the wool scour and to support the early stage processing of local wool.

Agriculture Western Australia continues to support on farm productivity improvements. This initiative is known as "Wool Pro" and is currently being undertaken on 100 focus farms.

Other initiatives include -

New pasture varieties - cadiz french serradella for deep, sandy soils to increase production.

Processing research into performance of Western Australian wool.

The wool service desk located in Fremantle is developing closer links with local and international trade.

Trade missions to our major customers to identify new trade opportunities.

Our commitment to this industry is to ensure that we promote Western Australian wool as a quality and differentiated product from other suppliers in the international marketplace.

WORKPLACE SAFETY CAMPAIGN

Statement by Minister for Labour Relations

MR KIERATH (Riverton - Minister for Labour Relations) [2.15 pm]: This Government has focused its workplace safety campaign on achieving a 24 hours a day, seven days a week safety culture in industry and the community. The campaign's theme is "Where there's risk, pause and think", and everyone is encouraged to spot hazards, assess their risk and make changes to ensure safety. We have used television, radio, the Internet, billboards, posters and over 50 000 copies of the ThinkSafe video to get this message across.

The ThinkSafe Club on the Internet targets children as young as six years in primary school to encourage the need for safety at home, at school and on the road.

A recent national occupational safety and health awareness survey shows clearly this campaign is raising awareness and impacting on people's behaviour. Western Australia had the highest score of all States and Territories for increased community awareness over the past five years. We also had the highest score on the view that nearly all workplace injuries and illnesses were preventable. Recall of our safety campaign was 2.6 times greater than that of safety campaigns in Victoria.

Another survey in January showed 95 per cent of people recalled the ThinkSafe advertisements; and 93 per cent of those who recalled the ads remembered the ThinkSafe SAM steps. Importantly, the survey showed 64 per cent of respondents agreed the advertising had focused their thinking on safety issues, and 53 per cent said they apply the ThinkSafe SAM steps to their daily activities.

In comparison with other States, Western Australia is achieving better, more cost effective results from its safety awareness campaign. Victoria spends four to five times Western Australia's budget on work safety advertising, yet Victoria's results in the national survey were not as good as ours. Western Australia is the only State or Territory to link prevention of work injuries to the total injury prevention effort.

By using the ThinkSafe campaign common theme, separate prevention campaigns reinforce each other. Success of the ThinkSafe campaign is also helped by the use of high profile West Coast Eagles footballer, Glen Jakovich. He is well recognised and is popular with both younger and older people, an important factor in a broad-based community awareness campaign.

When launched in 1996, the ThinkSafe campaign ambitiously aimed to halve the State's accidental death toll by 2000. Results to date show that we have achieved increased awareness and behaviour is changing. The remaining years of the ThinkSafe campaign will focus heavily on implementation of the ThinkSafe SAM steps to safety. If we achieve our aim, the ThinkSafe campaign will save 800 Western Australian lives during its operation.

HEALTH FUNDING - ACCESS ECONOMICS PTY LTD REPORT

Statement by Minister for Health

MR PRINCE (Albany - Minister for Health) [2.18 pm]: I table a report by Access Economics Pty Ltd entitled "Comparative Effort in Health Financing by the Commonwealth and State Governments".

The report was commissioned by Western Australia on behalf of all States and Territories following commonwealth claims that States have not contributed sufficiently to funding hospital and health services during the current Medicare agreement. The Commonwealth has used these claims to seek to justify its inadequate Medicare funding offer. For Western Australia, a generous interpretation of the offer is that it would see hospital funding grants to the State reduced by \$149m over the next five years compared with a continuation of the current Medicare agreement. Health Ministers from States and Territories felt it was important that an independent assessment be done to set the record straight.

Access Economics Pty Ltd is an independent expert with impeccable credentials to do this work. Its report has found that during the current Medicare agreement, expenditure growth by States has outstripped commonwealth funding efforts, having increased by \$2.6b since 1992-93 compared with a \$1.2b increase in commonwealth funding. If we consider the whole period since the Medicare policy was introduced, the expenditure share by States and Territories has increased from 61.2 per cent in 1984-85 to an estimated 65.4 per cent in 1997-98.

The Access Economics report shows also that States have shifted more funding into health despite real cuts in commonwealth general revenue assistance. As a share of total budget outlays by States and Territories, health outlays have increased from 11.2 per cent in 1992-93 to an average of 13.2 per cent over the past three years.

The drop in commonwealth general revenue assistance is underlined by the estimate produced by Access Economics that if general revenue assistance had been maintained at 1989-90 levels as a proportion of gross domestic product, in 1997-98 States and Territories would have had an extra \$3.3b at their disposal to spend on health and other services.

In my view, the report by Access Economics justifies the stance that has been taken by Western Australia and the other States in negotiations on hospital funding with the Commonwealth. It should obviously put more pressure on the Commonwealth to review its position on funding. I am anxious that the Western Australian and Commonwealth Governments can agree in the near future on an Australian health care agreement to replace the Medicare agreement. However, that will be contingent on the Commonwealth being willing to provide a level of funding to meet its fair share of the cost of providing hospital services.

[See paper No 1516.]

PROCUREMENT AND CONTRACT MANAGEMENT TRAINING

Statement by Minister for Services

MR BOARD (Murdoch - Minister for Services) [2.20 pm]: I would like to tell the House how this Government is helping to develop an entirely new national training industry. This industry provides instruction in a new and increasingly important field of the teaching of procurement and contract management skills. The procurement and contract management training industry is being developed in this State because of this Government's commitment to provide better services to the public at a lower cost.

Since taking office, government agencies have been encouraged to look to the private sector for higher quality services at more competitive prices. As our agencies have sought out these competitive service providers in the private sector, they have committed to enhance their contracting skills to get the best from suppliers.

The State Supply Commission and the Department of Contract and Management Services are working to ensure that the standards of procurement and contract management are raised to new professional levels.

The most far-reaching among a number of initiatives taken is one in which this Government is partnering the Victorian Government, the Procurement and Contracting Centre for Education and Research. This nationwide initiative will facilitate the teaching skills in procurement and contracting. It will also broker training, consulting and research in this growing field. PACCER's objective is to ensure that the procurement and contracting function within government is raised to professional status, is taught at tertiary level, and is recognised by the personal accreditation of its practitioners.

Western Australia is the first State to join the Victorians in this initiative and this Government took part in the launch of the PACCER program in Melbourne last year. The Victorian Minister for Finance, Hon Roger Hallam, will come to Perth next week to join me in the signing of the PACCER agreement between our two States. The Governments of Tasmania, the ACT and the Commonwealth have shown strong interest in joining what we hope will soon become a national program whose outcomes will exceed international standards.

Being an inaugural member of the PACCER board of management, this Government will have considerable influence on the direction of PACCER's development and its operations. PACCER has already identified tertiary courses in procurement and contract management to be delivered by Deakin University, Royal Melbourne Institute of Technology and Monash University. It will soon begin negotiations with Western Australian tertiary institutions to offer courses as part of the program. PACCER will share premises with Open Learning Australia, which has a shareholder base of eight universities, including Monash, Australian National University and Curtin University of Technology. The PACCER program is a crucial component in the delivery of high quality services to the Australian people at competitive prices. This Government is proud to be playing a leading role in its development.

[Questions without notice taken.]

POLICE ISSUES

Matter of Public Interest

THE SPEAKER (Mr Strickland): Today I received a letter from the Leader of the Opposition seeking to debate as a matter of public interest the following motion -

That this House notes with alarm -

- (a) the complete mismanagement of police issues arising from and following the refusal of the State Government to establish a royal commission in 1996;
- (b) the resultant total loss of confidence by our police officers in the State Government and calls on the State Government to -
 - (i) establish a full and open inquiry into the suspensions of the six drug squad and other senior officers following ACC investigations; and
 - (ii) repeal section 8 of the Police Act and replace it with new provisions that would enable an appeal right to the Industrial Relations Commission.

The matter appears to me to be in order and if at least five members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis, with half an hour allocated to members on my left, half an hour to members on my right, and five minutes to the Independent members, should they seek the call.

DR GALLOP (Victoria Park - Leader of the Opposition) [2.58 pm]: I move the motion.

This motion is in two parts: Firstly, it notes the mismanagement of police issues that have occurred in Western Australia arising from and following the refusal of the State Government to establish a royal commission. Secondly, it notes the resultant loss of confidence by our police officers in the State Government which of course is leading to the prospect of industrial action.

The SPEAKER: Order, members! When I am on my feet, the member for Kalgoorlie and the member for Peel should desist from talking. The Leader of the Opposition has moved a motion that he considers of utmost importance and members have stood and, instead of walking out quietly, they have started chatting in the aisles and corridors to the extent that I can hardly hear the Leader of the Opposition.

Dr GALLOP: The second part of the motion deals with the resultant loss of confidence in the State Government by police officers, which has every prospect of leading to industrial action at the end of this week and which will impact upon the delivery of this all important service to the people of Western Australia. This impasse must be broken. One way forward is to look at the section 8 power and establish a right of appeal to the Industrial Relations Commission and to have a full and open inquiry into the suspension of the officers, so that, like everyone else, they have a right to put their positions in an open forum and have those positions examined.

Let us go back to the beginning of this issue. In 1995 and 1996 many allegations were made about police corruption in Western Australia. In a sense those allegations reached their peak when the Legislative Council Select Committee on Western Australian Police Service reported that it believed there was more corruption in the Police Service than had been acknowledged by senior officers in the service. That report provided the Government with an opportunity to establish a inquiry to satisfy the rights and interests of people and also uncover the truth about what was going on in the Police Service. The Government made a decision at that point not to establish a full, comprehensive and open inquiry into this matter, but to simply revamp the Official Corruption Commission by changing its name, changing the legislation that provided the framework within which it was to operate and ignoring the calls for a royal commission.

Mr Day: Did you support the ACC Act in the Parliament? Did you support having the ACC?

Dr GALLOP: If the Minister for Police recalls, we moved amendments to that legislation, which the Government did not support. Two years ago the Government had an opportunity of supporting a motion in this Parliament to establish a royal commission following the Legislative Council report. Again in May and June 1997, we moved to set up a royal commission, which would have established the facts about the Western Australia Police Service once and for all.

The failure of the Government to support those motions has led to the three problems we have today. First, open and public inquiries into these matters have been held in other States and we have had royal commissions in Western Australia. The procedures that exist for these inquiries have been well and truly established. Among those procedures are the rights of people who may have had allegations made against them to contest those allegations in an open forum. If the Government had chosen to set up a royal commission, some of the matters which are now public would have been raised in a forum which would have enabled people about whom the allegations were made to cross-examine those who had made the allegations and test the validity of the allegations.

The second and important point of having a royal commission is that the hearings would be open. The Fitzgerald Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct and the Wood Royal Commission into the New South Wales Police Service, both of which were open hearings, have been crucial in uncovering corruption in the police services. The Anti-Corruption Commission's working in secret - behind closed doors - has been a problem for the public not only to know what is going on, but also to have confidence in what is going on.

Thirdly, and importantly, a public forum would have resolved many of these matters, as well as having the confidence of the people of Western Australia, because it would have had established legal procedures to allow people to test allegations made against them. It would have provided a more global picture of the Western Australia Police Force, rather than the bits and pieces picture we are getting at the moment. Many of the complaints being made by people would have been avoided had the Government made a different decision. Instead of taking the advice of the Opposition and of people like John Hatton, a member of the New South Wales Parliament at that time, it sent all of these matters to the secrecy of the Anti-Corruption Commission. Responsibility for that lies with the Government, and the Government alone.

Other problems have emerged. The Anti-Corruption Commission was given a task, and it appointed a special investigator to look into those matters. First, the competence of our public institutions should be judged by their performance. There is no other test to judge the competence of an institution. In a test of the Anti-Corruption Commission's performance, the Supreme Court ruled that the ACC had gone beyond its powers. One of the judges remarked that it was acting like an inquisition. This has had an impact on the way people look upon the body, and perceive its operation.

Secondly, the findings of that inquiry -

Mr Bloffwitch: You are calling for an open inquisition.

Dr GALLOP: The very nature of an inquisition is that it is secret; that is the problem. The Director of Public Prosecutions said that the evidence given to him was insufficient to charge the police officers. It may be very convenient for government members to say that that is not necessarily inconsistent with the tasks given to the Anti-Corruption Commission and the Director of Public Prosecutions. The fact is that it influences the perceptions people have of the body. In short, the Anti-Corruption Commission lost in the Supreme Court and the DPP said that the facts in this matter sent to him by the ACC were not a basis upon which charges could be laid.

Mr Day: Are you saying public information should be made available?

Dr GALLOP: That is not what I said at all. I said that the issues had become entangled in a web of legal argument and litigation. The Opposition predicted that would happen because they were dealt with by the Anti-Corruption Commission and not by a royal commission - and it has happened. In that tangled web of litigation and legal argument, a lack of confidence in the ACC has developed. That is a fact, and was reflected in the two recent meetings held by police officers in this State, the most recent being last Sunday.

We are not saying that the functions of the ACC should be suspended; we are saying that the perception that has been created by the ACC's loss in the Supreme Court and the fact that the Director of Public Prosecutions said that there was insufficient evidence to charge those officers have created an environment in which what normally would have been a matter of fact operation by the ACC has been steeped in controversy. The Government must address this problem: The Police Union (WA) and its members are now saying that they want a chance to defend themselves in an open hearing. That is the bottom line. Surely the Government is able to provide them with that forum so that there is some fairness in this matter. However, the Government will not do that, which is why there are problems in its relationship with the Western Australia Police Service.

Mr Day: Do you want to know the substance of these allegations? Is that what you want?

Dr GALLOP: We want all of the allegations out in the open in a proper forum which gives the officers the chance to cross-examine the people who have made the allegations. That is fair and reasonable.

Mr Day: I agree with you entirely. The public should be given this information as soon as possible.

Dr GALLOP: Have the officers the right to deal with those allegations in a proper forum?

Mr Day: They will have all the rights of natural justice and due process.

Dr GALLOP: The Minister has not answered the question. I asked whether the officers will have the right to test those allegations in a properly constituted open forum, such as a commission of inquiry.

Mr Day: Such as an open royal commission inquisition; is that what you mean?

Dr GALLOP: They will not be given that right. Under this Government there are rights for some, but not for others.

Mr Day: All sorts of allegations are being made about innocent people.

Dr GALLOP: The second part of the motion offers the Government some advice on how it might get out of this imbroglio. The first bit of advice we offer is for it to transform the procedure of review that exists for what we now call section 8 suspensions or dismissals.

If we had a proper process in place, the officers could use that forum. I want to dispel the misinformation on this matter being spread by the Government of Western Australia about the Wood Royal Commission into the New South Wales Police Service and its recommendations on these matters. The Wood royal commission in November 1996 brought down an interim report in which it recommended that the NSW Police Act be amended to give the Commissioner of Police the ability to dismiss police officers in whom he lacked confidence. That became section 181(d) of the New South Wales Police Act. The royal commission also recommended a form of review by the Supreme Court along administrative law principles rather than a rehearing of the merits.

Mr Day: That is what we have here.

Dr GALLOP: Hang on! Following that report by the royal commission a lot of debate occurred in New South Wales about the subject. The royal commission issued another report about which this Government conveniently forgets in the disgraceful propaganda it is putting about the community to the effect that its own Codd report is based on the Wood royal commission. Nothing could be further from the truth. The royal commission in New South Wales said in its main report of 1997 that as a result of the profound and enormous debate that occurred in New South Wales the royal commission changed its mind on a very important matter. Paragraph 4.124 of the report states that the commission accepts that there may be occasions where, upon the tendering of additional evidence or the cross-examination of a witness, it might emerge that a section 181(d) decision was reached upon an incorrect factual basis. The review process should not be such as to deny a remedy in those circumstances. The Wood royal commission amended its view on this matter as a result of the debate that occurred in New South Wales.

The Wood royal commission went on to advocate three options which could be used to deal with the appeal process. The third option was the right of review under chapter 2 of part 6 of the New South Wales industrial relations Act, which relates to unfair dismissal. The royal commission did not agree with that option but it agreed with what was known as option two. Let us look at what that second option said and line that up against what this Government is doing in Western Australia. Under the second option the Wood royal commission said that the Government should set up a special review process which would adopt the principles used in the industrial relations Act, which would introduce a ground for dismissal relating to the validity of the decision and which would permit a review tribunal to receive further evidence if it is deemed necessary and important.

The royal commission then made two things very clear, and these two things are not being told to the people of Western Australia by the Government of Western Australia. Firstly, in paragraph 4.136 of the royal commission report, the royal commission in New South Wales had no difficulty with the review being transferred to the Industrial Relations Commission, although it could also be given to the Supreme Court or an administrative appeals tribunal. I repeat: The Wood royal commission had no problem with the matter being referred to the Industrial Relations Commission. Secondly, the Wood royal commission stated in paragraph 4.138 that the legislation should further provide for the making of orders of the kind permitted and with the limitations expressed under section 89 of the industrial relations Act. It went on to state that these would involve the making of reinstatement or re-employment orders only where the commission is satisfied that a fair and reasonable police commissioner should in all the circumstances retain confidence in the officer, and it is not contrary to the interests of the service or the community, or impracticable in all of the circumstances of the case, for the appellant to be reinstated or re-employed by the service as a police officer.

The Wood royal commission allowed for a review to have reinstatement orders and for it to consider new facts. As it turned out, the New South Wales Government developed a slightly different approach. The New South Wales Government took the original third option of the industrial relations referrals and the second option of the Wood royal commission and came up with its own version. The New South Wales Government took the spirit of the royal commission report and the industrial relations law and practice, and struck a balance between the two. It retains the commissioner's power to dismiss for want of confidence, but subjects it to an appeal process that takes into account the nature of the situation being addressed. The New South Wales law allows an appeal to the Industrial Relations Commission on the fairness of the process by which the decision was arrived at, the facts on which the decision was based, and whether the decision was harsh and unjust or unreasonable. All of those matters can be taken into account. The Industrial Relations Commission is required to balance the interests of the applicant against the wider public interest, including the interests of protecting the integrity of the Police Service. It makes special allowance for the introduction of new evidence that might be relevant to the considerations in the particular case. Whether we take the

Wood royal commission or the New South Wales Government recommendations, they certainly go much further than this Government has allowed in its talk of a review. This Government is spreading misinformation to the people of Western Australia about the whole question of the royal commission in New South Wales and its recommendations.

Mr Day: Have you read our review arrangements put in place last week?

Dr GALLOP: I have read the Codd report.

Mr Day: Have you seen the arrangements put in place as a result of the Codd report?

Dr GALLOP: Does the Codd report allow for that review to issue a reinstatement order?

Mr Day: In effect, yes.

Dr GALLOP: It does not. The Minister has misled the Parliament in that statement that it allows a reinstatement order. That is not true.

Mr Day: In effect.

Dr GALLOP: "In effect"! The review process the Government has set up is not independent and not a review. The Commissioner of Police still has the ultimate power to decide. That is not what I would call a review process. The Government is putting about misinformation relating to the New South Wales royal commission. It reflects very badly on this Government that it would spread that information in the community at this very delicate time when there is such passion in the Police Service in respect of these issues.

The Government has the chance to try to deal with this issue in a comprehensive way. The first bit of advice we give the Minister is that of course that would require a rethink of its approach to section 8 along the lines of the Wood royal commission's statement in its second report of May 1997 and the effect of the New South Wales Government legislation which was introduced into that Parliament on 18 June 1997. That is what the Opposition has said. If this Government would take some advice from the Opposition on this issue, it might find a way through its current problems with the Police Union and police officers throughout this State.

The second bit of advice we give the Minister is this: If the information about all of these allegations is to come out into the open, it should occur within a framework that respects people, and allows them to have a say. The only way in which that can be done is to have a proper inquiry into the issues that relate to the suspensions of those officers. That is also the only way we can satisfy natural justice on these issues. That does not prejudice at all whether the Commissioner of Police was right or wrong or whether the officers should be thrown out of the Police Service. However, it would provide a proper forum in which they would have the chance to put forward their point of view and to subject the allegations against them to some sort of legal and substantial argument. That is a reasonable request. The Opposition is today giving the Government the chance to reflect on the course of action it has chosen, which is simply undermining the confidence of police officers throughout this State and is based upon a misunderstanding of the Wood royal commission report in New South Wales, and which could see police officers in this State taking unprecedented industrial action and impacting on the ability of the people of this State to have a proper service.

The Government thus far has not been capable of taking advice on this issue. However, on this occasion, with the prospect of industrial action on the way, we hope that the Government might start taking advice. We hope that the Minister for Police will make a commitment to this House that he will read the royal commission report to see what it says and what the New South Wales Government did in that connection. He might then find a way through this issue.

Members of the Opposition stand by what we said in 1996. There should have been a royal commission. We stand by our claim that, had the Government established such a commission, many of these matters would have been cleared up, justice would have been done and we would have been in a position to say that the Police Service is functioning properly. That advice was not taken. The Government now has a second chance to do something to improve the situation. The challenge is before the Minister. The question is whether he has the political judgment and wisdom to take up that challenge and to see a way through this issue.

MR DAY (Darling Range - Minister for Police) [3.21 pm]: I am amazed that the only speaker the Opposition can find is the leader. That makes one think about the role of the member for Midland as opposition spokesperson for police issues.

Mrs Roberts interjected.

The **SPEAKER**: Order! It was a very interesting interjection. However, if the member wants to hear from the Minister for Police perhaps she will stop interjecting and listen.

Mr DAY: This motion refers to mismanagement. The only mismanagement evident is within the Opposition. Members opposite do not know where to go or where they stand. On the one hand they call for a royal commission and for the information to be put in the public arena and on the other hand as soon it is suggested that that might be done they cannot back away quickly enough. They are being utterly hypocritical.

Dr Gallop: Where have we backed away?

Mr DAY: The leader is qualifying the way in which information should be made public and he is being totally inconsistent.

The Legislative Council Select Committee on Western Australian Police Service of 1996 stated that where it came to the view that a royal commission should be established if no other body such as the Anti-Corruption Commission could consider these matters on a continuing basis, royal commissions or judicial inquiries generally shake public confidence, rock police morale and make tough recommendations. Experience elsewhere has shown their effect proves to be short-lived. Recommendations made by royal commissions are only partially implemented. The Police Service makes cosmetic changes but avoids the organisational changes necessary to get to the root of the problem. The Opposition might like to reflect on the fact that that observation was made by an upper House select committee comprising members of both sides of Parliament.

In his report on the New South Wales Police Force, Mr Justice Wood pointed out that as the experience in New South Wales and New York graphically demonstrates, the cycle of external public inquiries, generated in times of crisis or political clamour, can never be a long term solution. At best there will be momentary embarrassment, which the past demonstrates can be ridden out with minimal impact on previous practices and procedures. The royal commission saw the solution in a sustained joint effort involving fundamental change in the approach of the service itself to corruption and the existence of a permanent independent body overseeing the service and maintaining as its specific focus police corruption, and in a determined restructuring of the service and of its management in which corruption risks are identified and minimised and all members from senior command to the most junior constable are empowered and given confidence to reject corruption.

Mrs Roberts: That is not what the ACC is doing; it is wide ranging.

Mr DAY: So what? Is the member seriously suggesting that we should have an anti-corruption commission for the Police Service and a separate anti-corruption commission for everyone else in the Public Service?

Mrs Roberts: An ongoing commission into the Police Service is probably a good idea.

Mr DAY: What does the member propose to do about other forms of public corruption?

Mrs Roberts: As you have pointed out, we have the Ombudsman.

Mr DAY: Therefore, other allegations of serious misconduct by public officers who are not police officers should not be investigated by an anti-corruption commission.

Mrs Roberts: We should have a commission solely concentrating on police corruption. That is what that report recommended.

Mr DAY: Is the member suggesting that the ACC does not have the ability to deal with police corruption and other forms of corruption?

Dr Gallop: That is not what she is saying. What you are saying is misinformation on the basis of that report. That report stated that we should have a royal commission if a certain thing did not happen, and it did not happen.

Mr DAY: So we do not have an anti-corruption commission specifically dedicated to police corruption and serious improper conduct allegations. That is the only point on which the leader can hang his argument: We do not have a body specifically dealing with police corruption.

Dr Gallop: The Legislative Council report said that.

Mr DAY: Therefore, the Government set up an anti-corruption commission with all the powers to deal with police corruption and other forms of public corruption.

Dr Gallop: That is not our position and you know it.

Mr DAY: As far as the calls for a royal commission are concerned, as I said, I have referred to the comments made by Justice Wood. In essence, he said there should be substantial change within the New South Wales Police Service. That is exactly what we have had in Western Australia; we have had a great deal of change in the Police Service in a whole range of areas, including internal investigations. We now have an assistant commissioner for professional

standards. The issue of complaints against police, whether they be in relation to improper conduct, serious improper conduct, corruption or other disciplinary matters, are taken very seriously within the service in Western Australia. A major effort has been put into investigating those allegations and establishing a culture wherein that behaviour will not be tolerated.

The second Wood recommendation was that a permanent body should be set up to investigate allegations of corruption or serious improper conduct by police officers. That is what we have done in Western Australia with the ACC.

Dr Gallop: New South Wales has an independent commission and a police integrity commission. That is not what you have.

Mr DAY: How many bureaucracies do you want?

Dr Gallop: You do not agree.

Mr DAY: I am not convinced that we need a separate bureaucracy to deal with police corruption.

Dr Gallop: That is what the Legislative Council report recommended.

Mr DAY: In essence, that is what we have done.

Dr Gallop: You have said "in essence" and "in effect". You misuse words.

Mr DAY: The leader cannot appreciate some of the nuances in these matters.

Mrs Roberts: Those nuances are called ducking and weaving.

Mr DAY: Let us consider what a few other people have said about calls for a royal commission into the Police Service in Western Australia. Mr Alex Marnoch, a former senior officer of the Metropolitan Police Service in London, wrote to me last year and stated -

I am aware of the current pressure on you in relation to serious allegations against members of the Drug Squad. They are indeed serious and must be thoroughly and vigorously investigated by the Independent ACC so that justice is not only done but is seen to be done. The ACC will be able to do that speedily. A Royal Commission would take too long and from experience elsewhere would lose its way. Two things I have observed about your Royal Commissions are the absence of any long term impact (Deaths of Aborigines, Fitzgerald to name but two examples) and also how they soon become a means for the guilty to get away with past crimes on the promise of giving evidence. To a person brought up within the English Justice system that is abhorrent.

An Australian commentator, Professor Timothy Rohl, the director of the Australian Institute of Police Management, said about this issue -

There is a mistaken and somewhat naive assumption, that Royal Commissions automatically 'fix' problems in police organisations. The evidence does not support this belief. The history of policing in Australia has been documented by Royal Commissions, Inquiries and Reports. If they had been successful in fixing problems, subsequent Commissions and Reports would not have been necessary.

The public is often left with a considerable sense of disappointment after Royal Commissions. They expect a raft of prosecutions which rarely occur. They didn't occur after the Fitzgerald Inquiry in Queensland and there is already concern that there will be fewer than might otherwise have been expected in New South Wales following the Wood Royal Commission into the New South Wales Police Service.

For very good reasons the course of action taken by the Government on these matters is preferable to setting up a short term royal commission.

Dr Gallop: You are running away from reality!

Mr DAY: I am dealing with the issues in an effective manner. What does the Opposition say about the notion of setting up a royal commission, which may run for 18 months or two years -

Dr Gallop: It would have been over by now!

Mr DAY: The Leader of the Opposition is missing the point. We would have another raft of allegations about corruption in the Police Service, in three, four, five or even 10 years. Do we set up a separate royal commission every time we have a different set of allegations about corruption or serious improper conduct in the Police Service?

Dr Gallop: You are talking nonsense. We would have had a royal commission two years ago, and the officers could have got on with their jobs.

Mr DAY: If we had set up a royal commission two years ago, it might have been completed now; but what would we do in six months when a different set of allegations was made about corruption? How would we deal with that?

Dr Gallop: Look at Wood! He tells you how to deal with it! It is a pity you do not take his advice.

Mr DAY: The Leader of the Opposition is right. Wood does tell us how to deal with it. I have already read that.

Dr Gallop: You have not done what he said!

Mr DAY: Wood told us to set up a permanent body on a continuing basis to investigate these allegations - not as a short term, bandaid solution. The Leader of the Opposition is right. That is what Wood suggests, and that is what has been done in Western Australia.

Another good reason that the course of action has been taken, by setting up an Anti-Corruption Commission or another body, is to protect the reputation of innocent people who would inevitably have accusations made about them in a public forum, and who, upon investigation, are shown to be innocent. There is no reason that police officers or anyone else in Western Australia should have their reputations maligned and ruined in a public forum such as a royal commission, when that is not necessary.

Mrs Roberts: What about the tip-off regarding the raid on Ibbotson's home last December?

Mr DAY: Is the member suggesting that the ACC tipped off the media about the raid on an officer's home?

Mrs Roberts: I am suggesting that someone other than Ibbotson tipped off people about the raid on his home. I am also suggesting that the Commissioner of Police named the six officers last December. They were not afforded any confidentiality.

Mr DAY: So the member is suggesting that someone from the ACC tipped off the media -

Mrs Roberts: No.

Mr DAY: Is the member suggesting that someone else tipped off the media? Who else might have tipped off the media?

Mrs Roberts: There has been a leak in the system.

Mr DAY: Who else might have tipped off the media?

Mrs Roberts: You tell me! Why don't you find out? Ibbotson made that comment publicly a number of times.

Mr DAY: He may have made that comment; it does not necessarily make it true. It may or may not be true. The member is making accusations here. Where is the member's evidence that there was a tip-off regarding the raid?

Mrs Roberts: Mr Ibbotson said that he did not call the media. The media were advised. Someone tipped them off. I do not know who. Perhaps, as Minister for Police, you should find out!

Mr DAY: If the member wants to make those accusations, I suggest she produce some evidence to back up her argument.

Mrs Roberts: Ibbotson is a former assistant commissioner, and he made that statement.

Mr DAY: The member should provide some evidence to back up her argument, because so far she has provided absolutely nothing.

Mrs Roberts: I am saying what the former assistant commissioner said. You are not even interested in following it up. It was his claim, not mine.

Mr DAY: The member should provide some evidence or information about who she believes, or Mr Ibbotson or anyone else suggests, might have tipped off the media.

Mrs Roberts: You are closer to the investigation. You are the Minister for Police!

Mr Wiese: The member is suggesting corruption of the highest kind. She should take those allegations to the ACC.

Mrs Roberts: No I am not. The Minister should answer this. How did it happen? I do not know how it happened.

Mr DAY: For some very good reasons a royal commission into the Police Service in Western Australia is less preferable than taking this action. Clearly, the ACC is investigating some of these issues. It is interesting that when pressure is placed on the Opposition it starts to run away from it -

Dr Gallop: What are we running away from?

Mr DAY: The Opposition is running away from the fact that when some pressure is placed on it -

Dr Gallop: What pressure?

Mr DAY: Pressure regarding some of the allegations or investigations. The Opposition jumps on the bandwagon -

Dr Gallop: Which bandwagon?

Mr DAY: - and calls for all sorts of different actions to be taken.

Dr Gallop: You have an industrial action on Friday. What will you do about that?

Mr DAY: I will tell the Leader of the Opposition about that in a moment. I agree and the Government agrees that the Anti-Corruption Commission should be as open as possible within normal operational constraints, and it should be accountable. It is accountable to Parliament, and to the parliamentary committee which oversees it. It is also accountable to the Minister who has responsibility for the ACC, namely, the Premier. The parliamentary committee is currently considering how best to deal with complaints about the activities of the ACC. The Government does not shy away from the fact that when genuinely held complaints are made they should be properly investigated. As a Government, we will take a very close look at the detailed recommendations of the parliamentary committee when that report is ultimately presented. I agree that police and everyone else who is called before the ACC should be treated fairly, decently, and with all due processes of natural justice. People can use certain avenues to make complaints against the ACC. The parliamentary committee overseeing the ACC has already considered a number of complaints, and has expressed a judgment about those complaints.

Dr Gallop: You should look at the terms and conditions under which this Parliament appointed that committee. They do not allow it to undertake that function.

Mr DAY: If it does not allow the committee to undertake that function, why did it do that recently?

Dr Gallop: You should ask the chairman of that parliamentary committee.

Mr DAY: Quite properly, the parliamentary committee considered a number of serious complaints about the ACC and the special investigator which the ACC appointed. The parliamentary committee formed a view about those allegations and complaints, and expressed that view to both Houses of Parliament, which is the appropriate thing to do. It is also important to remember that the ACC commissioners oversee the activities of ACC investigators, including the permanent investigators and the special investigators -

Mrs Roberts: The commissioners did not even know their role until they were told by the Full Court.

Mr DAY: Does the member seriously suggest that?

Mrs Roberts: They thought that they were to make findings. They thought they were to run an inquisition and be judge and jury. Are you the last person to realise that?

Mr DAY: Having discussed the matter with the commissioners, well before the Supreme Court judgment, I know that the commissioners know what their role is. One role is to oversee the activities of the investigators, and to ensure that the public interest in having allegations of corruption and serious improper conduct properly investigated is balanced with the due processes of natural justice and all the proper rights which should be afforded to anyone called before the Anti-Corruption Commission. The ACC commissioners know that is one of their roles. I know that the commissioners are prepared to receive complaints, and to meet with representatives of the Police Union, as has been the case in the past. If the Police Union or anyone else has specific complaints about the activities of the ACC, the chairman is prepared to meet and discuss those issues. I am certainly not aware of any specific complaints about the ACC which have not been investigated. Such allegations should be brought forward to me, as Minister, or to the Premier, the ACC or the parliamentary committee, and those matters will be investigated, just as they should be.

As to the section 8 power under the Police Act -

Dr Gallop: Will you tell us about the misinformation you are spreading about the Wood royal commission?

Mr DAY: The Leader of the Opposition talks about misinformation from the Wood royal commission. Let us consider one of the comments made by that royal commission -

Dr Gallop: Let us look at the findings!

Mrs Roberts: Are you reading from the interim report or from his findings?

Mr DAY: I am quoting from the Wood royal commission.

Dr Gallop: Which report?

Mr DAY: The one towards the end of 1996.

Dr Gallop: There was another one. That was not his final comment on the issue.

Mr DAY: Let us have a look at what he wanted to say -

At the end of the day it is the commissioner who must take responsibility for inappropriate performance of the service. It follows that it is he who should be able to maintain a team in whom he has confidence. This flows down through the ranks. A sergeant should not be required to lead those who are not worthy of the commissioner's confidence, nor should an officer have to work with a colleague if that colleague is not deserving of the commissioner's confidence. This commission, accordingly, remains strongly supportive of the retention of that discretion, and of its exercise in a way that accords with the objective for which it was created.

Dr Gallop: We agree with that.

Mr DAY: That is good to know. Let us observe the situation in other jurisdictions of Australia. The situation in Western Australia in which final judgment rests with the commissioner is about establishing appropriate standards of behaviour and conduct within the Police Service. It also exists in effect in the Australian Federal Police. Changes were made in the past three or four years to establish this power in the legislation concerning the AFP. Officers have a right to an appeal to ensure a fair process.

Dr Gallop: That is right.

Mr DAY: The Leader of the Opposition supports having an appeal or a review to ensure a fair process.

Dr Gallop: And more.

Mr DAY: Who in the end should take responsibility for appropriate conduct and the integrity of the Police Service?

Dr Gallop: The police commissioner, subject to the Industrial Relations Commission being able to double check the nature of his decision making, just like the right of every other worker in this State to go to the Industrial Relations Commission.

Mr DAY: Is the member saying that the buck does not stop with the Commissioner of Police when it comes to ensuring public confidence in the Police Service and the appropriate standards of behaviour?

Dr Gallop: Not only am I not saying that, the Wood royal commission is not saying it either.

Mr DAY: I just have read to the member -

Dr Gallop: No, you haven't!

Mr DAY: I quoted directly from it.

We also need to realise, as I think the member for South Perth indicated by way of interjection, that police officers are not just ordinary employees. They have a very serious, dangerous and important role to fulfil in the community. No Government has supported our police in this State in many respects more than this Government. I will totally stand behind any police officer, either individually or collectively, who does their job fairly, honestly and in good faith; I will totally support them to the hilt, as will this Government. On the other hand, the Government will not sweep under the carpet serious allegations involving police officers. We will ensure that such allegations are investigated properly.

I refer to the very substantial changes to the operation of section 8 of the Act which have been put into place as a result of the review undertaken by Michael Codd in January this year. Since that time, a committee of people made representations to me about the exact administrative arrangements that should be put in place so that any officer who is facing removal from the Police Service under section 8 has the right to seek a review to ensure the whole process has been completely fair and above board. I will not go through them all.

Dr Gallop: Who appoints the reviewer?

The DEPUTY SPEAKER: Order! I formally call the member for Midland to order for the first time. The Minister is making his speech in response to a most serious matter. Vigorous interjections are being made by the Leader of

the Opposition, which I am prepared to allow, but I do not want a serial mugging of the member on his feet from members on the other side of the House. If the Minister indicates he is not interested in taking an interjection by continuing to address the Chair, I think members must understand that and cease interjecting to allow the debate to proceed in an orderly fashion.

Mr DAY: To answer the question, the reviewer will be appointed by the Minister for Police, in other words, me, and I will consult with the Police Union and the Commissioner of Police in appointing such a reviewer. He will be able to take into account a whole range of issues which border on having a full merit review, and to consider whether there is an absence of evidence or other material to justify the decision, or whether the decision has been made in bad faith or improperly.

Dr Gallop: Can it make an order?

Mr DAY: It can certainly make a recommendation. In the end, as Minister for Police, I will not accept a recommendation from the commissioner unless I am satisfied that the recommendations of the reviewer have been followed. Given the fact that these administrative arrangements concern a section of the Police Act, I request that leave be given to incorporate these administrative arrangements into *Hansard*.

[The material in appendix A was incorporated by leave of the House.]

[See page 4491.]

Dr Gallop: Do the Codd report recommendations, from which the Minister just quoted as being the basis of his policy, accord with what the Wood royal commission said in its May 1997 report?

Mr DAY: Certainly the recommendations which the Government has put in place accord with the recommendations made by Wood in his earlier reports, and also with what has been recommended by Codd, and the situation which exists in Victoria, Queensland and the Australian Federal Police.

Amendment to Motion

Mr DAY: In order to give the member for Wagin some time to speak on this issue, I move the following amendment -

that all words after "House" be deleted and the following substituted -

- (1) Notes the significant increase in financial and other support provided to the WA Police Service since March 1993.
- (2) Supports the need to have an independent authority with wide powers to investigate allegations of corruption and serious improper conduct against police officers in a manner which is fair and accountable.
- (3) Welcomes the meeting being held later this afternoon between the Minister for Police, the WA Police Service and the WA Police Union of Workers to discuss issues raised by a recent meeting of union members.

MRS ROBERTS (Midland) [3.48 pm]: We have a lame duck as Police Minister who has failed to take charge of his portfolio. He has failed to live up to even the most modest expectations of police officers in this State. He says that he has been all around the State and met all police officers, and he pats them on the back and says that he believes the vast majority of them are honest and hardworking and doing good work. That is worth nothing because he has failed to protect their interests. The Minister has failed to take up their legitimate concerns about the operations of the Anti-Corruption Commission. He has also failed to deliver an appropriate appeal right for an officer who has been suspended or removed under section 8. He is nothing more than a mouthpiece. He merely echoes everything the commissioner says and does.

The Minister has also failed to protect the interests of the public in his handling of the Police portfolio. His failure to meet the most modest expectations of police officers is about to result in unprecedented industrial action by police officers in this State. A few of the following actions are proposed to start on Friday morning unless the Minister can get his act together: The first police march to Parliament House in over 40 years, the slashing of police revenue by the issuing of cautions in place of infringement notices, and a range of go slow practices, which means the public of this State will miss out at a time when our constituencies are crying out for improved law and order, and when the people of this State are suffering the highest-ever rates of home burglaries, car thefts, armed robberies and other assaults.

That is the kind of chaos into which this Minister's incompetence will plunge the State. This Government talks a lot about accountability, but the Minister for Police is not accountable. The Minister should apologise to the Leader of

the Opposition for misleading this House and the people of Western Australia with his comments on the Wood royal commission. The Minister failed to point out Justice Wood's comments on section 8 matters - the removal of police officers and their appeal rights - contained in his final report. That was a clear misleading of this House and the people of Western Australia. Did we hear an apology? No. The Minister hides behind the Police Commissioner. He states that most issues are not matters for the Police Minister; they are operational matters which he must refer to the commissioner. The commissioner preaches new work practices and accountability, and like this Government it is, "Do as I say and not as I do." He does not want officers who are dismissed by him to have any independent appeal right, like commissioners before him who have used section 23. Commissioner Falconer is the first commissioner to routinely use section 8 powers and to wield unfettered power.

Mr Wiese: That is nonsense.

Mrs ROBERTS: In the 10 years of Labor Administration, section 23 was used on every occasion except one. That resulted from the public outrage at the footage shown of the Fremantle Police Station when Joseph Dethridge's jaw was broken by Sergeant Smith. That was the only instance in which former Commissioner Brian Bull used section 8. Therefore, the former Minister for Police cannot claim that Commissioner Falconer is not the first commissioner in years to routinely use section 8 in place of section 23. Commissioner Bull routinely used section 23, which affords an appeal right and accountability.

Mr Day: You are demonstrating that you are not serious about dealing with these serious allegations.

Mrs ROBERTS: The Opposition is serious about this issue and that is why it supports the commissioner's right to dismiss officers in whom he has lost confidence. However, that power should be exercised according to the Wood royal commission's recommendations as outlined by Leader of the Opposition in the House today. The Minister for Police is trying to mislead everyone. He needs to read the royal commission report, and when he does I expect the Minister to come into this place with an apology on that.

Mr Cowan: I doubt it.

Mrs ROBERTS: That comment says something about the Deputy Premier's Government and his attitude. The Police Minister might have the decency to read that report and, when he realises his error, might apologise.

The Premier talks about transparency and accountability, and he does not deliver on either. He says that the ACC did something wrong and now it has fixed it. He says that it is as simple as that. That is what the Premier told us in question time today. That answer is contemptuous of not only the Parliament but also all men and women of this State. It was not a simple teething problem at the ACC; it was an incredibly major problem. The Premier has been out of the Chamber for most of the debate, including that part of the debate that was put forward by Dr Gallop and the Police Minister. That is how much interest the Premier has taken in this debate.

Mr Court: That is not right. I listened to the Leader of the Opposition's speech.

Mrs ROBERTS: The Premier was not in the House. This Government's approach to tackling corruption is scattergun and piecemeal. The ACC has been shown to be inept. The Premier and the Minister for Police make trite interjections: Does the Opposition support the ACC? It is not as simple as that. It is not an issue of whether one supports the ACC. It is a lot more complex than that. I support getting to the bottom of police corruption in this State, because the Government and the ACC have failed the community in that regard.

It has been 12 months since the special investigator, Mr Geoffrey Miller QC, was appointed. At this point all we have is a mess. The Director of Public Prosecutions says that he will not prosecute the six officers who were suspended. Assistant Commissioner Jack Mackaay says that the charges against those six officers do not involve corruption. That was confirmed in Friday's *The West Australian* when he said it is about their not following procedures and maybe some mismanagement. I do not know whether one, two, three or all six of those officers are innocent or corrupt. However, this process has got us nowhere. It has destroyed police morale and, by their actions, the ACC and the Government have destroyed any confidence the public has in the ACC. The ACC's credibility is in tatters.

I remind members of what was said in the editorial of *The West Australian* on 27 April. The heading is "D-Day looms in corruption battle" and reads -

In other parts of the world - even other parts of Australia - heads would roll over a fiasco as embarrassing as the case of WA's six suspended drug squad officers.

Not only has the matter been bungled within the police service, but it has exposed deep flaws in the elaborate system designed to fight corruption.

The editorial continues -

Two matters are immediately striking.

The first is that the ACC made findings of guilt regarding allegations of drug-related corruption involving the six detectives, but the Director of Public Prosecutions announced on Friday evening that he can't find sufficient evidence to prosecute them.

Secondly, the Police Commissioner suspended six of his officers on the say-so of the ACC, which presented the dismissal of the men as an open and shut case. This is what the Full Court has been told.

The consequences of these two situations is disturbing for West Australians concerned about corruption in the police service and how it is to be cleaned up.

It continues -

The apparent breakdown in our system between corruption-fighting agencies and the palpable failings in the ACC legislation are made worse because no one is prepared to take responsibility. One of the fundamentals of our system of government - ministerial responsibility - is nowhere to be seen.

One of the cop-outs that was presented in that report was that we do not have the full report and we do not yet know whether the Police Minister acted beyond his powers. Within a week or so that was followed up with an article in *The Australian* headed "Top cop acted beyond power". If the top cop acted beyond his power in acting on the findings of the ACC in December, the Minister has also acted beyond his powers and the only thing that has saved the Minister in the findings of the Supreme Court is that -

Mr Day: Did you read the judgment in which the court said that it was entirely understandable for the commissioner to take the action that he did?

Mrs ROBERTS: One of three judges said that. The Minister is again trying to misrepresent the facts. The Minister acted beyond his power and that is what he does not want hear. The only matter that saved the Minister from a Full Court finding of -

[The member's time expired.]

MR PENDAL (South Perth) [3.57 pm]: I agree with a number of those sentiments that have been expressed by the Leader of the Opposition and the member for Midland. However, I could not support that part of the original motion, which has been replaced by the amendment, that referred to a role being found for the Industrial Relations Commission in appeals against the use of section 8 by the Commissioner of Police. I will not accept that because under our system the Police Force is a force under discipline. That means that the disciplinary process - albeit that it is sometimes seen as unfair - is no different from that which applies to the military and which must continue to apply if that force is to be a force under discipline. People must make up their minds about that single central role of the commissioner in presiding over the Police Force.

Dr Gallop: Every State has the right of appeal.

Mr PENDAL: I will come to that. However, that is not written in the original motion. The Leader of the Opposition has in effect answered his own question. I will not support a motion to delete the notion that the Police Force is at all times as a force under discipline. That is not to say, however, that the current system could not be improved to allow police officers some internal right of appeal, which must ultimately go back to the Police Commissioner, either to confirm his original decision or to alter it according to the result of that appeal mechanism. I am not saying that the suggestion of the Leader of the Opposition should be dismissed out of hand; it has considerable merit. The motion called for the extension of an appeal right to the Industrial Relations Commission, which would give it a right over the discipline within the Police Force. That would be totally inappropriate for a force under discipline.

I support part 3 of the Minister's amendment in which he seeks to have the House welcome the fact that a meeting is to be held today between the Minister, the Police Service and the union. Unless that meeting produces a result, no good will come out of the continued ructions within the Police Service. Above all else, for a Police Service to operate effectively - in my constituency it does not do that as a result of lack of leadership - it must be underpinned by good morale. A very poor level of morale is prevalent in the Western Australia Police Service, for whatever reason, induced by one side or the other. However, the fact that a morale problem exists is a serious matter for all people in Western Australia. Until morale and the pride of being a police officer is restored we will continue to get the results I see in my electorate where, for example, for every 100 home invasions, four offenders are caught. That is not a high success rate. It is governed, at least in part, by poor morale; which is governed, at least in part, by the inability of everyone involved to bring this matter to a resolution.

I will not support the motion because of the reference to the Industrial Relations Commission. However, I will support the amendment particularly in the light of part 3 which suggests that some breakthrough could occur today.

MR WIESE (Wagin) [4.02 pm]: The member for Midland made a couple of interesting comments during this debate. One comment was that Commissioner Bull, the head of the Police Force when Labor was in government, used section 23 during times like this. That is a revealing comment. She said he did not use section 8. Section 8 can be used only if the commissioner has the approval of the Minister. I wonder whether during those 10 years Ministers of the day refused to support the commissioner's intention to use section 8.

The DEPUTY SPEAKER: That would be right.

Mr Brown: Order!

Mr WIESE: According to my recollection, action under section 8 of the Police Act was recommended to me by the then commissioner. On one occasion I refused to take action because I was not satisfied that the matter was being properly dealt with. The public and the Opposition should ask whether any action was recommended under section 8 during the 10 years the previous Government was in power and whether the Minister approved that action.

We cannot escape from the fact that under section 5 of the Police Act the Commissioner of Police is vested with the power to have general control and management of the Police Service of this State. Section 6 allows the Governor to appoint commissioned officers. Section 7 allows the commissioner to appoint non-commissioned officers and constables. Section 8 allows the Governor, from time to time, as he sees fit, to remove commissioned officers. It allows the Commissioner of Police, from time to time, as he sees fit, to suspend and, subject to the approval of the Minister, to remove any non-commissioned officer or constable from the Police Service. We must ensure we do not take away that power from any Commissioner of Police.

I was pleased to see the establishment of the Anti-Corruption Commission. I wish it had been established during the four years in which I was Minister for Police. I believe strongly that the Anti-Corruption Commission, rather than being a weapon with which to hammer the police around the ears, is a valuable body that can support the rights of police officers. I have grave doubts about the effectiveness of a royal commission into the Police Service because it is a public forum at which anyone can make accusations against a police officer against which he would have no opportunity whatsoever to protect himself. The Anti-Corruption Commission ensures that those allegations are made in camera and the police officer may refute the allegations by producing evidence with the assistance of his lawyer or anyone else. That is very important. During my time as Minister for Police if a police officer arrested somebody for a serious crime, especially a drug offence, it was standard procedure for the person arrested to make allegations against the officer to destroy his credibility in the eyes of the jury. That is appalling.

That has occurred in this case and, contrary to what the police and the union are saying, that is why the Anti-Corruption Commission is the best safeguard the police officers have in this State against allegations designed to destroy their names and reputations. Allegations are dealt with by the Anti-Corruption Commission and if they cannot be substantiated the police officer walks away with a clean record and gets on with his job.

I wish I had more time. Many other matters should be brought to the attention of the public on this issue. Whatever occurs, section 8 must remain in the Act.

Amendment (words to be deleted) put and a division taken with the following result -

Ayes (33)

Mr Ainsworth	Mr Day	Mr Marshall	Mr Prince
Mr Baker	Mrs Edwardes	Mr Masters	Mr Shave
Mr Barnett	Dr Hames	Mr McNee	Mr Sweetman
Mr Barron-Sullivan	Mrs Hodson-Thomas	Mr Minson	Mr Trenorden
Mr Board	Mr House	Mr Nicholls	Dr Turnbull
Mr Bradshaw	Mr Johnson	Mr Omodei	Mrs van de Klashorst
Dr Constable	Mr Kierath	Mrs Parker	Mr Wiese
Mr Court	Mr MacLean	Mr Pental	Mr Osborne (<i>Teller</i>)
Mr Cowan			

Noes (18)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Brown	Mr Grill	Mr McGowan	Mrs Roberts
Mr Carpenter	Mr Kobelke	Ms McHale	Ms Warnock
Dr Edwards	Ms MacTiernan	Mr Riebeling	Mr Cunningham (<i>Teller</i>)
Dr Gallop	Mr Marlborough		

Pair

Mr Tubby

Mr Thomas

Amendment thus passed.

Amendment (words to be substituted) put and passed.

Motion, as Amended

Question put and passed.

BUSINESS OF THE HOUSE

MR BARNETT (Cottesloe - Leader of the House) [4.11 pm]: I move -

That for the remainder of the present session, so much of the standing orders be suspended as is necessary to enable Bills to be introduced without notice and to proceed through all stages in one day, and to enable messages from the Legislative Council to be taken into consideration on the day on which they are received.

The purpose of this motion is straightforward: It allows the House to deal with messages from the Legislative Council relating to amendments on legislation immediately they are received. It also allows any Bills to be progressed through all stages on the same day. The Government intends to introduce a very small amendment to the Mining Act which it wants to progress this week, and have it go through the upper House next week. Traditionally, this motion has included the suspension of private members' business on the Wednesday of the last few weeks of a sitting. It is not the Government's intention to do this.

Mr Ripper: We had it at the end of last year.

Mr BARNETT: However, when those opposite were in government, we had it at the end of both sessions. We have done it only at the end of the year.

Mrs Roberts: That's not true.

Mr BARNETT: Yes, it is. As I say, we do not intend to do that. I hope we can progress some of the Government's remaining legislation so that this House can conclude its business this week.

MR GRILL (Eyre) [4.13 pm]: The Leader of the House referred to amendments to the Mining Act. I make it clear that we have not yet seen those amendments. They will not be introduced until tomorrow. We have a clear understanding with the Government that, in the event we are not able to come to a conclusion on the merits of this legislation by Thursday, the Government will not proceed with it. We have given no unequivocal guarantee that we will deal with the legislation.

Mr Barnett: I intend to second read the Bill tonight.

Question put and passed with an absolute majority.

LOTTERIES COMMISSION AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Mr Cowan (Deputy Premier), and passed.

REVENUE LAWS AMENDMENT (ASSESSMENT) BILL

Council's Amendments

Amendments made by the Council now considered.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Court (Treasurer) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 5, page 3, line 23 - To insert after "Commissioner's" the word "written".

No 2

Clause 11, page 8, lines 22 and 23 - To delete "a person is permitted to occupy for a holiday" and substitute "is ordinarily used for holiday accommodation".

No 3

Clause 16, page 18, line 24 - To insert after "be" the following -

- (a) laid before each House of Parliament within 14 sitting days of that House after the direction is given; and
- (b)

Mr COURT: I move -

That amendment No 1 made by the Council be agreed to.

Mr GRILL: The Opposition has no objection to this amendment, and I do not believe it will have any objection to the other two amendments. However, I want to say something about this legislation in general form. I will try to make my comments relevant to this amendment and the others. First, these amendments are, in my view, minor amendments. They are accountability, tidying up amendments. As long as the drafting counsel is happy with these amendments, I believe the Opposition will be happy with them as well. I presume that the Government will support them.

Mr Court: It will support them.

Mr GRILL: I presume also that parliamentary counsel is happy with the drafting.

Mr Court: Yes.

Mr GRILL: Members of the Opposition did not get the opportunity to discuss our concerns in the fashion we would have liked when the legislation was previously before the House. It came to our attention that the stamp duty on chattels was applicable to the mining industry in a discriminatory manner and that the industry thought it was damaging to its future prospects. Advice about the amendments was sought from the Chamber of Mines and Energy and the Association of Mining and Exploration Companies. Those organisations have written to the Opposition, but I cannot read the letters into the record because I do not have time. Therefore, I seek leave to table them.

The CHAIRMAN: Members cannot table documents during Committee.

Mr GRILL: The Chamber of Mines and Energy's letter dated 20 June 1998 expresses grave concerns about the imposition of this stamp duty. I have a similar letter from the Association of Mining and Exploration Companies expressing considerable concern about the imposition of this stamp duty on chattels attached to the sale of land. The letter from the AMEC contains an example of how the tax might operate, as follows -

Take the case of a \$15 million mining project where \$10 million comprises mineral tenements and \$5 million moveable plant and equipment (chattels). Prior to removal of the chattels exemption stamp duty payable on the transaction would total \$420,525. Removing the exemption will increase the stamp duty payable on the same transaction to \$722,305.

The reason for this increase is two fold. Firstly, the stamp duty rate has increased by 12 percent. Secondly, the \$5 million worth of chattels previously exempt from stamp duty now comprises part of the dutiable base, ie. the company is no longer paying stamp duty on \$10 million, but on the total \$15 million.

AMEC believes that Government should review its treatment of exemptions to either include the agricultural industries in this provision or continue to exempt mining industry transactions from a duty on chattels.

The Opposition is not advocating that farmers and agricultural industries be subjected to this tax. However, the Government should give real consideration to exempting the mining industry, another major export industry in this State.

In his second reading speech the Treasurer stated that this tax was justified because it was applicable in other States. The Opposition has undertaken some research and established that that statement is only partially true; in fact, it is largely untrue.

Mr KOBELKE: I would be very pleased to allow the member to continue his remarks.

Mr GRILL: The Opposition has established that chattels sold in association with mining tenements in Victoria and New South Wales are, as the Treasurer has alleged, assessed for duty. However, in Tasmania, Queensland, South Australia and the Northern Territory they are exempt from duty. So the Treasurer's statement is only partially correct. This and other concerns about the legislation should lead the Government to consider it further.

The Opposition moved in the upper House to have the legislation considered by the Standing Committee on Estimates and Financial Operations. It did that because the legislation appeared to discriminate between farmers and miners.

Over the past 12 months the mining industry has been subjected to a whole array of new taxes by the Federal and State Governments. The Opposition has established that five new taxes, including this tax, have been applied to the industry. It has suffered the partial removal of the commonwealth diesel fuel rebate, although that change did not affect farmers. The industry has also faced the imposition of the state royalty on gold, and we have debated that on several occasions in this place. The Commonwealth has also introduced a tax on the sale of mining tenements. More recently, the industry was confronted with the removal of the 25 per cent concession on the licensing of diesel powered vehicles. In the budget papers the Treasurer indicated that that would raise only \$2.5m per annum - not a large amount. However, it is an extra impost on the mining industry - an export industry that has come under a great deal of pressure of late. Admittedly to some degree that pressure has been relieved by the decline in the value of the dollar. However, when the Australian dollar returns to its correct value against the American dollar, all these pressures will come into play. If the Government continues to pile on these taxes a number of marginal mining operators will not be able to carry on and those that do will not be as successful as they have been.

Members on both sides have always been proud of the fact that we have created a very benign atmosphere or environment for mining in this State. I have heard the Treasurer state on a number of occasions that it is because we have created the right environment for mining that we have been so successful compared to other States which are just as prospective. However, the Opposition has considerable doubts about the number of imposts placed on the mining industry of late, although none amounts to a substantial sum; for example, this tax will raise about \$10m.

The mining industry has had tax consultants look at this impost and they say it will raise about \$25m at least, of which \$10m will be payable by the mining industry. The Treasurer and his Ministers know that the goldmining industry in this State is going through a period of restructuring. Naturally that involves the taking over of companies, the merging of companies and the acquisition of tenements either by those two methods or by simple acquisition. If that orderly process does not take place, our goldmining industry will not be strong enough to withstand the pressures to which I referred earlier. The orderly rationalisation of the industry that is mentioned in the letter I referred to earlier -

Mr CUNNINGHAM: I am totally engrossed in what the member is saying. I have not heard enough about it as yet and I would like him to continue.

Mr GRILL: In truth, these are the arguments that the Treasurer has put in the past. I am surprised that he would bring forward another tax of this nature and in this form when these other taxes have been imposed on the industry in the past 12 months.

The CHAIRMAN: Order! What the member for Eyre is saying is very interesting, but I remind him that we are dealing with the amendments, and that what he is saying is a second reading-type discussion.

Mr GRILL: It is, and I thank you for that warning, Mr Chairman. I indicated to the Treasurer a while ago that we had hoped to refer this legislation to a committee in the upper House to look at some aspects of it, including those that are touched on by the amendments. That was not with a view to necessarily disallowing this tax, but in order to give the mining community the opportunity to make some representations on this issue. The mining industry has informed us that it was not properly informed of the import of these amendments before they were brought forward. The Association of Mining and Exploration Companies has said that it was not informed at all, and the Chamber of Mines has said that although it was given some notice of the amendments, it did not understand that the amendments would work in this way. The referral to that committee would have allowed the mining industry to make further representations in a formal situation, in the proper forum, and in a way that would have allowed the Government to address the subject.

I am quite disappointed that the Government opposed that motion in the upper House. I am disappointed also that although the Greens (WA) supported it, the Democrats finally opposed it. Unfortunately, the Democrats are being somewhat hypocritical on this issue, because they have now placed on the Notice Paper a motion which ex post facto would do exactly what we intended to do last week. Although the horse has bolted and we are now shutting the door, the Democrats are saying, "Let us look at this tax on the sale of mining tenements and on chattels in the mining industry and let us reconsider it in the light of the objections that are now being put by the mining industry". Ordinarily, I thought the Government would go along with that view, particularly when the mining industry is saying that it either was not consulted or was not consulted properly and did not understand the import of the amendment. I encourage the Treasurer to indicate now that he is prepared to allow this provision.

Mr Court: We cannot delay it. We need this law in place from 1 July in order to collect the revenue.

Mr GRILL: We thought this reference could take place in just a few days and would be over and done with by now. It would not have held up the revenue raising process at all. I assure the Treasurer that the mining industry believes that it was not properly consulted and did not have the opportunity to engage its consultants.

Mr Court: We had a meeting last week with the mining industry on this matter and some other concerns that it has.

Mr GRILL: I have received a letter from the mining industry since that time, and it is clearly not totally satisfied with the situation.

Mr COURT: I am sure it is not.

Mr MARLBOROUGH: If the Treasurer met with the mining industry last week, it probably told him what it has told us. The question that is on the mining industry's lips is: Why does the Government say, on the one hand, that it is the appropriate body to manage the Treasury bench, and at the same time say that it supports the John Howard approach to taxation, which is to have a fair and equitable distribution of taxation throughout the nation, yet exclude farmers but not the mining industry from this tax? That is the question that is on the mining industry's mind and on our minds. It is clear to me, having listened to the mining industry last week, that the legislation will not only take a lot of money from the mining industry, but also is intended clearly to gather a fair amount of money from industry generally.

If we took the situation down St George's Terrace as an example, I said last week that if the real estate market picked up and one of the large hotels was sold by one body to another, everything that was within that building and that had not until this time been included when putting a value on the property for tax purposes would now be included, such as the furnishings and fittings, and so on. A fair amount of money would be gathered for the State in that circumstance.

The CHAIRMAN: Order! I remind members that this is not a second reading debate. We are dealing with the amendments.

Mr MARLBOROUGH: Thank you, Mr Chairman. It is incumbent upon the Treasurer to have a close look at whether the Bill will be held up or affected in any way by his recognising that there has not been appropriate consultation and that questions have arisen in the marketplace about why one industry in this State can be taxed in this way yet another industry can avoid being assessed for taxation purposes, particularly when the sort of equipment that is used on mining tenements is in many instances not that much different from the earthmoving equipment that is used on most major pastoral properties around the State. The mining industry believes strongly that it has been singled out once again and that someone in Treasury or in government has decided that it can afford to pay. As my colleague the member for Eyre has said, this is the fifth tax that it has incurred in the past 12 months or so. The mining industry regards this as an unfair impost and as another attack on an industry important to this State. I bring this matter to the Treasurer's attention in order to provide the opportunity for the Government to reconsider its position.

Mr COURT: I appreciate the comments that have been made. We had a similar debate when the Bill first went through this Chamber, and also in the other place. The amendments are, as the member for Eyre said, relatively minor. I appreciate that the member for Eyre has used this debate as an opportunity to get his message home. We would prefer not to increase any of the stamp duties, but, unfortunately, very few options are left to us with revenue raising measures, and this is one measure that we reluctantly need to take.

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

Mr COURT: I move -

That amendment No 2 made by the Council be agreed to.

Mr GRILL: What amount of money does Treasury estimate will be raised by the impost generally? How much will be raised by the impost as it applies to chattels sold in company with a mining tenement?

Mr COURT: It is \$12m in a full year from chattels and approximately \$3m for mining, but no hard data is available.

Mr GRILL: The Treasurer knows that competitiveness for any industry is very important, and it is extremely important for the mining industry. Is the Government prepared to review this element of the legislation after, say, one year's impost of this tax?

Mr COURT: The Government is prepared to do that. I listened to the arguments put forward last week and I appreciate the concerns raised. The Opposition is quite right. In the next couple of years the mining sector will go through a difficult period. It is forecast that commodity prices will remain low in many areas, but the demand is proving quite interesting. Because of Western Australia's reputation as a reliable supplier, it looks as though other countries in which there has been a downturn will not cut their supplies from WA until last. To a large extent this State has been cushioned, but the next couple of years could be difficult. I give a commitment that the Government will reassess this tax in a year's time.

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

Mr COURT: I move -

That amendment No 3 made by the Council be agreed to.

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

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

SCHOOL EDUCATION BILL

Committee

Resumed from 18 June. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Barnett (Minister for Education) in charge of the Bill.

Progress was reported after clause 166 had been agreed to.

Clause 167: Contents of a system agreement -

Mr BARNETT: I move -

Page 112, line 12 - To delete "instructions" and substitute "educational instruction".

The amendment is simply of an editorial nature.

Amendment put and passed.

Mr RIPPER: Subclause (1)(c) relates to the giving of information to the Minister about the system and the schools that are members of the system, in particular, statistical, educational and financial information. Is it intended that the information be published? From time to time I hear comments from people associated with the government school system to the effect that the private school system is not sufficiently accountable for the use of the public funds it receives. I have discussed these comments with people from the non-government school system, and they have pointed to the numerous ways in which they are accountable for the expenditure of public funds. In particular, they point to the mechanisms through which they are accountable to the Commonwealth Government. It seems that most of the accountability of the non-government school system for the expenditure of public funds is through commonwealth mechanisms. This clause deals with a state mechanism. Will the public be able to see that the accountability has been applied to the non-government system, or is it intended that the Minister and the Department of Education Services will keep this information to themselves?

Mr BARNETT: It depends on the information. Through the Office of Non-Government Education, summary information, including financial information, is produced about non-government schools. There is strict accountability relating to low interest loan schemes. The Deputy Leader of the Opposition may have a point about per capita grants. The sort of information to be collected and its publication will be by mutual agreement.

Clause, as amended, put and passed.

Clauses 168 and 169 put and passed.

Clause 170: Inspection without notice -

Mr RIPPER: I move -

Page 115, after line 2 - To insert the following -

(v) the provisions of section 153;

Clause 170 deals with inspection without notice of a non-government school if the registered school is not complying with the Act, the Curriculum Council Act, any conditions of the school's registration, or a direction given under section 159. My amendment would insert into the requirements the provisions of section 153, which deals with the matters to which the Minister should refer when considering the grant or refusal of registration. In the Opposition's view, the criteria which cover the original grant of registration should also apply when it is necessary to inspect a school without notice, basically, as it is not up to scratch.

Mr BARNETT: The Government does not believe that this amendment is appropriate as the concern is covered, first, under subclause (1)(a)(iii), which states that registration will not comply if the school fails to comply with conditions of the school's registration. Also, clauses 153(1)(c) and 170(1)(a)(i) and (iii) attend to this concern. The cancellation of registration is covered in clause 160(1)(a).

There is no disagreement with the point raised by the Deputy Leader of the Opposition. However, it is adequately covered by the drafting elsewhere in the Bill.

Mr RIPPER: Is the Minister saying that he would have no difficulty with ordering an inspection without notice of a registered school if my amendment were not carried? Is he saying that the general provision referring to a "registered school not complying with the Act", as well as subclause(1)(a)(i), will give the necessary power, including the provisions referred to in my amendment, to have an inspection?

Mr Barnett: That is my advice.

Amendment put and negatived.

Clause put and passed.

Clause 171: Proof of authority -

Mr RIPPER: I move -

Page 116, line 4 - To delete "whenever asked to do so by a person" and substitute "to any other person".

This is a familiar argument already held regarding authorised officers for the purpose of enrolment and attendance matters. Perhaps we are about to have it again, we hope in a truncated form, about people who have the authority to inspect a registered non-government school. The Minister's clause states that such people must produce a certificate of authorisation when asked to do so by the person in charge of the premises in which the inspector is about to exercise powers. The Opposition's amendment states that the inspector should produce authorisation before exercising powers without being asked for it. The inspectors will exercise significant authority, being entitled to enter and inspect premises, to require the production of records and documents, and to take copies thereof, and to require a person to give assistance reasonably necessary for the exercise of the powers. With these significant powers, the inspectors should show the certificate of authority before exercising them. The person in charge of the premises may not be familiar with this Statute. It is always useful for people to be advised of the authority by which a person takes certain action. That will make it more likely that the whole exercise will be conducted without unnecessary argument or conflict.

Mr BARNETT: We have debated this point before. I understand that the intent of the Opposition's amendment is to require a person inspecting a school to first show identification. The Government does not support that intent because it does not want a dispute to arise about whether identification was shown, who saw it and whatever. The real issue is whether the school is complying with the requirements for its registration and its funding.

Who might that "other person" be in the proposed insertion by the Opposition?

Mr Ripper: It will refer to any other person in charge of the premises in respect of which the person is exercising or is about to exercise his or her powers.

Mr BARNETT: The "other" reference seems strange. We hope that good practice would dictate that the person arriving to inspect a school will make prior arrangement, and the authority would be known. We do not regard the amendment as necessary.

Amendment put and negatived.

Clause put and passed.

Clauses 172 and 173 put and passed.

Clause 174: Provision of information by registered schools -

Mr RIPPER: The clause indicates that the Minister may, by notice in writing, require the governing body of a registered school to provide statistical, educational and financial information about the school. Some people believe that this information should be provided to not only the Minister, but also the public. Therefore, a member of the public may check the returns from a school assisted with taxpayers' money. This provision is not designed to harass or intimidate non-government schools. Increasingly, all sections of society are required to demonstrate more accountability, particularly about taxpayers' money. That is the way of the world. There is a view in the government school sector that the non-government school sector does not need to meet the same accountability standards as the government sector. Granted, that is disputed by the non-government school sector, but the defence to that claim usually refers to commonwealth accountability requirements. However, significant state expenditure is made on non-government schools.

I will not move an amendment on this point, but the Minister should consider whether this information should be

made publicly available. Also, it would advantage the non-government sector to help defend non-accountability charges levied at it by its rivals in the government school sector. I doubt whether the non-government sector has anything to fear from the information being made publicly available. This information availability would be in accordance with the movement to increased accountability. The information can be required by the Minister but there is no requirement on the Minister to then make the information available to the Parliament or to the public. Although I am not proposing to alter the Bill as it stands, the Minister should think about the way in which this clause will be administered and whether it should be redrafted in the other place.

Mr BARNETT: I am prepared to think about the accountability requirements. Primarily, we are relying on voluntary agreement. However, at the end of the day, if a school is not performing, compulsion can be put in place. My concern is not that non-government schools might seek to conceal their accountability or performance, but rather that if we are not careful in drafting a clause like this, we open too widely the access to information. For example, it is inevitable that media outlets would access all sorts of detailed information on schools and publish tables of performance and the like. Some members may think that is fair; however, I am very wary of it. Generally, if there is information on, for example, participation in MSE studies, a good cooperative arrangement exists. It certainly works well with the system schools.

I am prepared to consider further the accountability requirements. I do not want to overload it, because part of the philosophy of this Bill, particularly with the systems, is to devolve responsibility in decision making to systems such as the Catholic Education Commission.

Mr RIPPER: I was referring to information regarding the expenditure of public funds, rather than information which would allow the creation of league tables. The publication of league tables based on tertiary entrance results is potentially damaging to schools. I am not suggesting that the system should be opened up in that way, although it seems to be difficult to prevent these tables being published as a result of the operation of the freedom of information legislation.

If we must have these publications, the question arises as to how we should respond. One response is to clamp down on the information. Another response would be to accept that the league tables are based on inadequate and narrow criteria, therefore we should provide even more information so that sound judgments about school performance can be made. However, the present halfway house situation, where we get some information on schools and the media encourages us to make judgments on that narrow information, is unsatisfactory and damaging to schools. I do not suggest league tables but, rather, accountability for public moneys advanced to non-government schools.

Clause put and passed.

Clause 175: Minister may allocate moneys -

Mr RIPPER: This clause will provide the power for the operation of the per capita grants system of aid to non-government schools. It is noticeable that the system of aid from the State Government is not as progressive as that from the Commonwealth Government. If members look at the commonwealth system of per capita grants, they will see that the grants to the poorest category of schools are about 500 per cent better than the grants to the richest category of schools. In the state system, the grants to the poorest category of schools are about 30 per cent better than the grants to the richest category of schools.

Mr Barnett: Which is the more egalitarian system? That is a good topic for debate.

Mr RIPPER: I prefer the commonwealth scale -

Mr Barnett: Because you are a social engineer.

Mr RIPPER: - to the state scale.

Mr Barnett: If measured properly.

Mr RIPPER: There is more attention to need in the commonwealth scale than there is in the state scale. A needs criterion is not mentioned in this clause. If I were administering the powers contained in this clause I would prefer to do so on a needs basis.

Mr Prince: You would do it on ideological grounds.

Mr Brown: No; needs.

Mr RIPPER: I would prefer to administer it on a needs basis to a greater extent than does the State Government under its scheme of per capita grants. I prefer the scheme administered by this Government's federal colleagues to the scheme administered by this State.

Perhaps I should seek to move an amendment to this clause to insert the word "needs". Nevertheless, it is possible for the Minister to use the powers under this clause to operate a scheme of assistance to non-government schools which is focused more on providing assistance to those schools in need. The current system provides grants to Hale School, Wesley and Scotch Colleges and other schools regarded as elite.

Mr Prince: Yes.

Mr RIPPER: The focus of the State's attention should be on those schools where resources are difficult to come by.

Mr BARNETT: We could have a philosophical argument about this and it is a good topic to debate. One could argue that, if the Commonwealth adopts a progressive system in terms of its incidence, the State may adopt a more neutral, per capita flat grant system. In other words, we can leave the social balancing to the Commonwealth and simply adopt a flat grant system. It is desirable that the State has a share in the education of all children in Western Australia. I am comfortable with the system as it stands. I agree with an earlier comment by the member; it is appropriate from time to time to reconsider the structure of assistance to non-government schools. However, in my experience, the system is working well.

Mr BROWN: I support the comments of the member for Belmont and Deputy Leader of the Opposition because we are all aware that educational outcomes will, in part, depend on students' access to facilities. Students in some schools do not receive the same educational outcomes as students in others; not because they do not possess the same intelligence levels but, rather, because they do not have access to the same sophisticated equipment or the same degree of teaching horsepower as is available in other schools. The responsibility of the State is to ensure that all children receive a good education. However, in allocating money, if there is a greater need in some non-government schools than others, it is appropriate to direct a greater percentage of the resources to the area of need. That will ensure we have a system that provides equitable educational opportunities.

Educational opportunities and the ability of people to obtain decent qualifications and, therefore, decent jobs should not be based on the fact that they attend a well equipped school that has considerable horsepower in terms of teaching staff. It should be based on their intelligence and capacity as individual students. To the extent that the State underwrites a system that perpetuates the inequalities which exist within the community and which permeate through to students, it is not an egalitarian system. Therefore, it is a system in need of rectification.

Irrespective of the wealth of students' parents, primarily the State should look at the education of students and should focus its attention on the abilities of students. Members will recall that, prior to the federal Labor Party coming to power in the early 1970s, unless young people had considerable resources, they were excluded, by virtue of their financial incapacity, from attending universities in this State.

I strongly support the view that educational outcome should be the result primarily of the capacity of the student rather than the surroundings in which the student happens to find himself. No doubt the member for Albany will take issue with the view that those students who do not have the same access to opportunities are not denied an educational outcome which is incompatible with their capacity. I refute that view. Educational outcomes and the ability of students to succeed is affected by the nature of the teaching horsepower to which they have access and the facilities they have, irrespective of the dedication of that student. The system in which the State does not provide equal opportunities for all students to develop their intellectual capacity, as best as possible, is wrong and must be modified.

Mr PRINCE: I will take up the time of the Chamber for a short moment. My wife and I and a number of other parents set up a community school in Albany about 11 or 12 years ago. We started with absolutely nothing. The state per capita grant, and subsequently the commonwealth per capita grant, were very important in getting the school off the ground. There were a number of different homes in old buildings. We started in some rooms belonging to the museum and ultimately obtained our own premises with a low interest loan. While facilities have some effect, there is no doubt that the educational outcome - this is a primary school only and a relatively small number of children - is related more to the quality of the teaching from both the teacher and the parents or the people in the family. They are absolutely critical. While physical surroundings and equipment have an importance, the motivation and desire of the families and the teacher are far more important. I speak as a governor of Hale School, at which my son is a boarder.

Mr Brown: Do you operate against those children who have parents who do not regard education highly?

Mr PRINCE: The difficulty is that no amount of money and facility will replace that and I regret that. A very good preprimary education from about two years of age sets up a child for primary education and if that child has parents who are interested and provide help and support, it is the best gift anyone can give a good teacher. Reasonable surroundings are an additional benefit. That is what it comes down to. I speak as a governor of Hale School which, as the member has said, is an elite school and very well endowed physically and so on. It has first class teaching staff. The educational outcomes of that school are related to the physical surroundings. It has a great deal to do with not

only the leadership of the headmaster and the teachers, but also the parents who choose to send their children to that school. They have a very close interest in the educational outcomes of their sons. Some parents do and some do not, and some wish to and cannot, for whatever reason.

I am not disagreeing with the member entirely. However, the amount of money that goes into facilities has some bearing, but it is a much smaller bearing than the member would like to admit. It is the quality of the parenting and then the quality of the teaching that is vastly more important.

Mr RIPPER: I appreciate the comments of the Minister for Health. It is interesting to have another Minister to debate on these issues.

Mr Brown: Much to the happiness of the Minister for Education.

Mr Barnett: I had such confidence that I did not even need to turn around.

Mr RIPPER: Of course the most important thing in education is the quality of the interaction between teachers and students. If marginal money is available to spend on the system, it is better to put it into the professional development of teachers than into buildings, although buildings must be of an adequate standard.

Mr Prince: Particularly at the secondary level with physics and chemistry, where equipment is vital.

Mr RIPPER: That is a valid point. The non-government school which the member for Albany was active in setting up would not have been disadvantaged by the focus on need. It sounds like that particular school, unlike the school of which the member is currently governor, was not a well resourced school.

Mr Prince: When we set it up, we wanted a whole lot more than we had. It ensures that the parents take a very active interest and are involved in the school and in their children's education. The results speak for themselves.

Mr RIPPER: People's capacity to pay fees varies. Many low fee schools are not well resourced. For example, taking into account fees and government assistance, the Catholic school system operates on about 80 per cent of the resourcing provided to students in the government school system. Some arguments about the calculation of those figures may result, but that is what I have been told. Those communities in which parents have the lowest capacity to pay school fees are those communities which are likely to have the more challenging students to educate; that is the nature of the world. People on lower incomes tend to have lower educational levels which impact on their children's possibilities of success at school. We ask our education system to take account of that and look to the education system to remedy the deficits or disadvantages with which children come to school. That is why we must support the public school system to a greater extent than we are at the moment. That is why we need to provide support for schools in the non-government sector on the basis of need rather than on a flat per capita basis.

Clause put and passed.

Clause 176: Orders as to funding -

Mr RIPPER: This clause provides powers for the Minister to make orders about the way money is appropriated by Parliament to assist non-government schools. Have there been any essential changes in the orders governing this funding in recent years apart from inflation adjustments? Has the structure of the system changed in recent years? How does the Minister propose to develop these orders in the future? Is it a matter for consideration within the Department of Education Services or is a consultation process available before the Minister finalises the order and publishes it in the *Government Gazette*?

Mr BARNETT: There have been no changes in recent times. This section is an exact lift of the current procedures. It is envisaged that in the future on such order and policy issues there will be a level of peak consultation with the major systems.

Clause put and passed.

Clause 177: Contents of orders -

Mr BARNETT: I move -

Page 118, lines 20 to 25 - To delete the lines.

The effect of this amendment is to remove reference to the low interest loan scheme, which will become obsolete when the new division 6 is inserted.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 178: Accountability -

Mr RIPPER: I oppose the clause. It provides for the Minister to require a governing body to furnish to the Minister a report on the application of moneys provided under this division. There are penalties if the governing body fails to furnish a report or if the moneys have not been spent in accordance with the provisions imposed on it. The Minister may recover the moneys as a debt in a court of competent jurisdiction. I oppose the clause with a view to replacing the wording with some of my own. There are two differences between the clause that I support and the clause in the Bill. Firstly, there should be an annual report from governing bodies to the Minister on the application of moneys provided under this provision, rather than a report merely on the initiative of the Minister when he or she determines that should be the case. Secondly, the annual report must cover conditions, limitations or restrictions on the use of the moneys which have not been complied with and must cover whether moneys have been applied in accordance with an order made under clause 176. In short, my wording tightens up the requirements of registered schools and would require an annual report and a report which cover the matters referred to in the Minister's clause 178(2)(b) and (c).

Mr BARNETT: The member is ahead of his time. His proposal does not reflect the reality in schools, let alone non-government schools. They are not required to report annually at present and do not do so. With the policies of devolution in government schools, we are proposing the introduction of annual reports. That has been discussed in the government school system. In non-government schools that generally does not exist. It may well evolve over time, and probably will, but at this stage it is not appropriate to require that of non-government schools and, therefore, I support the existing clause. Were we to have annual reporting, I would prefer to do it by negotiation. For example, it would be something we would negotiate with the major systems in the first instance, which would require their schools to do it.

Mr RIPPER: If I am ahead of my time, I am in line with the New South Wales Labor Government which has introduced a system of annual reporting in government schools. I am a little concerned about the New South Wales Labor policy because it resulted in the New South Wales Teachers Federation banning the attendance by the Minister for Education at government schools. Although I support the policy of annual reporting, I hope it is received more favourably by the State School Teachers Union of WA than it was by the Teachers Federation in New South Wales. Nevertheless, it is a good thing that government and non-government schools provide an annual report to parents covering their performance. It is a valuable accountability mechanism. The Minister has indicated that it is not required at non-government schools at the moment.

Mr Barnett: Many non-government schools.

Mr RIPPER: A lot of non-government school boards already provide some form of report to their parent communities. If the annual reporting requirement were constructed in the light of that knowledge, it would not be an especially stringent additional burden on the non-government sector. Perhaps it would be an elaboration of the school boards' present reporting arrangements. Once again, it is worth noting that everyone is being required to accept more accountability in the modern world. Schools are in not in a different position. Increasingly, parents are inclined to be anxious about the future for their children. Their children are moving into a very competitive world. Parents want to know that schools are doing what they are supposed to be doing.

Mr Barnett: Parents are probably looking for accountability in the first instance on education function and the performance of their child rather than financial accountability.

Mr RIPPER: That is right. The underlying point is that a lot of money is spent on education. We should be spending even more but it is still a sizeable amount of money. Our society and parents in particular are entitled to know that we are getting value for money and that schools are doing the jobs they are expected to do.

Clause put and passed.**New clauses 179 to 183 -**

Mr BARNETT: I wish to insert an entirely new division 6 to part 4 which relates to loans for capital works - effectively the low interest loan scheme. Does the Committee require me to read out all of the amendments?

The DEPUTY CHAIRMAN (Ms McHale): Is the Chamber willing to accept the moving of those amendments en bloc?

Mr Ripper: I think these are precisely the same clauses as those we debated earlier last week in the Bill amending the 1928 Education Act. If these are the same clauses as those we debated in this Parliament last week, I am happy to give leave that they be moved en bloc.

Mr BARNETT: They are the same clauses. I move -

Page 119, after line 21 - To insert after clause 178 the following new division -

Division 6 - Loans for capital works

Minister may lend money

179. (1) The Minister may lend money for capital works to the governing body of -

- (a) a registered school; or
- (b) a school system for which a system agreement is in force.

(2) Any such loan is to be made out of moneys borrowed by the Minister under section 180.

(3) The terms and conditions of any such loan, including the interest to be paid -

- (a) may be less onerous than those that might reasonably apply to such a loan made commercially; and
- (b) are to be approved by the Treasurer.

(4) In subsection (1) -

" capital works" means the acquisition of land, the construction, modification and renovation of buildings and the purchase of plant and equipment, or any of those things.

Borrowing by the Minister

180. (1) The Minister may borrow moneys for the purpose of lending under section 179 -

- (a) from the Treasurer on such terms and conditions relating to repayment and payment of interest as the Treasurer imposes; or
- (b) with the prior written approval of the Treasurer and on such terms and conditions as the Treasurer approves, from persons other than the Treasurer.

(2) Any moneys borrowed by the Minister under subsection (1)(b) may be raised -

- (a) as one loan or as several loans; and
- (b) in such manner as the Treasurer approves.

(3) The total amount of the moneys borrowed by the Minister under subsection (1)(b) in any one financial year is not to exceed such amount as the Treasurer approves.

Moneys to be credited and charged to operating account

181. (1) The following moneys are to be credited to an operating account approved by the Treasurer -

- (a) repayments of moneys loaned under section 179; and
- (b) moneys borrowed under section 180.

(2) The following moneys are to be charged to the operating account -

- (a) moneys loaned under section 179; and
- (b) repayments of moneys borrowed under section 180.

(3) In this section -

"operating account" means a trust account established and administered under section 15B of the *Financial Administration and Audit Act 1985*.

Guarantee by the Treasurer

182. (1) The Treasurer may, in the name and on behalf of the Crown in right of the State, guarantee payments to be made by the Minister in respect of moneys borrowed by the Minister under section 180(1)(b).

(2) A guarantee is to be in such form and contain such terms and conditions as the Treasurer determines.

(3) Before a guarantee is given -

(a) the Minister is to give to the Treasurer such security as the Treasurer requires; and

(b) all instruments that are necessary for the purpose are to be executed.

(4) The Treasurer may fix charges to be paid by the Minister to the credit of the Consolidated Fund in respect of a guarantee given under this section.

Payments under guarantee

183. (1) The due payment of moneys under a guarantee given under section 182 is to be -

(a) made by the Treasurer; and

(b) charged to, and paid out of, the Consolidated Fund,

and this subsection appropriates that Fund accordingly.

(2) The Treasurer is to cause to be credited to the Consolidated Fund any amounts received or recovered from the Minister or otherwise in respect of any payment made by the Treasurer under a guarantee given under section 182.

Mr RIPPER: I would like to know more about how the low interest loan scheme is targeted. How is it decided which school system or which schools will receive allocations of low interest loan money? What targeting is provided in the allocation of the loans? For example, for the purpose of per capita grants, do category 12 schools receive any special consideration for low interest loans? For the purpose of per capita grants, are schools in category 1 - the most well resourced - given the same opportunity as the poorer schools for access to the low interest loan money?

Mr BARNETT: We negotiate block allocations to the Catholic school system, which is the biggest group. The Catholic Education Commission determines the priorities within that system. We rely on the administration of Catholic schools to determine priorities on a needs basis. As to other schools, any school is free to apply for such a loan. There are set criteria and an existing facility of student enrolment capacity to service the loan. Within that, consideration is given to the needs of the school, and whether the school has been assisted with low interest loans previously. If the member wishes, I can provide a more detailed, written response on how the facility is managed. However, we give consideration to needs, together with other criteria.

Mr RIPPER: I am interested in a written response, because it is not entirely clear from the oral answers by the Minister. Is this information published, for example, in the annual report of the Department of Education Services?

Mr BARNETT: I will advise the member in writing. The criteria are well known within the school system. I am not sure whether the information is published in the annual report. There are no secrets here. I will attach the criteria to my written answer.

New clauses put and passed.

Clause 179: Definition -

Mr RIPPER: I wish to make a number of general comments on this division under the guise of debating this clause which defines "governing body" of a kindergarten. Part 5 deals with community kindergartens. It provides a scheme of registration completely separate from that provided for other non-government schools. Can the Minister explain the rationale for this separate proposed section relating to kindergartens? I understand the proposed section was not included in the draft Bill originally put out for public consultation. Some people associated with community kindergartens - perhaps even Hon Barbara Scott - spoke to the Minister and were very persuasive.

Mr Barnett: On occasions.

Mr RIPPER: What is the reason for providing two different systems for registering, monitoring and funding essentially non-government schools? One system applies to community kindergartens and the other applies to non-government schools. I do not intend to oppose the new section but, on the face of it, it does not seem to be the rational, efficient mechanism that one would expect to be established in a new School Education Bill.

Mr BARNETT: It is a different set of rules for community kindergartens; but not an inconsistent set. It reflects the level of sophistication - for want of a better word - between the two. If a kindergarten is part of a non-government

school the application for financial assistance would be as per this proposed section. However, community kindergartens generally stand alone but have a relationship to a government school into which the children enter for preprimary and the early years of education. The other difference is that although community kindergartens are incorporated bodies, they tend to be somewhat less formal organisations. Therefore, they are community based and controlled by groups of parents, particularly mothers, and they do not have the sort of governance, structure or staffing typical of even a small non-government school. That is why we recognise them as being slightly less formal organisations but generally attached to government rather than non-government schools and, therefore, they are treated in a way different from but consistent with the previous procedures.

Mr RIPPER: Under the previous Labor Government we had a system of family centres which provided social development activities for four year olds and a focus for community development programs in the local community. Will those family centres be funded and regulated under this part, or will some other form of regulation, funding and monitoring be applied? Secondly, what is the future of the community kindergarten sector? Does the Minister intend to register new community kindergartens under this part or will that sector either remain stable or begin to decline as community kindergartens either become associated with government schools or close?

Mr BARNETT: With the introduction of the early childhood program for both five year old preprimary and kindergartens for four year old children, one of the most vexing questions has been community kindergartens - particularly as by definition it is a local issue and tends to be different in every circumstance. It is probably fair to say that some of the original thoughts, and those within the Education Department, were that kindergartens would simply follow the preprimary program, come under the school system and be placed on school sites. Since I took over the portfolio, after listening to people such as Hon Barbara Scott and meeting with and visiting many kindergarten groups, I have formed the view that we would have a slightly different emphasis.

Generally my view is that the four year old program is best conducted off school sites. So, I have tried to ensure that wherever possible the five year old program is on the school site, and I regard that as the thirteenth year of education. Community kindergartens are generally better off the school site, and I strongly support community involvement.

Family centres are excellent facilities. They are purpose built and the toilets are of an appropriate size -

Mr Ripper: And they have reading rooms.

Mr BARNETT: Yes. We have reached an agreement with Family and Children's Services. The administration of the family centres will remain with Family and Children's Services, but the Education Department will take over responsibility for the running and staffing of kindergarten programs. We will not take responsibility for family centres.

In some cases difficulties have occurred where, for example, there is a kindergarten in a family centre, a community kindergarten and a similar facility at a school; when we bring them together we cannot sustain three facilities. There has been some pain and some organisations have slipped away. The policy has been, where there is an appropriate family centre, we should use it rather than add a facility to a school. Wherever possible, when I have been faced with those issues, that has been the way to go. Issues have arisen in my electorate. My own child went to a community kindergarten and it is a very prosperous one; but they tend to be concentrated around the western suburbs.

A large number of community kindergartens are located in my and the Premier's electorates. They tend to have an unusual geographic distribution. They are good organisations and have a long and proud history. They are very well supported by groups such as Meerilinga, and I do not want to see them decline. In fact, special provision has been made and the Government has entered into special funding agreements to allow new community kindergartens to be registered and formed. I look forward to and encourage the growth of the community kindergartens. They are an ideal start for the educative process, even though the emphasis may be on social and play activities. It is a very good network for young mothers, and to assist children to ease into the next stage of going to school. They perform desirable roles in our community and they have my strongest support.

Mr RIPPER: Can the Minister indicate whether the Government has any intention to increase the number of family centres? Is the family centre program dead, or is it possible that the Government will resurrect the policy of the previous Labor Government and construct more family centres? They have a dual purpose - to provide social, development and educational activities for four year olds, and to promote community development initiatives in the local community. Where do community kindergartens and family centres fit into the overall planning? Presumably we want a system of four and five year old education which allows access to this education in every locality. Is the Minister making a deliberate decision in some localities to provide that through either a family centre or a community kindergarten, rather than to provide it through the local school?

I am concerned about that because, while community kindergartens and family centres have the benefits about which the Minister is talking of community involvement and community development, the question of fees arises, and

people must pay more to have their child at a community kindergarten and family centre than if their child undertakes a four or five year old education at a government primary school.

Mr BARNETT: I cannot comment in detail about the policy on building new family centres. They are very good centres and are well used by the community. That issue lies in the portfolio of the Minister for Family and Children's Services.

The member raised an interesting point: The slight dilemma that exists when a school based program is provided for a four year old is that it can cause parents to take their children from fee charging community centres and place them in the government centre. That is why the Government has entered into contractual arrangements so that community centres can continue. The dilemma arises when there might be three such centres, but sufficient demand for only two, and a group of parents may decide that even though they will not enter into a Government contract, they want to maintain the centre, and therefore must fund it themselves. That can cause some disharmony. Some examples are in the Upper Swan area.

Mr RIPPER: What is the nature of these agreements?

Mr BARNETT: The Government enters into a management agreement, and typically local government may become involved if the premises or land are owned by local government. The department provides the staff and administers the program, and a contract is formed in which the department contributes to the operation of the centre; it is a financial agreement. They accept some of the responsibility of the management and care of the centre. One of the things about which the department has been very careful is to ensure that when community kindergartens operate in buildings owned by local government, the local government does not charge a commercial rent for the facilities. Regrettably, that has happened on one or two occasions in which nominal rentals of, say, \$2 000 per annum have increased to something like \$20 000. If the local government has stuck to that increased rental, the department has had no choice but to not agree to that level of funding for that facility. It is easier to put something on a school site. The Government is still maintaining community kindergartens and looking to help fund them, certainly by way of staffing, but it also wants the community to continue its role in funding and for the local government to continue its support by whatever services it might provide - for example, in charging a nominal rental for the property.

Mr BROWN: Sometimes government requirements for buildings are much higher for the local authority, and consequently the local authority says it must get the money back.

Mr BARNETT: That is a different situation. The Education Department will generally not fund significant expenditures on buildings which it does not control and I think it is an appropriate policy. If a building is not up to standard, it is not useable, unless the community or local authority agrees to make the upgrade. They might come back and say, "Why does the Education Department not do that?" The approach is that it will do that, but it will do it on Education Department land.

Mr RIPPER: Can the Minister advise of the level of operational assistance to community kindergartens? The Minister has indicated that the staff are paid by the Education Department. He has also indicated that some assistance is given with regard to operational expenditure. What is the level of that assistance?

Mr BARNETT: I cannot remember off the top of my head, but I will provide the member with some details later.

Mr BROWN: What is the degree to which a capacity exists for preschool centres on non-government school sites to be treated as community kindergartens, and therefore funded under this clause, as opposed to being funded under the non-government schools section in which the funding obligations are quite different? We now have three methods of funding - government schools, non-government schools and community kindergartens. Is it possible to establish a management committee specifically for the kindergarten premises, and set to one side that area of the non-government school, as sometimes the four year olds are, calling it a community kindergarten, and then seeking funding under those arrangements, as opposed to the non-government school arrangements?

Mr BARNETT: I am sure that thought might occur to some non-government schools at some stage.

Mr Brown: I raise the matter because it has probably already occurred to some.

Mr BARNETT: The member can advise them that, as novel as the idea is, it will not succeed, because non-government schools will apply for funding for schools, kindergarten, and preschool through their arrangements. The funding of community kindergartens is not administered by the Department of Education Services, which is an administrative difference. The funding of community kindergartens is from internal Education Department money, in which a decision is made to help support a community kindergarten rather than establish an Education Department facility, and the agreements are between the Education Department and the community kindergartens, so there is no relationship with non-government schools. They cannot be an adjunct to a non-government school; they must be an entirely separate, community based group running a kindergarten.

Mr BROWN: As a matter of planning, is it the policy of the department or the Government that new schools in new suburbs will have dedicated four year old programs and no planning for kindergartens? I am trying to clarify whether planning for community kindergartens in new suburbs will be taken up at a local level by residents; or will the four year old program be distributed between onsite preschool centres and community kindergartens?

Mr BARNETT: The Government's commitment is that from the beginning of next year there will be two sessions for all eligible four year olds in the State. In new suburbs in which we are developing new schools we will plan schools to accommodate the four year old program. However, if a community kindergarten develops, that will allow the Government to hold back on that part of the school. Provision will be made in the early childhood area of the school to use those facilities for the four year old program. Community kindergartens tend to be established in the older suburbs, but Meerilinga and other groups are promoting the formation of community kindergartens, and I support that. Prudence would say that in designing the layout of new schools, provision should be made for the four year old program on a school site. However, philosophically, educationally and socially I would prefer the four year old program to be off the school site.

Mr Ripper: What is cheaper for the Government?

Mr BARNETT: It is probably cheaper and easier on the school site. Therefore, the administration of the Education Department - this is not meant unfairly - probably favours the four year old program on a school site because it is easier to control. All sorts of problems can arise with another site, and staff members working away from the main group. The Community Kindergartens Association has accepted that a staff member will be appointed by the Education Department and will be directly accountable and reportable to a nominated school principal. One of the concerns was that Education Department staff in the community kindergarten would be by themselves. Admittedly there would be a management group or a group of parents, but the staff would not be accountable in terms of either normal administration or education achievement to someone in the education system. We have tightened up the reporting lines for staff. That was important because some empires were being developed.

Mr RIPPER: That is a significant change from the previous arrangements under which community kindergartens were administered. They were essentially responsible only to their governing body. The staff were provided by the Education Department but nobody could hold staff members accountable.

Mr Barnett: That was a weakness in the system.

Mr RIPPER: Has that change come about through this Bill or by agreement between the Community Kindergartens Association and the Government?

Mr Barnett: By agreement as part of the process to provide government funding to community kindergartens.

Mr BROWN: I understand that the Government does not provide capital funding for community kindergartens?

Mr Barnett: No; that is usually provided by local government.

Mr BROWN: Given that most local governments are looking at multipurpose facilities that can be open day and night and be used by all sorts of local groups, and that the Government through Family and Children's Services will not fund family centres exclusively and will fund only those which have a contribution from the local authority and sometimes from the Lotteries Commission, is it expected that there will be an expansion of the community kindergarten sector? Over the past few years there has been a significant change in funding for family centres, and changes have occurred within local government in respect of taking on additional responsibilities. In a range of areas local government is starting to push back and say that it is not prepared to fund programs that are a state responsibility. I know that Meerilinga is keen to promote community kindergartens. In reality, particularly in the newer suburbs where halls are not available and buildings must be constructed, is it likely that we will see community kindergartens? From my perspective of funding from the local authorities, the Education Department and Family and Children's Services, where will the money come from to construct centres?

Mr BARNETT: The member for Bassendean raises a valid point about community kindergartens, and given that I have said I would like to see them develop in new suburbs, there might be an impediment to their development. We have not considered the issue of government capital funding, and that is worthy of consideration. They are community kindergartens and if some form of government funding were involved, I would not want the Government to be responsible for them.

If that were to develop, my initial reaction is it would be better done through local government in some way. It is not something that the Government has considered, but it will become relevant if community kindergartens are to develop in new areas. I would like any funding assistance to be channelled through local government, so even if we assist, local government will own the properties and have responsibility in that sense. Otherwise community kindergartens will become part of the government system.

Mr BROWN: It is worthwhile to look at what is happening in Family and Children's Services. A number of family centres operate with the four year old program as their core. They bring together parents; they provide not only four year old programs but also before and after school care; and they also provide a mechanism by which the community group is in contact with the parents of younger children. That often helps with parenting courses and all sorts of other things that are necessary to try to get the message out to the parents of younger children and to assist those parents in the formative years of those children. If the Minister is contemplating that, he should not only talk to Meerilinga but also consider other models, because I see a contraction of that family centre type of arrangement. From contact with family centres - I had a lot more contact when I was opposition spokesperson in that area - I understand that they are highly valued by the community and provide a good service not only in overall community development profiles but also in the four year old program.

Mr BARNETT: The member has raised a good point in a constructive way. I undertake to look at it. I will discuss the issue with Meerilinga and there may be some scope - I will not make a commitment - for a program to provide low interest loans to local government to develop community kindergartens or facilities in those areas. I see them as being more akin to non-government organisations than government organisations. The relationship with the Government is on a contractual basis to provide an educational program. It is obvious that community kindergartens are located in the older suburbs. I also take the member's point about future family centres, because the obvious link is with Family and Children's Services and it is still outside the Education Department.

Mr RIPPER: The structure of this part indicates a convergence of community kindergartens and schools generally in the government school system. Under this part the governing body cannot intervene in the education or instruction of children or exercise authority over teaching staff; the same curriculum provisions apply in government schools as in community kindergartens; and the staff are managed by the Education Department under clause 224(2). The clause which refers to the powers to engage, transfer, promote and otherwise manage the teaching staff which are vested in the CEO also applies to community kindergartens. If on the one hand we take the Minister's plan to devolve power to schools and to give school councils more power, and on the other hand the provisions in the Bill for community kindergartens, the kindergarten looks more and more like the government school of the Minister's future, only a school which is restricted to dealing with four year olds rather than catering for K-7.

Although a special part in the Bill applies to community kindergartens, I wonder whether they have had something of a pyrrhic victory. Their long term future will leave them nowhere near as independent of the government school system as they might have been in the past.

Mr BARNETT: A community kindergarten will retain total independence if it chooses to employ and fund its own staff. This is clearly an Education Department kindergarten program delivered into a community facility. One reason for having these kindergartens off school sites is that children attending kindergarten programs may scatter across a range of government or non-government schools. Once they enter the preprimary stream they tend to remain with the same school. Typically, children attending a community kindergarten may go to government schools, Catholic schools or other non-government schools. That is why it is desirable to have them separate from schools.

Clause put and passed.

Clause 180: Scheme of registration -

Mr BARNETT: I move -

Page 120, line 24 - To insert after "pre-compulsory" the word "education".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 181 to 194 put and passed.

Clause 195: Limitation on fees for instruction and charges -

Mr RIPPER: This clause provides roughly the same scheme for the payment of fees and charges as primary and secondary schools covered earlier in the Bill. I note that subsection 3 of this clause provides for a limit on such charges and any other matters relevant to such charges and their recovery. What limit does the Minister propose to put on fees for community kindergartens? Is it proposed to make these fees compulsory? Will the non-payment of fees incur a debt that can be legally recovered?

Mr BARNETT: I will be careful in my choice of words in this debate. This system makes the point. Children enrolled in community kindergartens have been paying \$1 a week for years. Essentially their fee has been \$40 a year and it has been compulsory. I gather that the Opposition is alluding to the fact that it should somehow be

discretionary. It should not. Parents have been happily paying \$1 a week for their children to attend community kindergartens and they have been receiving a quality kindergarten program. As I indicated in debate last week, following review by the panel that reviews fees and charges, we will consider a maximum fee in the range of \$50 to \$60. I will use \$60 for the sake of this debate. The charge will be set by the school councils; in this case the governing body of the community kindergarten. However, the present system makes the point that parents will happily pay moderate charges to provide materials and equipment for students. If we made the fee voluntary, the inevitable consequence would be denial of funding to community kindergartens and they would not develop.

Mr RIPPER: It is interesting to hear the Minister's answers to the questions. Will the fees be \$60?

Mr Barnett: The media has been imprecise and unprofessional to the point of exasperation. I have consistently said in Parliament and in public statements in writing that we will impose a maximum cap; yet the media continually reports that we will charge a compulsory fee of \$60. The maximum cap will not exceed \$60 for primary schools, although it will be indexed. Had we made consumer price index adjustments to the \$9 imposed by the Labor Government in 1972 it would be \$58 today.

Mr RIPPER: To summarise the Minister's position: The fee will be compulsory, up to \$60 and recoverable as a debt.

Mr Barnett: The present situation says it all. For years community kindergartens have operated on \$1 a week, which parents have happily paid, recoverable as a debt. In that case, if the parent did not pay, the student would not be enrolled.

Mr RIPPER: I am glad I have established those parameters. The Minister conceded earlier in this debate that community kindergartens have been concentrated geographically in the western suburbs and in the hills area. That is not just a coincidence. In the overall fees debate I am concerned about possible limitations on equality of access to education as a result of the financial pressure that might be imposed on the parents of students from poorer families.

It is clear that a certain level of prosperity in the community has been required to support the operation of a community kindergarten. The Minister is talking about allowing for the expansion of community kindergartens. I like the community involvement that occurs with a family centre or a community kindergarten. I strongly supported the family centre program when Labor was in government. Although some people in the community kindergarten movement did not see themselves as being fraternal associates of the family centre movement, I think there is a similarity between the philosophy covering family centres and that covering community kindergartens.

The question raised by my colleague the member for Bassendean is this: How will we provide for preschool education in new areas? If we are providing for preschool education in new areas through community kindergartens, some people might be paying more for access to preschool education than if it were provided through the school system. Listening to the Minister, it seems to me that he is intending to harmonise the fees paid by people whose children attend community kindergartens and the fees paid by people whose children attend preprimary and primary schools. Is that a correct judgment?

Mr Barnett: Fair comment.

Mr RIPPER: The regulation under proposed new section 195(3) will impose the same limit -

Mr Barnett: Maximum limit. It is important. I know semantics is not strong in Labor Party press releases!

Mr RIPPER: A limit is a limit. It is pretty clear that we are talking about a maximum limit. As I was saying, the regulation under proposed section 195(3) will impose a maximum limit which will be the same for community kindergartens as for preprimary schools.

Mr Barnett: I imagine so.

Mr RIPPER: I express the same concerns I had about fees for primary and secondary schools. There are real questions about financial pressure being put on parents, and also about inequity. Some people can afford to pay these fees and the schools benefit from the revenues they receive. Frankly, other people are financially hard-pressed and find it difficult to pay. I imagine no financial assistance will be available for sole parents, for example, who send their kids to a community kindergarten. Is that a different matter?

Mr BARNETT: I recognise this issue is bound to attract public attention in this debate. I restate that community kindergartens have been community based. This Government is not about to socialise kindergartens. We want the community to continue to run kindergartens; to get community involvement, community decision-making and community fundraising; to be innovative and have great facilities, unlike, presumably, the Labor Party, which would have them all in one model - dead boring, dead uninnovative. We are not about that.

Community kindergartens in this State have operated successfully for decades. They have always charged parents. Currently that charge runs at about \$1 a week and those fees are compulsory. Parents have paid. Under these changes, the Government, through the Education Department, will fund the teacher and determine the program, but we still welcome community involvement in all sorts of aspects to do with the management of the centre - the facilities, the excursions and all sorts of things that the children might do - to make that early stage of the educative and socialisation process of the children enjoyable and exciting. We will introduce a charge for all the consumable goods and services; things like photocopy paper, art and craft supplies, cooking materials, woodwork materials, pool maintenance in primary schools and transport on the school bus.

The maximum charge for primary schools is likely to be \$60 a year, for the simple reason that a large number of schools are already charging in that range. Although it may be a happy coincidence from my point of view, if we indexed the level of fees at \$9 a year which was set in 1972, it would come out at \$58 a year in 1998. It is no different from the 1972 charge. The level of charge a school council at a primary school or community kindergarten decides to set will be up to that organisation. The principal or the chairperson of the kindergarten group will have the ability to recover that. It is far better than an alternative that would somehow impact on the student.

The Labor Party thinks it is getting cheap mileage in the media at the moment. If the Labor Party, the Greens (WA) and the Australian Democrats pursue the position of no compulsion to pay the fees, there will be some impact on the education and on the child. I, as the Minister, and the director general made it clear in the statement to schools a year ago that the recovery of charges can in no way impact on the educational program of the child, the assessment, the release of term reports or whatever else.

The fact is that principals, in frustration, have resorted to those sorts of things. This will clarify the issue by saying that charges are compulsory and that they cannot impact on an educational program. That is fair. The vast majority of parents have paid this amount happily. They contribute to the consumable items. A significant number of parents in the community cannot afford to pay these fees.

I indicated - again, the media chooses to ignore this - when I released the report of the panel into fees and charges in April this year the Government's intention to extend the secondary assistance scheme to primary schools. We have not defined that and it will be a process of consultation. However, we will look at financial assistance to meet school charges and we will also entertain financial assistance for uniforms and other costs at a primary school level. Surely it is better to encourage the vast majority of those who can contribute to do so, rather than target assistance at those families most in need. That brings more money into education. Those opposite may adopt a policy which says that the Government should do that. That is typical Labor Party sloppy thinking. The fact is -

Mr Riebeling: We are not bludgers.

Mr BARNETT: No, but this will stir up those opposite because they are sloppy in their thinking. The fact is that parents contribute very significantly to schools through school charges, P & C associations, fundraising and the like, and that is appreciated. The philosophy of this Bill is predicated on a shared responsibility. If those opposite tell parents in this State that they do not have to pay school charges, which will result in \$30m or \$40m going out of the education system, they must nominate what they will cut in its place. Education funding has gone up more under this Government than under any other Government in this State's history.

Mr RIPPER: The Minister seems to want to repeat a debate we had last week. I am reminded of what was said of various generals at the beginning of World War II - at that stage they were very well equipped to win World War I, but they were not in a state to deal with the war that had commenced. I am compelled to respond to a few of the comments made by the Minister. He asked, for example, how the Labor Party would make up the money which is provided by fees.

Mr Barnett: Charges.

Mr RIPPER: According to the budget papers, it is \$27m. That is a very interesting figure; it is exactly the same figure as the Premier has imposed on the Education budget by way of his so-called productivity dividend. If the Minister explained how he will meet the productivity dividend, I would be happy to consider talking to him about what might be done for schools through the school grants as a result of a reduction in fees.

I will come to a few other points. I have received plenty of complaints about children being excluded from educational events as a result of their parents not paying fees. The director general may have put out a circular to principals. I have seen it; it says that students should not be excluded from any educational activity or, for that matter, from extracurricular activities, unless they happen to be subsidised by the school. I am told by parents that children are excluded from school balls and other things even though they are not subsidised by the school. To a certain extent, I agree with the Minister that principals are taking actions outside the instructions of the director general to capture fees.

Mr Barnett: That is unacceptable. The corollary is that there must be some compulsion on charges so that it does not impact on the child. The Opposition's policy, which includes no compulsion, means it will inevitably impact on the child.

Mr RIPPER: I refer the Committee to the question of consumables. The Minister says that the fees will not increase because people have been paying them and all these other charges and it has amounted to \$50 or \$60 for a primary school child. Where in the legislation is there anything to prevent schools continuing with that practice; that is, charging a fee and then asking parents for payments for this and that and building up the total level of financial impost?

Will people have a choice of sending their children to a preprimary centre or a community kindergarten? In some districts will the only provision of four year old education be through a community kindergarten? The question of fees and the potential impost on parents becomes more important if there is no choice to go to a government school in a district. I do not oppose community kindergartens; in fact, I see them and family centres as having a good community building function and involving parents more actively in the education of their children than do mainstream government schools. However, there are additional charges despite the Minister's suggestion that he might harmonise the fees. Will there always be a choice or will some children be channelled into a community kindergarten?

Mr BARNETT: It is very difficult with 770 schools to make global statements. However, the intention would be to provide four year old facilities on a school site when there is no family centre or community kindergarten to meet the demand. If such a facility existed, we would use it. It should make no difference from the parents' perspective, because the program being delivered in the family centre or community kindergarten is a government program. It makes no difference in terms of enrolment procedures or anything else whether it is in that facility or in a school. If there is a charge, it will be harmonised; there will be no difference between the policy in the school and that in the family centre or the community kindergarten.

Mr RIPPER: I seek the brief indulgence of the Chair. The Minister raised an issue that is not strictly relevant to the clause, except that we are discussing raising funds for education, but I must reply. The Minister repeatedly makes statements about the increase in the Education budget. I would like him to assure the Committee that these statements comparing budgets from year to year are strictly comparable. For example, family centres were funded through the Family and Children's Services budget and now they are funded through the Education budget.

Mr Barnett: They are not.

Mr RIPPER: The staff is funded through the Education Department.

Mr Barnett: We do not fund any of the overhead costs of family centres; we run the program in the family centre.

Mr RIPPER: I will be more precise. Staffing of family centres was channelled through the Family and Children's Services budget.

Mr Barnett: It still is.

Mr RIPPER: I am sure the Minister said earlier that the Education Department is now paying for the staffing of the family centres.

Mr Barnett: We will pay for the kindergarten teacher, not the staffing or administration. We are almost a user of the family centre running a kindergarten program.

Mr RIPPER: I will refine it still further and make the point. The teaching of four year olds at family centres was paid for through the Family and Children's Services budget and it is now paid for through the Education budget. Government spending has not increased but the Education budget has increased. That is one mechanism. My understanding is that school maintenance was provided for partly through the Building Management Authority budget. That authority has been disbanded and all maintenance is now contracted out. Again, government spending might not have increased but the Education budget has. Many other changes have occurred in the way government accounts are structured. I am not saying that that accounts entirely for the comparison the Minister has made. However, I have asked the Minister whether it is done on a strictly comparable basis because the Opposition will investigate this and hold the Minister to account.

Mr BARNETT: Funding previously provided by Family and Children's Services has been taken over by the Education Department. The fundamental difference is that it was a discretionary four year old program. As of 1999, two sessions will be available for every eligible four year old in Western Australia. Members opposite scoffed two or three years ago when I talked about doing that for five year olds. Now 100 per cent of five year olds have a place whereas in 1996 only 55 per cent had a place. As of next year, 100 per cent of four year olds will have two sessions

and from 2000 onwards progressively they will have four sessions. Yes, some funding that otherwise might have been channelled through Family and Children's Services is now channelled through the Education Department. However, the quality of the program has increased enormously. We have experienced a huge surge in public expenditure and employment of staff involved in early childhood education. This year's Education budget is 6 per cent greater than last year's. That is a big increase, given that inflation is almost zero.

Clause put and passed.

Clauses 196 to 203 put and passed.

Clause 204: Powers of Minister -

Mr RIPPER: I move -

Page 134, line 3 - To insert after "schools" the following -

provided that there shall be no naming of any educational activity in government schools in relation to such advertising or sponsorship

Sponsorship raises a number of very significant concerns about the integrity of the curriculum, equity between schools and the Government's overall commitment to provide funding to the public education system. The government school system is very concerned that the Government will encourage schools to raise their own finances through sponsorship and that it will reduce its commitment to funding. Schools will be not only encouraged to seek sponsorship but also under great financial pressure to do so. It is obvious there is great potential for inequity. Some schools will have networks of parents who are well connected with businesses and some in close proximity to commercial areas might be able to attract sponsorship. In my electorate, before the Federal Airports Corporation was privatised, it offered scholarships and prizes to students. That advantage was available only to schools in close proximity to the airport.

Other schools will have great difficulty in attracting sponsorship. A school in Wiluna may have some difficulty in attracting sponsorship if a local mining company cannot be persuaded to assist. Some schools will not have the advantages that can be offered by schools that have parents who are commercially and professionally well connected, or that are fortunate to be in close proximity to a commercial or mining area. Some schools will be able to raise additional resources to provide additional education programs and facilities for their students, but other schools will not have access to this sponsorship funding. I fear the growth of inequity in the state school system as a result of the increased reliance on sponsorship. I fear also the potential for some corruption of the curriculum. This world places far too much focus on the values of the market and of the commercial and corporate world. Those people who want to see social and community values reinforced will despair at the thought that commercial and corporate values may become even more predominant in the life of schools as a result of an increase in sponsorship.

We would provide some minimum protection against this occurrence if we prevented sponsors naming educational activities in government schools. Let us not have the McDonald's home economics course. Let us not have a sports shoe company promote a physical education program, with the name of the program being the same as that of the sports shoe. This will send entirely the wrong message to school children. We will run the risk of corrupting the curriculum and the values that we want to promote in the school culture if we do not provide the protection that is proposed by this amendment.

Mr BARNETT: Another miserable, boring amendment from the Opposition! Why cannot schools have a bit of flair, vitality, enthusiasm and colour? We would live in a dreadfully dull, grey world if members opposite ever returned to government!

Mr Riebeling: Do you think state schools are dull and boring?

Mr BARNETT: If the consequence of this amendment were that there could be no naming of any educational activity, immediately members opposite would consign to the dust bin the Quit cup. We could not have that! We could not have the Shell music concert! We could not have the Westpac maths competition! What a self-interested thing that is! That would need to go! The Commonwealth Scientific and Industrial Research Organisation's award to promote science in schools would need to go! We could not have the Institution of Engineers of Western Australia promote engineering, science and maths in schools. What a self-interested group that is! The State Government Insurance Office-Healthway rock and roll eisteddfod would need to go too! We would need to get rid of them all, and have dull, boring, non-events. What a ridiculous policy! Why not allow corporations and worthy organisations such as the Health Promotion Foundation to support programs in schools? There is no doubt that they are sponsorships. The Shell music concert is a sponsorship. Why not allow those worthy things to take place in our schools? Why not allow the extra vitality and funding that comes with those things? Why not give young people the opportunity to perform publicly and to be recognised outside of the normal school environment? Those are

excellent things to have in our education system. Strict guidelines for sponsorship will be established. We will ensure that there is no promotion, advertising or marketing of products in schools. However, the corporate sector and a number of government agencies make an enormous contribution to our schools, and we should support them.

The member for Belmont said that relatively less well endowed schools will find it difficult to attract sponsorship. An organisation called the Public Education Endowment Trust was grossly abused by the Labor Party when in government. The story of that scandal will be told in this Chamber before too long. That trust grossly abused public funds and bequests for education. People travelled the world on money that was supposed to be used for scholarships, for education and for the development of teachers. Although some legal difficulties arise, I intend to turn that Public Education Endowment Trust into a foundation that will apply across all schools. Corporations that do not want to sponsor one school or form an association with or responsibility for one school can give generally to education through that foundation, and that money will be distributed to all schools. One company that I have mentioned before in this Parliament - Woodside Petroleum Ltd - made a very generous contribution of computing equipment to schools. It asked the Education Department to nominate less well equipped schools that could use those computers. It wanted that computing equipment, and the training and backup funding that it provided, to go to schools in need. It sought nothing out of it.

This amendment is miserable. I am sure that if the member opposite, for whom I have a bit of grudging respect, considered it, he would realise that it would deny schools many of these things. Fancy telling young footballers in schools that they can no longer take part in the Quit cup, or telling young musicians that the Shell music concert is off this year because we cannot use the name Shell! What a miserable, mean spirited, dull, boring and colourless approach to education! We oppose this amendment.

Mr RIPPER: Another whingeing response from the Minister, for whom I have some grudging respect also! I am not opposed to wealthy people and corporations making donations to the state school system. I am not opposed to the state school system, or individual schools, making a modest acknowledgment that a donation has been made. If Westpac wanted to sponsor a maths competition, I would not mind if it made that donation to the school system. However, I do not think it should be called the Westpac maths competition.

Mr Barnett: Why would Westpac sponsor it if it was not called the Westpac maths competition?

Mr RIPPER: Exactly! It is the difference between a commercial transaction and a donation. By all means let a corporation such as Woodside make a donation to schools and not seek to reap some commercial advantage from the situation. The Minister has identified the difference between the two types of transactions. The Woodside transaction, which did not seek to identify it as the Woodside computer program in government schools, is one type of transaction that should be encouraged. The other type of transaction, to which I object, is a commercial transaction whereby the naming rights to an educational activity are sold. If Westpac wanted to make a donation to promote a maths competition, it could do that. However, I do not think that competition should be called the Westpac maths competition, just as I do not think there should be sponsorship by McDonald's or Hungry Jacks.

Mr Barnett: How about the CSIRO? Is that acceptable?

Mr RIPPER: I take a more benign view of non-commercial bodies such as the Health Promotion Foundation running a Quit campaign and the CSIRO promoting science education than I do of commercial sponsorship.

Mr Barnett: What about the Shell music concert?

Mr RIPPER: I do not think the CSIRO or the Health Promotion Foundation has a commercial interest in purchasing a naming right from a school. However, I worry about corporate sponsorship, and with regard to the Shell music concert -

Mr Barnett: Would you kill that?

Mr RIPPER: If Shell wants to make a donation to allow a music concert to go ahead, that is all very well, but it should not be called the Shell music concert. It should be called the Western Australian government schools music concert, with grateful thanks to sponsorship from Shell.

Mr Barnett: A petrol station that sounds like the ocean concert? This is the real world we are living in.

Mr RIPPER: Yes, and it is a world in which corporations want to purchase more and more of the activities going on in society so that they can burnish their own image. They should not be allowed to purchase the names of educational activities in government schools. It is not appropriate. I do not want to chop off the resources that might be available -

Mr Barnett: You will.

Mr RIPPER: Is the Minister saying that Shell is such a mean spirited corporation that it will not support a music concert unless it carries its name? Is the Minister suggesting that the Westpac Banking Corporation is so venal that it will not support a maths competition unless it bears its name? That is the Minister's argument. Let us encourage the corporations prepared to make a genuine donation, but not get involved in the commercial activity of selling the names of educational programs.

I now refer to the Minister's suggestion for a public education foundation. It is a good suggestion. It is a straight steal from New South Wales, which has a public education foundation. It is the sort of thing the Labor Party would want to do if it were in government, because it would deal with the potential inequity between schools as some schools have access to sponsorship and others do not. A public education foundation could be used to support the needy schools.

Mr BARNETT: I am aware that New South Wales has moved down the path of a foundation, and the policy I have suggested has been talked about for a year.

Mr Ripper: We have talked about it for a year.

Mr BARNETT: But the Labor Party did nothing.

Mr Ripper: Neither has this Government yet.

Mr BARNETT: Most of the assets of the Public Education Endowment Trust consist of real estate, and there are limitations on turning that real estate into income and interest earning income. We are progressing a report through the Department of Education Services. Much work has been done on that to allow the establishment of a foundation, to turn that into money that can generate donations to government and non-government schools, and also to provide a vehicle into which people can make contributions. The Labor Party should not crow about this too much because when I detail some of the uses to which that fund was put in the 1980s, it will embarrass a number of people in this Chamber. It was clearly abused by the Labor Party, and used for all sorts of reasons not related directly to education. There were many self-interested and inappropriate uses of that fund. One reason it needs to be properly set up is to protect it from that abuse.

Mr Ripper: What are you talking about? You are making unsubstantiated allegations to which no-one has a chance to respond because you have not provided any details.

Mr BARNETT: I will bring them to the Chamber. There is no doubt that the fund was abused under the Labor Party.

Mr Ripper: So far the allegations are unfounded.

Mr BARNETT: I will substantiate them when I bring a report to the Parliament.

Mr Ripper: So have you.

Mr BARNETT: No, this Government has not.

Mr Ripper: It is not an appropriate use of this debate to make such allegations.

Mr BARNETT: The Government has used the fund most carefully for education purposes. It was used for other purposes under the Labor Party. Members opposite should not buy into this. I give members opposite a tip that they would be safer saying nothing at this stage.

Mr Ripper: The Minister has made an allegation and presented no evidence. It is impossible for anyone to respond to that. If you want to deal with it properly, bring in a 20 minute ministerial statement and we will respond.

Mr BARNETT: I suggest that the Deputy Leader of the Opposition ask me a question about it in question time on Thursday and I will respond. If he really wants to know, he should ask me how the Labor Party used the Public Education Endowment Trust and I will give the details.

Mr Ripper: I take it we will look at how all Governments have used it.

Mr BARNETT: The current Government is absolutely accountable. If the member wants the information, I am happy to table details of the Labor Party's use of the fund. I have never exercised any discretion over that fund. I have always received advice, and it has always been properly used. That did not happen under the Labor Government.

Mr Ripper: Ministers accountable to Parliament made decisions.

Mr BARNETT: Under Labor, they made very selfish and poor decisions. There seems to be a philosophical difference between us and I suggest we do not argue the matter further. I reassure the Committee that I am not about

to close down or abolish the Quit cup, and neither will I abolish the Shell music concert. I support them both. Neither will I abolish the maths competition sponsored by Westpac, the CSIRO awards in schools, the awards from the Institute of Engineers, nor the rock 'n roll eisteddfods which have been sponsored by the SGIO and Healthway. I fully support them.

Who among members of this Parliament gives a prize to a school and calls it, for example, the Eric Ripper award for excellence? I donate awards, although I do not attach my name to them. However, many members attach their names to awards in schools. Is that inappropriate? I do not think it is. I thank them for giving awards and prizes to schools. Is the member suggesting that should not be allowed? Members on both sides of the Chamber attach their names to awards, trophies, scholarships and perpetual shields. All sorts of organisations do that. Rotary Clubs do the same. Should they not donate shields to schools for interfaction sports?

Members opposite should rethink this issue. I will not labour the point. Appropriate safeguards are needed. I do not want promotion sales through schools or inappropriate products or messages promoted in schools. However, many proper and responsible corporate citizens, organisations, and public campaigns get their message across through the schools. As long as the guidelines are tight and the policy is clear, it is appropriate and I do not intend to abolish it. I thank all those organisations for their support of schools.

Mr RIEBELING: Members on this side thank those sponsorship people as well, but for different reasons. It is obvious that the programs the Minister has listed are all worthwhile and should be applauded. However, why does the Education Department not pay for these events itself?

Mr Barnett: Are you devoid of innovation? Do you want to control everything people do? Why not let a group outside education show an interest and do something?

Mr RIEBELING: The Minister's problem is that he does not think the Education Department has the ability to do anything innovative. The Minister thinks that innovation comes only from the private sector.

Mr Barnett: They do lots of great innovative things, but I do not think others should be excluded. I want the community to be involved.

Mr RIEBELING: It is a cop-out because the Government has not funded those sorts of events. They are good, but the whole of the State should benefit from that sort of sponsorship.

Mr Barnett: They do.

Mr RIEBELING: Places such as Roebourne are not able to attract sponsorship in the same way as other places are. The Minister mentioned Woodside, which is a company based in my area, and it sponsors a lot of activity. I do not know whether Roebourne schools benefited from the computer program. The ability of schools in places such as Roebourne, Wickham and, to a lesser extent, inland towns -

Mr Barnett: Hamersley Iron and BHP have been generous sponsors to Pilbara schools.

Mr RIEBELING: Yes, they have and in many cases, because of their generosity, kids have not missed out. However, that should not have been an issue because the Education Department is there to provide those services. The average person thinks the Education Department should provide equal access to education throughout the State. If a corporate sponsor is needed to provide a level playing field, it is an indictment of the Government. We should not applaud the prospect of companies making up the shortfall which the Government has refused to provide to our education system. Many country people in Western Australia believe that companies already provide bricks and mortar in town, provide business opportunities and pay a lot of tax; therefore, it is a little much to be asking the companies to provide a lot of educational programs as well.

Mr RIPPER: The Minister has named a number of worthy citizens, corporate and otherwise, who have sponsored activity in schools. The Minister asks whether members of Parliament might be caught by this provision as they sponsor citizenship awards. I do not know whether a citizenship award relates to the naming of educational activities. I doubt that such matters are covered by the wording of my amendment. The Minister might think it is appropriate for an Eric Ripper citizenship award to be offered in a school in the Belmont electorate, which I represent. However, would he regard it as appropriate for a civics or history course at Belmont Senior High School to be called the Eric Ripper civics course or history course? The Minister would not regard that as appropriate.

Mr Barnett: You're right there!

Mr RIPPER: The Minister has quoted a number of across-system programs, like the Quit cup and the Shell music concert. We are moving to a system in which schools will individually arrange sponsorship. It will go beyond the mere acceptance of a donation, and become trading in a commercial asset; that is, the naming of an educational

activity or program. For every worthy project and sponsorship the Minister can name, I can name an inappropriate sponsorship; namely, those about which parents would be most unhappy.

Mr Barnett: Would the Deputy Leader of the Opposition object to the corner deli buying the local kids a new footy jumper carrying a small "ABC Deli" logo?

Mr RIPPER: No. I refer to the naming of educational activities. Organisations should be able to make donations, and schools should make a modest acknowledgment of the source of the donation. I do not mind if Woodside donates 25 computers to a school and a plaque is erected in the computer room outlining that the computers were donated by Woodside. That is fine. It is donating, not trading. I do not suggest that schools should be prevented from the courtesy of acknowledging a donation. However, we should take steps to ensure that equity applies. It is a good idea to establish the public education scheme, as operates in New South Wales, and I encourage the Minister in that regard. However, I am concerned about a future in which a school which is short of government funding may feel under pressure to trade away the commercial asset of the name of its educational programs in return for sponsorship. I want to place some limits on that possibility. That is the purpose of my amendment. If we have a free-for-all in sponsorship, inappropriate sponsorship will occur. We will see the introduction of corporate and commercial values into the school system, which we will all regret in the end. There is already little focus on much apart from commercial and corporate values in today's society.

Mr BARNETT: We could argue this point for hours. I refer members to clause 204(1), which makes it clear that it is a ministerial responsibility to do all things necessary for the purpose of furthering the best interests of students and educational programs in government schools. No Government would tolerate inappropriate, crass commercial arrangements in schools. Quite strict policy guidelines will be laid down. Ultimately, a contemplated arrangement will be subject to the guidelines and the school council. If the arrangement were inappropriate, the Minister could overrule it on the advice of the director general. We will not see abuse or misuse of this provision. Where companies supply or provide facilities, recognition is appropriate. When companies are involved with the prestigious events, such as the Shell music concert, why not allow it? Talented young musicians strive to qualify to compete in such events. It is entirely appropriate. I doubt whether Shell sells one more litre of petrol as a result of its involvement in that concert. It is supporting education and being corporately responsible.

Mr Riebeling: Shell always sponsors things because it does not sell!

Mr BARNETT: This is a clear point of distinction between the Government and the Opposition. I restate that I support the Quit cup, the Shell music concert, Westpac's sponsorship of the maths competition, the CSIRO award, the institute of engineers' awards, and SGIO's and Healthway's sponsorship of the Rock Eisteddfod Challenge. Such arrangements are entirely proper. Let the record show that the Government, the coalition of Liberal and National Parties, supports such arrangements - the Labor Party opposes them.

Mr RIPPER: Let the record show that the Labor Party supports these activities but does not wish to see them named after commercial sponsors. They are worthy activities, and support from corporate donors is welcome. This should be acknowledged in a modest way. However, it should not extend to the naming rights for an educational activity, which would be schools trading in a commercial asset.

Mr RIEBELING: Let the record also show that the Minister thinks that corporate sponsorship is not designed to promote a product. That is a worry to the whole education system. If the Minister thinks that SGIO and other organisations sponsor the Eagles not expecting to receive any sponsorship benefit, he is in cloud-cuckoo-land. It is a stupid thing to say. We hope the Press picks it up.

Amendment put and a division taken with the following result -

Ayes (15)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Brown	Mr Grill	Mr McGowan	Mr Thomas
Dr Edwards	Ms MacTiernan	Ms McHale	Mr Cunningham (<i>Teller</i>)
Dr Gallop	Mr Marlborough	Mr Riebeling	

Noes (26)

Mr Ainsworth	Mr Court	Mr Masters	Mr Shave
Mr Baker	Mr Cowan	Mr McNee	Mr Sweetman
Mr Barnett	Mr Day	Mr Minson	Mr Trenorden
Mr Barron-Sullivan	Mrs Edwardes	Mr Nicholls	Mrs van de Klashorst
Mr Board	Mrs Hodson-Thomas	Mrs Parker	Mr Wiese
Mr Bradshaw	Mr House	Mr Pental	Mr Osborne (<i>Teller</i>)
Dr Constable	Mr MacLean		

Pairs

Ms Warnock
Mr Kobelke
Mr Carpenter
Mrs Roberts

Dr Hames
Mr Kierath
Mr Tubby
Mr Marshall

Amendment thus negatived.

Mr BARNETT: I move -

Page 134, after line 21 - To insert the following subclause -

(5) An agreement or arrangement for advertising or sponsorship in relation to a government school is not to be entered into by the principal of the school acting -

(a) in exercise of the power conferred by subsection (2) (d); and

(b) as the subdelegate of the Minister under section 213,

unless the Council for that school has approved the agreement or arrangement.

This amendment alludes to some of the factors raised by the Opposition. Very clear policies on sponsorship arrangements will be set at government and departmental levels. Within those policies, individual councils can make decisions. In no way will inappropriate decisions be made. I am prepared, within the context of those guidelines, to put confidence in school councils.

Mr RIPPER: The amendment moved by the Minister substantially covers the areas of my amendment to this clause which proposed that an agreement or arrangement for advertising or sponsorship have no effect unless approved by the school council. However, what occurs if the school principal enters into such an agreement despite the provisions of this legislation? Is the agreement null and void, or is the agreement in effect and the principal disciplined for breaching the Act? My amendment contains provision for sponsorship requirements to be prescribed by regulation. Is it intended to have regulations related to sponsorship and advertising?

Mr BARNETT: A mix of policy guidelines and regulations will address that. Some drafting complications have arisen. The principal can act only as a subdelegate, effectively of the Minister, but through the Director General. Those powers will be exercised by the Director General.

Mr Ripper: What is the legal effect if the principal signs up with a local real estate agent and agrees that there should be a sign in the school grounds? Does the real estate agency have any redress against the principal, the school or the system?

Mr BARNETT: It would be within his delegated powers. Such an action would be outside the criteria. Who can imagine all the scenarios it might involve? At the end of the day, if the Director General thought the arrangements were inappropriate, he could stop that arrangement. Who can anticipate what will occur? There is always the danger of a con man who appears to be promoting something which is appropriate, when in fact he is promoting something that is inappropriate. Mistakes may be made and therefore the Director General will have the ability to correct such mistakes.

Mr RIPPER: Under clause 204 or any other clauses of the Bill, who approves the Westpac maths competition, the Quit cup football competition or the Shell music concert? I could quote other potential instances that might come to the Minister's attention.

Mr BARNETT: Anything that is across the system in that sense is approved by the Minister; in reality, powers are delegated to the chief executive officer.

Amendment put and passed.**Clause, as amended, put and passed.****Clause 205 put and passed.****Clause 206: Licences for use of certain property -**

Mr BARNETT: I move -

Page 136, after line 11 - To insert the following subclause -

(4) A licence for the use of tangible property that is vested in the Minister is not to be granted

if the use of the property would adversely affect the safety or welfare of students, teaching staff or other persons employed at any school to which the property relates.

That is a self-explanatory amendment.

Mr RIPPER: The amendment moved by the Minister will obviate the need for the Opposition to move its amendment listed in the addendum to the Notice Paper. The incidents which promoted the Opposition to foreshadow this amendment relate to the establishment of mobile telephone towers in school grounds, to which some parents have expressed resistance. It has been debated whether these towers potentially endanger the health of children. The Opposition will not allow licences for the use of school property if a risk or a potential risk to the health of children exists. The Minister's amendment is a little more restrictive than the Opposition's. The Opposition's amendment uses the words "potentially endanger" whereas the Government's amendment contains the words "would adversely affect the safety and welfare of students".

A more stringent case must be made for the activity endangering the health of students before the Government's clause is triggered; whereas one only need argue that an activity potentially would endanger the health of children under the Opposition's proposition. Nevertheless, the Government's amendment will be carried and the Opposition will not, therefore, seek to move its amendment. Will mobile telephone towers be excluded under this clause?

Mr BARNETT: The argument might include mobile telephone towers. It would not be relevant under this clause because there would be a five year licence only in any case. However, there has been much debate around schools about mobile telephone towers. The scientific evidence is in dispute. The Education Department, with my support, adopts a very conservative approach on school sites. If there is anything within the surrounding area that is of concern, whether a proven health hazard or not, a conservative view is taken to minimise the proximity of a school site to anything that might impact on the health of children. Obviously, in a built up urban area there are constraints on that. However, it is something that is taken into account consciously in planning future school buildings. We are hesitant to expend millions of dollars on new buildings if there is a potential health risk in the area. We tend to stay clear of water treatment plants, for example. The jury is out on the scientific evidence on mobile phone towers. However, if we can we stay clear of them.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 207 and 208 put and passed.

Clause 209: When school fund to receive money paid for advertising or sponsorship -

Mr RIPPER: What action will be taken if generous sponsorships are provided to schools? Will schools be able to accept any level of sponsorship, or is it intended to tell a school that the \$1m it got is too much and some of it will be taken into the public education foundation?

Mr BARNETT: In some respects, I guess that would be a nice problem to have. I know the sentiment that the member is getting to and I agree. If there were what might be regarded as an excessive level of sponsorship for a government school, my approach would be to allow some of the sponsorship for the school and some of the sponsorship to be distributed to more needy schools or into a foundation. Although it is not stipulated, commonsense dictates that there is a level above which it would be inappropriate.

Mr Ripper: I guess the Minister acts as a delegate of the chief executive officer.

Mr BARNETT: Yes. The Minister of the day will rely on the CEO and principals to be well informed on this. I do not think the Deputy Leader of the Opposition will see any great rush. There will be modest sponsorships perhaps of computers by a local firm or football jumpers, or whatever it may be. I suggest that one of the guidelines would be that any large sponsorship be referred to the Director General of Education; and a very large one to the Minister to be looked at for its appropriateness. In that case, if I were the Minister and if it were a company, I would talk to the company and suggest that the sponsorship be distributed more widely.

Clause put and passed.

Clause 210: Power to exempt -

Mr RIPPER: The Opposition opposes clause 210, which gives the Minister power, by order published in the *Government Gazette*, to exempt a school or class of schools from the provisions of this Act. We spent many hours in this House debating the provisions of this Bill which should apply to government schools. We have had much debate over the intricate detail of those provisions. This is a clause which could completely nullify all of the debate and decision making which we engaged in. This is not an insignificant matter.

There are people who would like to see what they call charter schools. Charter schools would be schools removed from the government school system except for their receipt of government school funding. A charter school would be a private school except in the funding sense. It would be a government funded private school accountable only in its being measured against its governing charter. The Opposition does not oppose innovation within the government school system. We are concerned about right wing conservative ideologues who promote the concept of charter schools. These schools could become selective in their enrolment. They could appeal to particular segments of society, creating problems of inequality of educational opportunity and not fulfilling the role of the public school system, which is to promote social cohesion. We support a well resourced public education system which includes not only schools but also support for schools and educational leadership which is provided by people in the system but outside the schools. This clause opens the way for the potential destruction of the government school system. We have spent much time debating all of the rules, which should apply for the effective operation of the government school system. If this clause is passed, the Minister, by order, could exempt one or all schools for a specified period - which could be a 10 or 20 year period - from the provisions of this Bill. The order under this clause is subject to disallowance by Parliament. However, the disallowance provisions in this House are most unsatisfactory. The Minister can make an order under this legislation; the Opposition can move a disallowance motion; however, the disallowance motion might never be considered by this House because there is no requirement for a disallowance motion to come on for debate. I suppose I should amend that example.

Mr Barnett: If it is not dealt with then it has the effect.

Mr RIPPER: My understanding is that the regulation remains in force until it is disallowed. The other place has a disallowance mechanism in which the disallowance motion must come on for debate and, therefore, a decision must be made. I am concerned about the potential misuse of this power. That is why the Opposition opposes this clause. Will the Minister deal with the question of charter schools in his response and let us know how he intends to use this clause should it be endorsed by the Parliament?

Mr BARNETT: This is another one of those broad philosophical areas that come into play. Certainly the Government favours the trend of devolution of responsibility in government schools. However, commonsense would dictate in this State that although some schools may be able to assume more of their own decision making powers, it is not practical for many schools. It is no criticism of them; it is because of their isolation, geographic location, student population or the communities in which they are located. I support the idea of schools which are able to do so taking on a greater degree of self-management. We are, in a very conservative, slow way, moving down that path. Some States are rushing at it. There are advocates of charter schools, where essentially a school is privately run but publicly funded. There is great merit in a school being given a one line budget and the principal and school council managing the school and determining its programs according to policy and so on; but we are not at that stage yet. It will emerge and evolve, but it will not be foisted upon schools. However, it is the direction of education in this country and many other parts of the world. It is interesting that the member sees this in terms of disadvantaged schools or two tiered systems. I suppose that reflects where the member is coming from.

Mr Ripper: I am a member of the Labor Party.

Mr BARNETT: The idea is coming from a very dark alley. We might get degrees of self-management almost approaching a charter school model specifically where there are disadvantaged children because for whatever reason - behavioural patterns or lack of conformity with traditional education - they do not fit into a conventional school. Therefore, the school and its management do not fit into the conventional rules of the day. For example, the Fremantle Port Community School has a group running it independently and receives significant government funding. That may be the sort of model we will see emerge. Because it is run under a different philosophy, ethos and structure, it can work for young adolescents who have typically not fitted into the system and have dropped out of school. Equality of opportunity in education might mean that for some disadvantaged groups the charter school model is appropriate. We have yet to get there, but we hope to see soon the establishment of the first school for Aboriginal students within the government school system. If we establish an Aboriginal school, it will have sets of rules and operations different from those of a typical government school in the system. It may well operate in a manner approaching a charter school.

I do not look at this in the same way as the member. This flexibility of management might be the way to help groups of students who are missing out and dropping by the wayside. Again, it requires parliamentary approval. I assure the member that the Government is not hell-bent on going down the path of charter schools. However, we are moving progressively to a more devolutionary system.

Similarly, some of the new school structures we are looking at in this State place a strong emphasis on vocational arrangements and the like. Local communities, local government and local business groups may take a stronger role in the management of those schools, not to impose their values or interfere with the educational structure, but rather to provide training, work experience and employment opportunities for young people. There will be no radical,

dramatic change but this clause allows progressive change to take place and has within it the check of parliamentary approval through the disallowance procedure.

Mr MARLBOROUGH: The Minister paints a picture of a model that will work when events are progressing at the same level; that is, there is a willingness on the part of parents to become involved to a certain degree and a capacity for industry to get involved through sponsorship arrangements and so on. We know, of course, that in the real world that will not happen. The Minister has already admitted that he is having great problems with his model because the model allows individual schools to determine their policies. If we take my electorate of Kwinana, what does that mean in reality? It has a high school and five state primary schools in a town of 30 000 people, who have varying views on how education should advance there. I suggest that Kwinana is an interesting model. We will keep a close eye on it by definition under the Minister's proposal. It is an interesting example of where education will head under the Minister's model because it is geographically detached from the rest of the metropolitan area. It has a village atmosphere.

At this very early stage of the Minister's model, I am already seeing principals who cannot agree on a general direction. Major blues have been occurring in the town. Principals under the Minister's model have been lobbying me as the local member about what they are up against in their meetings. They come together once a week or once a fortnight and talk about the creation of a middle school at Kwinana Senior High School and the closure of Orelia and Medina Primary Schools. Before we get to the parent level, every principal seems to have a different view of how education should advance. The reality is that in the education system principals come and go. In a low socioeconomic area they tend to come and go fairly rapidly. They usually come just as they are about to take their long service leave and they usually go as soon as the next promotion comes along.

In reality we will not have the smooth running model of which the Minister talks, where all principals and parents will be up to speed, know what they want and be progressive. We will have a mishmash of approaches which will be in a constant state of flux. Each principal will want to put his or her impression on how the school should run. I am sure that the Minister will argue that, under his model, the potential for that will be minimised because parents will be involved in the decision making process. The Minister seems to be saying something different from his statements a couple of weeks ago. He has publicly admitted major problems exist in the process of evolution of the education system from suburb to suburb. Those problems will continue. Some groups of parents will be better placed through their educational backgrounds, their wealth and their opportunities. They will handle decisions far better than other groups of parents. That is a fact of life. I am not sure that I would want to have a process whereby parents who do not have the skills determine education standards for the children whom I represent.

Mr CUNNINGHAM: I am totally spellbound by what the member for Peel is saying. I do not believe I have heard enough of what the member for Peel is saying. I would like to hear some more.

Mr BARNETT: I do not particularly want to hear any more because clause 210 does not relate to what the member for Peel is talking about. He is talking about the process of local area education planning. This clause is not about that; it is about devolving management responsibility to schools. One aspect is the geographic structure of schools, whether senior colleges or middle schools. The member for Peel may have been wheeled in to filibuster, but this provision is about decision making in schools. If the member wishes to filibuster, we will be here until breakfast time.

Mr RIPPER: Throughout this debate, the Minister has promoted the virtues of the flexibility of the Bill. Every time the Opposition has moved an amendment, the Minister has rejected it; he has argued that the Opposition's amendment is too restrictive and will disturb the flexibility inherent in the Bill. The Bill contains many flexible provisions; yet now the Minister wants the be all and end all of flexibility - the power to completely dispense with any provision in the Bill and prevent it applying to a school or a class of school for a specified time. I suppose the Minister could issue an order that a class of school be exempt from certain provisions of the Act for 20 years. That might place an incoming Minister for Education in a reasonably difficult position. I am not sure whether there is any provision to rescind the order. I suppose the Parliament could amend the legislation and overturn the order that way; and an incoming Government might have that ability. There would be obligations to that group of schools that was theoretically given benefits by the order, and those obligations might need to be met in some way.

The Bill contains sufficient flexibility. The Minister has argued during the many hours of debate the benefits of the flexibility in clause after clause. I do not think we need this mega clause at the end, giving the Minister power to exempt any school or class of school from the provisions of the Bill. It is a Trojan Horse. It is a good idea to provide some innovative programs. The Fremantle Port Community School is an interesting experiment. I have visited the school, I have talked to the people there, and I wish them well. However, the agenda here is not the agenda of providing for alienated street kids or Aboriginal children. The agenda is coming from the Centre for Independent Studies and other right-wing think tanks. The agenda is for charter schools -

Mr Barnett: The agenda is not my agenda.

Mr RIPPER: I am glad it is not the Minister's agenda. However, it is the agenda of some, and I know that this is not the worst of what could have been put into the legislation.

I am still concerned about the potential ill that could result from the operation of this clause. I know that the Minister is thinking at the moment only about the Fremantle Port Community School, Aboriginal people and so on. However, others want to deconstruct the whole public education system, to provide the equivalent of private education with its selective and elitist features, at the cost of the public purse. Those people would receive the benefits of both worlds - having a selective private school without having to pay the costs which people must now pay for that choice. As a community, we would lose leadership from a public education system which is more than just a collection of schools. Our schools, particularly in the more challenging areas, would lose support from an education system which has reached a critical mass and which can provide various services to schools, some curriculum professional development opportunities, and progressive policies. We oppose the clause. It gives the Minister too much power.

Mr Barnett: Trust me!

Mr RIPPER: Trust me! We have spent a long time debating the legislation. It is flexible enough. If the Minister wants to strike out in a new direction in education he can return to this place with an amendment to the School Education Bill, and we will deal with it properly.

Clause put and a division taken with the following result -

Ayes (26)

Mr Ainsworth	Dr Constable	Mr MacLean	Mr Pendal
Mr Baker	Mr Court	Mr Masters	Mr Shave
Mr Barnett	Mr Cowan	Mr McNee	Mr Trenorden
Mr Barron-Sullivan	Mr Day	Mr Minson	Mrs van de Klashorst
Mr Bloffwitch	Mrs Edwardes	Mr Nicholls	Mr Wiese
Mr Board	Mrs Hodson-Thomas	Mrs Parker	Mr Osborne (<i>Teller</i>)
Mr Bradshaw	Mr House		

Noes (14)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Brown	Mr Grill	Mr McGowan	Mr Thomas
Dr Edwards	Ms MacTiernan	Mr Riebeling	Mr Cunningham (<i>Teller</i>)
Dr Gallop	Mr Marlborough		

Pairs

Dr Hames	Ms Warnock
Mr Kierath	Mr Kobelke
Mr Tubby	Mr Carpenter
Mr Marshall	Mrs Roberts
Dr Turnbull	Ms McHale

Clause thus passed.

Clause 211: Review by Minister or delegate -

Mr RIPPER: In part, the clause states that a person who is aggrieved by a decision made by any person performing a function for the purposes of school education, and concerning an individual student, may, in addition to any other right under this Act to have the decision reviewed, request the Minister to review the procedure by which the decision was made. Later on it states -

If, on a review under this section, the Minister is of the opinion that -

- (a) the decision was made without compliance with the applicable procedure;
- (b) the procedure by which the decision was made was unfair, defective or inadequate; or
- (c) the information available to the person who made the decision was inadequate,

the Minister may recommend that the person who made the decision review the procedure and may recommend the procedure or information that the Minister thinks appropriate for that review.

The Opposition thinks this review clause is not adequate, for a couple of reasons. Firstly, the review will be by the Minister or by a delegate of the Minister; yet the Minister is responsible to this Parliament and to the public for the overall operation of the education system. The person responsible ultimately for the education system is the person who will conduct that review on behalf of the Minister. That is Caesar reviewing Caesar and it is not an adequate response.

Secondly, the review will be targeted to the decision making procedure and the information on which the decision was based. It will not be targeted at the merits of the decision. The decision may be made according to the appropriate procedure, on the basis of the appropriate information, and it still may be a very unfair and incorrect decision. An unfair and incorrect decision according to the right procedure and on the basis of the right information will not be challengeable by this review process.

Thirdly, no public scrutiny will be attached to this review process. The Minister or the Minister's delegate may review and communicate with the decision maker and say he has used the wrong procedure or he has used the wrong information and that is it. A genuine review process should be independent of the Minister, should be capable of dealing with the merits of the decision, and should be subject to public scrutiny. We need in the education system the equivalent to the Ombudsman or the parliamentary commissioner. I am not suggesting that the power should be taken out of the hands of the Minister. In the end, the Minister is responsible to the Parliament and the public for the operation of the education system. We cannot have some independent review or reviewer or an independent ombudsman effectively administering the education system by overturning the decisions of the Minister. The Minister is the responsible person, and the Minister must be the accountable person. A place can be made for someone to review the merits of the decision; someone who is independent of the Minister. A place is available for that person to be able to make recommendations for action which are subject to public scrutiny. If that happens, the Minister might still maintain the original decision, but the public and all involved will have had a chance to see that the Minister has taken into account, or not taken into account, the recommendations of an independent reviewer. It might be argued that I seek to remove ministerial powers of review and that that would be a bad thing; and that while it might be a good thing to have a review by an education ombudsman, the Minister must have the capacity to examine things that have gone wrong in the system. I do not think that is the case, because the Minister has general powers under other clauses of the Bill. For example, clause 204(1) states -

The Minister may do all things necessary or convenient to be done for the purpose of furthering the best interests of students and educational programmes in government schools.

With regard to government schools, the Minister already has the review powers that are provided in clause 211. I do not think that we will lose in addition from this Bill by deleting clause 211 because these powers are already in clause 204.

Mr BARNETT: We have gone to great lengths to have advisory and review panels of various sorts built into this legislation. I remind the House there is a school attendance panel, a school discipline advisory panel, a disabilities advisory panel, a home education advisory panel, a community kindergarten advisory panel and a non-government schools advisory panel. I argue very strongly that all of the various issues and interests groups are well accommodated within this legislation.

The Opposition proposes a position of education ombudsman. Ombudsman is not a term that is used in Western Australian law; it has no meaning as such. However, an ombudsman would be able to comment, and to make rulings and findings on the process. If an education ombudsman were appointed, that would deny people the ability to go to the Minister and would deny the Minister the ability to exercise a ministerial discretion, because the process of appeal would be for people dissatisfied with the appeal and panel processes to go to the ombudsman. All he could do is comment on the process and whether it was right. He would not be empowered to comment on the merits of the decision. The member opposite has been a Minister and I think he would agree that circumstances arise, particularly in portfolios such as Education and Health, in which despite all of the processes that may have been done quite properly and scrupulously, a decision is made that is not the right decision, and that is when the Minister has that discretion. Based on my experience in Education, and on that of Ministers previously, I think ministerial discretion has been used well and wisely within education, because some circumstances do not fit the rules, and an ombudsman will not solve that; it might be on grounds of compassion, on commonsense, or on the recognition of some of the wider influences in the community outside of education itself. I therefore strongly oppose this.

The issue was raised by the Western Australian Council of State School Organisations; we discussed it with it. A differing view is held by many of the people with whom I discussed it when they realised that it would effectively cut off the right of a complainant - of a parent typically - to go right to the Minister. That would be lost in the process. It would be a loss of accountability and a loss of appeal rights. The state Ombudsman, Mr Murray Allen, has commented on this proposal and written to the member opposite and to me. He said in that letter that under Mr Ripper's proposal, he would not have the power to investigate the merits of the final decision by the Minister under

the proposed clause. The Minister of the day provides that discretion on the merits of the case. Despite all the processes, one might every now and then end up with a decision which lacks in compassion and sensitivity or it might just be inappropriate. The Minister has an ability to exercise discretion; no rule book, just make a commonsense judgment presumably based on advice, but with that person's input to it. An ombudsman would be caught up in the due process. In issues such as children with disabilities, the process might be quite proper, but at the end of the day, the Minister might say that on compassionate grounds, or in the interests of the other children in the school, or whatever, he does not believe that is the right outcome and this should be done. The Opposition will remove that judgment.

I think education would be poorer if that judgment and discretion of a Minister were removed. The Minister is the most accountable of all people - accountable publicly through the media, to the Parliament, and through all the debates and sanctions that can be imposed through this place. That element of discretion should be retained and therefore I oppose this. I think adequate processes are in place, and ultimately if all of these appeal panels fail, the judicial system is available for the people to use.

Mr RIPPER: I draw the Minister's attention to subclause 2(d) of the amendment proposed by the Opposition which includes the words "the decision was questionable". That will allow the education ombudsman to make recommendations on those matters of discretion and judgment, which I call the merits of the issue. I do not accept that the ombudsman would not be able to consider the merits of the issue as well as the processes and the basic information. One of my criticisms of this clause is that neither the delegate of the Minister nor the Minister can question the judgment or the exercise of discretion engaged in by the decision maker. The Minister or his delegate can review only the process and the information base.

The Minister is correct that a number of unique issues can arise in education in which it is hard to apply a standard rule and someone must make a judgment on what is fair and reasonable. This would apply in cases in which the education of children with disabilities is being considered. It is necessary that a review process deal with more than just the information and the processes. In education, as in some other areas of social policy, it is practically impossible to design a rule that will be satisfactory for all cases and circumstances. In the end someone must make a judgment. The review process that I am proposing does not prevent a person's applying to the Minister for redress of his or her problem, particularly if he or she is connected with a government school. A person can ask the Minister to exercise his or her powers under clause 204. If a person does not believe that he will get a good response from the Minister and he wants to apply some additional pressure to the Minister or he thinks that the Minister is too identified with the policy which has given rise to the incident of which he complains, under my proposed amendment he can go to the education ombudsman for review of the decision. The matter would still be determined by the Minister as the ultimate person responsible for government schools. However, the Minister would make the determination with the advantage of recommendations from the education ombudsman and being subject to public scrutiny. That is because under my proposed amendment those recommendations would be publicly gazetted. One of the difficulties with the clause is that the reviewer is not independent of the Minister. The Minister may be the reviewer. If it is not the Minister, the recommendations are not available for public scrutiny and no-one will ever know the nature of the report the Minister received from the reviewer. It is a secret review process and the public does not know that the Minister might be making a decision that is contrary to the recommendations of the reviewer.

Mr BARNETT: All of the review and advisory panels that I have detailed are designed to resolve conflicts within the organisation of education by involving all of the relevant participants - community representatives, parents and the like. Rather than the many decisions that currently come to the Minister, it is intended that the issues be resolved at an earlier stage. I find it bizarre that I have to formally approve the exclusion of children from school.

Mr Ripper: Does the Minister not have power to delegate under the existing Act?

Mr BARNETT: Not on that issue. They come to my desk - not many, thank goodness - and I have always followed the recommendations made to me. They need not come to the Minister. The panel structure will deal with issues at a lower level - for want of a better word. We all agree that some things will not fit the plan; they are unusual and, to use the member's term, are unique circumstances which require discretion. I would prefer that discretion is exercised by the elected accountable Minister and not by an education ombudsman. Ultimately, it is the Minister in any portfolio who must be accountable and therefore must have some discretionary powers to make decisions. The Minister will rise and fall on those powers and the decisions.

The Deputy Leader of the Opposition referred to his proposed amendment to insert new subclause (2)(d) in which the ombudsman can advise whether the decision is questionable. It might be that a Minister makes a decision about a child - for example, a child with a disability - but the facts are not proved conclusively and the decision is questionable because the medical and educational evidence is not conclusive. However, after considering the issue the Minister may think that he should develop a compassionate view that is sensitive to the school, the parents and the other children.

Mr Ripper: I accept that the Minister may disagree with the education ombudsman and have perfectly good reasons for doing so. My argument is that the proposed new clause will allow the education ombudsman to go to the merits of the issue.

Mr BARNETT: He cannot make the decision.

Mr Ripper: No. It is the Minister who is responsible for the administration of education, and I do not want that responsibility to be given effectively to someone else.

Mr BARNETT: Whether proposed new subclause (2)(d) will work is questionable and I doubt its practicality. The Bill provides for enough panels and appeal processes and fundamentally I believe that in any portfolio the ultimate decision lies with the Minister and the Minister is accountable.

Mr RIPPER: The Opposition will vote against clause 211 in order to provide an opportunity to move the insertion of the alternative clause, "Review by education ombudsman". In voting against a ministerial review, the Opposition does not believe that it is removing rights from the legislation because those rights are covered under other clauses which give general powers to the Minister.

Clause put and a division taken with the following result -

Ayes (26)

Mr Ainsworth	Dr Constable	Mr MacLean	Mr Pandal
Mr Baker	Mr Court	Mr Masters	Mr Shave
Mr Barnett	Mr Cowan	Mr McNee	Mr Trenorden
Mr Barron-Sullivan	Mr Day	Mr Minson	Mrs van de Klashorst
Mr Bloffwitch	Mrs Edwardes	Mr Nicholls	Mr Wiese
Mr Board	Mrs Hodson-Thomas	Mrs Parker	Mr Osborne (<i>Teller</i>)
Mr Bradshaw	Mr House		

Noes (14)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Brown	Mr Grill	Mr McGowan	Mr Thomas
Dr Edwards	Ms MacTiernan	Mr Riebeling	Mr Cunningham (<i>Teller</i>)
Dr Gallop	Mr Marlborough		

Pairs

Dr Hames	Ms Warnock
Mr Kierath	Mr Kobelke
Mr Tubby	Mr Carpenter
Mr Marshall	Mrs Roberts
Dr Turnbull	Ms McHale

Clause thus passed.

Clauses 212 to 219 put and passed.

Clause 220: Chief executive officer may give directions to a principal -

Mr RIPPER: I move -

Page 143, line 23 - To insert after "direction" the following -

provided that any such direction is consistent with any relevant industrial award, order or agreement.

The Opposition does not want to see any undermining of the industrial relations system. It does not believe in the Government's workplace agreements system. It believes in maintaining industrial awards, orders or agreements. Members on this side do not want the Education Department to tell a principal, regardless of what is in his enterprise agreement, that he must abide by a direction given to him under this legislation. They do not want directions under the Act to override people's industrial rights under awards, or more commonly today enterprise bargaining agreements negotiated with industrial organisations or the employer, in this case the Education Department.

Mr BARNETT: We have had this debate before. The Government does not support this amendment.

Mr BROWN: I support the amendment. It should be made clear in this legislation that such directions should be

consistent with awards or agreements. In the past the Government has said one thing and done another thing in relation to workplace agreements. Before the last election the Government told Western Australians that workers would be given the choice of whether they were employed under an award or a workplace agreement. Subsequently that situation has changed dramatically and employees, particularly government employees, have been told they will be engaged or promoted only on the basis of workplace agreements.

There was no question about the Government's commitment. One need only read the Liberal and National Party propaganda put out before the 1993 and 1996 elections to see that there was a choice. However, as I said, that is now not the case.

It is not just a simple matter of principle, because employees are much worse off because they were not given a choice. For example, cleaners employed in schools by contractors are paid the minimum wage rather than the award rate under the Hospital and Miscellaneous Workers Union. The difference between the state minimum wage under the Government's Minimum Conditions of Employment Act and the award rate is significant.

To tell us that instructions will not be given that are contrary to awards or enterprise agreements is not much comfort. This clause provides for the chief executive officer to give directions in writing to a principal of a government school concerning the principal's functions. The Opposition can see that, in turn, the principal could be instructed to give certain instructions to teaching or non-teaching staff. The Opposition has some concerns about this whether those instructions relate to employment conditions under workplace agreements or other conditions of employment contrary to awards or enterprise agreements. It is obviously a matter about which members on this side of the Chamber feel strongly.

I do not see any problem with this amendment. An industrial award, order or agreement is a legal document. We are not talking about a set of principles or practices developed by one side of the argument; we are talking about legal documents that are in force. I cannot see why the Government cannot accept the amendment unless it is proposing to reach a stage where directions may be given that are inconsistent with such industrial instruments. Surely that would be a retrograde step. Unless the Minister can provide me with an acceptable reason for rejecting this amendment it should be agreed to because it does not compromise the spirit of the Act.

Mr BARNETT: We have argued this at length in another context. The Government believes the amendment is redundant. I refer members to clause 224(3) at page 145.

The Government's argument is the same as discussed last week. It does not support the amendment.

Amendment put and a division taken with the following result -

Ayes (14)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Brown	Mr Grill	Mr McGowan	Mr Thomas
Dr Edwards	Ms MacTiernan	Mr Riebeling	Mr Cunningham (<i>Teller</i>)
Dr Gallop	Mr Marlborough		

Noes (26)

Mr Ainsworth	Dr Constable	Mr MacLean	Mr Pental
Mr Baker	Mr Court	Mr Masters	Mr Shave
Mr Barnett	Mr Cowan	Mr McNee	Mr Trenorden
Mr Barron-Sullivan	Mr Day	Mr Minson	Mrs van de Klashorst
Mr Bloffwitch	Mrs Edwardes	Mr Nicholls	Mr Wiese
Mr Board	Mrs Hodson-Thomas	Mrs Parker	Mr Osborne (<i>Teller</i>)
Mr Bradshaw	Mr House		

Pairs

Ms Warnock	Dr Hames
Mr Kobelke	Mr Kierath
Mr Carpenter	Mr Tubby
Mrs Roberts	Mr Marshall
Ms McHale	Dr Turnbull

Amendment thus negatived.

Clause put and passed.

Clauses 221 to 228 put and passed.

Clause 229: Advisory panels -

Mr RIPPER: I move -

Page 149, lines 10 to 13 - To delete the lines and substitute the following -

(3) A member of a Panel for a particular matter is to be a person -

- (a) who has such experience, skills, attributes and qualifications as prescribed by regulation; and
- (b) who is not an employee within the class referred to in section 223(1).

I have moved this amendment so many times to different clauses at different times throughout the Bill, that even I am becoming bored with it.

Mr Barnett: My answer gets more interesting.

Mr RIPPER: I hope the Minister has a different answer to give me because it might provide a modicum of interest. The point is the same as before, but it is still important. It is my view that there must be some predictability to and public consultation on the composition of these panels. If the composition of the panels is determined by regulation, that can occur in the promised consultation in the drafting of the regulations. We also think employees should not be part of the panels because they have an interest in these matters and that conflict of interest would be avoided if they were kept off the panels. That is a summary of the argument I have put at greater length earlier in the debate. The Minister is a repeat student so far as this debate is concerned, but regrettably he is showing no signs of further progress.

Mr BARNETT: I do not think the member will be surprised when I tell him the response of the Government is the same, and the argument is the same. This clause provides flexibility for the establishment of advisory panels in other areas. Existing panels or councils will be reconstituted under this clause; for example, the Aboriginal Education and Training Council, the Early Childhood Education Council, the Rural Remote Education Advisory Council or any other council or advisory panel will now be established under this provision. There is a high degree of flexibility within this clause to allow us to cope with those circumstances.

Amendment put and negatived.

Clause put and passed.

Clause 230 put and passed.

Clause 231: Legal proceedings -

Mr BARNETT: I move -

Page 151, line 12 - To insert after "Act" the following -

, other than for an offence under section 45,

Page 151, after line 21 - To insert the following subclause -

(3) Subsection (1) does not limit the ability of a person to make a complaint or conduct the prosecution of an offence if the person has authority at law to do so.

These amendments are purely to correct some discrepancies that would have existed in previous clauses.

Mr RIPPER: I am a little puzzled by these amendments. They refer to an offence under proposed section 45. That does not deal with offences, but with the conduct of prosecutions. I wonder whether the Minister can explain, perhaps with the benefit of some assistance from his adviser, what we are doing here.

Mr BARNETT: All prosecutions would be under clause 231 except those relating to truancy, which would be covered under proposed section 238. That is the explanation I have been given.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 232 put and passed.

Clause 233: Review of Act -

Mr RIPPER: I move -

Page 152, line 11 - To delete "5" and substitute "3".

Despite all the comments that I have made about various aspects of this legislation, there is a lot of merit in it. I do not anticipate that there will be terrible, unforeseen problems arising from its implementation. Nevertheless, it should be reviewed within three years rather than five years - that is longer than a parliamentary term. We would not be considering the results of a review until after two elections had been held if this clause were endorsed. We would be able to establish the existence of any problems after a couple of years. We should be reviewing it sooner rather than later.

Mr BARNETT: If a problem or inconsistency arises, Parliament is not prohibited from amending the legislation in the interim. The period of five years for review is a standard adopted throughout government, and it is appropriate for a major piece of legislation like this. Bearing in mind this is replacing 1928 legislation, we should let it operate for at least five years before we review it.

Amendment put and negatived.

Mr BARNETT: I move -

Page 152, lines 17, 18 and 19 - To delete the lines.

Again this is an editorial amendment because this belongs in clause 231.

Amendment put and passed.

Mr RIPPER: I move -

Page 152, after line 19 - To insert the following -

- (4) The review under this section must include consultation with -
 - (a) the Education Department of Western Australia;
 - (b) the State School Teachers' Union of Western Australia (Inc);
 - (c) the Western Australian Council of State School Organisations (Inc);
 - (d) the Catholic Education Commission;
 - (e) the Parents and Friends' Federation of Western Australia (Inc); and
 - (f) the Independent Schools Salaried Officers' Association.

Any sensible Government would consult with these major organisations in the education field. However, some concern has arisen about the way in which this legislation was developed. It is interesting that the conduct of the review of the legislation was the responsibility of the Department of Education Services rather than the Education Department of Western Australia. One would like to think that the provider of government schools education would be a major player in any review of the legislation. Other significant organisations should be recognised in the legislation as players that would need to be consulted in any review.

Mr BARNETT: The Government does not agree with the amendment, not because in any review of the Act it would not obviously include the Education Department. Indeed, it has been fully involved in the development of the legislation and has played a very constructive role. The State School Teachers Union has also played a role. The Western Australian Council of State School Organisations has played a role in a number of amendments to which the Government has agreed. The Catholic Education Commission has been actively involved, as has the Parents and Friends Federation and the Independent Schools Salaried Officers Association. I would expect them to be involved in any review.

It is dangerous to prescribe what groups should be involved for the obvious reason that they may change their names and that would create an anomaly. More importantly, as soon as we prescribe who should be involved we effectively prescribe who should not be involved.

Dr Constable interjected.

Mr BARNETT: What about the principals association, the Disability Services Commission, the Aboriginal Legal Service, the Law Society and so on? I am not saying that any of the groups should not play an important role - they

have played a role and will do so in the future. However, it is dangerous to prescribe who should be consulted and, therefore, by implication, who should not be consulted.

Mr RIPPER: There is no suggestion that others will not be consulted. The wording is "must include". That does not prevent more widespread consultation. At least two of the organisations on that list have asked the Opposition to support the establishment of a parliamentary committee in the upper House to hear further submissions on the education -

Mr Barnett: Will you name the organisations?

Mr RIPPER: I have already named them - the Western Australian Council of State School Organisations and the State School Teachers Union of Western Australia. I named them in the debate last week when we were having an exchange on the question of an upper House committee.

The point I am making is that two of the organisations on that list, despite the extensive consultation that the Government has claimed, have asked for consultation with the Parliament on the construction of this legislation. It is important that the need to consult these major players and others in the review of the legislation be underlined in this clause. Despite the fact that the Government says it has conducted extensive consultation, there is dissatisfaction, if not with its extent, then with its outcome. At least two major organisations have asked whether they can have a second bite at the consultative process because they hope they will find it easier to persuade a majority of the upper House to accept certain of their suggestions than it has been to persuade the Minister.

Could I ask the Minister for an assurance that when the review is undertaken, all these organisations will be consulted? However, to do that would be to assume that the Minister will still be the Minister for Education in five years. I do not want to make that assumption and the Minister is not in a position to assure me about what will happen two elections hence.

Mr BARNETT: I am happy to say that all of those groups will be involved in consultation; that is inevitable.

Mr Ripper: If you are the Minister.

Mr BARNETT: Any Minister would be foolish if he or she did not include those groups. The WA Council of State School Organisations made submissions during the consultation process. It made a constructive contribution and submitted a number of suggestions about amendments to the Green Bill, some of which the Government adopted in the final draft. Indeed, some of its suggested amendments have been moved by the Opposition and the Government has agreed to them.

It is interesting, however, that during the very extensive public consultation process involving some 14 000 copies of a plain English version of the Green Bill, and some 30-odd seminars around the State, the submission from the State School Teachers Union - a significant organisation - consisted of two pages that were sent to the department. I found that extraordinary. I had expected more from a professional body of teachers. It did produce a 12 page submission once the final Bill was introduced into this House. Ironically it circulated that to the Opposition and some members of the Government but failed to forward it to the Minister and to the normal consultation process.

By any standards, the State School Teachers Union did not perform at all well or at all professionally in consultation on a critical piece of legislation affecting some 25 000 teachers in this State. I was disappointed by that. It has made some suggestions recently which have had some impact. Parent and teacher bodies would naturally be included, but inclusion does not guarantee either a commitment or a quality submission on the matter at hand. In this case, the State School Teachers Union, with which I think I have a good relationship, did not perform well and did not serve its members well.

Mr Ripper: The State School Teachers Union supplied the Opposition with a submission, and we also met with representatives from that union and found its input useful. I cannot comment on what happened at meetings at which I was not present.

Mr BARNETT: Its input was made in February or March of this year, but an extensive consultation process had preceded that, so its input was very much after the event. Nevertheless, I suppose one can always say it is never too late. I as the Minister and the people who were working on the project believed that we would receive a significant public submission from the State School Teachers Union. That did not eventuate.

Amendment put and negatived.

Clause, as amended, put and passed.

Clauses 234 and 235 put and passed.

New clauses 236 to 266 -

Dr CONSTABLE: I move -

Page 152, after line 27 - To insert the following -

PART 7A - REGISTRATION OF TEACHERS

Division 1 - Interpretation

Definitions

236. In this Part, unless the context otherwise requires -

"employing authority" in relation to government schools means the Minister and, in relation to non-government schools means the person, board, committee or other authority by which the school is administered;

"prescribed" means prescribed by rule made by the Board under this Part;

"registered teacher" means a teacher registered under this Part;

"teacher" means any person who is or is eligible to be a member of the teaching staff of a government or non-government school;

"teaching staff" includes -

- (a) school administrators, that is -
 - (i) principals; and
 - (ii) any other office or class of school administrators whether prescribed by the regulations or otherwise;
- (b) teachers other than school administrators;
- (c) any other person employed in teaching duties whether of a class prescribed by the regulations or otherwise,

but does not include home educators.

Division 2 - Teacher Registration Board of Western Australia

Establishment of Board

237. (1) There is established by this Part a body to be known as the Teacher Registration Board of Western Australia.

(2) The Board -

- (a) is a body corporate with perpetual succession;
- (b) has a common seal;
- (c) may sue and be sued in its corporate name;
- (d) is capable of taking, purchasing, leasing, improving, holding, selling and disposing of real and personal property for the purpose of performing its functions and exercising its powers; and
- (e) is capable of doing and suffering all acts and things which bodies corporate may by law do and suffer and which are necessary or convenient to be done or suffered by the Board for the purpose of performing its functions and exercising its powers.

(3) The common seal must be kept as directed by the Board and must only be used as authorised by the Board.

(4) All courts must take judicial notice of the imprint of the common seal on a document and, until the contrary is proved, must presume that the document was properly sealed.

Functions of Board

238. (1) Subject to this Part, the Board has the following functions -

- (a) to establish, maintain and operate a system of registration of teachers in the State with a view to safeguarding the public interest in primary and secondary education by ensuring that it is only undertaken by fit and competent persons;
- (b) to determine minimum standards for registration;
- (c) to determine policy relating to the duties, functions and powers of the Board, including but not limited to -
 - (i) processing applications for registration, including processing of criminal record checks, verification of qualifications and assuring English language competence;
 - (ii) facilitating the registration of teachers from other States and Territories consistent with the principle of mutual recognition; and
 - (iii) formulating the accreditation of overseas qualifications;
- (d) to establish a code of ethics for the teaching profession;
- (e) to consult, confer and collaborate with employing authorities, teacher education institutions, the teaching profession, teacher organisations and associations and the community in relation to -
 - (i) standards of educational instruction in schools;
 - (ii) standards of care provided to students in schools; and
 - (iii) standards of teacher education courses;
- (f) to establish standards of professional performance and conduct;
- (g) to monitor the teacher registration system established under this Part;
- (h) to undertake relevant reviews and research projects as commissioned and funded by the Minister from time to time;
- (i) to undertake reviews and research projects using funds raised by the Board by its registration and assessment functions or funds provided by sources other than the Minister, or fees and charges collected by the Board;
- (j) to appoint such committees as it thinks fit to assist and advise it in the performance of its functions;
- (k) to conduct seminars and other educative forums in relation to any of the Board's functions under this Part;
- (l) to investigate, report and make recommendations to the Minister in respect of any proposal, matter or thing concerned with or relating to any function given to the Board under this Part;
- (m) to inquire into the conduct of any registered teacher under Division 4 of this Part; and
- (n) to determine minimum periods of teacher registration.

(2) The Minister must ensure that any report prepared under paragraph (i) of subsection (1) is tabled in both Houses of Parliament within forty five sitting days of the date of publication of such report.

Powers of Board

239. (1) The Board may exercise all powers necessary or convenient for performing its functions, including the following powers -

- (a) to request any person or body, governmental or non-governmental, to supply it with information needed by the Board to enable it to perform its functions;
- (b) to impose and collect fees for registration in respect of persons eligible to be registered as teachers under this Part, such fees being subject to approval by the Governor;

- (c) to authorise persons to employ as teachers persons who are not registered teachers, subject to any conditions which may be imposed by the Board;
- (d) to make rules as are necessary or convenient for carrying into effect the provisions, objects and purposes of the Board's functions including but not limited to rules with respect to -
 - (i) registration of persons as teachers;
 - (ii) the length of the registration period, which must not exceed 3 years;
 - (iii) cancellation of registration;
 - (iv) subject to subsection (2), any fee or fees to be paid by a person applying to the Board to be registered or in relation to an extension or cancellation of a person's registration; and
 - (v) the inspection of the Register of Teachers.

(2) A rule made by the Board has no effect unless it is approved by the Governor by notice in the *Gazette*.

Membership

240. The Board shall consist of eleven members appointed by the Governor of whom -

- (a) one shall be a qualified legal practitioner within the meaning of the *Legal Practitioners Act 1893* appointed on the nomination of the Minister to be a member and Chairman of the Board;
- (b) two must be the chief executive officers referred to in sections 145 and 217 respectively;
- (c) two must be persons nominated by the State School Teachers' Union;
- (d) one must be a person nominated by the Independent Schools Salaried Officers Association;
- (e) one must be a person nominated by the Association of Independent Schools;
- (f) one must be a person nominated by the Catholic Education Commission;
- (g) one must be a person who is engaged in the teaching of education at a university in the State with a status of not less than that of senior lecturer or the equivalent thereof;
- (h) one must be a person who is a member of and is nominated by the WA Council Of State School Organisations; and
- (i) one must be a person nominated by the chief executive officer of the Department of Family and Children's Services.

Terms and conditions of office of members

241. The terms and conditions of office of members of the Board are as set out in Schedule 3.

Proceedings of the Board

242. The proceedings of the Board are as set out in Schedule 3.

Validity of acts or decisions of Board

243. An act or decision of the Board is not invalid only because of a -

- (a) vacancy in the office of a member; or
- (b) defect or irregularity in or in connection with the appointment of a member.

Funds of Board

244. (1) In addition to any other funding sources allowed to the Board under this Act, the Board is entitled to and the Minister must ensure that sufficient moneys are appropriated by Parliament for the purpose of enabling the Board to exercise its functions, powers and duties under this Part.

(2) The Board shall keep an account at a financial institution for its general fund.

(3) There shall be paid into the general fund of the Board all moneys paid to the Board.

(4) The Board shall pay from the moneys from time to time standing to the credit of the general fund liabilities incurred by it in or in connection with the conduct of the activities for which it is constituted.

(5) However, liability for expenditure for any purpose including purchase of goods and services shall only be incurred within any expenditure limits established pursuant to the *Financial Administration and Audit Act 1985*.

Application of *Financial Administration and Audit Act 1985*

245. The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Board and its operations.

Director

246. (1) On the recommendation of the Board, the Governor may appoint a person as Director of the Board.

(2) The Director shall be responsible for the management of the affairs of the Board and any other functions given to the Director under this Part.

(3) The Director shall hold office for the term not exceeding three years, that is specified in his or her instrument of appointment, and is eligible for re-appointment.

(4) The Director may resign his or her office in writing under his or her hand addressed to the Governor.

(5) The Director shall be paid such remuneration and allowances as the Governor may from time to time determine.

(6) The Director shall be appointed subject to any terms and conditions that are specified in the instrument of appointment.

Staff

247. (1) There shall be appointed under and subject to Part 3 of the *Public Sector Management Act 1994* such officers and temporary employees as may be necessary to provide administrative, research and other services to the Board to enable it to perform and exercise the functions, powers and duties conferred on the Board by this Part, and to permit the Board to undertake studies and research concerning education and to make investigations and reports with regard to the carrying out of this Part.

(2) The Board may engage, under contract for services, such professional and research or other assistance as may be necessary to enable the Board to carry out effectively its functions under this Part, and enter into arrangements with -

- (a) a Minister of the Crown of any State of the Commonwealth, a Minister of the State of the Commonwealth, a department or any instrumentality of the Commonwealth or any State of the Commonwealth; or
- (b) a university or other tertiary institution; or
- (c) any other body or person,

with respect to the conduct of any investigation, study or research that may be necessary or desirable for the purposes of this Part.

Division 3 - Registration

Register of teachers

248. (1) The Director shall cause a register to be kept in which shall be entered the names of all teachers registered under this part and such other information as may be determined by the Board.

(2) The register shall be available for public inspection at such times and places as may be determined by the Board.

Registration by entry of details in register etc.

249. A person is registered as a teacher when, at the direction of the Board, the Director enters the following details in the register -

- (a) the person's full name and address;
- (b) the type of registration (full or provisional);
- (c) particulars of the qualifications and experience (if any) by which the person is registered;
- (d) any other particulars required under a rule prescribed by the Board; and
- (e) the date of entering the details under this subsection.

(2) The Director must, at the direction of the Board, enter other details in the register, including for example, an endorsement or notation about the cancellation or suspension of the person's registration and the date such cancellation or suspension took effect.

(3) The name of any registered teacher who dies or whose registration is not renewed may be removed from the register.

Qualifications for registration

250. (1) A person who proves to the satisfaction of the Board -

- (a) that he or she is a fit and proper person to be registered under this Part; and
- (b) that he or she -
 - (i) holds prescribed qualifications; and
 - (ii) has had experience as a teacher as may be prescribed; or
 - (iii) has obtained qualifications and has had experience as a teacher adequate, in the opinion of the Board, for the purpose of registration,

shall, upon payment of the prescribed fee, be registered as a teacher.

(2) The Board may provisionally register any applicant for registration notwithstanding that he or she does not have the qualifications and experience required for registration under subsection (1), provided the applicant is a fit and proper person to be provisionally registered.

(3) The Board may grant registration, or provisional registration, of a teacher subject to any conditions including conditions -

- (a) restricting the subjects that he or she may teach;
- (b) restricting the kind, level or grade of instruction that he or she may provide; or
- (c) that the teacher obtain qualifications and experience required under subsection (1) within a time acceptable to the Board.

Period of registration and provisional registration

251. Registration or provisional registration shall be effective for such period not exceeding three years as may be determined by the Board.

Unregistered person not to work as teacher

252. (1) No person shall, without the authority in writing of the Board, accept or undertake employment in a school as a teacher unless that person is registered as a teacher under this Part.

Penalty: \$1 000

(2) The Board may grant an authority under subsection (1) in respect of -

- (a) any specified person;
- (b) persons of a prescribed class; or
- (c) any person holding office in any specified school.

(3) A registered teacher shall not provide, or offer to provide, for fee or reward, instruction that he or she is not entitled to provide according to the terms and conditions upon which he or she is registered.

Penalty: \$1 000

Unregistered person not to be employed

253. In the absence of an authority granted by the Board under section 252, an employing authority shall not employ any person as a teacher who is not registered under this Part.

Penalty: \$1 000

Duty of registered teacher convicted of indictable offence etc.

254. A registered teacher must give written notice to the Board of any of the following events within fourteen days after the event happening -

- (a) the conviction of the teacher for an indictable offence (whether on indictment or summarily);
- (b) where the teacher was the holder of a teacher registration in another State - the cancellation or suspension (however described) of that registration in that State;
- (c) where the teacher was employed in another State that does not register teachers - the termination of the teacher's employment as a teacher in that State because the teacher's employer was reasonably satisfied the teacher was not competent or fit to be employed as a teacher in that State.

Penalty: \$1 000

(2) The Notice must disclose the circumstances of the event that gave rise to the conviction, cancellation, suspension or termination of employment.

Duty of employing authority to advise Board of certain conduct

255. Where an employing authority believes on reasonable grounds that a registered teacher employed by that employing authority -

- (a) has been convicted of an indictable offence (whether on indictment or summarily) or an offence against this Part;
- (b) has been dismissed from employment as a teacher, or has resigned in circumstances, that, in the opinion of the employing authority, call into question the teacher's competency to be employed as a teacher; or
- (c) is not, or no longer is, a fit and proper person to be registered as a teacher,

the employing authority must advise the Board in writing of such belief and the grounds the employing authority has for holding it.

Penalty: \$1 000

False representation etc.

256. (1) Any person who fraudulently obtains, or attempts to obtain, registration, or a certificate of registration, as a teacher under this Part shall be guilty of an offence and liable to a penalty not exceeding \$5 000 or imprisonment for six months.

(2) Any person who fraudulently procures, or attempts to procure, for any other person registration, or a certificate of registration, as a teacher under this Part shall be guilty of an offence and liable to a penalty not exceeding \$5 000 or imprisonment for six months.

(3) Any person who fraudulently impersonates, or represents himself as being, a person registered as a teacher under this Part, or lawfully entitled to be employed as a teacher when in fact he or she is not entitled to be so employed, shall be guilty of an offence and liable to a penalty not exceeding \$5 000 or imprisonment for six months.

(4) No person shall assume the title "registered teacher", either alone or in combination with any other word or words or letters, or any name, title or description implying that that person is a registered teacher or is recognised by law as such, unless that person is registered as a teacher under this Part.

Penalty: \$5 000.

Division 4 - Cancellation, Suspension of Registration Etc.

Board may conduct inquiry

257. (1) The Board may, upon the application of the Director or of its own motion, inquire into the conduct of any registered teacher, or any unregistered teacher authorised under section 252.

(2) The conduct referred to in subsection (1) includes conduct which occurred prior to registration under this Part.

(3) The inquiry shall be completed as soon as is practicable, or in any event within 60 days of the date notified under section 259.

Grounds for cancellation, suspension etc.

258. (1) If after conducting an inquiry under section 257 the Board is satisfied on a balance of probabilities that the registered teacher -

- (a) is guilty of gross incompetence;
- (b) is guilty of any disgraceful or improper conduct;
- (c) is subject to a serious mental or physical incapacity by virtue of which he or she is unable properly to exercise and discharge the functions and duties of a registered teacher;
- (d) has contravened a rule prescribed for the purposes of this section; or
- (e) for any other reason is no longer a fit and proper person to be registered as a teacher,

the Board may make one or more of the following orders -

- (f) an order cancelling the teacher's registration;
- (g) an order cancelling the teacher's registration and substituting provisional registration subject to conditions the Board considers appropriate;
- (h) an order suspending the teacher's registration for a stated time;
- (i) an order reprimanding the teacher;
- (j) an order requiring the teacher to pay to the Board -
 - (i) by way of costs, an amount the Board considers appropriate having regard to expenses incurred by it in conducting the inquiry; or
 - (ii) by way of penalty, an amount fixed by the Board but not more than the equivalent of \$10 000; or
- (k) any other order the Board considers just in the circumstances.

Representation at inquiry

259. (1) A person whose conduct is subject to an inquiry under this part may appear before the Board personally or by counsel or other representative.

(2) The Board may be represented at an inquiry.

Protection of members, legal representatives and witnesses

260. (1) The members of the inquiry body have, in the performance of the members' duties for the inquiry, the same protection and immunity as a judge of the Supreme Court.

(2) A lawyer or other person appearing before the inquiry body for someone else has the same protection and immunity as a barrister appearing for a party in a proceeding in the Supreme Court.

(3) A person required to attend, or appearing before the inquiry body as a witness, has the same protection as a witness in a proceeding in the Supreme Court.

Notice of inquiry

261. (1) The Board shall give to any person whose conduct is subject to an inquiry under this Part at least twenty-eight days notice of the date, time and place at which it proposes to hold the inquiry and shall afford

that person a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Board.

(2) If the person to whom notice is given under subsection (1) does not attend at the date, time and place fixed by the notice, the Board may proceed with the inquiry in his or her absence.

Powers of Board upon an inquiry

262. (1) For the purposes of an inquiry under this Division, the Board may -

- (a) by summons signed on behalf of the Board by a member of the Board -
 - (i) require the attendance before the Board of any person; or
 - (ii) require the production of any books, papers or documents;
- (b) inspect any books, papers or documents produced before the Board and retain them for such reasonable period as it thinks fit and make copies of any of them or of any of their contents;
- (c) require any person to make an oath or affirmation that he or she will truly answer all questions put to him or her by the Board or by any person appearing before the Board (which oath or affirmation may be administered by any member of the Board);
- (d) require any person appearing before the Board, including a person whose conduct is subject to an inquiry (whether he has been summoned to appear or not), to answer any relevant questions put to him or her by any member of the Board or by any person appearing before the Board; or
- (e) require any person to leave the inquiry for any reason.

Contempt of inquiry

263. (1) Subject to subsection (2), if any person -

- (a) who has been served with a summons -
 - (i) to attend before the Board fails without reasonable excuse (proof of which shall lie upon him or her) to attend in obedience to the summons; or
 - (ii) to produce any books, papers or documents fails without reasonable excuse (proof of which shall lie upon him or her) to comply with the summons;
- (b) misbehaves himself or herself before the Board, wilfully insults the Board or any member of the Board, attempts to improperly influence the Board, or interrupts the proceedings of the Board or does anything that would be contempt of court if the Board was a judge acting judicially; or
- (c) refuses to be sworn or to affirm or to answer any relevant question when required to do so by the Board,

he or she shall be guilty of an offence and liable to a penalty not exceeding \$1 000.

(2) A person shall not be obliged to answer any question put to him or her under this section if the answer to that question would tend to incriminate him or her, or to produce any books, papers or documents if their contents would tend to incriminate him or her.

(3) In the course of any inquiry, the Board may -

- (a) receive in evidence any transcript of evidence in proceedings before a court, judicial or quasi-judicial tribunal or other body and draw any conclusions of fact from the evidence that it considers proper; or
- (b) adopt, as in its discretion it considers proper, any findings, decision or judgment of a court, judicial or quasi-judicial tribunal or other body that may be relevant to the proceedings.

Notice of Board's order

264. (1) Within seven days after the date of an order of the Board under section 257, the Director must give written notice about the order to the person the subject of the order.

(2) The notice must also state -

- (a) the Board's reasons for its order;
- (b) for an order cancelling or suspending the person's registration - the date the cancellation or suspension takes effect or, if no date is stated, that the cancellation or suspension takes effect from the date of the notice;
- (c) that the person may appeal against the order to a District Court; and
- (d) the time within which the person must make such appeal.

Board to give reasons for decision

265. (1) The Board shall, if so required by any person against whom a decision has been made under this Part, state in writing the reasons for its decision.

(2) If the reasons of the Board are not given in writing at the time of making the decision and the appellant then requests the Board to state its reasons in writing, the time for instituting an appeal under section 266 against that decision shall run from the time the appellant receives a written statement of those reasons.

Division 5 - Appeal Provisions**Appeal**

266. (1) A right of appeal to a District Court of full jurisdiction shall lie against any decision of the Board made in the exercise or purported exercise of any of its powers or functions under this Part.

(2) The appeal must be instituted within one month of the making of the decision or order appealed against, but the court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted.

(3) The court may, on the hearing of the appeal, do one or more of the following, according to the nature of the case -

- (a) affirm, vary or quash the decision appealed against or substitute, or make in addition, any decision that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Board for further hearing or consideration; or
- (c) make any order as to costs, or as to any other matter, that the case may require.

These amendments refer to teacher registration and are very extensive in that they encompass 31 clauses plus a schedule. The amendments have the support of teachers in the government and non-government sectors, and also parent bodies. Wherever I have had contact with people who have been aware that I would move these amendments, I have received only a positive response, with the exception of the Minister. We will see what the Minister has to say tonight. He is the odd man out again.

Proposed new part 7A of the School Education Bill would introduce a system of teacher registration in Western Australia. These amendments are based on existing teacher registration Acts in other States, particularly South Australia and Queensland, which have had teacher registration Acts since the 1970s. A discussion paper was put out by the New South Wales Minister for Education last year which proposed the introduction of teacher registration.

The three main reasons for teacher registration are obvious but very important. The first reason is to ensure that only fit and proper persons are registered to teach children. The protection of children is uppermost in the notion of teacher registration. The second reason is to ensure quality of teacher education. The third reason is to formulate and maintain professional standards for teachers. Many professions in this State are either registered or licensed. It seems extraordinary when so many other professions and occupations require licensing and registration that teachers are not included in that list.

The aim of registering teachers is to protect children from untrained and poorly trained teachers and from those who might be considered undesirable or inappropriate, or just plain bad. Many other people who work with children are

registered. It seems extraordinary that teachers are not registered. Children are one of the most vulnerable groups in the community, and teachers should be registered, given that they may spend even more time with children than do their parents. Nurses, doctors and lawyers need to be registered, and fork lift drivers need to be licensed, but the teachers of our children do not. Teachers are the professional group in our community to which children have the most extended exposure. We can shop around for a doctor, lawyer or real estate agent, all of whom must be registered, but we cannot shop around for a teacher to teach our child. Very few parents get to choose the teacher who spends all that time with their child.

The principle behind the registration or licensing of any profession is the protection of the public and of individual members of the public, as well as the protection of standards in the community. It is of particular concern if professions or occupations which might cause damage to members of the community are not checked by registration or licensing. In many cases, we protect people through state consumer protection and so on to ensure that they receive quality service, yet teachers are not registered.

Mr BARNETT: I am conscious that the member is developing a position on this and I will sit and allow her to continue.

Dr CONSTABLE: The principle of registration is intended to balance the right of people to practice their profession freely in the community against the right of the public to be protected in certain circumstances. The all important principles that I have outlined are equally important for the registration of teachers. Teachers currently are not registered in Western Australia. Therefore, are we saying that it is more important to register people who look after our money and our health than it is to register people who look after our children; or that it is equally important to register people who care for our children and have such a responsibility for the education of our children?

Teachers have the primary care of children, at least from the age of five to 15 - for 10 years of their life - and for most children from the age of three or four. No-one would disagree that these are the formative years for children, and the role of teachers and their impact on children's development is absolutely crucial, yet we do not register these people. Teachers are probably the most important people in the lives of children in those years, next to their parents.

I have found 145 occupations and professions that require registration. The providers of child care services must be registered. Nurses and doctors must be registered. Psychologists must be registered. With that knowledge, I asked a number of questions last year to establish which professions require registration. They include architects, dentists, auctioneers, builders, credit providers, land valuers, chiropractors, podiatrists, physiotherapists, public notaries, debt collectors, public auditors, various electrical and gas plumbing contractors, fishermen, fish processors, beekeepers, bookmakers and many others.

Mr Brown: Security officers.

Dr CONSTABLE: That was on my list, together with taxi drivers and bus drivers. It is negligent and illogical not to apply the same stringent checks and safeguards to teachers, who spend so much time with children.

The chief objective of teacher registration is to ensure that children are protected and, secondly, that teachers are properly qualified, competent and fit and proper persons to teach children. The quality of children's education is critically important to their welfare and future success. Unless strict standards apply through registration, we cannot be sure that need is being met in the community. We all know of the increasing demands on teachers as the world becomes more complicated and changes very rapidly. There is also constant change in the profession.

A teacher registration board would make sure that professional standards were maintained, because the roles teachers play change and develop all the time. The protection of children is first and foremost in the need to register teachers, and the second is to make sure the quality of teacher standard and education is maintained and improved always. Registration plays a critical role in imposing teacher standards and, perhaps, in providing a quality control measure, just as it does in the registration of doctors, nurses and others. Registration also guards against standards slipping, especially in times of teacher shortages. Some projections forecast shortages in the near future, and there is always a risk that employing authorities will allow standards to slip in order to have teachers in front of children in classrooms.

The major features of the amendments I suggest apply to both non-government and government schools. They would set up a statutory body to be known as the teacher registration board of Western Australia. This would mean that a register of teachers would be established which would be open to inspection by members of the public. The board would have 11 members, representing major stakeholders, including a chairman who would be a qualified legal practitioner. That is extremely important, given the nature of the board and some of its activities. Other members of the board would be the two chief executive officers of the Education Department and the Department of Education Services, two people nominated by the State School Teachers Union, and nominees of the Independent Schools Salaried Officers Association, the Association of Independent Schools and the Catholic Education Commission.

Parents would also be represented. It would be a comprehensive board covering all those stakeholders who are competent and have an interest in being part of such a board.

A small secretariat would be needed, as in the case of other similar bodies, and the primary functions of the board would be to operate the system of teacher registration, and make sure the quality of the people registered was appropriate and that only fit, proper and competent people could teach our children. It would determine teaching standards and ethics, and also determine relevant policy. Checks are important and the functions would include criminal checks. Mutual recognition of teacher qualifications of people from other States would also be involved. The other powers of the board would include imposition of fees, which is common practice with such organisations, and making rules to implement any amendments.

Another important function of a board is to deal with complaints which might come from employers and others. Those complaints would be taken outside the current system, where they are usually dealt with through the department, to an independent body. This happens in the medical and other professions, and it is a plus from the employers' point of view. The teachers' union also saw it as a plus. Any complaints about a teacher would go to an independent body, which means they could be dealt with without some of the emotion and angst which sometimes accompanies these issues.

The amendments also allow for provisional registration, which means a person without standard qualifications could be registered provisionally to allow that person to teach in schools if he or she had special experience, which was seen to be of value in particular teaching situations or by an employer. There is some flexibility in the proposal.

The board can make inquiries into a registered teacher on its own motion if there is a complaint, or on the application of the director of the board. The board can take up any complaints made to it. There are many models for this in other professions. I will not go into more detail about that, but I assure members that my amendments contain a great deal of detail about the proposal. The board would be able to deregister or suspend registration of a teacher, or impose fines in the case of gross incompetence, disgraceful or improper conduct, medical or physical incapacity, contravention of board rules and so on. It is not necessary to go into that detail now, and I look forward to hearing the Minister's comments.

Mr BARNETT: I thank the member for Churchlands for raising this issue. Indeed, she has moved 31 amendments, which in a sense provide for separate legislation. Essentially the provisions would be in a Bill to provide for teacher registration and a teacher registration board. The issue has been canvassed over the years within the teaching community. For the information of members, I advise that at the recent meeting of federal and state Education Ministers in Hobart, I raised this issue and, if it is pursued, whether it should be on a national basis. There was a very mixed reaction. Some States were favourably disposed to it and others had contrary views. Where the concept had lost status or effectiveness in some circumstances, it seemed from the comments made that it had degenerated into an industrial relations forum and had become a battleground between employer and employee representatives. Clearly, that was not the intent, but that is how it was viewed in Victoria.

Queensland has a registration procedure. Again, one might question its effectiveness in some areas. For example, the registration board deals with matters of discipline only after the employer authority has dealt with the matter. One might argue whether the board in Queensland has any effective powers. Mixed views and mixed experiences are found around Australia. However, the point made by the member for Churchlands has substantial merit and deserves to be treated seriously.

Undoubtedly, considerable support is evident in education circles for the teacher registration process and the establishment of a board. The deans of education have written to me in recent days in support of the move by the member for Churchlands. Similarly, the Catholic Education Office, the Association of Independent Schools and the Education Department, to varying degrees, have expressed support for the notion. I believe the teachers union is in favour, although its history on this matter is somewhat mixed. The State had a teachers' registration Act in the 1970s which was repealed before it was proclaimed. The irony of the situation was that the teachers union, which pushed strongly for the Act, for whatever reason also pushed hard for its repeal. The matter has an interesting history.

Some complexities relate to this issue. I believe strongly that if we are to have teachers' registration, it should be by way of separate legislation.

Dr Constable: Will you introduce it as separate legislation?

Mr BARNETT: It should be a separate Bill, as occurred in Queensland and South Australia.

Also, it is not appropriate to introduce this matter into this Bill at this time as the necessary consultative process has not taken place. That process will take time. Issues of terminology and the like need to be considered. General issues relate to the Public Sector Management Office. A desire exists in government not to increase the number of

statutory bodies, and this board will constitute another such body, although that is not a determining factor. The issue of cost arises. The Queensland board costs \$1.5m a year -

Dr Constable: Cheap at the price.

Mr BARNETT: It may be cheap at the price.

Dr Constable: Registration is far more important than the money.

Mr BARNETT: That is easy to say, but one cannot ignore the cost of the board; \$1.5m is a significant amount of money. That would be part of our considerations. In the late 1990s, issues of competition policy arise. I suggest from experience in other areas that competition commitments will make it more difficult to draft legislation than was the case in the past.

Mr RIPPER: The Opposition supports the amendment moved by the member for Churchlands and will comment further following the Minister's argument.

Mr BARNETT: As the member for Churchlands articulated, this matter should be about the quality of teaching, and the professionalism of teachers, education and standards. With that focus, the notion has merit.

Some issues would inevitably arise in developing teacher registration, such as entry qualifications; the registration of existing teachers, and their varying level of qualification; the cost of registration; professional standards and their maintenance; and dealing with misconduct would probably be the most contentious. Also, what would be the powers of the board to deregister as distinct from the powers of the employer? Deregistration would be a vexed legal issue.

Dr Constable: It happens with 145 other occupations.

Mr BARNETT: I know, and I would not have most of them registered, if I had my way.

Dr Constable: You would not register doctors, lawyers, architects -

Mr BARNETT: I doubt that I would register beekeepers, which was one example the member gave. The issue of supply and demand will arise; will the powers of the registration board extend to the monitoring of labour market conditions? Issues of consistency with other States must be considered. Competition policy would be a major issue in drafting such legislation in the late 1990s. One must ask the question: Is there an acceptable alternative to a statutory authority? There may not be such an alternative, but the question must be asked.

I am not opposed to the notion of teacher registration. I raised it at a national forum where I did not receive a lot of support. However, I do not discount it. It is not appropriate to include it in this Bill, certainly not in this format. If we are to progress with teacher registration, broad consultation must take place, as happened with this Bill and everything else in education, such as the Curriculum Council and the curriculum framework. If we were to proceed, the Government may initially commission a discussion paper. I do not see that as a long process. Essentially, it would involve investigating all the arguments presented. I, along with other members, have raised some issues to be explored. Legal commentary can be provided. It will examine the merits or otherwise of teacher registration, and it will allow various interest groups, the teachers' union, Catholic schools, the Education Department, parent groups and whoever else to express views.

The Government will not support these amendments to this Bill. It will not support amendments to set up teacher registration without a full public consultative process. If we were to progress the matter, we would start by initially commissioning a discussion paper to explore the issue, without any commitment, as a precursor before any further development of teacher registration in this State was progressed.

Mr RIPPER: The Opposition supports this amendment because it supports the principle of teacher registration. One of the difficulties teachers face is that they believe that their status in the community is not commensurate with the importance of the work they do. Teachers have become very disappointed over the years with what they see as a decline in their standing and the value the community places on their role. It is a matter of some distress not only to teachers, as it also has educational implications. First, people are less inclined to seek entry into an occupation which they regard as having a poorer standing than competitive occupations or other professions. Entry marks for applicants to teacher education courses have declined over the years. Many other competitive occupations, particularly for female entrants, are taking quality people away from teaching.

Secondly, the question of the morale of teachers arises. If teachers feel their work is not valued by the community, naturally their morale will suffer. If their morale is poor, their performance in the classroom is likely to be compromised. Teaching is a performance game. People need enthusiasm, energy and creativity day after day, even when dealing with clients who are not always grateful or appreciative of the sterling work done. Keeping up that level of performance requires a high level of morale. It suffers if it is not bolstered by community appreciation of

the teacher's role. From the point of view of recruitment and maintaining teacher morale, we need the community to place a great deal of value on teachers' work, and thus teachers would see themselves as having a higher status in the community.

The question of the professional status of teachers has always been ambiguous. Unfortunately, teachers are not seen to have the professional status of lawyers or doctors. Teachers have argued long and hard that they are professionals and need to be treated as professionals. However, their argument has not been accepted across the community as they would wish. One of the reasons teaching is not seen as a profession is that it does not have the professional mechanisms of other professions. Doctors, lawyers and all sorts of other professional groups need to be registered.

Mr Barnett: Beekeepers!

Mr RIPPER: It is one of the mechanisms which underpins professional status in our community and it is lacking in teaching. Because it is lacking in teaching, the professional status of teachers is compromised. One sees that in the role of teachers' organisations. The schoolteachers union has both an industrial and a professional status; however, it is not fully accepted by all teachers as the professional body. That is partly because it has an industrial role, partly because it does not cover all teachers and partly because rival organisations claim the professional allegiance of teachers.

If we want to enhance the status of teachers and are interested in the educational outcomes of children, we should support this amendment. We need to support this amendment moved by the member for Churchlands if we want to say to teachers, "We believe you have the same status as other professional groups in the community; we believe that it is important that people's qualifications should be appropriate before they are allowed to teach; we believe that it is important that unregistered people should not be allowed to teach."

Dr CONSTABLE: I thank both the Minister and the Deputy Leader of the Opposition and member for Belmont for their comments. I make a few comments of my own. I understand why the Minister said that this issue would be better dealt with by separate legislation. However, this seemed an excellent opportunity to air the issue in this Chamber and I could not let that opportunity go by. Although it could sit in the current Bill, at the end of the day I agree with the Minister that separate legislation to set up a teacher registration board would be the most appropriate way to go.

I understand also why the Minister mentioned that such a board might become an industrial relations forum. It should not do so as it is a disciplinary forum as well as a standard setting organisation. It could be set up in such a way that that would not happen; however, it would be something of which one would have to be careful.

I was pleased also to hear of the supportive comments and letters that the Minister had received from a number of organisations. That reflects the general support that I have gleaned across the community in my discussions with various people. I was pleased that the Minister made comments about commissioning a discussion paper and I seek from him now his confirmation indicating that he intends to do that.

Mr Barnett: Yes, I am prepared to confirm that.

Dr CONSTABLE: That will be a very useful step in the right direction and will allow all the groups that the Minister, the member for Belmont and I have mentioned and other interested parties to have their say to get confirmation of that broad community support. I hope that that translates further down the track into a separate piece of legislation.

I wish to make another comment about something the Minister said about the cost. There are 145 other boards and licensing organisations set up by legislation. I suspect all of those cost money too. That is a minor issue in the scheme of things when there are 25 000 people working in schools in Western Australia where the protection of children and standards are the major issues. I do not see that as a major stumbling block to going ahead with a teacher registration board. I thank particularly the member for Belmont for his comments about the professional status of teachers and I agree wholeheartedly with what he said. A teacher registration board would enhance the professional status of teachers, just as it enhances the professional status of so many other occupations and professions in our community.

Mr RIPPER: Does the member for Churchlands propose to take this to a vote, given the Minister's assurance about a discussion paper?

Dr Constable: No. The Minister's confirmation that he is prepared to commission a discussion paper is acceptable.

Mr RIPPER: I am appreciative of the Minister's proposal for a discussion paper on this issue. In the final analysis, it is better to handle this matter with further consultation with all involved; although when I read through the amendment of the member for Churchlands I was impressed with how comprehensive it was and that she had done a very good job in getting it all together.

I raise one further issue related to teacher registration. There is a vexed problem in our school system on how to achieve the right balance between the rights of teachers on the one hand and the protection of children on the other. This is not a problem unique to teaching; it is also something with which the Police Service has to deal currently. It is not sufficient to say that only those teachers who are convicted of criminal offences should be removed from contact with children. Unfortunately, there will be other cases where, on the balance of probabilities, a teacher is seen to be a risk to children and it will be necessary, in order to protect those children, to remove that teacher from contact with children, even though it is not possible to have that teacher convicted of a criminal offence.

This is always an extremely difficult issue with which to deal and I am sure that injustices have occurred on both sides of the issue; that is, children who have not been sufficiently protected from people who have abused them; and teachers who have been drummed out of teaching on inadequate grounds.

One of the things that a teacher registration scheme might do is provide a mechanism for dealing with this issue in a way that has more legitimacy with teachers. If this issue were dealt with by a registration authority which had substantial influence from teachers and was designed overall to enhance the professional standing of teachers, I think teachers might find it easier to accept the legitimacy of a decision to terminate a teacher's involvement in the profession. It is the normal role of a professional body such as is proposed to deal with these types of professional disciplinary matters. Part of obtaining professional status is accepting the responsibility to discipline individual members of the profession who stray from the accepted ethical practices of the profession.

I commend to the Minister the possibility of dealing with this vexed and thorny issue in a more acceptable way by proceeding with a registration scheme for teachers that would avoid the necessity of employing authorities to swap lists of suspect people and to find themselves engaged in disputes with teachers' unions about the reasons that particular people's names had been placed on "not to be employed" lists. The whole matter would be handled with more acceptance and legitimacy by a registration authority.

Dr CONSTABLE: I repeat my appreciation to the Minister and the member for Belmont. It is remarkable that we have bipartisanship, or perhaps in this case tripartisanship, on this issue.

Mr Ripper: You have a party, do you?

Dr CONSTABLE: There are a couple of us here, and a leader and deputy leader whom we all know about.

Given the Minister's undertaking that he will commission this discussion paper, I hope that we will see it within six months, so that the issue can be discussed in the community, the teaching profession and our schools, perhaps early next year.

New clauses put and negatived.

Postponed clause 57: Consultation -

Mr BARNETT: There has been some discussion about postponed clause 57. I move -

Page 45, line 10 - To delete "and".

Page 45, after line 10 - To insert the following -

- (b) the council of each school affected by the proposal, in relation to the matters referred to in subsection (2); and

Mr RIPPER: The amendment moved by the Minister takes account of some of the concerns expressed by the Opposition in our initial amendments to clause 57. We suggested that the council of the school should be consulted when there is a proposal to close the school. We also suggested that the school staff and other organisations of the school should be consulted. I am pleased that the Minister has accepted the proposition that the council of each school affected by the proposal should be consulted. The Minister's advisers have argued to me that the council represents the school staff and other organisations of the school, so it is unnecessary for the Opposition to be concerned about those latter aspects of our initial proposed amendment to this clause. I accept the Government's argument. I am therefore pleased to support the amendment moved by the Minister. The Opposition and the Government were not able to reach complete agreement on the list of people who should be consulted. The Opposition wanted to include local government and other significant local community organisations. That has not been included in the Minister's amendment. I will proceed to move a further amendment once we have dealt with the Minister's amendment.

Amendment put and passed.

Mr RIPPER: I move -

Page 45, after line 14 - To insert -

- (c) local government and other significant local community organisations.

We believe that schools are significant local organisations. When the Government proposes to close or amalgamate a school, it is interfering with a very important part of the local community. It is not sufficient to consult parents of children attending a school. Many other people in the community have an interest in the future of that facility. In particular, local government is elected to represent the local community. Members will find that local government authorities often want to comment on proposals for the future of schools in their area.

The Minister will be dealing tomorrow with proposals to close schools in my electorate of Belmont, which is substantially covered by the Belmont City Council. Belmont City Council called a meeting about the future of the high schools in its area. I understand that 400 to 500 people turned up at the meeting. Unfortunately I was condemned to spend my time debating matters in the Parliament and could not attend. The size of that meeting and the role played by the council is an indication of the reasons that this amendment moved by the Opposition should be accepted.

Schools are not businesses providing a service, which the Government can dispose of as it wishes. Schools are important local community organisations. They help to develop a sense of community in a locality. Not only parents have an interest in the future of the school. People will be sending children to school in later years. People will be concerned about employment in the district. People will be concerned about attracting families to live in a district. People will use the local school facilities for the activities of community organisations. All sorts of concerns need to be taken into account.

The amendment is particularly important for schools in regional areas. If we close a school or amalgamate two schools in a regional area, it has a significant impact on the fabric of the local community. The relevant local government authority must be consulted, as must organisations like the local chamber of commerce and Rotary Club, and sporting organisations which might use the school facilities. It is not good enough to deal with a school as if it were isolated from the rest of the community.

Mr BARNETT: The Government does not agree to this amendment. It is not that we do not agree with its intent; indeed, under the legislation it is quite clear that the Minister and the director general are free to use discretion on whom they wish to consult. Commonsense dictates that one would normally consult with local government, but I do not think it should be a requirement under the Bill. The Minister and the director general should handle that as they deal with the issue. In the case of some of the current issues under local area planning, I confirm that I have consulted with local government on various issues.

Mr RIPPER: The Minister may have consulted with local government authorities, but local government authorities would not accept that he has agreed with them. Local government authorities in my electorate are resolutely opposed to the closure of schools. Belmont City Council does not support the closure of Belmont Senior High School or Kewdale Senior High School. Canning City Council does not support the closure of Cannington Senior High School. Tomorrow we will find out exactly what decisions the Minister has made on this matter.

However, I assure the Minister that if he has made decisions to close either school he will be in conflict with the local government authority that covers the catchment areas. I accept that the Minister has spoken to the local authorities concerned. Nevertheless it is important that we place this stipulation in the legislation for the future, to underline that should other Ministers contemplate similar closure actions, they should take into account the need to consult local government.

It is noteworthy that the local area education planning framework does not include the necessity to consult local government and other significant community organisations. Those organisations have been consulted because they heard of the Minister's plans and they mobilised themselves and asserted their right to be consulted. If they had not asserted themselves they would not have been consulted. It should not be necessary for councils to organise campaigns or for community organisations to collect signatures on petitions, and so on. They should be consulted as of right, because they are part of the community, and schools are a significant part of the same community.

Amendment put and a division taken with the following result -

Ayes (14)

Ms Anwyl
Mr Brown
Dr Edwards
Dr Gallop

Mr Graham
Mr Grill
Ms MacTiernan
Mr Marlborough

Mr McGinty
Mr McGowan
Mr Riebeling

Mr Ripper
Mr Thomas
Mr Cunningham (*Teller*)

Noes (26)

Mr Ainsworth	Mr Court	Mr Masters	Mr Shave
Mr Baker	Mr Cowan	Mr McNee	Mr Sweetman
Mr Barnett	Mr Day	Mr Minson	Mr Trenorden
Mr Barron-Sullivan	Mrs Edwardes	Mr Nicholls	Mrs van de Klashorst
Mr Board	Mrs Hodson-Thomas	Mrs Parker	Mr Wiese
Mr Bradshaw	Mr House	Mr Pandal	Mr Osborne (<i>Teller</i>)
Dr Constable	Mr MacLean		

Pairs

Ms Warnock	Dr Hames
Mr Kobelke	Mr Kierath
Mr Carpenter	Mr Tubby
Mrs Roberts	Mr Marshall
Ms McHale	Dr Turnbull

Amendment thus negatived.

Mr BARNETT: I move -

Page 45, line 15 - To delete "subsection (1)(a)" and substitute "subsections (1)(a) and (b)".

This is an editorial correction.

Amendment put and passed.**Clause, as amended, put and passed.****Schedule 1 -**

Mr RIPPER: Clause 8 of this schedule provides for inquiries under section 7C to continue and be completed, despite the repeal of the Education Act. Are any section 7C inquiries ongoing currently? This is a matter of concern to those who have been hostile to section 7C and who imagine the section will continue for some time as a transitional provision.

Mr BARNETT: There has been one inquiry in recent times. I am not aware of any current inquiries.

Schedule put and passed.**Schedule 2 -**

Mr BARNETT: I move -

Page 160, after line 34 - To insert the following -

2. Section 3 is amended in the definition of "pre-school age" by deleting "below the minimum age for admission to year 1 of a Government primary school" and substituting the following -

" before the child reaches the compulsory education period within the meaning of the *School Education Act 1998*. "

This is a consistency and editorial amendment.

Amendment put and passed.**Schedule, as amended, put and passed.****Title put and passed.***Report*

Bill reported, with amendments, and the report adopted.

MINING AMENDMENT BILL*Introduction and First Reading*

Bill introduced, on motion by Mr Cowan (Deputy Premier), and read a first time.

Second Reading

MR COWAN (Merredin - Deputy Premier) [11.00 pm]: I move -

That the Bill be now read a second time.

This Bill amends one section of the Mining Act 1978 and inserts two new sections to provide secure, longer term tenure for miscellaneous licences. Miscellaneous licences provide tenure for support-type infrastructure such as roads, pipelines, powerlines and the like. These licences are currently granted for a period of five years and may be renewed or further renewed for periods of up to five years.

The development of resource projects however can occur only on leases under the Mining Act and these leases have a term of 21 years with a right to renew for a further period of 21 years. Because these projects require title over the supporting infrastructure which the miscellaneous licence covers, it is reasonable that the terms of the lease and the licence be of a similar period. The Bill therefore provides that the term for a miscellaneous licence be for 21 years with a legally enforceable right to renew for a further term of 21 years. In addition, holders of existing miscellaneous licences will have a right to further renew the term of the licence for periods not exceeding the initial granted term. This will ensure that holders of existing licences will also have continuity of tenure.

These provisions do not affect the operation of the Commonwealth's Native Title Act 1993 as new applications will still be submitted to the "right to negotiate" procedure under that Act. However, it will eliminate the need to refer the renewal of existing licences to the Native Title Act procedure except for the first renewal application of a licence received after the commencement of this Act. That first renewal application will be submitted to the "right to negotiate" procedure on the basis that any further renewals will be subject to a legally enforceable right to renew.

The contents of this Bill have been considered and are supported by the Mining Industry Liaison Committee, which consists of representatives from the Chamber of Minerals and Energy of WA, the Association of Mining and Exploration Companies, the Australian Mining and Petroleum Law Association Ltd, the Amalgamated Prospectors and Leaseholders' Association and the Department of Minerals and Energy. I commend the Bill to the House.

For the information of members I also table Committee notes for the Bill.

[See paper No 1518.]

Debate adjourned, on motion by Mr Cunningham.

WADC AND WA EXIM CORPORATION REPEAL BILL

Second Reading

Resumed from 11 June.

DR GALLOP (Victoria Park - Leader of the Opposition) [11.02 pm]: This legislation completes the process which started when Labor began to liquidate the assets of the Western Australian Development Corporation and Exim in 1990. The Labor Party supports the legislation, which brings to an end the process that it began. The Labor Party has discharged its responsibilities in relation to the events of the 1980s, firstly, by establishing the Burt Commission on Accountability and the Royal Commission into Commercial Activities of Government and Other Matters and, secondly, by actively supporting the recommendations that have come from these inquiries. In a mature and responsible way, we initiated inquiries and then listened to the inquirers.

The same cannot be said about the coalition Government. It has been very reluctant to change the legislative framework to incorporate a better system of checks and balances. The reform agenda that came from the royal commission has been effectively throttled. We also need to remind the House that entrepreneurialism lives on in Western Australia and has resulted in the Elle Racing and Global Dance fiascos. The proposed convention centre is perhaps shaping up as the next case study. We also need to remind the House that the Government now contracts to the private sector over \$1b of its service delivery. Contracting out poses questions about government business relations that are just as important as those posed by direct government investment in commercial activity. We need vigilance, not complacency; we need checks and balances, not ideology; we need openness, not secrecy; we need the public interest, not private interests. These are the tests that we will apply to the Government in its dealings with business, whether as contract manager or as investor. Business in government is as problematical as Government in business.

MR PENDAL (South Perth) [11.04 pm]: I am genuinely puzzled by the arrival of this Bill. As the House has been told, its purported aim is to bring about the legislative death of both the WADC and Exim. These organisations were and remain the very centre of the Labor Party's new form of corporatism - some would say old fashioned socialism - in the 1980s. These arrivals, as they were, have been etched into the political psyche, and I might say justifiably so,

as living proof that the Government has no place in the commercial world; that is, it has no place in the marketplace. In light of that, why would one be puzzled by the Bill? The puzzlement comes because on closer inspection, the Bill does two major things. Firstly, it certainly does away with the WADC and Exim, and that is what I call the Labor form of socialism; but here is the puzzle. The second thing the Bill does is to entrench what one might call a Liberal-National form of that same outdated mechanism. I say this because the Bill appears to me to trigger a repeal of everything except those things that are referred to in clause 6 of the Bill; that is, everything that relates to business ventures put in place by the current Liberal-National Government. What do I mean by that? It seems to me that we are being asked under clause 6 of the repeal Bill to substitute the Western Australian Land Authority for the Western Australian Development Corporation, which is concerned with certain land deals and shopping developments. Why am I concerned? Why do I think that the Government is being two faced? I feel that way because of the very contents of the Treasurer's own speech. I refer to page 7 of the typewritten version of that second reading speech in which he spoke of the WADC's involvement in Underwater World and said that this was another high risk venture of the Labor Party that lost money and would have been better left to the private sector. Yet in the face of that, the Treasurer has no trouble in allowing LandCorp, the Western Australian Land Authority, to continue to put taxpayers' funds at risk, not just in land development, but also in entrepreneurial projects, and that is the reason for my puzzlement. If it was wrong to invest in an Underwater World leisure centre, why is it right to invest in a major land development involving a shopping centre and six picture theatres? Can the Government tell me where is the difference in those two leisure orientated entrepreneurial ventures? In LandCorp's own annual report, its chairman said to its Minister that against a backdrop of adverse trading conditions in the land development and housing industry, the authority achieved a very satisfactory trading result. By his own admission, Mr Griffiths speaks of the speculative nature of the industry, and that is against a backdrop of adverse conditions in which one might either win or lose. In these circumstances I ask: How can a Liberal-National Party Government justify the authority's involvement in Joondalup?

Mr Baker: Did you vote in support of the Bill when it was passed?

Mr PENDAL: Which Bill?

Mr Baker: The Bill establishing it.

Mr PENDAL: I have no idea. I am opposing this Bill.

Mr Baker: You have changed your mind.

Mr PENDAL: No I have not. LandCorp, by its own statement in its annual report, is the State Government's land development agency. Its stated mission is to provide a responsive land development service. I ask members to note that it is a land development service, and not a bricks and mortar service for the building of shopping centres, and certainly it is not for participation in ownership of cinemas, convention centres or the like.

Mr Shave: Would it please you to know that LandCorp is selling the shopping centre?

Mr PENDAL: I am delighted, and this may help it to square up the ledger with respect to other activities, to which I will refer. Not only have the shopping centres and the picture theatres caused me concern, but also other ventures in which LandCorp, with this free enterprise Government, has involved itself.

We are faced with an aversion not to government involvement in commercial operations, but to Labor Government involvement in commercial operations. Members should make no mistake; big money is at risk. The authority and, thus, the Government and taxpayers, have a 50 per cent interest in the Lakeside Joondalup shopping centre. In dollar terms, according to the most recent report, that represents an investment of \$46m. The report indicates that the investment this year is worth slightly less than it was worth last year. That slight reduction in value this year might well be a massive reduction next year if the adverse conditions that Mr Griffiths spoke about worsen. Thus taxpayers' money continues to be at risk, in the very same circumstances that ultimately drove the Labor Party from office in Western Australia.

I have publicly criticised the budget decision to invest \$100m in a convention centre. Why is the private sector not capable of doing that for itself? Earlier this year, after the sale of the gas pipeline, I suggested to the Treasurer that a lasting investment of a fraction of that money would be the building of a lyric theatre in Perth; that is, a type of small opera house.

Ms Anwyl: In South Perth?

Mr PENDAL: It could be in South Perth and I could find the site.

To his credit, the Treasurer was quick to tell me by correspondence that it was not appropriate, on the ground that he did not want to cut across the plans of a private entrepreneur. Who was that private entrepreneur? It was the

Burswood Resort Casino interests. The Treasurer said it was not appropriate to cut across Burswood to provide a lyric theatre, but that it is all right to do so in the provision of a convention centre.

That is the reason for my puzzlement. I simply do not understand how, after a decade of the most passionate and steadfast opposition to state involvement in ventures such as a petrochemical industry, diamond mines or underwater worlds in the northern suburbs, a new private enterprise Government can justify its building a convention centre, and half owning a shopping centre or owning a string of cinemas. In every case, the Government is condemned from its own mouth.

In the second reading speech to which I referred, the Treasurer disparagingly referred to Exim's first foray into commercial operations in the cut flower business in direct competition with dozens of small businesses. I remember that very well, and some of my associates were part of the protests against the Labor Government of the day doing that. These same people profess to being puzzled, or amazed, a decade later to find that, just as in the case of Exim, the Government has gone into competition with dozens of small businesses; that is, private cinemas, private land developers and private convention organisers.

It goes further. One of LandCorp's flagships is the Exmouth resort and residential project, which has just been given Cabinet approval. Why? Why should a Government - above all a Liberal Government that professes private enterprise beliefs - be involved in a resort in a remote part of Western Australia? Why should it be picking winners? What is the justification? What is the financial commitment of that? Above all, what is the financial risk?

Depending on the response I receive, I may give notice of an amendment to clause 6 to delete it. I believe that will test the sincerity of the Government and its motives. LandCorp is no more or less than WA Inc under a new name. If the Joondalup venture crashed, so too would this Government because no-one would forgive it for losing \$46m.

It is dishonesty in its most blatant form. The Bill does not do what the Government claims it will do. Indeed, it will merely continue government commercial operations in a different form. For that reason, the Bill does not deserve to pass in its present form.

MR COURT (Nedlands - Treasurer) [11.18 pm]: The speech by the Leader of the Opposition was one of the shortest I have heard from him on a Bill. I know there is good reason that the Leader of the Opposition wanted to keep his speech short. I remember when, as a new member of Parliament, he made a very expansive speech about the new way the Government would be running with the Western Australian Development Corporation and the Western Australian Exim Corporation, both of which were finally discredited bodies.

WADC and Exim have considerable land holdings that must go into some government agency. The body chosen has experience in this area and it is appropriate that it be transferred to this area.

With regard to the comments about LandCorp and the Joondalup development, I believe that development has been a terrific success story. It was started many years ago.

Mr Graham: Before you guys came along.

Mr COURT: It was started in my father's time.

Mr Baker: Yes, by Sir Charles Court.

Mr COURT: I was not going to say that; I let someone else say it.

It was a concept that enabled the opportunity for planning at its best to develop what has become a model community. Part of that community has shopping centres and picture theatres, etc, and financially it is an incredible success story. I agree with the member for South Perth that at the appropriate time the Government should relinquish those commercial operations.

The Government became involved in the Joondalup development in building many facilities and encouraging a considerable amount of development. Some would say it was developed ahead of market demands. On the other hand, it has set an example. This weekend I am opening the new greenway in the magnificent park complex through the middle of Subiaco Centro. I can proudly say that for the first time I have facilities in my electorate as good as some of the facilities in the new suburbs. They are state of the art parks which are part of terrific urban designs. I find the concept exciting.

I dispute that in winding up the Western Australian Development Corporation we have put the land in the hands of the wrong body. It must go into a government agency. LandCorp has become involved in the Marlston Hill development at Bunbury and the fascine development at Carnarvon. They are very difficult projects which we would not wish on any private developer.

Mr Pental: Are you saying that Marlston Hill could not have been done successfully by the private sector?

Mr COURT: The problem in Marlston Hill was that we had to relocate the oil tanks, etc. It was one of those deals on which the private sector is often reluctant to spend money up-front. Many difficulties and some risk such as potential for contamination were associated with the development, although it is a relatively small development. It could have been carried out by the South West Development Corporation. However, it was agreed by government that LandCorp could do the job, and it has done a terrific job.

The fascine development incurred huge native title problems and was delayed for many years. It has progressed only as a result of LandCorp's being able to hang in while we worked through the issues. I see its initial stage as the catalyst. Once the fascine development is running it will be driven by the private sector.

People are not queuing up to develop facilities at Exmouth. For no other reason than safety, we have had to build sheltered anchorage in the marina.

Mr Pental: A private developer was willing to take on Exmouth. His preferred site was not accepted by the Government so he put work into the Government's preferred site. Then he was pushed out by the involvement of LandCorp.

Mr Brown: That is right.

Mr COURT: At Exmouth?

Mr Pental: That is right.

Mr Brown: When questions were put to you whether he was given the shove for political reasons you would not answer.

Mr Pental: He was a private sector developer.

Mr COURT: I think members opposite have got it wrong.

Mr Brown: We have not got it wrong. He was told by your Minister for Tourism to establish a centre on the west coast where there was not a snowball's chance in hell of his establishing it. He spent two years being pushed from pillar to post by your Government. There was a meeting of Ministers who duck-shoved the whole project.

Mr COURT: The issues on the west coast are very much environmental and planning issues, and they are delicate issues. There should be some very limited development on the west coast but it will be difficult to handle. As I said, it is very difficult to get private sector interests in some of the regional centres.

Mr Shave: We called for tenders, so we cannot be any more open than that.

Mr COURT: We had to find a body willing to take over this land when the WADC and Exim Corporation were wound up, and that body has been chosen. I thank members opposite for their comments on this Bill.

Question put and passed.

Bill read a second time and proceeded directly to third reading.

Third Reading

MR COURT (Nedlands - Treasurer) [11.28 pm]: I move -

That the Bill be now read a third time.

MR PENDAL (South Perth) [11.29 pm]: Rather than hold up the House in Committee I want to reiterate the effects of clause 6. It is a good opportunity to briefly tell members, particularly government members, the effects of the Bill. It sets out to repeal the WADC and the Exim Corporation Acts and makes certain transitions to which the Treasurer referred only a few minutes ago. For example, clause 4 is the nub of the matter. It repeals the WADC Act of 1983, which I support. Clause 5 is the repeal of the Exim Corporation Act of 1986, which I also support.

I support them because I spent probably eight or nine years during that period reminding Labor Governments that they had no role putting at risk taxpayers' funds in either of those two organisations. As a then Opposition we were rich in our condemnation of the results because they cost the State enormously.

Mr Graham interjected.

Mr PENDAL: As they should have been, because the principle was wrong. Government should provide services that we cannot reasonably expect private entrepreneurs and private bodies to provide. That is the difficulty with

clause 6, which does not repeal in the clean way that clauses 4 and 5 repeal repugnant legislation. Clause 6 entrenches those portions of the Western Australian Development Corporation Act and its principles in law. It reads -

6. Act does not apply to certain assets, liabilities etc.

This Act has effect subject to section 51 of the *Western Australian Land Authority Act 1992*, in particular -

I want members to listen to the key word -

- (a) subsections (7) and (10) of that section by which the Western Australian Land Authority is made -

Here is the key word -

the successor to the WADC.

If the Treasurer is comfortable with that, I am astonished. I sat in the same rooms as he did in the 1980s, and I did not believe that I would live to see the day when he would sponsor legislation under which the Western Australian Land Authority would be made the "successor" to the WADC. Those are the Government's words, not mine. Clause 6 (b) reads -

subsection (9) of that section -

It refers to section 51 of the Western Australian Land Authority Act; listen to the words, members -

- by which the Western Australian Land Authority is substituted for the WADC . . .

So in two clauses of this Bill, the Western Australian Land Authority is being made the "successor" to the Western Australian Development Corporation! Are members oppositely seriously proud of that intent given the history of the 1980s and 1990s? Are members proud that the subclause then states that the WA Land Authority is substituted for the WADC? It becomes it.

Mr Shave: I think you are aware that the authority will undergo the review of its legislation, as it must terminate or be extended by December of this year. You must look at its powers in terms of its legislation and the powers the WADC had. I will not debate those words in the Bill, but you must look at its capacity to operate.

Mr PENDAL: The Minister need not debate the words in the Bill - they are there on the page -

. . . the Western Australian Land Authority is made the successor to the WADC . . .

I can tell the Minister that a few Liberals from the mid-1980s will be turning in their graves today, if they made it that far.

Mr Court: It is transferring land across; it is not transferring the powers across.

Mr PENDAL: I understand what the clause is doing; it is making a statutory authority under this premiership a successor to the WA Development Corporation.

Mr Court: You have misread it.

Mr PENDAL: No. I might move to have the Bill recommitted.

Mr Cowan: Are you going to do that?

Mr PENDAL: I will not do that; otherwise I could keep the discussion going. I am trying to make a point, which is partly in response to the interjection of the Minister for Lands: He said that we have a review coming up, and we must do these things in the fullness of time. The Government has been in office for five years, which is long enough to sell the R & I Bank, to do whatever it was we did with the Midland Workshops, and to dismantle a raft of government activities on the grounds that it is best for government to get out of those things. I supported those moves. Nevertheless, why have government members undergone this dramatic conversion, which makes St Paul's look amateurish, which effectively says that the Government will repeal Labor's act of socialism in clauses 4 and 5, but will entrench Liberal and National Party socialism in clause 6?

Mr Cowan: You're incredible.

Mr PENDAL: Has the Deputy Premier read the Bill?

Mr Court: All we are talking about is transferring the land; it repeals the powers.

Mr PENDAL: No. It repeals all powers except the following -

This Act has effect subject to section 51 of the *Western Australian Land Authority Act 1992*, in particular -

- (a) subsections (7) and (10) of that section by which the Western Australian Land Authority is made the successor to the WADC . . .

Mr Cowan: Exactly. Go back and find out what it means!

Mr PENDAL: I do not need to go back; it is written in front of me.

Mr Cowan: Yes, you do. You're demonstrating that you do not understand what the clause means.

Mr PENDAL: I can at least understand from the Deputy Premier's point of view, as an agrarian socialist, that he would welcome such government involvement. In the days of the WA Inc debates, the National Party had a record of supporting some of those activities. Therefore, I can understand the Deputy Premier's position tonight. However, I cannot understand the Liberals' position in this House.

Mr Cowan: Your problem is that you cannot understand simple English clauses in the Bill.

Mr PENDAL: I will read it.

Mr Cowan: I have heard you read it, and I have read it. You still do not understand them.

Mr PENDAL: The Deputy Premier can prolong debate all he likes. I will read the plain words which the erudite Deputy Premier says I do not understand.

Mr Cowan: For the last nine minutes you have demonstrated that you do not understand it.

Mr PENDAL: The clause reads -

This Act has effect subject to section 51 of the *Western Australian Land Authority Act 1992*, in particular -

- (a) subsections (7) and (10) of that section by which the Western Australian Land Authority is made the successor to the WADC . . .

The next subclause adds insult to injury. I can understand the Deputy Premier supporting that measure with his track record, but I cannot understand the Treasurer's sponsoring of this measure as he was a passionate defender of the notion that Governments do not involve themselves in things which are best left to the private sector. Over the page, paragraph (b) refers to the Western Australian Land Authority. These are the Government's words; the Deputy Premier wants the plain meaning of words, but I can only tell him what the Bill states. He was in the Cabinet which approved the measure. It refers to the section "by which the Western Australian Land Authority is substituted for the WADC." There is no ambiguity about that. One need not be a Rhodes scholar to understand its meaning. To be a successor and substitute says that one will do the same things done in the past.

The hypocrisy is that after five years in government, the Ministers and, regrettably, backbenchers say they will repeal everything in clauses 4 or 5 which touched on Labor's "new corporatism", or whatever we called it; but clause 6, which the Deputy Premier says is incredible -

Mr Cowan: You're incredible.

Mr PENDAL: I agree that it is incredible that people with such a track record would sponsor a Bill containing the words that the WA Land Authority is being turned into the successor to, and substitute for, the much hated WADC. If members cannot recognise that as hypocrisy, cant and humbug, they have lost the capacity to make such political decisions.

It is not as though this measure is to set aside only those matters which the Minister for Lands says we now are trying to relinquish; namely, flogging the Joondalup centre and getting rid of the flicks. We are doing more under this Government. The Treasurer has allocated \$100m in the Budget for a convention centre. These things will come back to haunt this Government more than those matters haunted the Labor Government.

Mr Shave: I heard you say earlier that you do not like the convention centre, but you would like some arts centre located in South Perth.

Mr PENDAL: That is right.

Mr Shave: If it is a convention centre, which you do not like, because it does not suit you, the Government should not do it. However, because you like art centres -

Mr PENDAL: The Minister misunderstands.

Mr Shave: I am getting it pretty clear.

Mr PENDAL: The Minister misunderstood, but for his benefit I will slow it down another couple of gears and go over it again. By no stretch of the imagination are convention centres a role for government in Western Australia - most of all they are not the role of a free enterprise Government. Every day of the week I hear that the Government cannot find funds even for essential services. When I raised this in an earlier debate the response of the Minister for Health was not unlike the comments being made by the Minister for Lands. They think they are being learned by saying that I must realise that the \$100m for the convention centre will not come out of consolidated revenue. I did not say that it would.

Mr Shave: Nor did I.

Mr PENDAL: No, the Minister for Health said it was coming out of loan funds. I asked him who would service the loans. Mr Deputy Speaker will know the answer to that. Whether we are talking about the collection of revenue for the consolidated fund or raising loans and repaying them, the taxpayer foots the bill. It is no argument for government members to say that it cannot fund the public hospital system and to do what it was elected to do. Not one person in this Chamber would dispute - whether they have a view of strong government intervention or a laissez faire attitude - that a State Government does not have an integral role to play in the provision of health services. Yet those health services have been creaking and groaning for at least 18 months to two years with the expansion of hospital waiting lists. All I am doing is relating that to what is the real function of government. That is not contained in clause 6 of this Bill. Members can put whatever interpretation and hue they want on clause 6, but the words being used - they are not words made up by me -

Mr Cowan: But not understood by you.

Mr PENDAL: I understand them perfectly.

Mr Cowan: No, you do not.

Mr PENDAL: I live in hope that the Deputy Premier can tell me whether he has a different interpretation.

Mr Court: There is a misunderstanding and I will explain it to the member for South Perth.

Mr PENDAL: Is the Treasurer saying that the land authority will not turn out to be the successor to the WADC?

Mr Court: When you sit down I will explain.

Mr PENDAL: No, because when I resume my seat I will not get another chance to speak.

The Government has written the Bill and clause 6 states that the land authority is to be made the successor of the WADC for all those land deals. It also refers to the land authority being the substitute body in them. I have made my point, and I will resume my seat. I wanted to do no more than bring to the attention of the House the fearful position that government members in particular are putting themselves in if something goes wrong in the next 12 months as the Government tries to get out of the Joondalup centre. I hope things do not go wrong.

Mr Shave: Nothing will go wrong.

Mr PENDAL: According to the Minister's own report it was worth less this year than it was last year.

Mr Shave: Maybe they are being conservative.

Mr PENDAL: Let us hope they are. Government members and particularly those in marginal seats will wear these decisions if they go wrong. I am one of the few people who can remember being told in the other place by none other than Hon Joe Berinson, "Yes, we have offered Rothwells that underwriting for the \$150m, but I can promise members that it will never be called upon." Does the Treasurer remember that? The coalition parties made an industry in the next eight years of saying, "You didn't go into it with your eyes closed, Mr Attorney General in the Labor Government, because you told us up front that that guarantee would never be called upon." Circumstances change, and we have seen that in the space of about eight weeks with the American bailout of the Japanese currency. Who would have thought that in the past two, 10, and 15 years as we walked around in absolute awe of the Japanese, Indonesian, Malaysian and Thailand economies?

Mr Cowan: You might have been doing that on your own.

Mr PENDAL: The Deputy Premier's party did that on many occasions. If the Deputy Premier would like I will reintroduce into this Chamber the policy documents and its trade expansion policy which was based on the mythical

belief, as it turned out, that everything was irrevocably sound about those economies. We now find, as late as a week ago, the Americans bailing out the Japanese currency. This Government is putting at risk taxpayers' funds no more nor less than did its predecessors in the Burke and Dowding Governments. It is not as though the Government has said that it had a dalliance in order to get out of things like the Joondalup shopping centre; the Government is going into it deeper and deeper.

Mr Shave: Give me one example.

Mr PENDAL: The convention centre.

Mr Shave: I thought the member was referring to LandCorp. Can he give me one example involving LandCorp in the past 18 months?

Mr PENDAL: The Exmouth project is a good example of that.

Mr Shave: What has the Government put into that?

Mr PENDAL: It is the Minister's report. Does he want me to spend half an hour going into it?

Mr Shave: The marina was a community service.

Mr PENDAL: I know that. I also know that proponents in the private sector were driven out on the eve of the 1996 election because of the competition from LandCorp.

Mr Cowan: Is the member talking about Exmouth?

Mr PENDAL: Yes.

Mr Cowan: About the boat harbour?

Mr PENDAL: I am not talking about the boat harbour. Why did the company that sought to go into that come to see me on the eve of the 1996 election? The minute that government members and the then Minister for Tourism knew that the company had come to me there was panic in the ranks; he telephoned me to cancel an appointment because the Government had found out that he had come to see me. The Government was not stupid, and the Ministers were not stupid; they knew the inconsistency that was involved.

Mr Cowan: That is incredible.

Mr PENDAL: The Deputy Premier can sit there and say that - what a gigantic contribution to the debate! That says that the Deputy Premier does not even know the extent to which the Cabinet has locked him into the decision. I would have finished 10 minutes ago if not for the encouragement from the Deputy Premier and the Minister for Lands.

Mr Cowan: You are out of your tree.

Mr PENDAL: I will not be out of my tree. This will rebound on the Government. This attitude of arrogance and pompousness within the Government that it can now manage to do what it spent 10 years criticising the two previous Labor Administrations for doing is ultimately putting taxpayers' funds at risk, when taxpayers' funds should not be involved. I rest my case.

MR COURT (Nedlands - Treasurer) [11.50 pm]: I would not normally respond in the third reading but there is a misunderstanding by the member for South Perth that I want to correct. The member for South Perth made a big deal of the fact that the land was transferred across and the land authority became a successor of the Western Australian Development Corporation. I explain that the land was transferred across in 1992, before we came into government, as part of the process of winding up these arrangements. The member for South Perth agreed to it.

Mr Pendal: True.

Mr COURT: There was the Western Australian Land Authority Act which required the agreement of this Parliament for that to happen. Therefore, the land already went across. All that is happening here is that in winding up the WADC and WA Exim Corporation, that component of the WADC and WA Exim where we transferred the land across must remain in place so that we can get that land from one body across to the other body.

Mr Pendal: Is the Treasurer saying that there is a finite clause as to the successor to the WADC?

Mr COURT: The actual transfer across took place in 1992. Secondly, in relation to the convention centre, we do not know what proposals will be put to government when we call for expressions of interest. However, the member for South Perth is saying basically that if the Government owns arts related facilities that is okay.

Mr Pandal: Yes it is, because historically that is what Governments have done.

Mr COURT: That may well be.

Mr Pandal: Your Government and Labor Governments.

Mr COURT: It may well be that what we get for the money we put into that complex is arts related facilities.

Mr Pandal: That is not what your announcement says.

Mr COURT: Yes it did. It referred to a "convention exhibition village" which will incorporate, hopefully, apartments, theatres, soccer/rugby stadiums, shopping centres and all sorts of exciting things.

Mr Pandal: Then why did you reply to my letter about Burswood and say, "No, we cannot do that with any of the money from the pipeline sale because that would cut across the plans and the aspirations of the Burswood Resort"?

Mr COURT: On the lyric theatre?

Mr Pandal: Yes.

Mr COURT: Burswood are putting in a lyric theatre.

Mr Pandal: That is exactly my point.

Mr COURT: Yes.

Mr Pandal: Yes. Therefore, why would the Government not follow them with that set of rules in respect of you know what they want to do about a convention centre?

Mr COURT: I wish I did. I do not know.

Mr Pandal: I know what you have said publicly about it.

Mr COURT: I do not know. I have not been briefed on what they want to do.

Mr Shave: It is funny how they are keen to build a convention centre now that someone has suggested there might be an alternative one.

Mr COURT: If the member wants an explanation of the land transfers that have taken place, we can provide it. I believe that he has misrepresented the way in which those land transactions have been handled; and it happened back in 1992.

Question put and passed.

Bill read a third time and transmitted to the Council.

House adjourned at 11.53 pm

APPENDIX A**ADMINISTRATIVE ARRANGEMENTS**
SECTION 8 OF THE POLICE ACT 1892 (WA)**PREAMBLE**

This document sets out the administrative arrangements adopted by the Hon John Day MLA, Minister for Police, and Commissioner Robert Falconer APM for application henceforth to the exercise of the Minister's and the Commissioner's respective powers under section 8 of the *Police Act 1892* (WA) ("section 8").

Recognising that removal under section 8 is not dismissal, it is acknowledged that if a Member is removed, this will be done with as much dignity as possible and with full entitlements.

It is also acknowledged that where a Member served with a Notice of Intention tenders a resignation, the Commissioner may accept that resignation.

(The offer of a resignation will generally be accepted except in exceptional circumstances).

PART 1 - COMMISSIONER'S DECISION

1. The Commissioner receives a written Summary of Investigation and any other documents and materials.
2. On the basis of the information referred to in Clause 1, the Commissioner determines that:
 - a. the member can remain in the WAPS with the Commissioner's confidence; or
 - b. further information or assessment is required in order to determine whether to issue a Notice of Intention to recommend to the Minister to remove the Member. In this case, the Member is either allocated set duties or stood down in accordance with Part 6. Upon receipt of further information or assessment, the Commissioner may commence the process again from Clause 1; or
 - c. the Member's conduct or behaviour on a particular occasion or over a period of time shows:
 - i. a lack of integrity;
 - ii. a lack of honesty;
 - iii. a sustained failure to perform the functions of the Member's Office; or
 - iv. serious misconductsuch as to cause the Commissioner to lose confidence in the Member.
3. If the Commissioner determines that the Member's conduct or behaviour is such as to cause the Commissioner to lose confidence in the Member, the Commissioner issues a Notice of Intention to recommend to the Minister the removal of the Member.

Pending the final decision of the Commissioner, the Member is either allocated set duties, stood down or suspended in accordance with Part 6.

PART 2 - MEMBER'S RESPONSE

4. The Member:
 - a. has 21 days from the date of receipt of Notice of Intention (or such further period as may be approved by the Commissioner) to respond to the Notice of Intention; and
 - b. must be provided with the Commissioner's reasons for the decision to issue the Notice of Intention and the Summary of Investigation and any other documents and materials on which the Commissioner has relied in deciding to issue the Notice of Intention.
5. The Member will be given special access, on a 'refresh the memory basis', to materials already seen or created by the Member in the course of duty, which are relevant to the reasons for the decision to issue of the Notice of Intention.

PART 3 - COMMISSIONER'S ASSESSMENT OF MEMBER'S RESPONSE

6. Within 21 days, or as soon as reasonably practicable thereafter, of receiving the Member's Response, the Commissioner must assess the Member's Response and:
 - a. decide that the Member retains his confidence and return the Member to full duties, with or without counselling or other managerial action; or

- b. return the Member to full duties, allocate or continue to allocate the Member set duties, stand down or continue to stand down the Member, or suspend or continue to suspend the Member in accordance with Part 6 to allow a period for further investigation of the Member's Response; or
 - c. decide that he has lost confidence in the Member, suspend the Member, and issue a recommendation that the Minister advise the Governor to remove a commissioned officer or approve the removal of a non-commissioned officer ("Commissioner's Recommendation").
- 7. The Commissioner must give the Member notice of any Commissioner's Recommendation ("Notice of Commissioner's Recommendation"):
 - a. attaching a copy of the Commissioner's Recommendation;
 - b. stating the reasons for the decision to issue the Commissioner's Recommendation;
 - c. providing all further material on which the assessment of the Member's Response is based (if any); and
 - d. advising that the Member has the right, within 7 days of the date of receipt of the Notice of Commissioner's Recommendation, by written request to the Minister, to seek a review of the Commissioner's decision to issue a Commissioner's Recommendation ("Request for Review").

PART 4 - REVIEW OF THE COMMISSIONER'S RECOMMENDATION

- 8. Other than in exceptional circumstances, the Minister must not act on the Commissioner's Recommendation for a period of 7 days after the Notice of Commissioner's Recommendation has been received by the Member.
- 9. Where the Minister does not receive a Request for Review within 7 days, the Minister may proceed to act on the Commissioner's Recommendation.
- 10. Other than in exceptional circumstances, where the Minister has received a Request for Review, the Minister must not act on the Commissioner's Recommendation until the Review process, and any action consequential to the Review, has been concluded.
- 11. Upon receipt of a Request for Review, the Minister must appoint a Reviewer and advise the Member and the Commissioner. The Commissioner must, as soon as practicable thereafter, deliver to the Reviewer:
 - a. the written Summary of Investigation and any other documents and materials on which the Commissioner relied in deciding to issue the Notice of Intention;
 - b. the Member's Response;
 - c. all further material on which the assessment of the Member's Response was based (if any); and
 - d. all relevant notices issued by the Commissioner to the Member.
- 12. Within 7 days, or other such period as agreed to by the Reviewer, of the date of submission of the Request for Review, the Member must provide to the Reviewer a further written submission setting out the reasons why the Member believes that there was a failure of procedural fairness or due process ("Member's Submission to Reviewer"). If the Member does not provide a Submission to Review, the Review lapses, and the Minister may proceed to act on the Commissioner's Recommendation.
- 13. For the purpose of assisting the Member to provide a Member's Submission to Reviewer, the Member will be given special access to the materials mentioned in paragraph 5 in Part 2 above on the same basis as set out in that paragraph.
- 14. The Reviewer must provide a copy of any Member's Submission to Reviewer to the Commissioner and allow the Commissioner a period of not less than 7 days to provide a written response ("Commissioner's Response").
- 15. Upon receipt of the Commissioner's Response, the Reviewer must determine whether there has been a failure of procedural fairness or due process due to one or more of the following:
 - a. **A failure to observe any of the procedures set out in these Administrative Arrangements**
 The procedures set out in these Administrative Arrangements must have been followed unless the Reviewer is satisfied that the Member has suffered no material prejudice as a result of a failure by the Commissioner to observe the procedures strictly.

b. Failure to provide reasons for decision that are "adequate and intelligible"

- i The reasons for decision provided by the Commissioner must rationally relate to the evidence contained in the materials and be comprehensible.
- ii The reasons should not be construed in the way that a court would construe a statute but a decision is inadequate where the Member can show substantial prejudice resulting from a failure on the part of the Commissioner to demonstrate how an issue of law has been resolved or a disputed issue of fact decided or by "demonstrating some other lack of reasoning which raise[s] substantial doubts over the decision-making process."

c. Error of law

A decision may be defective where the Commissioner has made an error of law, for example, by misinterpreting any law that applies to the circumstances of the conduct of the member leading to the Commissioner's loss of confidence in the member.

d. An absence of evidence or other material to justify the decision

The Reviewer must not normally interfere with the Commissioner's assessment of fact except where:

- i the Commissioner has taken into account as a fact something which is wrong or he has misunderstood the facts upon which the decision depends;
- ii there is no evidence for a finding upon which a decision depends; or
- iii where the evidence, taken as a whole, is not reasonably capable of supporting the finding.

e. Bad Faith

- i The decision is inadequate if it has been induced or affected by fraud, dishonesty, malice or personal self-interest.
- ii A power is exercised *fraudulently* where the person making the decision intends to achieve an object other than that which he claims to be seeking. The intention may be to promote another public interest or private interests. A power is exercised *maliciously* if its repository is motivated by personal animosity toward those who are directly affected by its exercise.

f. Improper Purpose

A decision is inadequate if it was based on an exercise of power that was improper, for example, because:

- i an irrelevant consideration was taken in account;
- ii a relevant consideration was not taken into account;
- iii the power was exercised for a purpose other than its true purpose;
- iv the power was exercised in bad faith;
- v the exercise of the power was so unreasonable that no reasonable person could have so exercised it.

The above categories tend to overlap and, where a decision is defective on one ground, others may also apply.

- 16. The Reviewer may only inquire into the matters set out in clause 15(a)-(f).
- 17. The Reviewer may, at any time in the course of the Review, request the Member or the Commissioner to provide any further information in writing to the Reviewer.
- 18. The Reviewer must deliver his or her determination and recommendations, together with written reasons for the determination and recommendations, to the Minister, the Commissioner and the Member within 30 days of receiving the Commissioner's Response.
- 19. The Reviewer must maintain a complete record of the Review and must deliver that record to the Minister after completing the Review.

PART 5 - FOLLOWING THE REVIEW

20. If the reviewer determines that there has been no failure of procedural fairness, the minister may act on the commissioner's recommendation by advising the Governor to remove a commissioned officer or approving the removal of a non-commissioned officer. The Minister shall advise the Member and the Commissioner that he has so acted.
21. If the Reviewer determines that there has been a failure of procedural fairness or due process the Minister must return the Commissioner's Recommendation to the Commissioner for further consideration by the Commissioner.

Upon the return of the Commissioner's Recommendation by the Minister the Commissioner may either:

- a. reinstate the Member to his full duties with or without counselling or other managerial action; or
- b. commence the process again from Part 1.

PART 6 - DIRECTIONS AS TO PAY, LEAVE AND SUSPENSION

22.
 - a. The allocation of set duties means that a member is assigned to duties other than the normal duties of the member.
 - b. The standing down of a member means that a member, on full pay entitlements, is relieved of all duties and does not report back to duty until so ordered.
 - c. The standing down or suspension of a member prior to the issuing of a Commissioner's Recommendation should be for a period not exceeding 60 days.
 - d. Prior to the issue of a Commissioner's Recommendation, a member should only be suspended in exceptional circumstances where the operational requirements of the WAPS dictate such action.
 - e. Where a member is suspended that member should be entitled to clear any accrued leave.
 - f. The Commissioner may at any stage in the process, for operational reasons, alter a direction to stand down or suspend a member.
 - g. Where a member has been suspended and is reinstated to full duties under these Administration Arrangements, his entitlements are to be restored so that he is in the same position he would have been in had he not been suspended.
23. Under these Administrative Arrangements the Commissioner will not use any power under a Enterprise Bargaining Agreement or Award to direct a Member to clear leave in connection with the section 8 removal process.

18 June 1998

QUESTIONS ON NOTICE

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

DECENTRALISATION OF GOVERNMENT SERVICES

3537. Mr GRAHAM to the Minister for Regional Development:

- (1) What Government services have been decentralised to the regional areas since 29 November 1996?
- (2) How many extra staff positions have been created in the regions since 29 November 1996?

Mr COWAN replied:

- (1) In July 1996 the Department of Contract and Management Services (CAMS) was formed by the merger of the former Building Management Authority (BMA) and the Department of State Services (DOSS). Whereas the BMA had 14 regional centres statewide from which it delivered building maintenance services, all services of DOSS were delivered from Perth. Through an initiative titled "A New Approach to Service Delivery in the Country", the new CAMS organisation is able to deliver many of its services through the 14 former BMA country offices. This includes procurement and asset management advice and facilities management as well as contracting related to goods and services purchasing.

The Health Department of Western Australia has been implementing a continuous improvement program for many years to enhance the effectiveness of service delivery. This has involved the devolution and delegation of certain authority and accountability to regional areas to improve management processes, including the monitoring and reporting of statutory requirements, some accounting and payroll functions and a greater regional involvement in infrastructure project control.

The West Australian Tourism Commission operates its Tourism Industry Development offices on a decentralised basis, maintaining offices in the Kimberley, Gascoyne, Midwest, Goldfields, Wheatbelt/Heartlands, Peel, South West and the Great Southern.

The Eastern Goldfields Terrain Custodian has been established in Kalgoorlie. The service is the provision of integrated geoscientific advice, geoscience map products and geoscience information of the Eastern Goldfields.

The Valuer General's Office is the only agency within the portfolios of Finance; Racing and Gaming where services have been decentralised to the regional areas since 29 November 1996.

The Valuer General's Office provides Property Sales Information and all other research products from the Bunbury Office as an additional service since 29 November 1996.

The Ministry of Sport and Recreation established a tenth region in February 1998 with the creation of the Peel Regional Office.

Direct services delivered by Family and Children's Services which have been decentralised are -

- Parenting Information Centres
- Parent Link Home Visiting Services
- Best Start for Aboriginal Families with pre-school children
- Family Group Conferencing

New or expanded services funded by the department and delivered by non government agencies are -

- Domestic Violence Services for victims, perpetrators and children who witness violence
- Family Counselling Services
- Aboriginal Family Support Services
- Community Drug Service Teams have been established throughout the State

- (2) 338.5

CHILD HEALTH CENTRES

3641. Dr CONSTABLE to the Minister for Local Government:

In each of the last five years -

- (a) how many Child Health Centres opened in the metropolitan area;
- (b) where were the Child Health Centres; and
- (c) what was the total budget for Child Health Centres?

Mr OMODEI replied:

- (a)-(c) As Councils are not required to supply this information to the Department of Local Government no answer can be given.

MINISTER FOR LOCAL GOVERNMENT'S CAIRNS ITINERARY

3683. Mr CARPENTER to the Minister for Local Government:

- (1) Will the Minister table his itinerary for his trip to Cairns from 28 July to 2 August, 1997?
- (2) If not, why not?

Mr OMODEI replied:

- (1)-(2) As Minister for Disability Services I am required to attend many Commonwealth/State meetings and I do not propose to set a precedent whereby Ministers would need to regularly table details of these itineraries.

PUBLIC TRUST OFFICE REVIEW

3733. Mr PENDAL to the Minister representing the Attorney General:

- (1) Is it correct that the review of the Public Trust Office prepared by KPMG Management Consulting Group in November 1995 has been the subject of an examination by an advisory board established by the Attorney General?
- (2) If so, why was it necessary to appoint a second body to review the work of KPMG?
- (3) As a result of the Government's invitation for expressions of interest for membership of the advisory board, how many such expressions were received?
- (4) From which areas of interest and expertise were those expressions of interest received?
- (5) Who were the members eventually appointed?
- (6) Upon what basis did the Attorney General make those choices?
- (7) In view of the interest in the role of the Public Trustee, who has been responsible for the stewardship of many millions of dollars in live-savings of smaller estates for more than half a century, will the Attorney General give an undertaking that no decisions will be made to affect the role of the Public Trustee or the reorganisation of his Office until the tabling of the advisory board's review in the Parliament?
- (8) When is the advisory board due to report?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) Yes.
- (2) The Review Board's function is to advise on the implementation of the recommendations contained in the original KPMG Review of the office.
- (3) 38.
- (4) From the general public and professions.
- (5) Mr Richard Basham, Mr Ian Warner, Mr Peter Patrikeos, Mr Allan Read, Mr Gary Byron (later replaced by Mr Alan Piper), and Mr Ken Bradley.
- (6) Capacity and experience and ability to contribute.
- (7) In so far as a measure is significant and to the extent that it requires my decision, yes.

- (8) Upon completion of their deliberations.

KEMERTON SILICON SMELTER

Bluegum Timber

3760. Mr MASTERS to the Minister for the Environment:

Recognising that the Department of Conservation and Land Management supplies Simcoa with some 150,000 tonnes per year of jarrah for conversion into charcoal for use in the Kemerton silicon smelter, will the Minister advise if -

- (a) plantation grown bluegum (*eucalyptus globulus*) timber is a suitable alternative timber for charcoal production; and
- (b) if yes to (a) above-
 - (i) at what age are bluegum trees suitable for such use; and
 - (ii) what action is CALM taking to investigate the economic and/or environmental benefits of replacing jarrah from native forests with bluegums from plantations?

Mrs EDWARDES replied:

- (a) Jarrah produces high quality charcoal with a low ash content which is ideal for use in the silicon refining process. Young plantation grown bluegum (*Eucalyptus globulus*) is not a suitable alternative timber to jarrah (*Eucalyptus marginata*) for charcoal production because its ash content is approximately double that of jarrah and the percentage of fixed carbon is some 10% less than jarrah. The Silicon (Kemerton) Agreement Act 1987 requires the State through the Department of Conservation and Land Management to supply up to 150,000 tonnes per year of jarrah of firewood quality suitable for the production of charcoal. The actual quantity supplied by the Department of Conservation and Land Management for the 3 financial years 94/95, 95/96 and 96/97 has averaged 91,816 tonnes per annum. Simcoa purchases additional quantities of timber resource from sawmills as sawmill residues or from private property.
- (b) Not applicable.

KEMERTON SILICON SMELTER

Removal of Logs by Timber Millers

3762. Mr MASTERS to the Minister for the Environment:

On the understanding that timber millers are able to access the diamond chip mill site of Bunnings and remove logs for saw milling that would otherwise be destined for wood chipping, are millers able to access Simcoa's Kemerton silicon smelter site and remove raw quality logs that would otherwise be converted into charcoal?

Mrs EDWARDES replied:

Yes. Logs at Simcoa's silicon smelter site are made available to buyers of logs for both the specialty craft industry as well as standard saw millers. However, every effort is made to segregate in the bush logs suitable for a higher value end product than charcoal.

CALM officers also make periodic checks of the stockpiled charlogs and any charlogs suitable as sawlogs are removed from the stockpile for sale to a CALM buyer of specialty logs or sawlogs. Simcoa management has been requested to put aside any potential higher value logs for CALM to inspect.

GOOD START PROGRAM

3773. Ms ANWYL to the Minister for Education:

I refer to the Good Start Program and support services for 4 year olds from culturally and linguistically diverse backgrounds which were funded by Family and Children's Services and ask:

- (1) How much of the Family and Children's Services funding, which previously included inclusion support for 4 year olds, has the Department allocated to continue this service within the EDWA structure?
- (2) How much funding has been allocated to regional centres to provide 4 year old support for children from culturally and linguistically diverse backgrounds?

- (3) What support services is the Department targeting?
- (4) Is the Minister aware that children under the age of 6 are not eligible for Commonwealth support of English as a Second language (ESL)?
- (5) How many -
 - (i) students;
 - (ii) families;
 - (iii) teachers;
 have been provided with inclusion support in 4 year old programs over the last 2 years of Good Start?
- (6) How many have been provided with ESL support?
- (7) How has this been funded?
- (8) What actions have been taken by your Department to make the Federal Government aware that support services available for children need to be accessible to a younger age group than that presently provided?
- (9) How many LOTE children were supported in 1997 aged 3 - 5 years?
- (10) What kind of support did they receive?
- (11) What steps are taken by the Department to make families and school professionals aware of how to access support services for children and families from culturally and linguistically diverse backgrounds?

Mr BARNETT replied:

- (1) The Education Department did not receive funding from Family and Children's Services when responsibility for kindergarten programs for four year old children was transferred to the Department.
- (2) Education Department funding allocations to pre-primary centres, community pre-schools, Aboriginal pre-schools and early childhood centres across the State (including regional centres) take the form of building, infrastructure and full-time (FTE) teacher allocation time. Four year old children from culturally and linguistically diverse backgrounds have access to facilities and teacher time. Funding for early childhood education is not targeted to students as members of particular groups.
- (3) The Education Department supports outcomes focused educational programs. In that context, the Early Childhood Education Program focuses on supporting students' transition into the educational environment.
- (4) Yes. However, the language needs of pre-compulsory schooling ESL students are provided for to some extent by strategies put in place to enable their teachers to support their cultural and linguistic needs. These include visiting teacher services, a specialist resource centre, professional development support in the area of ESL and an advocacy service.
- (5) Data related to access, program provision and support services in Early Childhood Education facilities is held only at school level, and is not available centrally.
- (6) In 1996, 38 four year old ESL students in Western Australia received specialist support through the ESL Visiting Teacher Service. In 1997, 30 four year old ESL students in Western Australia received specialist support through the ESL Visiting Teacher Service.
- (7) The FTE teacher allocation for the ESL Visiting Teacher Service is funded by the Department of Education, Employment, Training and Youth Affairs (DEETYA).
- (8) The Education Department currently has representation on the Ministerial Committee for Employment, Education, Training and Youth Affairs (MCEETYA) Taskforce for the development of a National policy framework for ESL in education and training. In developing the policy framework, the taskforce has agreed to give due consideration to the interface of schools and other educational and training sectors - including early childhood education.

The taskforce has also recommended to MCEETYA Committee the need for an ongoing and collaborative mechanism to address ESL issues among States, Territories and the Commonwealth.
- (9) In 1997, the following numbers of students aged 3 to 5 years were taught a Language Other Than English (LOTE) in Western Australia:

Aboriginal languages	248 children
German	26 children
Indonesian	4 children
Italian	319 children
Japanese	6 children
Signing	22 children
Total:	625 children

- (10) To support students in Aboriginal languages programs, funding is provided for 'language nests'. For other languages, support is provided through LOTE teaching time.
- (11) The Education Department is currently developing a series of pamphlets for distribution to parents/caregivers entitled: *What is Good Early Childhood Education?*, *Starting School*, *Helping Your Child Learn for School* and *The Importance of Play in Schools*.

These pamphlets will be available through schools, district officers, migrant resource centres, community centres and other appropriate outlets and will be translated into major community languages.

FOUR YEAR OLD PROGRAMS AT COMMUNITY BASED CENTRES

3774. Ms ANWYL to the Minister for Education:

I refer to the 4 year old program trialed at Lady Gowrie, Citiplace, Moolanda and Padbury community based centres and ask -

- (1) Will the programs trialed at these centres continue?
- (2) If not, why not?

Mr BARNETT replied:

- (1) The joint Education Department and Family and Children Services 2 year trial of kindergarten programs at Lady Gowrie, Citiplace, Moolanda and Padbury Community Child Care Centres which commenced in 1997 will continue until the end of the 1998 school year.
- (2) Decisions regarding future provision of kindergarten programs in community child care centres will depend upon the outcomes of the trial. The results are expected by the end of the year.

CORPORATE SELF-REGULATION

3782. Mr BROWN to the Minister representing the Attorney General:

- (1) Is the Minister aware of the article that appeared in the *West Australian* on 1 April, 1998 in which the Director of Public Prosecutions was reported as saying "white collar criminals who have been given more opportunity to offend under corporate self regulation should be pursued far more vigorously"?
- (2) Did the article quote the Director of Public Prosecutions as saying "self-regulation is only for honest people"?
- (3) In light of the Director of Public Prosecutions' reservations about the concept of self-regulation, does the Government intend to review those areas where self-regulation is relied upon to assess the degree to which such regulation is complied with?
- (4) Does the Government intend to conduct a broad review of self-regulation arrangements to examine the degree to which such arrangements are effective?
- (5) If not, why not?

Mr PRINCE replied:

The Attorney General has provided the following reply:

I do not comment on articles in the *West Australian* which quote other people because of the lack of knowledge of what was actually said. Even if correctly reported, the remarks are far too general to justify the sort of review you suggest. If you have any particular concerns I urge the member to raise them with me.

TERTIARY INSTITUTIONS' AMALGAMATION

3790. Mr BROWN to the Minister for Education:

- (1) Has the Minister for Education stated a preference for fewer tertiary institutions in the metropolitan area?
- (2) Does the Government have a policy which supports the reduction in tertiary institutions in the metropolitan area?
- (3) What research does the Minister rely on to show that the quality of tertiary education will improve with fewer institutions?
- (4) Is the Minister aware of discussions that have taken place between tertiary institutions over the last five to 10 years about amalgamation?
- (5) Is the Minister aware of the reasons why talks about amalgamations have not been successfully concluded?
- (6) Has the Minister and/or Government developed a criteria that should be used by tertiary institutions in considering amalgamations?
- (7) If so, what is that criteria?
- (8) Is the Minister's support for less tertiary institutions based on his personal views rather than any sound research which shows the reduction in the number of institutions will result in higher quality education?

Mr BARNETT replied:

- (1) The Minister for Education has questioned whether five universities is too many for a city the size of Perth on the grounds that the concentration of academic and other resources into fewer universities could provide a greater critical mass which would improve the quality of education, and national and international competitiveness.

The future of higher education in Western Australia depends on the quality and competitiveness of its universities.

- (2) No.
- (3) Existing research findings are unlikely to prove categorically that the quality of university education will necessarily improve or diminish with fewer institutions. This will depend upon the new structure which emerges from any restructuring or rationalization of existing institutions.
- (4) Yes.
- (5) In general terms, yes.
- (6) No, there is no set of criteria for use by universities considering amalgamation. However, successful amalgamations are more likely to develop from a wish to amalgamate rather than forced amalgamation.
- (7) Not applicable.
- (8) The Minister supports the ongoing consideration of what is the best structure for higher education in Western Australia. Views about this vary enormously from a single university multi-campus model through to the present arrangement of five separate universities.

The universities are collaborating in formulating a strategic plan for higher education in Western Australia.

RURAL OBSTETRICS POLICY

3802. Ms WARNOCK to the Minister for Health:

In relation to the Government's two-year plan for women (1996-98) -

- (a) has the Government developed a Rural Obstetrics Policy which will define best practice standards and safe models of service delivery for women in small country towns;
- (b) if yes, when was this policy released;
- (c) if no, why not; and
- (d) if not, when will the promised policy be released?

Mr PRINCE replied:

- (a) The Government has sought the development of this policy by the Health Department, through a consultative process and it will be presented for its consideration.
- (b) Not applicable.
- (c) The policy and associated implementation plan has not been finalised.
- (d) The policy will be released once Government has considered it and approved its implementation.

GOVERNMENT DEPARTMENTS AND AGENCIES

Staff

3824. Mr GRAHAM to the Minister for Resources Development; Energy; Education:

What are -

- (a) the numbers of departmental staff in departments under the Minister's control located in the following towns -
 - (i) Port Hedland;
 - (ii) South Hedland;
 - (iii) Tom Price;
 - (iv) Paraburdoo;
 - (v) Telfer;
 - (vi) Marble Bar;
 - (vii) Nullagine;
 - (viii) Karratha;
 - (ix) Halls Creek;
 - (x) Wiluna;
 - (xi) Dampier;
 - (xii) Roebourne; and
 - (xiii) Wickham;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Minister's control?

Mr BARNETT replied:

Department of Resources Development

- (a) Karratha - 1.
- (b) Level 7.
- (c) South Hedland - the South Hedland Enhancement Scheme.

Office of Energy

- (a) Karratha - 1.
- (b) Level 5 (in process of being filled).
- (c) This officer performs mines electrical inspections in the region and other regulatory investigations of electrical installations as well as attendance at electrical incidents/accidents when required.

AlintaGas

- (a) AlintaGas has no departments located in these areas.
- (b)-(c) Not applicable.

Western Power

- (a) Western Power staff employed at the following towns are as follows:

(i) Port Hedland	22 positions, 3 vacant
(ii) South Hedland	Nil - Included with Port Hedland
(iii) Tom Price	Nil - Managed by Hamersley Iron
(iv) Paraburdoo	Nil - Managed by Hamersley Iron

(v)	Telfer	Nil - contract staff
(vi)	Marble Bar	Nil - contract staff
(vii)	Nullagine	Nil - contract staff
(viii)	Karratha	22 positions, 2 vacant
(ix)	Halls Creek	Nil - contract staff
(x)	Wiluna	Nil - contract staff
(xi)	Dampier	Nil - Managed by Hamersley Iron
(xii)	Roebourne	Nil - Included with Karratha
(xiii)	Wickham	Nil- Managed by Robe River Iron Assoc.

- (b) Staff (non contract) employed by Western Power in the towns above work within the Pilbara Power Division of Western Power and are classified as follows:

Port Hedland	Karratha
Manager Pilbara Power	Network Manager
Marketing & Sales Manager	Management Accountant
Customer Service Supervisor	District Superintendent
Customer Service Officers (2)	Customer Service Officer
Project Officer	Project Officer (vacant)
District Superintendent	Works Coordinator
Works Coordinator	Line persons (6)
Line Persons (8, 3 vacant)	Operations Assistant
Engineering Officer	NW Controllers (5)
Mechanic	Engineering Officers (2)
Human Resources Officer	
Purchasing and Stores Officer	
Receptionist (contracted)	
Secretary (contracted - part time)	

- (c) Programs currently being funded by Western Power in the Karratha and Port Hedland areas are:

Normal system maintenance;
Supervisory Control and Data Acquisition system upgrade; and
Various system extensions funded by customers.

Department of Education Services

- (a) Nil.

- (b)-(c) Not applicable.

Curriculum Council

- (a) Nil.

- (b)-(c) Not applicable.

Education Department of WA

(a)	(i)	Port Hedland	54
	(ii)	South Hedland	207
	(iii)	Tom Price	107
	(iv)	Paraburdoo	61
	(v)	Telfer	0
	(vi)	Marble Bar	16
	(vii)	Nullagine	15
	(viii)	Karratha	209
	(ix)	Halls Creek	44
	(x)	Wiluna	19
	(xi)	Dampier	22
	(xii)	Roebourne	34
	(xiii)	Wickham	67
(b)	(i)	Port Hedland	
		Education Act	1xL5
			4xL3
			6xL2
			18xL1
		Ministerial Officers	3xL2
			4xL1
		Teacher Aides	3xL4
			1xL2
			1xL1
		Aboriginal Education Workers	3xL3
			1xL1

	Gardeners	2xL3
	Cleaners	1xL3
		4xL2
		2xL1
(ii)	South Hedland Education Act	1xL6
		2xL5
		3xL4
		13xL3
		24xL2
		45xL1/2
		41xL1
		1x Untrained
	Public Service	1xL4
	Ministerial Officers	4xL2
		19xL1
	Home Economics Assistants	2xL3
	Teacher Aides	2xL5
		6xL4
		1xL3
		1xL2
		8xL1
	Aboriginal Education Workers	3xL4
		7xL3
		1xL2
		2xL1
	Bus Warden	1xL1
	Gardeners	1xL5
		3xL3
		1xL2
	Cleaners	3xL3
		4xL2
		7xL1
(iii)	Tom Price Education Act	1xL6
		2xL5
		2xL4
		8xL3
		16xL2
		19xL1/2
		17xL1
	Ministerial Officers	1xL3
		1xL2
		9xL1
	Cleaners	2xL3
		5xL2
		7xL1
	Teacher Aides	1xL4
		3xL2
		9xL1
	Home Economics Assistant	1xL3
	Gardeners	3xL3
(iv)	Paraburdoo Education Act	1xL5
		1xL4
		2xL3
		8xL2
		22xL1/2
		8xL1
	Ministerial Officers	1xL2
		6xL1
	Teacher Aides	1xL4
		2xL2
		3xL1
	Cleaners	1xL4
		1xL2
		2xL1
	Home Economics Assistant	1xL3
	Gardener	1xL3
(v)	Telfer	Nil

(vi)	Marble Bar	1xL3
	Education Act	4xL2
		2xL1
	Ministerial Officers	1xL2
		1xL1
	Teacher Aides	1xL1
	Aboriginal Education Workers	1xL3
		2xL1
	Gardener	1xL3
	Cleaner	1xL2
	Child Care Worker	1xL1
(vii)	Nullagine	
	Education Act	2xL3
		5xL1
	Ministerial Officers	1xL2
		1xL1
	Teacher Aides	3xL1
	Aboriginal Education Worker	1xL1
(viii)	Gardener	1xL3
	Cleaner	1xL2
	Karratha	
	Education Act	1xL6
		2xL5
		3xL4
		14xL3
		22xL2
		46xL1/2
		24xL1
	School Psychologists	6
	Principal Consultant	1
	Public Service	1xL9
		3xL7
		6xL5
		1xL4
		4xL2
		2xL1
	Teacher Aides	2xL5
		2xL4
		4xL3
		1xL2
		6xL1
	Ministerial Officers	4xL2
		16xL1
	Aboriginal Education Workers	2xL3
		1xL1
	Gardeners	2xL5
		3xL3
		1xL2
		1xL1
	Home Economics Assistants	2xL3
	Cleaners	1xL4
		3xL3
		16xL2
		6xL1
(ix)	Halls Creek	
	Education Act	1xL5
		1xL4
		2xL3
		10xL2
		11xL1
	Teacher Aides	1xL1
	Aboriginal Education Workers	2xL3
		2xL2
		3xL1
	Ministerial Officers	2xL2
		2xL1
	Home Economics Assistant	1xL3
	Canteen Supervisor	1xL1
	Technical Officer	1xL1
	Gardener	1xL3
	Cleaners	3xL2

(x)	Wiluna Education Act	1xL4
		2xL2
		6xL1
	Ministerial Officers	1xL2
		2xL1
	Teacher Aides	1xL1
	Aboriginal Education Workers	1xL2
		1xL1
	Gardener	1xL3
	Cleaners	1xL3
		1xL2
(xi)	Dampier Education Act	1xL4
		4xL2
		6xL1
	Ministerial Officers	1xL2
		1xL1
	Teacher Aides	2xL1
	Gardener	1xL3
	Cleaners	5xL2
	Kitchen hand	1xL2
		1xL2
	(xii)	Roebourne Education Act
		1xL4
		1xL3
		4xL2
		9xL1
		Ministerial Officers
		2xL2
		1xL1
		Teacher Aides
		5xL1
		Aboriginal Education Workers
		2xL3
		3xL2
		2xL1
		Gardener
		1xL3
		Cleaners
		1xL3
		2xL1
(xiii)	Wickham Education Act	1xL5
		1xL4
		1xL3
		5xL2
		25xL1/2
		10xL1
	Ministerial Officers	1xL3
		5xL1
		1xL2
	Teacher Aides	4xL1
		2xL3
	Aboriginal Education Workers	1xL4
		5xL2
	Cleaners	2xL1
		1xL3
		1xL5
		1xL2

Description

Education Act: Those employed under the Education Act, 1928. Includes Principals, Deputy Principals, Heads of Department, and classroom Teachers. It also includes School Psychologists and Principal Consultants although these have been listed separately in the answer.

Public Service: Employed under the Public Sector Management Act, 1994. Includes clerical and administrative staff in central and district offices, and high school Registrars.

Ministerial Officers: Those employed under the Education Department's Ministerial Officers Salaries and Allowances Award and relevant Enterprise Bargaining Agreements. This includes primary school Registrars, library and laboratory assistants, and school clerical staff. Their conditions are similar to public servants except for:

- 1) An ordinary work week of 32.5 hours
- 2) They do not work during school holidays

Other positions as described in the answer.

- (c) The programs being funded by the Education Department in the towns listed in (a) are as follows:

Port Hedland: Commonwealth Literacy Program, Retention and Participation Program, Vacation Swimming, Internet in the Curriculum, Technology Focus School, Library Automation, English as a Second Language, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

South Hedland: Commonwealth Literacy Program, Retention and Participation Program, Vacation Swimming, Internet in the Curriculum, Graphics Calculators, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Tom Price: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Vacation Swimming, Internet in the Curriculum, Graphics Calculators, Library Automation, English as a Second Language, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Paraburdoo: Priority Country Area Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Marble Bar: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Nullagine: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Karratha: Retention and Participation Program, Vacation Swimming, Internet in the Curriculum, Technology Focus School, Graphics Calculators, Library Automation, English as a Second Language, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Halls Creek: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, Translating/Interpreting, Languages Other Than English.

Wiluna: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, Translating/Interpreting.

Dampier: Retention and Participation Program, Internet in the Curriculum, Technology Focus School, Library Automation, English as a Second Language, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Roebourne: Commonwealth Literacy Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Wickham: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Vacation Swimming, Internet in the Curriculum, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English (Roebourne Education Project).

NB: Telfer School Closed in 1995.

TAXATION SYSTEM, PROPOSED CHANGES

3850. Mr BROWN to the Minister for Small Business:

- (1) Is the Minister aware of an article that appeared in the March 1988 edition of *Inside Business Success* concerning the Australian Taxation Office's attack on private companies?
- (2) Has the Department of Commerce and Trade and/or the Small Business Development Corporation reviewed the article to see if it accurately reports on proposed changes to the tax system?

- (3) Has the Government and/or the Department of Commerce and Trade and/or the Small Business Development Corporation made any representations to the Federal Government on any or all of the matters referred to in the article?
- (4) If so, has the Federal Government been asked to change or modify the taxation proposals in any way?
- (5) In what way has the Government suggested or recommended the tax changes be amended?
- (6) On what date did the Government make the representation to the Federal Government on this matter?

Mr COWAN replied:

- (1)-(2) Yes.
- (3) No. However, it is proposed that this issue be raised with the Australian Tax Office by the Small Business Development Corporation through the Australian Taxation Office's Small Business Liaison Group. Furthermore, taxation is an item listed for discussion at the Small Business Summit in July. This issue could be raised by small business as input to the Summit. In the interim, the Small Business Development Corporation will monitor small business views on the matter and keep me informed of developments.
- (4)-(6) Not applicable.

BUNBURY ENTERTAINMENT CENTRE'S BUDGET ALLOCATION

3852. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

- (1) In the 1998-99 State budget how much has been allocated to upgrade the Bunbury Entertainment Centre?
- (2) In the 1998-99 State budget how much has been allocated to enable the Bunbury Entertainment Centre to be used as a Regional Convention Centre?
- (3) What amount has been allocated for capital works?

Mr BRADSHAW replied:

- (1)-(3) Bunbury City Council advises that the Council and the Minister for the Arts are involved in preliminary discussions. Costings are to be worked out and provided by the Bunbury City Council to the Hon Peter Foss MLC.

BUNBURY ENTERTAINMENT CENTRE'S OPERATIONAL COSTS

3855. Mr BROWN to the Minister representing the Minister for the Arts:

- (1) Has the State Government received any representations from the Bunbury Entertainment Centre to provide an operational subsidy or grant to enable the Centre to meet operational costs?
- (2) Have any funds been set aside in the 1998-99 budget to assist with operational costs?
- (3) If not, why not?
- (4) Is the Minister aware if the Entertainment Centre provides a major entertainment venue for the South West and caters for the needs of people who live outside the City of Bunbury?
- (5) Does the Government provide any assistance to other entertainment/theatrical centres?
- (6) What level of operational assistance is provided to such centres?
- (7) Is any Government funding provided to such centres is there a component which can be used to assist with operational expenses?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

- (1) Yes.
- (2) Not through the Ministry for Culture and the Arts budget.
- (3) When the Centre was established it was clearly understood the ongoing financial responsibility was that of the City of Bunbury. This is also the case with other regional venues such as Queens Park Theatre in Geraldton, the Mandurah Cultural Centre and theatres in Carnarvon, Albany and Port Hedland.

- (4) Yes.
- (5) No but the Perth Theatre Trust is a government instrumentality. It manages Perth Concert Hall, His Majesty's Theatre, Playhouse, Subiaco Theatre Centre and Rechabites Hall.
- (6) The Perth Theatre Trust receives recurrent and capital funding. In the year ending 30 June 1996, the Perth Theatre Trust received \$2.5 million towards operational costs for the above performing arts venues, and generated \$5.3 million, of a total budget allocation on operational costs of \$7.8 million. In the year ending 30 June 1997, the Perth Theatre Trust received from State Government \$3.1 million towards the operational costs of the above performing arts venues, and generated a further \$4.9 million of a total \$8.0 million budget allocation on operational costs. It would not be correct to describe this as operational assistance to a centre.
- (7) This question is not clear.

SCHOOL PRINCIPALS

3856. Mr RIPPER to the Minister for Education:

- (1) How many country based staff have been interviewed for possible appointment to the position of principal of a level 5 school in the metropolitan area for 1999?
- (2) How many city based staff have been interviewed for possible appointment to these positions?

Mr BARNETT replied:

- (1) Four (4).
- (2) Twelve (12).

EDUCATION DEPARTMENT

Planning Models for Population Growth

3858. Mr RIPPER to the Minister for Education:

- (1) In the Education Department of WA's Local Education Planning Process, what planning models were used to estimate population growth?
- (2) How far ahead do these models predict population growth?

Mr BARNETT replied:

- (1) The two planning models used by the Education Department in the Local Area Education Planning process are:
- the Secondary School Student Projection System; and
the Future Residential Development Model.
- (2) Projected student enrolments at individual schools for up to seven years are possible using the Secondary School Student Projection System. This model is based on the seven year-levels of current enrolments at the local contributory primary schools. The Education Department is aware that projections of student numbers four to seven years hence can sometimes be affected by events difficult to predict, for example, planning decisions by local government authorities. For this reason it usually publishes only the next three years' projections. However, the full seven year projections were developed by the Department as part of Local Area Education Planning, and were provided to affected school communities on request.
- The Future Residential Development Model does not project for a specific number of years. Based on the number and type of dwellings expected to be eventually located in an area, the model provides an estimate of the total number of secondary students expected to attend government schools.
- These two models provide the best possible information for forward planning. They were developed in house and are revised on an ongoing basis.

KARRAKATTA AND CAMPBELL BARRACKS

3859. Mr RIPPER to the Minister for Education:

During the Local Area Planning Process were future plans for Karrakatta Barracks and Campbell Barracks taken into account in the population growth estimates for the Western Suburbs?

Mr BARNETT replied:

Yes. The Defence Housing Authority has been contacted and has advised the Education Department that:

Over the next three to four years, a total of approximately 500 additional single army personnel are expected to be accommodated at Karrakatta and Leeuwin Defence establishments. In a fifth year, a small additional number of single personnel may need to be accommodated.

About 100 additional married army personnel are expected to be accommodated over this five year period. Houses for about 80 of these personnel have already been acquired in a number of suburbs spread from Rockingham to Woodvale.

No changes are proposed for residential accommodation at Campbell Barracks, Swanbourne.

Naturally, this information has been taken into account in the Local Area Education Planning process. Discussions with the Defence Housing Authority are ongoing.

CARNARVON SCHOOLS, RELIEF TEACHERS

3860. Mr RIPPER to the Minister for Education:

- (1) Is the Minister aware of a shortage of relief teachers in Carnarvon forcing Carnarvon schools to operate on many days of the year without their full complement of teaching staff?
- (2) Will the Minister appoint additional staff to Carnarvon to operate as a pool of relief teachers?
- (3) If not, why not?

Mr BARNETT replied:

- (1) The Education Department provides staffing to schools according to student enrolments. It is a local responsibility to find relief teachers on a needs basis. There have been occasions when suitable relief teachers have not been available in Carnarvon and schools were operating without a full complement of staff. In this situation, the Principal would assign paid relief classes to teachers in their Duties Other Than Teaching (DOTT) time to suitably accommodate the needs of the school and ensure all classes are properly supervised.
- (2) It is not usual practice for the Education Department to appoint additional staff to schools to be relief teachers. However, where a need has been clearly identified and justified by the District Director, there has been a relief teacher appointed to the district. The situation in Carnarvon will be monitored to determine if such an appointment is warranted.
- (3) Not applicable.

CARNARVON PRIMARY SCHOOL

3861. Mr RIPPER to the Minister for Education:

- (1) Is the Minister for Education aware that at Carnarvon Primary School there is a history of -
 - (a) a sixty per cent transiency rate;
 - (b) eight different principals in nine years;
 - (c) 140 students suspensions in 1997; and
 - (d) \$40 000 worth of damage from vandalism over an eighteen month period?
- (2) What action is the Minister taking to assist the Principal and staff of this school in their efforts to overcome these problems?

Mr BARNETT replied:

- (1) Yes.
- (2) The following action has been implemented to overcome these problems:

Transiency Rate: The school has developed innovative school wide curriculum programs to assist transient students to receive appropriate education in relation to their current development level. The First Steps program has been used extensively to support this. The Retention and Participation Program is being implemented by the staff member who has been nominated Student Services Coordinator.

Stability of Principals: The present Principal is in his second year, and the previous Principal also served

two years. The new country incentives package being developed by the Education Department of Western Australia will assist in retaining Principals in difficult to staff schools.

Student Suspensions: The school has developed innovative programs such as the Positive Incentive Program (P.I.P.) and Alternative Curriculum which, combined with a new Behaviour Management System, has led to suspensions being decreased by 75 per cent in 1998 compared to a similar time of the school year in 1997.

Vandalism: Vandalism has decreased significantly in 1998. The introduction of a full security system by the Education Department has contributed to this decrease. The school Principal and staff have also contributed by improving the physical environment of the school.

TEACHER TRAINING FOR DEALING WITH ABORIGINAL STUDENTS

3864. Mr RIPPER to the Minister for Education:

- (1) What specific preparation does the Education Department provide for teachers, in particular for new graduates, appointed to schools with large numbers of Aboriginal students?
- (2) Does the Minister regard current levels of such preparation as adequate?

Mr BARNETT replied:

- (1) Districts and schools provide cultural awareness and induction programs for teachers, including newly appointed graduates. In addition the Department holds a central induction program for all new graduates, and a specialist induction program for new graduates teaching in remote locations. Cultural awareness also forms part of the pre-service training of teachers, with Aboriginal studies now comprising part of teaching courses at WA universities. Aboriginal Liaison Officers and Education Coordinators are located in most districts and trained to deliver the cultural awareness training package "Our Story" to districts and schools.
- (2) Each year the Department reviews the induction program for teachers and new graduates and implements appropriate strategies to address areas of need. I have every confidence in the abilities of our teachers to deal with Aboriginal students in our schools.

TEACHERS' APPOINTMENTS, LIMIT ON DURATION

3865. Mr RIPPER to the Minister for Education:

- (1) Does the Minister intend introducing a limit on the duration of appointments of teachers and principals to particular schools?
- (2) If yes, will this limit apply in regional centres where forcing teachers to move towns could create difficulties for the employment of teachers' spouses and the education of their children?

Mr BARNETT replied:

- (1) Under various enterprise agreements, school administrators have site tenure of five years with an extension of a second tenure of five years subject to approval by the Director-General. Other agreements may vary this tenure period. Teachers are not generally subject to limited site tenure, but a number of schools involved with local selection of staff and some country schools have site tenured positions of less than five years. There is no proposal to extend the notion of site tenure.
- (2) Not applicable.

TEACHERS' REMUNERATION IN COUNTRY AREAS

3866. Mr RIPPER to the Minister for Education:

- (1) Is the Minister aware of proposals within the Education Department for some of the in kind entitlements of country teachers (e.g. furniture removals on transfer) to be cashed out and be included in the teachers' overall remuneration?
- (2) Is it State Government policy to support this proposal?
- (3) How will the Minister compensate teachers for the extra income tax they will have to pay if these proposals are implemented?

Mr BARNETT replied:

- (1) I am aware that the Education Department is currently investigating, in consultation with the State School Teachers' Union of WA, the feasibility of collapsing a wide range of existing entitlements (but not including furniture removals on transfer) into a single pool of resources, for redistribution across the board to eligible country teachers as a consolidated fortnightly incentives payment.
- (2) No formal recommendations are under consideration by the Government at this stage, however, the State Government strongly supports improving the employment conditions of our country teachers in remote locations.
- (3) As part of their ongoing discussions about this proposal, the Department and the Union are investigating the potential impact of income and other taxation on any improved benefits for country teachers. Any recommendations on that aspect of the proposal will be considered by the Government at the appropriate time. Whatever form the final incentives package agreed on takes, it will ensure that eligible country teachers are measurably better off as a result.

TEACHERS' INCENTIVES IN COUNTRY AREAS

3867. Mr RIPPER to the Minister for Education:

Will the Minister give an absolute guarantee that all of the money allocated for country incentives in the 1998-99 budget will be spent on benefits for country teachers and that no portion of the allocation will be used for advertising?

Mr BARNETT replied:

An allocation of \$13.9 million over four years has been made available to the Education Department to enable the development of a comprehensive Incentive Scheme to attract and retain teachers in isolated and difficult to staff rural schools. A wide range of incentives, such as cash bonuses together with more flexible use of travel entitlements, accommodation subsidies, leave entitlements and transfer allowances, are under consideration by the Department. It is expected that some minor contingent expenditure will be set aside to keep teachers properly informed about any proposed changes to their employment conditions.

SOLAR POWER IN EXMOUTH

3895. Mr BROWN to the Minister for Commerce and Trade:

- (1) Has any department or agency under the Minister's control given serious consideration to the use or potential use of solar power in Exmouth?
- (2) If so, what work has been done on this proposal?
- (3) If not, will the Minister ensure this option is thoroughly investigated?
- (4) If not, why not?

Mr COWAN replied:

- (1)-(2) The International Centre for Application of Solar Energy has mainly concentrated on Aboriginal communities in regions such as the Kimberley. However, in the past, CASE did study renewable energy based power options for a telecommunications facility at Learmonth. Currently, no proposals for the use of solar power in Exmouth are being considered
- (3)-(4) The prime responsibility for examination of renewable energy sources, including solar power, rests with Western Power.

LOCAL GOVERNMENT, RATEABLE INCOME

3902. Mr BROWN to the Minister for Local Government:

- (1) Is the Minister aware of various developments taking place under the auspices of government departments which deprive local councils of a rateable income?
- (2) Will the Minister ask the Department of Local Government to examine the degree to which developments are taking place under the auspices of government departments and the degree to which such developments are depriving local authorities of a rateable income?
- (3) If not, why not?

Mr OMODEI replied:

(1)-(3) Exemptions from rates arise from 3 sources:

- (a) Under the Local Government Act.
- (b) Under other State or Federal legislation.
- (c) As a consequence of policy decisions by Councils.

It is not possible to estimate "loss" of rate income under (a) & (b) as valuations are not generally provided.

MONKEY MIA BEACH CHARGES

3936. Mr BROWN to the Minister for the Environment:

- (1) Has the Government imposed a charge to get onto the free beach at Monkey Mia?
- (2) If so, what is that charge?
- (3) Does the Government propose to impose a charge to get onto the free beach at Monkey Mia?
- (4) If so, what charge is proposed?
- (5) How many visitors visit Monkey Mia each year?
- (6) How much is the proposed charge envisaged to raise?
- (7) Has any assessment been made on the degree to which such a charge will have a negative impact on tourism?
- (8) If not, why not?
- (9) If so, what does that assessment reveal?

Mrs EDWARDES replied:

- (1) No. Monkey Mia Reserve is co-vested with the Shire of Shark Bay and the Executive Director of the Department of Conservation and Land Management. Fees and charges to enter the reserve are set under the Local Government By-laws.
- (2) Under the Shire of Shark Bay By-laws the entrance fees for Monkey Mia Reserve are:

Day Pass	-	\$5 per adult and \$2 per child
Extended Pass	-	\$8 per adult and \$20 per family
- (3) No.
- (4) Not applicable.
- (5) Figures through the Monkey Mia Reserve toll gate (between 7.30 am and 4.30 pm each day) showed 93,178 people visited the site in 1997.
- (6) In the 1997/98 financial year it is estimated that entry fee revenue for Monkey Mia Reserve will be approximately \$350,000. The revenue from entrance fees into Monkey Mia Reserve is used exclusively to manage the Reserve, undertake capital works on the site and manage the dolphin-human visitor experience.
- (7) No.
- (8) Entry fee charges have not changed since 1995.
- (9) Not applicable.

BREAST CANCER SCREENING SERVICES

3950. Ms WARNOCK to the Minister for Health:

In relation to the Government's two year plan for women (1996-98) -

- (a) has the Government increased the availability of mammographic breast cancer screening and assessment to at least 65,000 women;
- (b) if not -
 - (i) why not; and

- (ii) when will the Government honour this promise;
- (c) if yes, what extra services have been made available; and
- (d) where have these extra services been made available?

Mr PRINCE replied:

- (a) No. BreastScreen WA will screen approximately 61,000 women in the 1997/98 financial year.
- (b)
 - (i) In spite of an extensive campaign to recruit women to the program the target was not reached. All women who met the eligibility criteria who sought screening were screened by the Program
 - (ii) BreastScreen WA plans to reach this target women in the 1998/99 financial year.
- (c)-(d) Not applicable.

CERVICAL SCREENING SERVICES

3951. Ms WARNOCK to the Minister for Health:

In relation to the Government two year plan for women (1996 -98) -

- (a) has the Government established and implemented sustainable recruitment strategies to increase cervical screening rates of unscreened women;
- (b) if not -
 - (i) why not; and
 - (ii) when will this pledge be honoured;
- (c) if yes, what extra services have been made available; and
- (d) where have these extra services been made available?

Mr PRINCE replied:

- (a) Yes.
- (b) Not applicable.
- (c)
 - (i) Culturally appropriate screening services for Aboriginal women.
 - (ii) Projects using bilingual community educators to target women from culturally and linguistically diverse backgrounds.
- (d)
 - (i) In the Kimberley, Goldfields and Lower Great Southern Health Service areas.
 - (ii) In the North Metropolitan, and Fremantle Health Service areas.

TOWN PLANNING APPEALS COMMITTEE, EAST PERTH AND SUBIACO REDEVELOPMENT AUTHORITIES

4007. Dr EDWARDS to the Minister for Planning:

- (1) Who are the members of the -
 - (i) Town Planning Appeals Committee;
 - (ii) East Perth Redevelopment Authority; and
 - (iii) Subiaco Redevelopment Authority?
- (2) When was each appointed and for what term?
- (3) What remuneration do members receive?

Mr KIERATH replied:

- (1)-(2) (i) Town Planning Appeal Committee
Gordon Smith was appointed as Director on 11 September for a term expiring on 16 August 2000.
John Bollig, Anthony Brand, Ashley Castledine, Ross Easton, Antony Ednie-Brown, Vernon Haley, Roger Hope-Johnstone, James Jordan, Richard Leggo, Francis McGrath, Karl White, Alan

Wilson, Peter Woodward and Don Brown were appointed as Members on 24 February 1998 for terms expiring on 31 December 1998.

(ii) East Perth Redevelopment Authority

Hon Richard Lewis was appointed Chairman on 15 December 1997 for a term expiring 31 December 2000.

Allan Skinner and Kareena Ballard were appointed as Members on 15 December 1997 for terms expiring on 31 December 1998.

Ken Michael and Steven Yovich were appointed Members on 15 December 1997 for terms expiring on 31 December 1999.

Peter Natrass and James Leahy were appointed Members on 15 December 1997 for the length of their current Perth City Council term.

(iii) Subiaco Redevelopment Authority

Ronald Doubikin appointed as Chairperson on 18 May 1998 for a term expiring on 30 June 2001

Stephen Potter appointed as Member on 18 May 1998 for a term expiring on 30 June 2000

Chris Whitaker and William Griffiths appointed as Members on 16 June 1997 for terms expiring on 30 June 2000

Leon White appointed as Member on 16 June 1997 for a term expiring on 30 June 1999

- (3) (i) Members - \$280.00 per day
Director - State Public Service Level 9
- (ii) Chairman - \$24 000 per annum
Members - \$4 800 per annum
- (iii) Chairperson - \$18 000 per annum
Members - \$4 800 per annum

VICTIM SUPPORT SERVICES

4009. Mr RIEBELING to the Minister representing the Attorney-General:

- (1) When will the proposed expansion of victim support services be operational in each of -
- (a) Esperance;
 - (b) Carnarvon;
 - (c) Karratha;
 - (d) Derby; and
 - (e) Kununurra?
- (2) What funding will be allocated for each of those services in the 1998-99 financial year?
- (3) Will each of those services operate on a full-time basis?
- (4) If not, on what basis?
- (5) Will the Minister confirm that none of the existing regional victim support services are either closing down or reducing their level of service in the 1998-1999 financial year?
- (6) If the answer to (5) is no, which existing regional victim support services will be affected?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) (a)-(b) 30 November 1998.
(c)-(e) 30 September 1998.
- (2) (a)-(b) \$47,200.
(c) \$55,520.
(d)-(e) \$47,200.
- (3) No.

- (4) (a)-(b) 15 hours per week.
(c) 19 hours per week.
(d)-(e) 15 hours per week.

(5) Yes.

(6) Not applicable.

ABORIGINAL ALTERNATIVE DISPUTE RESOLUTION SERVICE

4010. Mr RIEBELING to the Minister representing the Attorney General:

- (1) How much funding was allocated to the Aboriginal Alternative Dispute Resolution Service (AADRS) in 1997-98?
- (2) How many cases have been referred to the AADRS in 1997-98?
- (3) How much funding is allocated to the AADRS in 1998-99?
- (4) What is the estimated number of cases that will be referred to the AADRS in 1998-99?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) In 1997/98 the Aboriginal Alternative Dispute Resolution Service (AADRS) budget allocation was \$252,200.00.
- (2) In 1997/98 there were 55 cases referred to AADRS.
- (3) In 1998/99 AADRS has been allocated \$212,000.00.
- (4) Case number estimates for 1998/99 are currently being reviewed.

OFFICE OF THE PUBLIC DEFENDER

4011. Mr RIEBELING to the Minister representing the Attorney General:

- (1) When is the legislation establishing an Office of the Public Defender expected to be introduced into Parliament?
- (2) When is it anticipated that the Office of the Public Defender will become operational?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) In the 1998 Spring Session of Parliament.
- (2) As soon as possible following passage of the legislation.

LEGAL AID COMMISSION ACT AMENDMENTS

4012. Mr RIEBELING to the Minister representing the Attorney General:

When is the Bill to amend the Legal Aid Commission Act 1976 expected to be introduced into Parliament?

Mr PRINCE replied:

The Attorney General has provided the following reply:

In the 1998 Spring Session of Parliament.

PUBLIC TRUST OFFICE'S ACTIVITIES

4013. Mr RIEBELING to the Minister representing the Attorney General:

- (1) What is the average time taken by the Public Trust Office to completely administer and distribute a deceased estate?
- (2) How many deceased estates are completed by the Public Trust Office within 12 months?
- (3) How many deceased estates are completed by the Public Trust Office within 12 to 24 months?

(4) How many deceased estates take the Public Trust Office more than 24 months to complete?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) 5.4 months.
- (2) For the period 1 June 1997 to 30 May 1998, 1046.
- (3) For the period 1 June 1997 to 30 May 1998, 251.
- (4) For the period 1 June 1997 to 30 May 1998, 187.

JOONDALUP HOSPITAL, SPECIALISTS

4039. Dr CONSTABLE to the Minister for Health:

- (1) Since it opened, how many patients have been transferred from public hospital specialists to Joondalup Hospital?
- (2) What is the method of payment to specialists in -
 - (a) public hospitals; and
 - (b) Joondalup Hospital?

Mr PRINCE replied:

- (1) Since the Central Wait List Bureau commenced operation, 192 public patients have been offered the opportunity to have their surgery undertaken at Joondalup Hospital. As at 10 June 1998, 56 patients have accepted the offer to transfer from public hospital specialists to Joondalup Hospital.
- (2) (a) Teaching Hospitals in the main are salaried or sessional payments, Non teaching - fee for service.
(b) Individual service agreements.

HOSPITALS

Easter Weekend Bed Capacity

4042. Dr CONSTABLE to the Minister for Health:

During the four day Easter weekend this year what was the total bed capacity and the number of beds occupied of each of the following hospitals -

- (a) Fremantle Hospital;
- (b) Royal Perth Hospital;
- (c) Sir Charles Gairdner Hospital;
- (d) King Edward Memorial Hospital; and
- (e) Princess Margaret Hospital for Children?

Mr PRINCE replied:

- (a) In-patient Bed Capacity : 385
Day bed or 5 day ward capacity : 33
Average occupied no of acute beds : 313
- (b) Total bed capacity 4 April 1998 to 13 April 1998 - 956 beds (daily)
(Wellington Street Campus and Shenton Park Campus)
Number of beds occupied:
10 April 1998 - 581
11 April 1998 - 554
12 April 1998 - 576
13 April 1998 - 626
- (c) 543 beds available with an average 70 beds closed due to industrial action over Easter. Therefore 473 beds available for use.
Number of beds occupied over Easter:
Friday 429
Saturday 371
Sunday 391
Monday 434

(d)	KEMH	AVAILABLE BEDS*	OCCUPIED BEDS**
	Friday	384	203
	Saturday	384	199
	Sunday	384	195
	Monday	384	197
	* INCLUDES ALL COTS		** INCLUDES ALL BABIES
(e)	PMH	AVAILABLE BEDS	OCCUPIED BEDS
	Friday	175	122
	Saturday	175	115
	Sunday	175	114
	Monday	184	118

FREMANTLE COMMUNITY MIDWIVES PROGRAM

4077. Dr CONSTABLE to the Minister for Health:

- (1) Is there any funding in the 1998-99 Budget to expand the Fremantle Community Midwives Program?
- (2) If yes, how many additional families will have access to the service?

Mr PRINCE replied:

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

HEALTH DEPARTMENT/EDUCATION DEPARTMENT WORKING PARTY

4080. Mr McGINTY to the Minister for Health:

Regarding the joint Health Department/Education Department Working Party -

- (a) who is on it;
- (b) are consumers represented on it;
- (c) if not, why not;
- (d) are school nurses represented on it;
- (e) if not, why not;
- (f) has the Working Party met;
- (g) if so, how often;
- (h) if not, why not;
- (i) when can the general public expect to hear the outcomes of the meetings; and
- (j) how can the community access information about the outcomes of the meetings?

Mr PRINCE replied:

The Health and Education Departments have been in discussions about the Education Department's future strategies for health services in schools. A joint working party has been suggested but not established at this stage.

RIVERBANK JUVENILE DETENTION CENTRE UPGRADE

4093. Mr RIEBELING to the Minister representing the Attorney General:

In relation to the upgrading of the former juvenile detention centre at Riverbank to take adult male medium security prisoners -

- (a) can the Minister confirm that the local community was consulted about this upgrade; and
- (b) if yes, who was consulted and when did this consultation take place?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (a) Yes.
- (b) In late March 1998, consultation took place with the Swan Shire and the Swan Valley Planning Authority. A meeting was held with residents living in close proximity to the facility and a letter was delivered to properties within a kilometre of the site explaining the proposal. In addition, the local paper was briefed on the Ministry's proposal for the facility.

STRATA TITLES REFEREE

4096. Mr BROWN to the Minister representing the Attorney General:

Further to question on notice 3593 of 1998 -

- (a) will the Attorney General commission an independent review of the Strata Titles Referee's workload to determine if the referee should be provided with additional resources in order to be able to respond to applications expeditiously;
- (b) if so, when; and
- (c) if not, why not?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (a) No, the Strata Titles Referee's workload is currently subject to periodic monitoring.
- (b) Not applicable.
- (c) I am not persuaded that the Referee's present workload is excessive.

QUESTIONS WITHOUT NOTICE

ONE NATION

Liberal Party Preferences

1298. Dr GALLOP to the Minister for Multicultural and Ethnic Affairs:

Given that the Minister's responsibility is to represent and defend the interests of Western Australia's ethnic communities, is the Minister prepared as a matter of principle to publicly call on the Western Australian Liberal Party to put One Nation last on its how to vote cards at the coming federal election?

Mr BOARD replied:

I thank the Leader of the Opposition for this question. I am very proud to represent ethnic communities in Western Australia as the Minister for Multicultural and Ethnic Affairs. I think that the Western Australian Government is perceived exceptionally well. I also pay compliments to former Governments for the way the development of cultural diversity and the pride of multiculturalism in Western Australia has been handled in a bipartisan way. I do not wish to enter into debate in which there could be any divisiveness in what has been established with great pride in Western Australia; debates about the size of our migration, the skill mix, family reunion, the size of the refugee intake, which are all legitimate debates which should be had in Australia, and which I think should be public debates. There is no place in this community for race debates or bigots, and for racial tendencies that isolate communities. I do not think that the Western Australian Government or the Opposition would want to enter into a debate which would see any community put down.

I support what has been established in Western Australia as support for our multicultural communities and their achievements in developing Western Australia. With regard to One Nation and its candidates, I do not presently know what "individual candidates" stand for.

However, there is no place for racism or for candidates who stand on racial issues, and I will judge those individuals if they come along.

MURRAY DISTRICT HOSPITAL

1299. Mr BRADSHAW to the Minister for Health:

- (1) Is the Minister aware of the disgraceful, scaremongering article in the *Murray Mail* dated 18 June 1998, under the heading "Murray hospital no better than nursing post: Cowdell"?
- (2) Is the article correct?

Mr PRINCE replied:

I thank the member for some notice of this question.

- (1)-(2) It is unfortunately true that much of what the member in another place says about the Murray area, particularly the health services, has only a superficial relationship to fact and accuracy. This is another example. The article cited in the *Murray Mail* of 18 June under the headline "Murray hospital no better than nursing post: Cowdell" does not reflect what is there now, and it certainly does not reflect what will be there when the new hospital in Mandurah is completed and commissioned.

Dr Gallop: We are talking about Pinjarra, not Mandurah.

Mr PRINCE: Yes.

Dr Gallop: Address the issue then.

Mr PRINCE: It does not reflect at all what will be there in the new financial year. The services available at Murray will be acute medical admissions for all conditions deemed appropriate by local general practitioners, palliative care, step-down services, and non-dementia nursing home beds for residents, particularly those in the Murray and Waroona shires. Those beds have been allocated by the Peel Health Service because there is a shortage of those facilities in those areas.

Low risk community based midwifery will be available in Murray and Waroona in the coming year. It is a model which incorporates sharing care between family, midwife and local general practitioner. The benefits are a continuum of care before and after delivery. Deliveries will take place in the hospital in wards set aside for that purpose. In 1998-99 the projected budget for the Murray District Hospital will be about \$5.261m, which will provide for an estimated 2 073 admissions incorporating acute medical, minor surgical, midwifery, paediatric and boarder care.

It is quite clear that the claims by the member from the other place are totally and completely inaccurate. That is the kindest way of interpreting them. If he continues scaremongering in this way, he will do the cause of this side of politics an immense amount of good because he has no credibility every time he opens his mouth.

POLICE SERVICE ROYAL COMMISSION

1300. Dr GALLOP to the Premier:

- (1) Given the crisis which has engulfed the Western Australia Police Service and the Anti-Corruption Commission, when will the Government accept the inevitable and establish a full and open royal commission?
- (2) Does the Premier not see that the Government's current inaction is poisoning public confidence in these institutions and offering no solution to the people of Western Australia?

Mr COURT replied:

- (1)-(2) I find it amazing that the Leader of the Opposition has kept up this constant attack on the Anti-Corruption Commission. Does the Anti-Corruption Commission have the full confidence of the Leader of the Opposition?

Dr Gallop: In certain respects there are problems with what it has done. Has the Premier read the Supreme Court findings?

Mr COURT: Yes, I have, and the ACC was told it had done something wrong and it has corrected it.

Dr Gallop: People get it wrong and it does not matter in terms of public perception! Is that the world in which you live?

Mr COURT: By his silence, the Leader of the Opposition has answered my question. He has not said that the ACC has the full support of the Opposition.

Dr Gallop: Why not answer the question?

Mr COURT: So it does have the full support of the Leader of the Opposition.

Dr Gallop: In certain respects it has made mistakes, and we shall criticise it, as we should, as members of this Parliament.

Mr COURT: That was not my question. I asked: Does the ACC have the full confidence of the Leader of the Opposition?

Dr Gallop: I answered it very clearly, unlike the answer the Premier is giving to my question.

Mr COURT: As long as the Leader of the Opposition undermines the operations of an independent body that reports to this Parliament, and that has a joint committee of both Houses of Parliament looking after it, he will do himself and his party a disservice.

Dr Gallop: You are undermining it by your inaction.

Mr COURT: Inaction? The Leader of the Opposition wants two bob each way. The previous Labor Government established a powerful Anti-Corruption Commission but when it takes action in relation to matters referred to it, the first people to jump up and down and squeal are members of the Labor Party. The Leader of the Opposition should allow the Anti-Corruption Commission to go about its business. I suggest that he support both the commission and the police.

TEACHER OF THE YEAR

1301. Mrs van de KLASHORST to the Minister for Education:

Is the Minister aware that a teacher in my electorate has become the Australian teacher of the year - not just in Western Australia; and, if so, has the Minister's office or the Education Department taken any action to promote the fact that a Western Australian teacher has been awarded such a high honour?

Mr BARNETT replied:

I thank the member for some notice of this question. As the member is aware, Mrs Meg Roach from Bullsbrook District High School has been awarded the title of Australian teacher of the year. I was pleased to meet her at the presentation of the awards recently. She will represent all Australian teachers at a conference being conducted at the NASA Space Centre in Alabama with teachers from 30 countries. She has been widely recognised within the education system. I am sure all members join with me in congratulating her and wishing her well.

Members: Hear, hear!

POLICE OFFICERS

Suspension

1302. Mrs ROBERTS to the Minister for Police:

I refer the Minister to the suspension of the six drug squad officers on 18 June.

- (1) When did the Commissioner of Police receive the report from the Anti-Corruption Commission?
- (2) Did the commissioner refer that report to any other senior police officers for examination and comment?
- (3) If yes, to whom and when did they report to the commissioner?
- (4) What role, if any, did the Minister for Police and the State Government play in the process?

Mr DAY replied:

I thank the member for some notice of this question.

The assertion that the officers were suspended on 18 June is incorrect. On that date the Commissioner of Police rescinded his previous order of suspension and stood the officers down from all duties for 21 days until he received their responses to his invitation for them to show cause as to why he should not remove them from the Police Service. During this period of 21 days - or longer if the commissioner considers it necessary - the officers will receive full pay.

Mrs Roberts: We know that.

Mr DAY: Why did the member ask the question if she knows the answer?

Mrs Roberts: I did not ask whether they were on full pay.

Mr DAY: The member for Midland asserted that the police officers were suspended. They have been stood down on full pay; they are not under suspension. There is a difference and it is about time the member educated herself on that fact.

- (1)-(3) The Commissioner of Police received the reports relating to each officer from the Anti-Corruption Commission on 13 May 1998. In accordance with the Codd review principles which were recommended in January this year, each officer is entitled, at the time of receiving a section 8 notice, to a copy of the

material which is read by the commissioner. For that reason the reports were not immediately read by Commissioner Falconer but referred to the assistant commissioner for professional standards and the commissioner's legal adviser for examination. The assistant commissioner for professional standards subsequently sought additional information from the ACC. The additional documents were provided to the assistant commissioner for professional standards by the ACC on 4 June. The material was examined by the assistant commissioner for professional standards and the commissioner's legal adviser and provided to the commissioner on 15 June. In addition, the commissioner received a memorandum from the assistant commissioner for professional standards which was also provided to the officers. On 18 June the six officers were provided with copies of all of the documents which were read by the commissioner.

- (4) Neither I, as Minister for Police, nor the State Government has played any role in this process.

POLICE OFFICERS

Suspension

1303. Mrs ROBERTS to the Minister for Police:

Is the Minister stating that he has no role in the use of section 8 in the suspension of a commissioned officer such as Inspector Cull?

Mr Wiese: You know the answer to that, you silly woman!

Mr Ripper: Does the Minister, though? That is the real question.

Mr DAY replied:

As a matter of fact, I do know the answer. As I just explained to the member for Midland, none of those officers is currently suspended. It is correct that Inspector Cull was suspended by order of the Executive Council, and I was involved in that process in December of last year. However, that order was reversed following this year's Supreme Court judgment. None of those officers is currently suspended as they are all stood down on full pay.

GREAT NORTHERN HIGHWAY OVERTAKING LANE

1304. Mrs van de KLASHORST to the Minister representing the Minister for Transport:

There are still some community concerns about the problem of the overtaking lane on the Great Northern Highway just south of Warbrook Road. What exactly does Main Roads intend to do to correct the problem, and when will the corrective measures occur?

Mr OMODEI replied:

The Minister for Transport has provided the following response. As the member is aware, the Minister attended an on-site meeting with community representatives, officers of Main Roads and the member for Swan Hills on 5 June to discuss the issues involved. A number of commitments were given to enhance the safety on this section of the highway. Improvements to line markings have already been carried out, and additional signs will be erected as quickly as possible. More importantly, the existing northbound overtaking lane is to be extended, and a new southbound overtaking lane will be provided. These roadworks will be undertaken as soon as weather permits. This work will provide safe access onto the highway from Warbrook Road. Main Roads will monitor the site closely when the improvements are complete to ensure that a high level of safety is maintained and that no further works are necessary.

POLICE SERVICE INDUSTRIAL ACTION

1305. Mr KOBELKE to the Minister for Labour Relations:

Given that last Sunday, Perth television stations carried vision of a mass meeting of Western Australian police officers agreeing to take industrial action without a secret ballot, and given that the Minister has previously failed to enforce the secret ballot requirements of his third wave legislation when other unions have ignored this unjust law, will he rule out taking action against police officers and their union for proceeding to take industrial action without a secret ballot?

Mr KIERATH replied:

As far as I am aware, they have not taken any industrial action yet. I take the opportunity to report to the House that upon checking about a month ago, I discovered that only one attempt was made to take a secret ballot earlier this year. However, when those involved filed the documents, they got them wrong. By the time they got their documents

right, the dispute had been resolved. This was precisely what the Government was trying to do with this measure; namely, to install a circuit-breaker so people will resolve their disputes without taking industrial action. In the example to which I refer, although the files submitted were wrong, the dispute was resolved without workers going on strike and without companies losing profit. I do not care whether people get the paperwork right as long as the result is the resolution of an industrial dispute which otherwise would have resulted in pain for both parties. It is an outstanding success.

WORKPLACE AGREEMENTS

1306. Mr BAKER to the Minister for Labour Relations:

Will the Minister inform the House of the workplace agreements figures for May 1998?

Mr KIERATH replied:

I am delighted to give the member the figures for May 1998. It has been some time since I brought members of the House up to date with the latest figures. Last month, some 4 925 agreements were lodged, with some 5 277 agreements being registered. The figure of almost 5 300 agreements is one of highest numbers on record. Some 80 new employers entered into agreements, and some 60 collective agreements were lodged. The commissioner refused eight section 40F agreements in keeping with his role of ensuring that agreements meet legal requirements. I am sure members opposite will be interested to know that the new cumulative total is 123 223 agreements covering nearly 145 000 employees.

Ms MacTiernan: They are cumulative!

Mr KIERATH: That shows that our policy is spot on. I remind the member for Armadale that we are talking about the same numbers as people voting in some seven metropolitan seats of Parliament. I remind the Leader of the Opposition that the member for Nollamara intends to introduce legislation to amend the Workplace Agreements Act. We now know that after five years the Opposition is finally accepting that workplace agreements are here to stay.

Mr Court: Their amendment might be to repeal it.

Mr KIERATH: The Opposition will have to change its position of promising to repeal the Workplace Agreements Act. If the Leader of the Opposition needs two advisers he should refer to the former member for Northern Rivers, who blamed workplace agreements on his electoral demise, and the member for Ashburton, who turned the fifth safest Labor seat into one of the most marginal in this country because he opposed our industrial relations policy.

WORKPLACE AGREEMENTS

1307. Mr McGINTY to the Minister for Health:

If the Minister supports the Liberal Party's election promise of freedom of choice in the workplace why is he now denying that choice to new employees, who will be offered jobs only on workplace agreements? Why has he removed the option for current public sector employees who are applying for a promotion or appointment to elect to remain under their current award positions? Surely more pressing problems in our hospitals require his attention than breaking an election promise and denying his employees their freedom to choose? That will be the effect of the Minister's administrative instruction.

Mr Brown interjected.

The SPEAKER: Order, member for Bassendean; we are waiting for the Minister to give his answer. We are not interested in the member for Bassendean's outbursts, which are disorderly.

Mr PRINCE replied:

The administrative instruction deals with people already employed. There is significant choice between enterprise bargaining, workplace agreements and so on. As members know -

Mr McGinty: That is not the case. I quoted from the letter. There is no choice.

Mr PRINCE: It refers to people who are presently employed. A number of workplace agreements are on offer, for example, among the nursing work force which relate to conditions that are important in retaining people in rural areas, especially in the north west, Kalgoorlie and the Pilbara. Workplace agreements for new employees have been policy for a long time.

Mr McGinty: Without a choice?

Mr PRINCE: The agreements are offered; they have a choice. They are excellent agreements; their terms are first class, as is the pay.

WESTRALIAN SANDS LTD

1308. Mr MASTERS to the Minister for Energy:

Over the years the mineral sands industry has sometimes been unfairly criticised for its environmental track record. What recent achievements and awards have been won by Westralian Sands Ltd for energy efficiency?

Mr BARNETT replied:

I thank the member for some notice of this question.

Westralian Sands is a major employer in the electorate of the member for Vasse. It has recently invested more than \$100m in expansion. Westralian Sands was awarded the highest category of the Western Australian efficiency awards this year for development of a \$20m heat recovery unit as part of Westralian Sands' expansion. Essentially the steam produced as a by-product of the mineral sands operation is being gathered and used for power generation. Obviously that saves the company money and saves on greenhouse gas emissions which would result from diesel fuel, for example. It substantially reduces the amount of particle emissions into the atmosphere and it has reduced groundwater requirements. It is a very intelligent and efficient, albeit expensive, use of technology and investment, and the company is a very worthy award winner.

PUBLIC SECTOR REDUNDANCIES

1309. Dr GALLOP to the Premier:

I refer to the supplementary information provided by the Premier to a question regarding redundancies asked during the recent Estimates Committee hearings.

- (1) Of the 650 public sector workers he plans to make redundant during 1998-99, how many are employed outside the metropolitan area?
- (2) How many of the 200 workers from Main Roads whom the Premier plans to make redundant are employed outside the metropolitan area?

Mr COURT replied:

- (1)-(2) I thank the Leader of the Opposition for some notice of this question. I have not been provided with that information to date. Estimates on how many there are in the rural areas are being prepared. If I receive that information this afternoon, I will give it to the Leader of the Opposition. I will try to provide it by tomorrow.

RAIL PASSENGER SERVICES

1310. Mr TRENORDEN to the Leader of the National Party:

- (1) Does the National Party have a policy on delivering new passenger rail services and updating existing services?
- (2) Does the new rolling stock for the *AvonLink* and *Prospector* services meet the needs of Avon, Merredin and Kalgoorlie people?
- (3) Have the communities and their representatives welcomed the announcement of enhanced services?

Mr Brown interjected.

The SPEAKER: The Deputy Premier and Leader of the National Party, with what we think is a dorothy dixer.

Mr COWAN replied:

As the member for Bassendean said, it is not in the true fashion of a dorothy dixer as I have not had the answer prepared for me by the person who wrote the question!

- (1)-(3) I am very pleased to reinforce the National Party's strong support of the moves by my colleague, the Minister for Transport, to improve rail passenger transport services in country areas. I was very dismayed to learn that the Opposition spokesperson on transport matters indicated that this issue was a gimmick when there is a \$215m program in place to provide, firstly, improved track for the service.

Ms MacTiernan: That was not included in the program.

Mr COWAN: Secondly, to provide a high speed standard gauge train to maintain or improve the *Prospector* service to Kalgoorlie, in the knowledge that the *Prospector* is more than 25 years old and is fast reaching the end of its useful operational life. That service is provided to the people of Kalgoorlie and Merredin and all points in between.

Mrs Roberts: Will that be in place by 2001?

Mr COWAN: In addition to that, the concept of a narrow gauge service which will service the *AvonLink* and enable passengers who board such a train at Northam -

Mrs Roberts: Why won't the Deputy Premier answer that?

Several members interjected.

The SPEAKER: Order! I remind members that we cannot have interjections from two or three people. I have allowed a few interjections from the member for Armadale, who has a keen interest in this area. However, if the Minister does not pause and allow the interjection, members will have difficulty because eventually they will be disorderly.

Ms MacTiernan: Thirty-one people each day use the *AvonLink*.

Mr COWAN: Mr Speaker, we would not like that to be declared about the member for Armadale.

In conclusion, the concept of a narrow gauge *AvonLink* train will provide the additional service to those people from the Avon region who wish to commute to Perth to go to terminals other than the East Perth terminal; and that will be a great advantage to those people who commute on a daily basis.

Ms MacTiernan: The sum of \$11.7m to take the train one more kilometre! That is an extraordinary thing for 31 people a day!

Mr Court: The member for Armadale is anti-trade.

The SPEAKER: The member for Armadale should not be interjecting. Other members of her party want to ask questions and the member for Geraldton wants to answer her question. We cannot allow that to continue.

PUBLIC HOSPITAL WAITING LISTS

1311. Mr McGINTY to the Minister for Health:

We now have 16 700 Western Australian public patients waiting for surgery in the major teaching hospitals and that is getting dramatically worse each month. The real figure, including the eight non-teaching hospitals, shows that in excess of 25 000 people are in pain, lacking mobility and suffering while waiting years for surgery.

- (1) What hope can the Minister give to these people and when will he honour his election promises?
- (2) What is his strategy, if he has one, to ensure that all of these people receive their operations within the recognised time for their conditions?

Mr PRINCE replied:

- (1)-(2) I thank the member for the question and for some notice of it. I think the member gave me notice of the question on 19 June.

Historically, the published information on the number of people on the waiting list has been taken only from the major teaching hospitals and not from the outer metropolitan or country hospitals. The elective surgery waiting lists published for May showed 16 709 people waiting. Category 1, 586 people; category 2, 1 252 people; and category 3, 14 871. The percentage of long wait patients in May in category 1 was 26 per cent. That was a decrease from April when there was 33 per cent and is good to see. In category 2, it was 29 per cent, which was a rise from 23 per cent in April. In category 3, it was 35 per cent, up one per cent from April. Elective surgery admissions in May 1998 were very low due to a number of factors including the most recent industrial action by the nurses. Hospital management for teaching and non-teaching sectors recorded a significant increase in emergency surgical activity during the period of industrial action. That led to a further reduction in elective surgery.

The member claimed that the numbers were in the vicinity of 25 000. Prior to this current financial year, the non-teaching hospitals did not have wait lists available. In February this year, an operational instruction

was issued to all non-teaching and rural hospitals to construct and maintain wait lists in accordance with specific guidelines. The databases to put that information into a useable form are still being developed. They will have to be verified and audited for validation to ensure consistency of classification and also to exclude the duplication which happens between hospitals and health sectors. That is done with the teaching hospital list but has to be done with these other lists when they become available. Auditing of the data will commence in July for all the metropolitan non-teaching information. I expect it to be available in September. Then, for the first time, we will know how many people are waiting in all the public hospitals in the larger metropolitan area. In due course we will know that for the whole State. This information has never been known before. The factors which have caused the delay are somewhat complex. I table an explanatory memorandum about this.

[See paper No 1517.]

Mr PRINCE: Included in that is a copy of the answer I gave the member for Peel by telephone on Friday. He sought to ask me a question last Thursday and I was not here. The question was about the Rockingham-Kwinana Hospital. This is the answer which was telephoned to him on Friday. I table it.

[See paper No 1517.]

Mr PRINCE: I do that so the member for Fremantle will understand that while he is a conspiracy theorist who believes everything should be kept secret, I am not. The information is available. The member for Fremantle does not have to ring the hospitals and ask them. All he has to do is ask me and I will get the information for him. The audited wait list information shows that Osborne Park has 1 448 people waiting; Armadale 887; and Bentley 1 699. I cannot give the House audited verified information for the other non-teaching hospitals yet but when it is available, as I expect in September, it will be made available.

It is clinical judgment as to which case comes in which category and is dealt with. Almost overwhelmingly category 1 and 2 patients are dealt with within the requisite periods, industrial action and other things allowing. It is the Government's and my intention that that will remain the case. If we could get what we should by way of an equitable share of funding of the taxpayers' dollars from the Commonwealth, this matter would be addressed far more swiftly than it is being addressed within the capacity of this State or any other State in this country to do at the present time.

PUBLIC HOSPITAL WAITING LISTS

1312. Mr McGINTY to the Minister for Health:

I ask a supplementary question. The question was, what is the Minister's strategy. Do I gather from what the Minister is saying that his strategy is simply to get more money from the Commonwealth and that he has no plans to address separately the question in Western Australia if the Commonwealth does not come to the party? While I am on my feet, I ask -

The SPEAKER: Order! The member for Fremantle may ask one question.

Mr McGINTY: I ask that the document the Minister quoted from be tabled.

The SPEAKER: That is a separate matter.

Mr PRINCE replied:

I have tabled the detailed document that gives the information breakdown by type. I have made notes on this document, which is much the same thing anyway.

Mr McGinty: Can you table that?

The SPEAKER: If the Minister is quoting from an official document, and that is not easy to determine, he is required to table it. If it is the Minister's copious notes, he does not have to table it. It is up to the Minister.

Mr PRINCE: I have tabled the detailed information. These notes were prepared for me and I have referred to parts of them in the course of the remarks I have made. An extra \$250m has been put into the Health budget of this State in the past two years; that is, since the beginning of 1996. If members read the Access Economics report that I tabled earlier, which was completed by an independent group of former Treasury officials, they will find that this State and all States have done not only the right thing, but also over and above what is required to fund the health system. It is the Commonwealth, under the administration of the member's colleagues and under the current Government -

Dr Gallop: It is a little bit behind the times.

Mr PRINCE: No. Both have consistently not funded the public hospitals. They have funded the medical benefits schedule and pharmaceuticals, but have not funded the public hospitals as they should if they have the Medicare commitments at heart. They have not done that and the crisis is with us now.

Mr Ripper: Do you think we should vote for them?

Mr PRINCE: This Government has put another \$90m into Health in the financial year 1998-99.

Mr McGinty: What is the strategy? You do not have one.

Mr PRINCE: The strategy is to fund the health system as far as we can as a State. That is the same across Australia. When 80¢ of every tax dollar goes to Canberra and the gnomes in Treasury in Canberra will not release it back through the public hospitals, what we do is stand on our feet in places like this, commission reports like that from Access Economics and make the people aware that that is where their money has gone and it is not coming back as it should.
