

Legislative Assembly

Thursday, the 11th October, 1979

The SPEAKER (Mr Thompson) took the Chair at 2.15 p.m., and read prayers.

BILLS (4): INTRODUCTION AND FIRST READING

1. Industrial Arbitration Bill.

Bill introduced, on motion by Mr O'Connor (Minister for Labour and Industry), and read a first time.

2. Litter Bill.

Bill introduced, on motion by Mr Young (Minister for Health), and read a first time.

3. Unauthorised Documents Act Amendment Bill.

4. Armorial Bearings Protection Bill.

Bills introduced, on motions by Sir Charles Court (Premier), and read a first time.

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Chief Secretary) [2.22 p.m.]: I move—

That the Bill be now read a second time.

The purposes of this Bill were outlined in some detail in the statement accompanying the presentation of the Budget.

The Bill results from a study of fire brigade funding arrangements undertaken by the Government over a period of some two years. This revealed a number of inequities.

The current funding arrangement calls on insurance companies to meet 75 per cent of fire brigades' operating costs. The balance is met equally by the State Government and local government.

The arrangement has applied throughout the State and has thereby placed an unequal burden on those areas which are not serviced by a permanent fire brigade.

The Bill provides for two funding schemes. One will cover those areas provided with permanent services, and the other will cover the rest of the State. In the areas served by permanent brigades the current basis will continue but with some modifications.

Certain classes of self-insurance operated by the State Government and by the State Housing Commission have not been required to make a contribution towards the upkeep of fire services. In future they will make a contribution. This will reduce the impost on private persons who have been prudent enough to insure their properties.

The cost of volunteer services which operate in many parts of Western Australia and provide a magnificent contribution to the community, will be met entirely by the State Government.

The arrangement will directly benefit the owners of property in these areas as their insurance premiums will no longer carry a special loading for the upkeep of fire services.

Turning to the Bill, it provides for amendments required to give effect to the decisions which I have explained.

In order that the new funding basis can be introduced it is necessary to set up machinery so that those parts of the State served by permanent brigades may be defined. It also specifies the new basis for contributions in the permanent brigade areas and the rest of the State. In the past many criticisms have been directed at the method of funding which has applied.

The proposals now presented will do much to rectify the position, and I am pleased to commend the Bill to the House.

Debate adjourned, on motion by Mr Bryce (Deputy Leader of the Opposition).

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

MR O'NEIL (East Melville—Minister for Police and Traffic) [2.25 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Road Traffic Act, 1974-1979, to remove anomalies indicated by decisions and recommendations of courts and to give effect to suggestions made by members of this House, the Parliamentary Commissioner for Administrative Investigations, the National Safety Council, the National Association of Australian State Road Authorities and officers of the Road Traffic Authority and traffic patrol concerned with the enforcement of traffic laws and the licensing of drivers and vehicles.

All of these proposals have been considered and recommended by the Road Traffic Authority.

Fourteen sections of the Act, and one schedule are involved in the proposed amendments and I

will refer to the proposals in the order in which they are contained in the Bill.

It has been found necessary to define the expression "repealed Act" and the interpretation is made in the proposed amendments.

The Traffic (Licensing) Regulations provide for a fee of \$20 to be charged annually for the continued use of dealers' plates but it has been found that there is no authority in the Act to charge this fee. The proposed amendment rectifies the anomaly.

Present legislation provides that where an expired motor driver's licence is renewed within 12 months of the date of expiry, the renewal has the effect of validating the licence for the balance of that 12-month period only. With the introduction of renewal periods greater than 12 months, the Bill allows for the validation of periods greater than 12 months.

The Road Traffic Authority has the authority to refuse to renew drivers' licences because, among other reasons, of the number and nature of the driver's convictions. During court proceedings at appeals against such refusal, court records which indicate convictions for offences which could have been dealt with by infringement but which have in fact been heard in court and periods of suspension have been imposed may not be produced. Proposed amendments would rectify this situation.

The Road Traffic Act at present requires that where the aggregate value of an accident exceeds \$100 it must be reported. The Road Traffic Authority has researched the position and after considering all factors, including the need to retain sufficient accident data for Main Roads Department purposes and the authority's research projects, it is proposed to amend the Act to raise the \$100 figure to \$300.

Current legislation provides that before a person may be required to submit to a breath test, breath analysing equipment must be available within 40 kilometres. A person may be required to submit to a blood test provided that this can be accomplished within four hours of the occurrence of the event leading to the demand.

In remote areas of the State, suspect drivers apprehended more than 40 kilometres from breath analysing apparatus are required to submit to a blood test even though the driver may have preferred a breath test.

There is no reason to retain the 40-kilometre limit applicable to breath tests, provided, of course, that the test can be accomplished within four hours, and the Bill proposes to amend the Act in this regard.

The Act presently provides an increasing penalty scale for first, second, and third offences for persons convicted of drink driving charges but, for the purposes of assessing whether the offence is a primary or subsequent conviction, no provision is made to consider prior convictions for refusing to take a breath or blood test. The converse situation also exists, encouraging a recidivist drink driver offender to refuse a test believing that he would fail and thereby escape the mandatory penalties applicable to subsequent offences.

The proposed amendment allows for previous convictions for drink driving or test refusal to be taken into account in assessing penalties for either of those offences.

Breathalyser operators are presently required to attend court personally to give evidence relating to the standard procedures of conduct of the test and the results of the test, evidence of their qualifications and certification of the apparatus used.

The Bill proposes to allow for the presentation of such *prima facie* evidence to be made in certificate form. The economic advantages of presenting evidence of a like nature are currently enjoyed by Government Chemical Laboratory and Public Health Department officers, medical practitioners and analysts.

Instances are now occurring in the courts whereby persons whose motor drivers' licences have been suspended for a traffic offence other than a second or third drink-driving offence are immediately making a special application for and are being granted an extraordinary licence.

Although the Justices Act (Extraordinary Licences) Regulations sets a period of 21 days before an application can be listed, the courts have ruled these provisions to be *ultra vires*. The proposed amendment will overcome the problem.

The same section is also proposed to be amended to extend to three months the period that a driver must wait before making application for an extraordinary licence after being convicted for driving under the influence and having previously been convicted of an excess of 0.08 per cent offence or of refusing to take a test.

The grounds available to courts to cancel an extraordinary licence are presently too restrictive. The Bill proposes to extend these grounds to include consideration of the character of the licence holder and the number and nature of convictions incurred by him since the granting of the extraordinary licence.

Instances have come to the notice of enforcement authorities of replica or imitation

number plates being attached to vehicles and the Act at present falls short of preventing this practice. The amendment rectifies the situation.

For many years in prosecutions against persons who have failed to effect the transfer of a vehicle licence, evidence of the ownership of the vehicle at the relevant time, according to the records maintained by the Road Traffic Authority, was in the form of a certificate issued by the clerk in charge of vehicle records. This procedure has recently been ruled invalid and an amendment is sought to allow for the production of a suitable certificate of ownership for the purposes of prosecutions under the Road Traffic Act and other Statutes. Such certificate would serve as *prima facie* evidence of the facts stated.

Considerable difficulty has been experienced in the past in taking the necessary court action within the statutory time limitation to enforce compliance with those sections of the Act dealing with transfers of vehicle licences and registration plate offences.

By the very nature of the offences the evidence required to institute proceedings does not become available until the prescribed time limitation has expired or is close to expiry, thereby negating any further action.

To facilitate the necessary action against persons so offending, it is proposed to extend the time available for prosecution from six months to two years.

Regulations made under provisions of the Road Traffic Act impose responsibilities on the owners of vehicles in certain circumstances. Recently, however, this imposition has been held to be *ultra vires* the Act and the Bill seeks to allow for this anomaly to be rectified.

For more than 12 months past the Road Traffic Authority has conducted a pilot scheme in three country towns where vehicle inspections are carried out by private garages and the cost of each inspection has been met by the authority. The pilot scheme has been very successful from every point of view and to extend it would enable inspections to be carried out efficiently in many areas where neither the local authority nor the Road Traffic Authority has suitable inspection facilities.

To permit the extension of the scheme it is necessary for the Act to be amended to allow for regulations authorising the Road Traffic Authority to examine and test vehicles and approve and reject the licensing, renewal, or transfer of vehicles; to require vehicles already licensed to be repaired, altered, or modified and to prevent the use of those not conforming with

the vehicle standards regulations; to prescribe fees for inspections and testing of vehicles, and to empower persons, whether they be officers of the authority or not, to prohibit or restrict the use of substandard vehicles.

Drivers of passenger vehicles have been obliged to obtain a separate driver's licence in addition to their ordinary licence involving extra work for the Road Traffic Authority and a small fee payable by the driver. The Bill proposes, by deletion of the reference to passenger vehicle licences in the second schedule to the Act, to facilitate the inclusion of these classes in an ordinary licence.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bryce (Deputy Leader of the Opposition).

FIRE BRIGADES ACT AMENDMENT BILL

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

ACTS AMENDMENT (POST-SECONDARY EDUCATION) BILL

Second Reading

Debate resumed from the 9th August.

MR PEARCE (Gosnells) [2.35 p.m.]: I should like to indicate at the outset that the Opposition is not in agreement with this Bill and it is its intention to oppose it with a degree of firmness.

However, it has to be said that the Government is at least moving—tardily and slowly as the Government generally does move on the rare occasions that it manages even that—towards looking at a difficult situation which has arisen in recent years with regard to the Western Australian Post-Secondary Education Commission and the way that it has operated and the types of tensions it has created amongst the post-secondary and tertiary education institutions in this State.

Anyone who has had anything to do with any of the tertiary institutions will be aware that, particularly in these times of diminishing funds, there is a degree of competitiveness and bitterness amongst members of the institutions which is certainly not in the best interests either of education or of this State.

If there is one matter on which these institutions agree—it is probably the only matter that one could get all of the post-secondary and

tertiary institutions to agree on—it is that the WA Post-Secondary Education Commission is doing a lousy job. No-one is satisfied with the way in which the commission is working and no-one is satisfied with its director or the influence it is seeking to use with regard to co-ordinating tertiary education in this State.

There is a massive degree of dissatisfaction with the way in which the WA Post-Secondary Education Commission is operating. In a sense, I believe one could say the dissatisfaction was evident from the time the commission was established. I felt the Minister quite blatantly filled up the commission with people who knew nothing whatever about education. Many of the people were members of the Liberal Party. In fact, one of them was a former member of the Liberal Party in this place. A couple of educational "heavies" were appointed in the form of the director (Mr Wally Neal) and the Director General of Education (Dr Mossenson). Then the commission was filled up with people from almost anywhere. It was a most unsatisfactory arrangement. One could have predicted the trouble which would arise from the time the commission was formed. In fact, I have adverted to the unsatisfactory composition of the WA Post-Secondary Education Commission in this House on more than one occasion.

It has come about now that the Government is moving to make some changes to the Act, to alter the composition of the commission and to change the way in which it relates to the various tertiary institutions, but notably to the universities.

The first comment one must make about this is that the Minister has yet again been forced to back away from some of his legislation between the time he introduced it into the House and the time it comes up for debate. I am beginning to feel I have much more influence in the Education Department than I believed would ever be possible, because it appears that the Minister introduces an education Bill in this House, or makes a pronouncement about education; I issue a Press release saying the Opposition will oppose it; we find the matter does not come up for debate for three or four months; and in the meantime many of the statements I have made about the Minister's proposals are incorporated in the Minister's own amendments. The Minister gets in first, before I have a chance, and, in essence, puts my amendments on the notice paper in his own name.

However, the Minister shows flashes of independence in his actions. He does not take all my amendments, and I will move those which he has missed out on this occasion in the Committee

stage so that the Government is given a chance to accept them as well as the amendments moved by the Minister.

When one is involved in politics, one is usually interested in the gossip which goes on around the corridors. We wonder who is getting at whom and when a statement is put out we wonder who is being got at between the lines. It would be interesting to know who is being got at as a result of the recomposition of the WA Post-Secondary Education Commission. The membership of the commission is being reduced by two. It is being made slightly smaller. However, one corollary of that is that all members will lose their positions on the commission. Although all will be eligible for reappointment, it is obvious two of the members will not be reappointed, because the membership is being reduced. One wonders whether this is being used as a way of disposing of some of the unsatisfactory members of the commission without drawing that fact to their attention.

I would be fascinated to know, as would other members, who is being got at in this way. Who are the members who will disappear in the reshuffle? Perhaps the Minister will be good enough to give some indication of his thinking on this matter. I would be fascinated to know who these gentlemen are; that is, the gentlemen who will disappear quite suddenly. The Opposition's attitude to the whole Bill might modify quite considerably in light of that.

Mr P. V. Jones: Do you suggest that some ought to go?

Mr PEARCE: I have indicated more than one or two, but I will not name them. However, I would be fascinated if the Minister would indicate who these gentlemen might be, because we may then be able to have a degree of unanimity in regard to this matter.

The Opposition will be quite happy to listen to a list of those people who are not to be reappointed. Is the Minister in agreement with the dispossession, deposition or assassination of those individuals? I point out to the House one person who is up for assassination; he is the one person who has been indirectly named in the whole business. This is because the original Act gives only two people a position on the committee as of right. Those two people are the chairman—obviously the chairman has to be there—and the Director General of Education.

Mr Laurance: With respect to those people, when you say assassination you are using unfortunate terminology.

Mr PEARCE: I used three words in a row, "deposition", "dispossession" and "assassination", and the member can take his pick. I suggest if the member can hear only one word in three he is not listening. I know *Hansard* has difficulty with my rate of speed but he is not a *Hansard* reporter; he does not have to write it down. He does not have their problems. One would expect the honourable member to remember the words spoken, and he can take his pick in regard to this.

One of those people set up for non-reappointment is the one person who has lost his place of right. That is the Director General of Education. One has only to know a little about the way it is worked to understand why that might be so because it is no secret that the Director General of Education is conducting a running review with other members of the commission with regard to maintaining his own little educational empire.

Members may remember some two years ago, when the Post-Secondary Education Commission recommended to the Government that the Technical Education Division of the Education Department should be split up and formed as a separate identity from the Education Department. It would have the right to report directly to the Minister. However with regard to the politics of that situation I can inform the House that the Director General of Education fought that policy very bitterly and the Post-Secondary Education Commission was divided on the issue. The other members, many of whom were the political cronies of the Minister for Education, had no knowledge, expertise, or background in education. Nevertheless, they decided that the Technical Education Division of the department should be separated from the Post-Secondary Education Commission. The director general disagreed with that proposal but was rolled when the Post-Secondary Education Commission had a vote. Of course he is not a man to give up so easily. I will not advert to the unfair way he used his position to circulate his opposition throughout the Technical Education Department because I have already done this. What happened with regard to the Technical Education Division is now a matter of record, as we all know.

After being defeated by the Post-Secondary Education Commission the director general took his argument directly to the Minister and the end result was that the Minister made a determination, on behalf of the Government, as to what would happen in regard to the proposed separation of the Technical Education Division from the Education Department. The Minister sided with the director general's minority point of

view and did not accept the recommendation of the WAPSEC.

Mr P. V. Jones: That is not correct.

Mr PEARCE: I am perfectly confident that my source is perfectly correct.

Mr P. V. Jones: It is absolutely untrue. The decision was made by the Government, not by the Minister.

Mr PEARCE: I am prepared to say to the Minister in all honesty that in terms of personal capability he is one of the more capable persons on the lack-lustre front bench of the Government. I have always been prepared to give him credit for the decisions of the Government on the matters of education. One feels that if one is the Minister for Education then where decisions with regard to educational matters have to be made the Government would support him to make them in the vast majority of cases.

Mr P. V. Jones: That has nothing to do with the Bill. I do not accept either statement. If you really look at the total recommendations regarding the Technical Education Division you will realise that I accepted that in part and I also do not accept the totality of the Education Department's view. It is a staged development and I have to make a further decision for it to proceed.

Mr PEARCE: As a debater of long standing, I was quite impressed by the Minister's fence-sitting statement and I have never seen anyone able to incorporate both sides of an argument in a single statement as he did.

Mr P. V. Jones: There were good points on both sides.

Mr PEARCE: Of course.

Mr P. V. Jones: How about talking to the Bill?

Mr PEARCE: These are important matters relating to the Bill. The Minister on the previous occasion sat on the fence and was, in fact, not prepared to accept a recommendation from the Post-Secondary Education Commission. Perhaps in a way that was the signalling of the beginning of the end of the Post-Secondary Education Commission. The Government was not prepared to take into account any of that Commission's recommendations.

Members will recall that earlier this year the Williams committee, a Federal Government committee, looking into the structure of universities and tertiary education generally throughout Australia made a recommendation that there ought to be some amalgamation of activity between the University of Western Australia and Murdoch University.

Now, the Chairman of our Post-Secondary Education Commission, Dr Neal, was a member of the Williams committee and was presumably in agreement with its recommendation. He was certainly a signatory to the report which supported the amalgamation of activities between the University of Western Australia and the Murdoch University. A fuss arose as a result of that proposal because many saw in it the beginning of the end for Murdoch University. The Government then set up a committee to determine the State's attitude to the matter. One would have expected that the body to turn to with respect to this situation would be the Post-Secondary Education Commission. One would have been interested to see the determination on the matter, if only because the chairman of that commission, Dr Neal, was already a signatory to this proposal.

However, the Government chose not to listen to that expert committee and set up its own committee. I was then constrained to ask a question in this place about the degree of confidence the Government has in the Post-Secondary Education Commission and its director. The Government informed me—that is, if the Minister was speaking for the Government—that it had every confidence in Dr Neal and the Post-Secondary Education Commission, and that I was being mischievous. Nevertheless, the point I made then was: Why did not the Government send this matter in question to its own expert committee?

Now we find that the Post-Secondary Education Commission is to be dissolved and a new one will be formed with two members fewer, one of whom is the Director General of Education. That is the essence of the clause of the Bill which deals with the composition of the commission.

The Opposition agrees with the Minister that something needed to be done; the commission was getting nowhere. It was causing divisiveness and discontent between tertiary institutions and some sort of change was required. However I feel that the Minister has not grasped the nettle of this matter and I fear that the people to be on the new committee will not be any better than those previously there.

I suppose the Minister hopes there will be a greater degree of unanimity among the new group of representatives, and the present director will be appointed. The Director General of Education is to be removed and he hopes we will get more effective "Yes" men this time. When the Minister appointed the last commission—which comprised a most unsatisfactory representation—in almost every case he got "Yes" men behind two strong

characters. However, the two strong men fell out and left the "Yes" men not knowing which way to turn.

Mr P. V. Jones: Can you tell me whether you want any restructuring, which quite obviously has to be considered because people retire from office and membership is reduced. Without mentioning names—that would be unreasonable—are you suggesting more representatives from the universities or the college sector?

Mr PEARCE: I intend to move an amendment during the Committee stage to reconstitute the whole commission and to give it a professional bias. I will not deal with this at length, but my amendment to reconstitute the commission would provide for a chairman, the Vice Chancellor of the University of Western Australia or his nominee, the Vice Chancellor of Murdoch University or his nominee, the Director of the Western Australian Institute of Technology or his nominee, the Director of the Churchlands College or his nominee, the Director of the Claremont College or his nominee, the Director of the Mt. Lawley College or his nominee, the Principal of the Nedlands College or his nominee, the Director General of Education or his nominee, the Assistant Director General (Technical) of Education, two representatives of the academic staff associations of tertiary institutions, one representative of the non-academic staff association of tertiary institutions, one representative of the State School Teachers' Union, and four persons representative of community interests. That would provide for a somewhat larger commission of 18 persons as opposed to 12 in the commission proposed by the Minister.

My amendment is directed at the essence of the problem. A division has arisen in the operations of the commission because it includes representatives of some tertiary institutions while other tertiary institutions are not represented at all.

Mr P. V. Jones: No-one is representative of any institution.

Mr PEARCE: I accept that is technically true, but in fact it is not the way the matter is seen by the staffs and the administrations of the tertiary institutions. Although there are individuals on the commission, none are appointed as representative of their own institutions. The fact that they come from certain institutions is clearly known, and there is the belief that even though those people are not representative of their own particular institutions, they have a bias towards those institutions from which they come. That is how the situation is observed.

I have had academic after academic, from the whole range of universities and colleges, express the opinion that the chairman of the commission is biased towards his own institution. I am not prepared to say that is true; I do not have sufficient knowledge of Dr Neal's operations to know whether that is right, but the fact that it is believed demonstrates there is a problem. That is the reason for divisiveness in the academic community.

If my proposal is adopted every institution will be represented at a high level. That being the case, the Post-Secondary Education Commission will become a much heavier and more significant institution. Because every institution will be represented, no-one will be able to claim that his point of view was not being presented, or that no notice was being taken of it. There would be a sufficient reservoir of people from academic associations and non-academic associations, and community representatives, to make sure that no institution had a preponderance of votes. There will be a separate body of influence over and above the individual institutions.

One can refer back to the original Partridge report which led to the establishment of the Post-Secondary Education Commission. Indeed, the approach to the director was to establish a relatively small commission with no direct representation of institutions. In theory that sounded fine. I attended the Australian Colleges of Education Conference in Bunbury at which the Partridge report was discussed. All institution representatives put forward their views on the whole matter, and I would say there was a measure of agreement because, in theory, it sounded as though the proposal was workable. However, in practice it has been shown that the commission has not been workable. In particular, it is not working in the present situation where there is so much competition both for students and funding; at a time when the present population involved in tertiary education is shrinking, and when Government funds are shrinking also.

The present situation must inevitably lead to greater competitiveness. Because of that, we agree with the Government that the time has come to look again and think again with regard to the operations of the Post-Secondary Education Commission. We do not believe the Government has adopted the right principle in its reappraisal to this problem. What it is attempting to do will have much the same result as at present, but it will involve different people. We believe the fundamental problem is in the structure of the

commission, and not just in the personnel of the commission.

I will advert briefly to the role of the Post-Secondary Education Commission in its approach to individual institutions, and particularly in its approach to universities. I will not have a lot to say at this stage because the Minister already has amendments to his own Bill on the notice paper. Those amendments will weaken the existing clauses in the Bill which deal with a degree of control.

Mr P. V. Jones: The amendments will not alter the position at all.

Mr PEARCE: We can argue that in Committee. I certainly will point out the differences between the Bill and the amendments which the Minister is proposing to move. The Minister must be aware there is a difference, otherwise he would not propose further amendments. The Minister is taking this action only because the universities leaned on him heavily. The point I make is that the Minister has been helpful to educational institutions in the last few months, coming up to an election. That is to be expected.

Mr Watt: That remark was not necessary.

Mr PEARCE: I have made suggestions in this place month after month, since August, 1977.

Mr Watt: Why not quit while you are in front?

Mr PEARCE: I aim to get in front. I am trying to suggest to the Minister that if he had consulted the various institutions before he introduced his Bill everyone would be happier about what is to be done. Many times I have complained, not so much about the substance of a Bill, but because of the method of approach by the Government. The Minister is improving; I can say that quite happily.

I draw the cynical conclusion that after two years of speeches from me about this all-important problem the Minister now feels constrained to do something, with an election coming up. As the member for Albany has said, that comment may be unnecessary and inaccurate, but one cannot help but notice the change of attitude at the approach of an election. That attitude has permeated the Government's approach to various matters at the present time.

As I was saying, if the Minister had consulted with the universities before the presentation of the Bill now before us, he would not now be in the present embarrassing situation of having to move amendments to his own Bill. Although it is a common practice to make lengthy amendments to Bills, every time that occurs it does show a degree

of incompetence on the part of the Government. It means that Bills are introduced without sufficient homework having been done. It means the Government has not consulted with the people concerned, and has not looked at all the ramifications or implications until after Bills have been introduced.

It is an easy matter for the Minister, or his advisers, or the Education Department, or whoever draws up legislation in the first place, to consult the institutions which will be affected by the legislation. The Government would then obtain information in advance. Indeed, most people involved in legislation of this type are only too anxious to be consulted.

The difficulty seems to have been, in the past at least, to get the Government to do it. So when we find lengthy amendments being proposed to a Bill before the Bill itself has even come up for debate, we can only suggest those matters should have been resolved prior to the Bill being introduced in the first place. There has been no rush to bring this piece of legislation forward for debate since the time it was introduced. It has been on the notice paper for months, and in those months the amendments have been put forward.

I make another comment in regard to the need to amend the Act at this time. The Minister suggests it may be due to the fact that there has been a turnover in membership and some people are coming up for retirement. I am not saying that is not true, but patently the Government does not abolish and re-establish with two fewer members any bodies, committees, or instrumentalities when some members come up for retirement. It sounds good to say that is the reason, but that is not, in fact, the way Governments operate and I think it is ingenuous of the Minister to present that explanation to the Parliament. I believe he would do much better to take members into his confidence, and let us know the real reasons for changing the commission, abolishing all the members, and doing away with the director general. He should be taking us into his confidence in regard to these sorts of matters if he expects us to support his legislation.

To return to the situation in regard to the universities, I am more or less happy with the move. It is certainly better than the situation enshrined in the Act. Nevertheless, I say that these amendments alone will not overcome the problem because, as I have said, a very considerable degree of competition exists between the universities, the Institute of Technology, the various colleges of advanced education, and to a lesser extent between those institutions and post-

secondary institutions such as technical schools and the like.

Because of this competition, because there is a shrinking student population—a shrinking number of people seeking to enter tertiary education institutions—and because the Federal Government which carries the essential fund-providing role in this area is cutting back on funds, the competitiveness among the institutions is increasing.

The only way the Post-Secondary Education Commission will ever be able successfully to co-ordinate the activities of all these institutions is for it to have the complete confidence, or nearly complete confidence, of the institutions because, given the large size of educational bureaucracies in the tertiary sector and the tremendous complexities which exist in their structure, financing, courses, and the like, a tertiary institution can get around any obstruction from WAPSEC. WAPSEC will fail utterly unless it has the confidence of the institutions with which it deals, because universities are largely autonomous in the way they spend their funds and conduct their activities.

To that extent it is difficult for an individual Minister or commission to direct their activities to the degree necessary to force co-operation on them. For three years the Minister in this place has tried to force the student guilds to follow the line of thinking he would like them to follow. He has been totally unsuccessful. He has been huffing and puffing all the year about introducing new legislation to try to force the student guilds, and I think it is now an open secret that no legislation will be forthcoming in this session.

Mr P. V. Jones: Do you want to bet?

Mr PEARCE: I will wait and see. I think the Minister has largely given up in that area because it is a difficult thing to do. If students are so difficult to deal with, how much harder is it to deal with universities which have separate sources of income? The Minister has no way of forcing them to be co-ordinated if they are unwilling to be co-ordinated. Quite apart from the practicalities of the situation, it is not the best way to handle it. If we can gain the confidence of the tertiary institutions in the Post-Secondary Education Commission—and they all realise the need for co-ordination—we will have a better and more harmonious education system in this State.

While agreeing with the Government that there is a need to review the activities of the Post-Secondary Education Commission and that a shake-up is needed, particularly in the composition of the commission and its

relationship to the bodies it seeks to supervise and co-ordinate, it is our belief that the Government has not adopted the correct principles in its re-examination of this matter. We will therefore oppose the Bill in the second reading stage; and if we are unsuccessful in that opposition—the aim of which will be to persuade the Government to reconsider the whole matter and come up with the proper answer—in the Committee stage I will be moving amendments aimed at setting up a post-secondary education commission which will have a real chance to deal with the tertiary and post-secondary education institutions in this State in an understanding and professional way, and a chance to capture the confidence of all these institutions so that somehow we can put the tertiary education mess which has developed in this State back into order and harmony.

MR P. V. JONES (Narrogin—Minister for Education) [3.07 p.m.]: I thank the honourable member for his somewhat qualified support of the legislation. The first point I would like to make is that I believe in the course of the unqualified support he gave—

Mr Pearce: We are voting against it. It is very qualified support.

Mr P. V. JONES: The honourable member indicated there was a need to do something, so he is supporting the principle of bringing forward some amending legislation. The support is qualified because he does not agree with the form of all the legislation.

Mr B. T. Burke: There is a need to do something. It is just not the right thing.

Mr P. V. JONES: The honourable member began by making a completely unwarranted and personal attack on the members of the commission, and the chairman in particular. We are supposed to be talking about a piece of legislation, and he has used the opportunity to attack people, particularly Dr Neal. As he well knows, those people are in no position to answer for themselves, if they needed to do so, or to defend themselves against the completely biased and personal attacks he made. The honourable member and others who have chosen to attack Dr Neal, particularly in relation to the current inquiry into Murdoch University, stand condemned by their own actions.

In relation to the membership of the commission in general, I would like to make some comment. The membership is such that it has served the commission and the education sector in this State very well. It is not quite three years since the commission began operations early in 1977. Since the members took up office and

commenced work, the commission has been confronted with the need to produce several substantial reports, most of which came within the recommendations of the Partridge committee—the development of the institution at Kalgoorlie and the move into the Pilbara—and the need to look into a whole array of matters, such as performing arts and fine arts facilities, course approvals, and matters of that nature.

Is the member suggesting all that has been fruitless and wasted? I am not, and I am only too happy to advise him that neither is the Tertiary Education Commission and its various councils. The funding of courses within the various post-secondary institutions in this State has been approved on the recommendations of the commission; in other words, the commission has been accepted by the Commonwealth Government and its various instrumentalities in the post-secondary education sector as a body to which it has been prepared to delegate its own authority in regard to the approval of courses.

Mr Pearce: If it is being so successful, why have you moved to sack all its members?

Mr P. V. JONES: If the member will wait a moment, I will tell him. Notwithstanding that—and I am confining my remarks in the first instance to membership—it was by belief and has been for some time, that the range of membership within the present Act is binding and clumsy. At the present moment the commission is composed of two members from the university sector, two from advanced education, two from teacher education, two from technical education—one member who is a full-time academic, and another member who is a layman.

The membership composition does not give us the opportunity to retain the services of certain people, and in the last year or so we have been obliged to move members from one category to another simply to retain their service on the commission. This was necessary when a member left the position he had been occupying when he was nominated to the commission, and so in some cases we were able to move him to another category in order to retain his membership.

So apart from all the other reasons, that alone justified the need to amend the legislation.

The member for Goshells directed a great deal of his attention to the office of the Director General of Education. I was not quite certain whether he was referring to the director general as a person or the position of director general as an office. The position of the director general will certainly be removed.

The reason for this amendment is that the statutory entitlement of the person holding the office of director general to be a member of, for example, the Senate of the University of Western Australia, the Senate of the Murdoch University, the Council of the Western Australian Institute of Technology, the State Library Board, and many other institutions, is currently being looked at. I do not mean that the situation will change in relation to the senates of the two universities, but the membership of certain other institutions such as the State Library Board will be looked at as opportunity, time, and the legislative programme permits. However, so far as the present incumbent of the position of Director General of Education is concerned, I will put the member out of his misery and tell him that Dr Mossenson will continue to be a member of the Post-Secondary Education Commission.

Mr Pearce: Do you know who the other members will be?

Mr P. V. JONES: No.

Mr Pearce: You only stated that Dr Mossenson will be made a member.

Mr P. V. JONES: The member for Gosnells raised the question of the Director General of Education, and I am saying that Dr Mossenson will continue to be a member of the commission. While the statutory right of the person occupying the position of director general is to be removed by this measure, that does not deny the Government the opportunity to appoint the director general as a member.

Mr Pearce: You are going to reappoint Dr Mossenson?

Mr P. V. JONES: He will continue to be a member, yes. The member for Gosnells was suggesting that the term was going to be assassinated and I wanted to put his mind at rest—there is no such intention.

Mr Pearce: As the member said I am pleased Dr Mossenson is alive and well.

Mr P. V. JONES: That raises some intriguing possibilities for me. I know that some attention was then directed to the inquiry into Murdoch University, but I fail to understand how the member cannot have grasped the role and statutory responsibilities of the Post-Secondary Education Commission in relation to universities, but more particularly, the magnitude of the task in relation to the future of Murdoch University.

Certainly the Post-Secondary Education Commission could have given me some advice, and indeed it has done so. Prior to the appointment of the committee under the

chairmanship of Professor Birt, it had already undertaken some research, given me some advice, and provided me with some background to enable me to discuss the future of the university with the Commonwealth Government. The commission, in its co-ordinating and liaison role, has been very heavily involved, as the member would be aware, but whereas the commission has virtually the power of veto in regard to the Western Australian Institute of Technology, no such provision exists in relation to the university sector, and neither is it intended to introduce such a provision in this Bill.

However, in this State we needed to have the advantage of some outside experience, and that is why Professor Birt was invited to chair the committee. Professor Birt is the Vice Chancellor of the Wollongong University, a small institution, but he has had some experience in regard to advanced education, and so on. Other factors were also associated, and therefore, it was quite logical, and a very credible thing as far as the sector itself was concerned, to invite Professor Birt to chair this committee, and to prescribe specific terms of reference, bearing in mind that the powers of the commission are somewhat limited where the university sector is concerned.

The honourable member dwelt considerably upon the need to consult with the institution before the amendments were drafted. I would like to remind him that consultation has taken place over many months. Indeed, if my memory serves me correctly, I wrote firstly to the commission and then to every single institution asking them to comment to me directly on the Post-Secondary Education Commission and its operations, and to express their views as to what legislative amendments should be considered with a view to increasing the co-ordinating and liaison role of the commission.

Mr Pearce interjected.

Mr P. V. JONES: All right, but the member was suggesting that I had not consulted the institutions at all. Every single institution was asked by me to indicate where it felt changes ought to be made. I might add that more than one institution replied that no change was necessary.

Mr Pearce: What I suggested you have not done was to consult these institutions once you had decided the amendments you intended to move.

Mr P. V. JONES: I have not finished telling the honourable member the story. I looked at the replies received from the institutions, and I considered what ought to be done. The commission itself considered the replies, and as a

result of that, it made certain recommendations to me. One or two of those recommendations are embodied in the Bill, and the member has not mentioned them. For example, we intend to give the commission a co-ordinating role in relation to industrial conditions. No executive capacity is involved in that provision, but the commission will be able to receive the information and call meetings to discuss problems.

All the institutions agreed that industrial conditions would assume far greater importance in the future, so the idea was to set up a central clearing house and a body to look at the problem collectively. That is the sort of provision that has been written into the legislation after discussion with the institutions.

I would like to give the honourable member another example of our consultations with the institutions. Dr Neal and I lunched with the vice chancellor of the university before this measure was even drafted. Each institution was advised of the proposed amendments before the introduction of the Bill in this Chamber.

I would like to refer to one other aspect of the amendments. The member drew attention to the fact that I had placed on the notice paper amendments to the Bill. The first amendment is to substitute the word "submission" for the word "representation", and that amendment is self-explanatory. While the second amendment looks more substantial on the notice paper, it is simply to remove an earlier amendment to the University of Western Australia Act and the Western Australian Institute of Technology Act. I would like to explain the reason for this amendment, because it is not as the member suggests.

If my memory serves me correctly, this Bill was introduced on the 9th August. On the 30th August I received a letter from the Crown Law Department, following an approach made to that department in respect of the necessity for the amendment. Originally I was advised it was desirable to make the amendment to bring the University of Western Australia Act into line with the Murdoch University Act, in which a similar provision appears. The letter from the Crown Law Department indicated that the amendment to the University of Western Australia Act was not necessary, but could be made for the sake of uniformity and to avoid any slight doubt which might arise.

Prior to that—on the 22nd August—I wrote to the Vice Chancellor of the University of Western Australia, with whom the matter had been discussed previously. I indicated to him the specific amendment to the University of Western

Australia Act was intended to make quite clear in statutory terms the relationship between the university and the Post-Secondary Education Commission, and would not change the existing relationship at all. I indicated it was simply an expression of what already existed, and that it would be inserted for the sake of uniformity because the powers already existing in the relevant Acts would not be changed in any way whatsoever by the Bill as presented.

However, the University of Western Australia felt that as nothing would be changed it was not necessary to include the amendment. After all, the powers of the Senate of the University of Western Australia would not be interfered with in any way. In the exercise of those powers the senate is already required to be subject to a whole array of Acts, including the Post-Secondary Education Commission Act. The powers would not be affected by this Bill.

However, it is the feeling of the senate, with which I discussed the matter, that there is no need to implement the clause at this time in view of some other matters which might occur in the future. Therefore I am happy to remove the clause because it does not alter the situation. That is the reason for the amendment on the notice paper.

I understand that in the Committee stage the member for Gosnells proposes to move amendments concerning membership. I do not propose to comment on that matter at this stage. I thank the member for his contribution.

Question put and a division with the following result—

Ayes 23

| | |
|-------------------|-------------|
| Mr Clarko | Mr Nanovich |
| Sir Charles Court | Mr O'Connor |
| Mr Coyne | Mr Old |
| Mr Crane | Mr O'Neil |
| Mr Grayden | Mr Spriggs |
| Mr Grewar | Mr Stephens |
| Mr Hassell | Mr Tubby |
| Mr Herzfeld | Mr Watt |
| Mr P. V. Jones | Mr Williams |
| Mr Laurance | Mr Young |
| Mr MacKinnon | Mr Shalders |
| Mr Mensaros | |

(Teller)

Noes 15

| | |
|----------------|-------------|
| Mr Barnett | Mr Hodge |
| Mr Bertram | Mr Jamieson |
| Mr Bryce | Mr Pearce |
| Mr B. T. Burke | Mr Skidmore |
| Mr T. J. Burke | Mr Tonkin |
| Mr Carr | Dr Troy |
| Mr T. D. Evans | Mr Bateman |
| Mr Harman | |

(Teller)

| Ayes | Pairs | Noes |
|------------|-------|----------------|
| Mrs Craig | | Mr T. H. Jones |
| Mr Ridge | | Mr McIver |
| Mr Rushton | | Mr Davies |
| Mr Sibson | | Mr Grill |
| Dr Dadour | | Mr Taylor |
| Mr Blaikie | | Mr H. D. Evans |
| Mr Sodeman | | Mr Wilson |

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr P. V. Jones (Minister for Education) in charge of the Bill.

Clause 1: Short title—

Mr P. V. JONES: As I indicated previously, it is necessary to delete this clause because of subsequent amendments. I therefore ask the Committee to vote against the clause.

Clause put and negatived.

Clause 2: Commencement—

Mr P. V. JONES: I move an amendment—

Page 2, line 4—Delete the passage “5 and section 6” and substitute the passage “4 and section 5”.

Amendment put and passed.

Clause, as amended, put and passed.

Heading to Part I—

Mr P. V. JONES: I move an amendment—

Page 2, lines 7 and 8—Delete the heading “PART I—WESTERN AUSTRALIAN POST-SECONDARY EDUCATION COMMISSION ACT, 1970-1976.”

Amendment put and passed.

Clause 3: Citation—

Mr P. V. JONES: I ask members to vote against this clause.

Clause put and negatived.

Clause 4 put and passed.

Clause 5: Section 6 repealed and re-enacted and transitional provision—

Mr PEARCE: I move an amendment—

Page 2—Delete paragraph (b) with a view to substituting the following—

- (b) the Vice-Chancellor of the University of Western Australia or his nominee;
- the Vice-Chancellor of Murdoch University or his nominee;
- the Director of the Western Australian Institute of Technology or his nominee;

the Director of Churchlands College or his nominee;

the Director of Claremont College or his nominee;

the Director of Mt. Lawley College or his nominee;

the Principal of Nedlands College or his nominee;

the Director General of Education or his nominee;

the Assistant Director General (Technical) of Education;

two representatives of the Academic staff associations of tertiary institutions;

one representative of the non-academic staff associations of tertiary institutions;

one representative of the State School Teachers' Union of Western Australia;

and

four community representatives.

I have covered the reasons I believe this membership of the committee to be preferable to that which the Minister is proposing or that which exists in the Act. However, two additional points need to be made. One is in defence of my comments during the second reading stage. I certainly did not launch into a personal attack on Dr Neal; I do not know Dr Neal; I have never met him or spoken to him.

Mr P. V. Jones: You could have fooled me!

Mr PEARCE: However, I did make the point—it is certainly true and I think the Minister conceded it—that Dr Neal as chairman of the Post-Secondary Education Commission, did not have the confidence of the staff or administration of tertiary institutions.

Mr P. V. Jones: I did not concede that at all. I said quite the reverse.

Mr PEARCE: Then I think the Minister is mistaken in that belief. I withdraw any imputation that the Minister conceded that point.

The point I make is that Dr Neal does not have the confidence of the administrative staff of tertiary institutions or of our two universities. Perhaps the reasons for that are poor ones. I am quite disgusted by the degree of academic bitterness and competitiveness which exists at present. It is totally reprehensible that this should be the case. However, I say to the Committee that, factually, it is the case; there is a lot of bitterness and divisiveness amongst tertiary institutions, and a lot of this is personally directed against Dr Wally Neal.

The Minister may say this criticism is unjustified, and he may be accurate in that statement. However, what the Minister cannot

accurately deny is that this is the feeling and that in fact the same feeling exists towards the commission itself. Nobody is satisfied with the operations of the commission in the essential matters with which it must deal.

Mr P. V. Jones: Can you give us some examples of this?

Mr PEARCE: Of course I can! Good heavens, the example of Murdoch University must be the classic one. When the Minister talks about what a great job the commission is doing, he is referring to the development of colleges in the Pilbara; he is not referring to the principal function of the commission.

Mr P. V. Jones: You have said it is doing all these terrible things. Give us some examples.

Mr PEARCE: I did not say the commission was doing terrible things. What I said was that nobody in tertiary institutions, particularly the universities, is satisfied with the operations of the commission.

Mr P. V. Jones: Why? What is wrong with it?

Mr PEARCE: I will say it once more for the Minister. I am not even claiming there is a perfect justification for this feeling; however, there is a lack of confidence in the commission and its director. This fact can be ascertained simply by talking to people on the staffs of the universities and tertiary institutions.

I find abhorrent the degree of personal feeling against these people, coming as it does from tertiary institutions which are supposed to be concerned with education. I am not defending those feelings; what I am saying is that those feelings exist. People are very suspicious every time the commission or Dr Neal has anything to do with any matter relating to co-ordination—about which institutions should run which courses or get which students. It is in that essential co-ordinating aspect that the commission is failing.

Perhaps it is doing a great job in other areas; I am not suggesting that is not true. However, what I say is that it does not matter how well the commission is doing in peripheral areas; it is in the main area that it lacks confidence.

The commission's principal function is to co-ordinate the activities of the tertiary arm of education, and in this area nobody trusts it. The reason nobody trusts the commission is that it is felt the structure of the commission is biased against particular institutions. People feel they are not getting a fair hearing, that their cases are not being heard. For example, when it comes to the allocation of masters and higher degrees the

universities, particularly Murdoch University, feel that the Post-Secondary Education Commission—not that it is the sole arbiter, I hasten to add—is likely to be much more sympathetic to the aspirations of WAIT than to the other institutions because Dr Neal originally was a departmental head of WAIT. I am not suggesting that is a factor in Dr Neal's thinking; I am simply pointing out to the Minister that that is the belief which prevails among the staff of tertiary institutions in this State.

The only way to overcome this lack of confidence and distrust is to restructure the Post-Secondary Education Commission in a way which will attract the confidence of all the tertiary and post-secondary education institutions which now is lacking. I assert that as a fact; anyone who has spoken to anybody in any of our tertiary institutions will know it is true.

I ask the Minister whether he conceded, as I thought he did in his earlier remarks, that the commission in fact had lost the confidence of the tertiary institutions, at least in its co-ordinating role?

Mr P. V. Jones: No, you made that comment. However, I would be very concerned if it had lost that confidence.

Mr PEARCE: I am just trying to establish whether there is any common ground in our thinking.

Mr P. V. Jones: I would be concerned if it had.

Mr PEARCE: I am going further. I am concerned because it has. That is the difference.

By its decision, in my opinion the Government lost the confidence of the tertiary institutions. Some way has to be found to retrieve that confidence. I propose that we scrap the principle used initially in setting up the commission. That principle was one of having only partial representation at the commission level. Essentially, it was a lightweight commission. The representatives in the university area and the post-secondary area were lightweight representatives. If they were heavyweight representatives—if, say, the vice chancellor of the university was selected as one of the representatives in the university area—there would immediately be a claim that they were biased in favour of their own institutions. Therefore, in essence, middle-ranking people have been chosen for the commission.

My proposition is to take the top person from each institution and put him on the commission. That is the principle which was used in establishing the old WA Teacher Education Authority. The principals of each of the teachers'

colleges were on the authority. When the authority met, it was a heavy committee. Every institution—

Mr P. V. Jones: Not every principal was on it.

Mr PEARCE: The principals of the teachers' colleges were.

Mr P. V. Jones: Not on the old WATEA. However, you are right if you are referring to the Tertiary Education Commission.

Mr PEARCE: All right. I went along as a representative of the Teachers' Union, on an industrial matter and every principal was there. When that group made a decision, the decision was binding because the top men were there to make it. If they made a compromise, they knew if they gave a bit and received a bit they could meet the situation.

I propose that the head man be on the commission. If he is too busy, his nominee should go as the representative of the head man. Then the commission would be filled out with four community representatives, because that is an important concept. These would be representatives of the industrial wings of the organisations—two representatives from the academic staff associations and one representative from the non-academic staff associations. The academic and non-academic staff associations from each institution would have to put their heads together to decide the representatives. There would have to be a co-ordinating aspect in that. The Teachers' Union would be given a representative, because it has an interest in the post-secondary education aspect through the Technical Education Division.

Everybody who had an interest in the operations of WAPSEC would be represented on it at the highest level. Members would make representations directly, so there would be no jealousies of the type growing up at the present time. In that situation, the members would be more likely to accept the decisions of the commission, even if they went against them. Even if there were a compromise or a trade-off, they would be happy with the end result.

That is the fundamental proposition of democracy. If people are involved in the decision-making process, they are more likely to agree with the decision that is made. If they do not agree with the decision, they are more likely to go along with it if they were involved in the decision-making process in the first place.

In the education system, especially at the tertiary and post-secondary levels, we need more harmony and co-ordination than exist presently.

We need an end to the competitiveness that is scarring the tertiary institutions.

The Minister can see a problem with this amendment; but as I indicated earlier, at least we recognise, in part, what the problem is. The present approach leads to competition and division because the essential principles have not been changed. In breaking down the categories of membership in the old Act, the Minister is leaving it open for greater problems.

If the Minister makes a mistake in the people he appoints he could create greater divisiveness and greater competition than exists currently.

Mr P. V. JONES: The member has advanced an amendment which, if my addition is correct, adds up to something like 18 people. It is more like a convention than a committee.

If the member recalls the Partridge inquiry, he will know that one of the points made so far as the amendment to the old Tertiary Education Commission was concerned was that the people who constituted the new Post-Secondary Education Commission should not be representatives of institutions. Admittedly the members would come from institutions; but I would doubt whether the members are presently the representatives of the institutions. In the second reading reply I indicated I had approached every institution. Unless I am mistaken—and I do not think I am—not one institution indicated that the head of the institution ought to be a member of this Commission.

Sitting suspended from 3.41 p.m. to 4.03 p.m.

Mr P. V. JONES: In conclusion I point out that just as the previous Tertiary Education Commission experienced some degree of difficulty with having the heads of all institutions as its members, so would a body as proposed by the member for Gosnells, for exactly the same reasons.

I wonder whether or not he has asked the heads of the institutions mentioned in his amendment, such as the Vice Chancellor of the University of Western Australia, whether they would like this sort of model. I would be surprised if they did.

I would be more than happy to consider the representation on a body such as this of a person of Professor Street's stature rather than that as a statutory entitlement the University of Western Australia should have its vice chancellor as a member of this body. I quite confidently feel that this would not be sought by the university or any other institution.

I strongly oppose the amendment advanced by the Opposition, particularly as what is now being

proposed in the Bill provides a far greater degree of flexibility with respect to membership. It provides for a smaller, more flexible membership by category, and also produces a smaller body which is far more conducive to decision-making than a body with the considerable number proposed by the member for Gosnells.

Mr PEARCE: Two things would have to be said in reply to the Minister's comments. The first is—if I understand the thrust of the principle the Minister espouses—it is quite right to say these are the sorts of things which were agreed to by the Partridge committee inquiry and, subsequently, by the other institutions. It is possibly accurate to say, in part, this was because of the unfortunate experience with the constitution of the previous Tertiary Education Commission.

The main reason the WA Post-Secondary Education Commission was set-up was not the unsatisfactory way the other was structured, but it was necessary to expand it because of the very considerable overlap between tertiary institutions, the limited number represented on the Tertiary Education Commission and the large number of institutions involved in post-secondary education. There was a widening of the education area that had to be looked at. I do not think it is fair to say that the structure of the tertiary education system as a model was proved to be disastrous. Nevertheless, at the time the Partridge committee made its recommendations, it was worth trying to have a more generalised committee.

I was down at the Australian Colleges of Advanced Education conference in Bunbury when these proposals were discussed and I think many people there thought this idea was worth trying. The principle and theory may be fine, but in practice it has not worked.

I am proposing the only alternative, which is to go back to having the top men from each institution plus necessary others on the commission. If that makes the commission larger than the one the Minister is proposing, it still does not change it to a convention rather than a committee. Since it is called a commission I do not see anything strange in that.

I admit that although I have discussed the proposal with a number of people, some of whom are reasonably high up in tertiary administration and organisations, I have not discussed the proposal with any of the individuals who are proposed to be placed on the commission. I feel that given the circumstances it would have been improper for me to do so. In my position as the Opposition spokesman on education in this

Chamber, it is hardly my place to go to the Vice Chancellor of the University of Western Australia or to the Director of WAIT and offer him a position on a post-secondary education commission I am proposing to establish by amendments to the Minister's Bill.

Mr P. V. Jones: You could have asked if they were sympathetic to your idea.

Mr PEARCE: While I did not speak to the people listed, I did speak to others involved in this area, who had a degree of sympathy for the proposals I am suggesting. These proposals were not put together without consultation. Of course, it may not have been the same sort of consultation that would be necessary if we were in Government and firmly putting these things into the law. That would be a different situation.

Since the Minister intends to defeat this proposition—and I am sufficiently a realist to know he will be able to do it in a moment or two—I indicate to the Committee and to the State that when the Opposition comes to Government one of the first things it will do in the education area is to consider the position of the WA Post-Secondary Education Commission with a view to re-establishing it on the lines I have indicated.

Amendment put and a division taken with the following result—

Ayes 16

| | |
|----------------|-------------|
| Mr Barnett | Mr Hodge |
| Mr Bertram | Mr Jamieson |
| Mr Bryce | Mr Pearce |
| Mr B. T. Burke | Mr Skidmore |
| Mr T. J. Burke | Mr Taylor |
| Mr Carr | Mr Tonkin |
| Mr T. D. Evans | Dr Troy |
| Mr Harman | Mr Bateman |

(Teller)

Noes 23

| | |
|-------------------|-------------|
| Sir Charles Court | Mr Old |
| Mr Crane | Mr O'Neil |
| Mr Grayden | Mr Rushton |
| Mr Grewar | Mr Sibson |
| Mr Hassell | Mr Spriggs |
| Mr Herzfeld | Mr Stephens |
| Mr P. V. Jones | Mr Tubby |
| Mr Laurance | Mr Watt |
| Mr MacKinnon | Mr Williams |
| Mr Mensaros | Mr Young |
| Mr Nanovich | Mr Shalders |
| Mr O'Connor | |

(Teller)

Pairs

| Ayes | Noes |
|----------------|------------|
| Mr T. H. Jones | Mrs Craig |
| Mr McIver | Mr Ridge |
| Mr Davies | Dr Dadour |
| Mr Grill | Mr Blaikie |
| Mr H. D. Evans | Mr Sodeman |

Amendment thus negatived.

Clause put and passed.

Clauses 6 to 9 put and passed.

Clause 10: Section 14B added—

Mr P. V. JONES: I move an amendment—

Page 5, line 16—Delete the word “representation” and substitute the word “submission”.

Amendment put and passed.

Mr P. V. JONES: I move an amendment—

Page 6, line 2—Delete the word “representation” and substitute the word “submission”.

Amendment put and passed.

Mr P. V. JONES: I move an amendment—

Page 6—Delete subsection (2) and substitute the following—

(2) Where a post-secondary education institution has advised the Commission of a proposed submission pursuant to paragraph (a) of subsection (1) of this section—

(a) the Commission shall use its best endeavours to examine the proposed submission and convey its views thereon to the institution as soon as is practicable;

(b) the institution may make the proposed submission notwithstanding that the Commission has not yet conveyed its views thereon to the institution if—

(i) it is authorised to do so by the Commission; or

(ii) a period of thirty days has elapsed since the Commission was advised of the proposed submission.

Mr PEARCE: I indicated earlier the Opposition did not intend to oppose the amendments moved by the Minister. However, I should like to make it clear to the Chamber that the amendments are not as inconsequential as the Minister has led us to believe. The Minister said earlier we were simply deleting one word and substituting another; but this amendment represents a rather significant change in the Minister's thinking, and the degree to which the WA Post-Secondary Education Commission will be able to overview the activities of universities.

When the Bill was introduced I had approaches from tertiary institutions asking that this Bill be delayed as long as possible so that they would

have an opportunity to argue some of the points in it with the Minister. I am pleased to know some of the arguments put forward by the tertiary institutions have been put into effect by the Minister.

We agree with the amendments and feel a better situation will result than that which would have applied had the provisions contained in the original Bill remained. I should like to point out to the Minister, however, that the smart way to go about the matter in the future would be to obtain the arguments from the people concerned before introducing the Bill.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 11 put and passed.

Heading to Part II—

Mr P. V. JONES: I move an amendment—

Page 7, lines 1 and 2—Delete the heading “PART II—UNIVERSITY OF WESTERN AUSTRALIA ACT, 1911-1978.”.

Amendment put and passed.

Clauses 12 and 13 put and negated.

Heading to Part III—

Mr P. V. JONES: I move an amendment—

Page 7, lines 19 to 20—Delete the heading “PART III—WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT, 1966-1977.”.

Amendment put and passed.

Clauses 14 and 15 put and negated.

New clause 1—

Mr P. V. JONES: I move—

Page 1—Insert a new clause to stand as clause 1 as follows—

Short title and citation. 1. (1) This Act may be cited as the *Western Australian Post-Secondary Education Commission Act Amendment Act, 1979*.

Reprint approved 12th July, 1977. (2) In this Act the Western Australian Post-Secondary Education Commission Act, 1970-1976 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Western Australian Post-Secondary Education Commission Act, 1970-1979.

New clause put and passed.

Title—

Mr P. V. JONES: I move an amendment—

Delete the passage “, section thirteen of the University of Western Australia Act,

1911-1978 and section twenty-one of the Western Australian Institute of Technology Act, 1966-1977".

Amendment put and passed.

Title, as amended, put and passed.

Bill reported, with amendments, and an amendment to the title.

QUESTIONS

Questions were taken at this stage.

SECURITY AGENTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th August.

MR JAMIESON (Welshpool) [4.52 p.m.]: Although this is only a small piece of legislation, nevertheless it is fairly important because it will clear up some anomalies which exist in the Security Agents Act.

The Bill provides that all applicants for a licence must now advertise their intention to apply for a licence. At the present time such an obligation applies only to applicants for a general licence but it will now apply to restricted licences also. This will give the public an opportunity to know the type of person applying for such a licence.

Members will recall that some time ago some of the staff of the Assistance and Security Corporation applied for such licences. This corporation is a kind of vigilante group set up to decimate unionists. Certainly we do not need groups such as this in our community; they are more trouble than they are worth. With the new provision in the Act, we will know when any such organisation moves into the security agents field. The Minister, during his second reading speech, said—

The Bill provides also that all classes of security agents shall not knowingly employ a person who has been refused a licence or whose licence has been suspended—

We believe this is a necessary provision. Many public and private buildings are now watched by security services, and we should know that the people employed by these services are responsible people. So a person who has been dismissed by a security company for a misdemeanour cannot be employed by another similar company.

The Bill proposes also to bring within the provisions of the Act the people who install and maintain safes and other security devices. Again, this provision is welcomed. Probably some of the best safe manipulators are people who spend a

good deal of time in Fremantle Prison, and it would be ludicrous to think that a company could employ such a person to install a security device and then in the future that person could turn this knowledge to his own advantage.

The measure will also prohibit the use of uniforms which look like official police uniforms by security agents. This is a very important provision. Just last evening I was in the Hay Street Mall when a car pulled up. When the driver of the car got out, I thought he was a policeman. However, I realised shortly afterwards that he was a security guard. Although we frequently see police officers on the television dressed somewhat differently from the way ours are dressed, nevertheless it is apparent that they are policemen or at least officials. We should have a very clear distinction in the dress worn by people employed by the State and those employed by private companies. The man I saw in the Mall could easily have been taken for a policeman.

I suppose the security firms do try to use uniforms which are similar to the police uniforms. It is quite obvious that people wearing such uniforms could sometimes stop people from committing misdemeanours. However, security agents must be easily distinguishable from police officers.

I would like to repeat my earlier comment that we do not want to see vigilante groups moving into the security field. In other parts of the world the experience has been that the methods used by the vigilante groups are frequently more horrific than the crimes they seek to act against. It is appreciated that the Government is taking action to ensure that this type of activity does not become part of the scene in Western Australia.

With those remarks I indicate that the Opposition supports the measure.

MR O'NEIL (East Melville—Minister for Police and Traffic) [5.00 p.m.]: I thank the Opposition for its support of the measure and its understanding of the problems it endeavours to overcome.

I recall some little time ago seeing a programme on "Four Corners" concerning the issue of security agents and the like. I was quite intrigued at the sophistication of the operation in New South Wales. I was also rather pleased to hear a comment by the president or secretary of the Police Federation of Australia—that is, the police officers themselves—which indicated that perhaps in some States of Australia the control of agents is somewhat lacking; and at that stage the only State which had reasonably adequate

legislation to control the industry was Western Australia.

I thank the member for Welshpool for his support of the measure.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Neil (Minister for Police and Traffic) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 41 amended—

Mr HASSELL: I draw to the attention of the Minister proposed new subsection (6). I wonder whether he intends that the provision should go as far as it does. It states—

(6) Any security agent or guard who makes use of any uniform or vehicle marking likely to be confusingly similar to a uniform or vehicle marking in use by the police force of the State or of the Commonwealth commits an offence, . . .

Up to that point there is no question about the provision. However, it then says—

. . . and any question as to whether or not any such uniform or vehicle marking is likely to be so confusingly similar may be determined by the licensing officer and a certificate under the hand of the licensing officer to that effect shall be taken to be conclusive evidence as to the matter in any proceedings.

It seems to me that whether a vehicle marking or a uniform is confusingly similar is at least to some extent a matter of opinion. That is necessarily so, and I do not question it. However, I do question the position of a defendant who is prosecuted by the police for having a vehicle marking or a uniform confusingly similar to that of the police; and when he tries to defend himself in court and to show it is not confusingly similar, he is faced with a certificate which is conclusive evidence of an offence. It seems to me he cannot win because he cannot question what the police say of him.

I do not question the Bill or the remarks of the member for Welshpool on this point, but I ask the Minister whether he intends the provision to go as far as to give the Police Department the power to convict on its own certificate, without any defence being able to be used.

Mr O'NEIL: I take the point raised by the member for Cottesloe. Certainly it is not the intention of the Government that the certificate of a licensing officer shall be conclusive evidence.

However, some difficulties may arise. Apparently it is the intention that the licensing officer should inquire of the applicant for a licence as to whether he proposes to wear a uniform and what sort of vehicle he proposes to use. At that time the officer should indicate to the applicant, prior to the issue of a licence, that in his view the uniform or marking is confusingly similar to that used by the police.

If the licensee persists in using the marking or uniform, action will be taken. However, the provision does deny such a person any defence at all.

I give the member for Cottesloe an undertaking that I will take up the matter with the Attorney General who will probably handle the Bill in another place. It may well be that by simply removing the word "conclusive" the query will be satisfied; however, I am not a legal practitioner. I undertake to discuss the matter and to have an appropriate amendment moved in another place if necessary.

Mr HASSELL: I thank the Minister. I am perfectly happy with what he intends to do.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Minister for Police and Traffic), and transmitted to the Council.

GOVERNMENT SCHOOL TEACHERS ARBITRATION AND APPEAL BILL

Second Reading

Debate resumed from the 21st August.

MR PEARCE (Gosnells) [5.08 p.m.]: Having spent 1¼ hours opposing the Minister for Education this afternoon, I hope he will be glad to hear that the Opposition is perfectly happy to agree to the legislation and the increased range of activities it will give to the proposed Government school teachers tribunal.

For the edification of members, I point out that the measure is presented following the fracas of last year which led up to a series of strikes by the Teachers' Union over changed arrangements in respect of the school year. At the time a mix of education and industrial considerations were

involved, and the Teachers' Union sought to have the right of appeal to the Industrial Commission in respect of some of the industrial matters. The problem was that there was disagreement between the Minister and the union regarding what were the industrial aspects of the dispute and what were the educational aspects of it. The union felt that one way out of the difficulty would be to have a right of appeal to the Industrial Commission which is, of course, denied to it.

One of the reasons the union opted for that was that in its opinion—and I think it was right—the Government School Teachers Tribunal did not have the ability to hear all of the aspects of the case which at that time would have been put before it. Its franchise was quite restrictive.

This Bill will give the tribunal a somewhat wider scope. I can still see difficulties occurring when cases like the one which led to the amendment come forward relating to the right of the tribunal to make certain determinations. Nevertheless, it is an improvement on the existing situation. It will give the tribunal a wider range of matters it can hear and will also give the Teachers' Union a more unfettered right to put certain matters before the tribunal without first having to obtain the Minister's agreement, as is the case at present. I am glad to see the relaxation of that provision.

In agreeing with the legislation, the Opposition is showing a considerable degree of consistency because, in fact, in a motion I presented to the House last year I argued for such an improvement to the legislation. This was before the series of rolling strikes held by teachers. So, in fact, if the Government had taken my advice at that stage, instead of waiting 16 months we may have been able to avoid those costly and divisive strikes. I come in here and out of the goodness of my heart give the Government advice on educational matters. I am pleased that, very often, the Government takes my advice; however, it always takes it a year or two too late, after the problem has come to a head. If only the Government would follow my advice sooner, such problems could be avoided.

Mr Young: If we did not know you better we would swear you had a swollen head.

Mr PEARCE: I am an amiable sort of soul; I am only too happy to get the Government out of the mess it creates for itself.

On behalf of the Opposition, I support the legislation. I am only sorry we did not have it at this time last year.

MR P. V. JONES (Narrogin—Minister for Education) [5.12 p.m.]: I thank the member for

Gosnells for his support of the Bill; my comments will be brief.

The honourable member suggested we could have reached this stage over a year ago, had we taken his advice. I would remind him that on other matters and pieces of legislation, he is very quick to say we should get together and talk. If he casts his mind back to the time to which he refers, he will remember I gave an undertaking to examine the whole question of the access by teachers to arbitration and that I would discuss this matter freely and frankly with the Teachers' Union. In fact, that is what occurred, as I am sure the member for Gosnells would be well aware.

The main consideration was that we needed to produce a Statute which would provide the teaching profession with the opportunity to approach the tribunal without the necessity of first seeking the approval of the Minister. That was the first major consideration and guideline in formulating amendments to the legislation.

The second consideration was that the tribunal should be established as a body of original jurisdiction.

I have had discussions with the union—one as late as this morning—on this Bill. However, I have not yet been able completely to obtain advice on two matters the union raised. I should like to identify those two matters and say that if the legal advice I receive is to the effect that the Statute would be better off with some adjustment, I will have that done in another place.

The items to which I am referring are, firstly, the question of inserting the word "elect" or "election" as appropriate in the context, which would provide that the person who represents teachers on the tribunal is in fact elected. It has been suggested this word should appear in the Statute instead of in the regulations.

At present, the provision is that the person is elected under the control of the State Electoral Department. The Teachers' Union is charged with the responsibility of providing an electoral roll of members to the Electoral Department so that the department may conduct the election. We have no intention of altering this situation.

However, the draft which is before members is different from the existing section 37 of the Education Act, which provides that where the word "elect" appears, the Teachers' Union will nominate its representative. The word "nominate" is used on the understanding that how that person is nominated is a decision of the Teachers' Union. The Teachers' Union has sought to retain that provision, and I have undertaken to have the matter examined.

The second matter raised by the union refers to clause 21 of the Bill, which I mentioned in my second reading speech. This clause refers to the conciliation process, and whether or not the chairman is required to give reasons for declining to submit a particular item for arbitration after he is approached. In my second reading speech, I stated as follows—

The Teachers' Union requested that reasons for which the chairman could decline should be spelt out in the Bill but the Government believes that this should be left to the discretion of the chairman. At this stage in the proceedings—

That is, during an approach on a conciliation basis. My second reading speech continues—

—the issues are being discussed in private with the chairman of the tribunal and the parties concerned, in the hope that agreement can be reached without the need for formal arbitration. The chairman, therefore, should be left unhampered in reaching his conclusions.

Having considered the matter once, the union has raised it again with me; in fact, it was discussed when I met the deputation this morning. I undertook to re-examine the matter and I mention it here simply to honour the fact that I undertook to raise it in the House. Even though we pass the legislation through this place, should I decide it would benefit from some slight change, I will undertake to have that done in another place. I will be talking to the union before the matter proceeds in another place.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr P. V. Jones (Minister for Education), and transmitted to the Council.

MOTOR VEHICLE DEALERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th September.

MR TONKIN (Morley) [5.21 p.m.]: Very often we find that second reading speeches are very

sketchy. Very often Ministers stand up and do not explain many of the changes to be made. Perhaps they hope we will not read the Bills, and we will take the second reading speeches at face value. Usually these speeches are inadequate because of their omissions. However, it is rare to have a misleading statement in a second reading speech.

I believe in his speech on this Bill the Minister was misleading. It does not matter to us whether he is to blame for that, or whether his officers are. He is responsible for the speeches he makes. He should ensure that the speeches he makes are accurate. I refer particularly to the following statement—

These powers will enable the commissioner in certain circumstances to authorise another person to effect repairs. To avoid any possible collusion at least two independent quotations must be obtained.

Those powers were written into the original Act, which was introduced by the member for Maylands when Minister for Consumer Affairs in the time of the Tonkin Government. It is misleading for the Minister to say that these powers will enable the commissioner to authorise the other person to effect repairs. That suggests that the amending Bill has altered the Act to give the commissioner those powers, whereas the commissioner had the powers all the time.

After I read the second reading speech, I asked the Minister a question as follows—

As he has stated in his second reading speech to the Motor Vehicle Dealers Act Amendment Bill that "these powers will enable the commissioner in certain circumstances to authorise another person to effect repairs" and that "to avoid any possible collusion at least two independent quotations must be obtained", will he indicate which clauses in the amending Bill confer that power on the commissioner?

The Minister replied—

The power of the Commissioner for Consumer Affairs to make a determination relating to warranty is contained in section 37 of the Act.

In other words, the power existed already, as the Minister admitted. The reply continued—

Subsection (2) of section 37 permits the commissioner to order another person to effect repairs after not fewer than two quotations are obtained.

In other words, the Minister admitted what I already knew—that the power existed since 1973,

when the Act was first introduced. The reply continues—

These powers are clarified by clauses 16 and 17 of the amending Bill.

I agree that the powers are clarified in the Bill; but the powers are certainly not being conferred by the amending Bill.

The Minister should not have tried to claim that the amending Bill gave the commissioner these powers. If the Press took this matter up, it would certainly seem to suggest that this was a great strength in the Act. In fact, what has happened is that the commissioner has not used the powers that he had conferred on him in 1973.

If the commissioner had not used those powers because of some inadequacy in the Act, I would have expected the Government, as it was concerned with fair trading, to introduce amendments long before September, 1979.

I will quote from the Act the powers to which I refer, in order to make it clear that the powers were in the Act when it was introduced originally.

Mr O'Connor: Would you agree that in clause 17 it clarifies the position in connection with this, where there was some doubt in the past on it?

Mr TONKIN: No. I will read the amending parts.

Mr O'Connor: Have a look at page 10 of the Bill.

Mr TONKIN: I know the clause which refers to this aspect. The amending Bill does not alter the wording, which I shall read. The Act clearly confers upon the commissioner the powers to which the Minister referred in his second reading speech. Subsection (2) of section 37 of the Act reads—

(2) Without limiting the generality of the powers conferred on the Commissioner or person pursuant to subsection (1) of this section, where the Commissioner or person is satisfied—

(a) that an obligation lies on the dealer under section 34; and

That is, obligations relating to warranty. The subsection continues—

(b) that the dealer has unreasonably—

(i) refused or failed to carry out that obligation; or

(ii) delayed or prevaricated in the carrying out of that obligation,

the Commissioner or person may order that any defect required to be repaired or made good under section 34 shall be repaired or made good by a person named in the order

being a person other than the dealer, but the Commissioner or person shall not so order until—

(c) not fewer than two quotations of the cost of repairing or making good the defect have been obtained; and

(d) where the dealer has alleged that neither of those quotations is reasonable, the dealer has been afforded an opportunity to present, within such time as the Commissioner or other person allows, another quotation of that cost.

Those words, which gave the power to the commissioner in 1973, are not altered by the amending Bill. The power was there.

If there were problems in enforcing that power, it would have been appropriate for the Minister, in explaining the Bill, to say that the power has been conferred on the commissioner but the Government is amending other parts relating to that power so that the power will no longer be in any doubt.

Mr O'Connor: They are more clearly defined. I can assure the honourable member there was no intention to mislead or misrepresent the Bill.

Mr TONKIN: I accept the assurance of the Minister that there was no intention to mislead. However, intentional or not, I think it was misleading. When I read the second reading speech, I was amazed because I knew that the powers existed already in the Act. I studied the Act and the Bill carefully, and I thought I might have missed something. That is why I asked the question.

In his answer, the Minister made no attempt to claim that the powers were being inserted afresh, but rather that the powers were merely being clarified to some degree. If they needed clarification, we would have appreciated an indication from the Minister of the reason for such clarification.

The Minister did not say that an attempt is being made to put section 37 into effect, but that there had been some legal problems. He merely said that the powers were to be given. I do not know whether the commissioner has attempted to use them and has been unable to; but that is the kind of information the Minister, in courtesy to this House, should provide so we can know the types of problems involved and be better able to discuss the measure before the House.

There is a defect in the Act which we in the Opposition knew about when we introduced the

legislation in 1973. I am not attempting to score any points; perhaps there are good reasons why the defect is there. However, I do not have access to the Commissioner of Consumer Affairs so I am unable to ascertain why this should be so.

The defect has to do with demonstration vehicles and I mention this because this amending Bill redefines demonstration vehicles. The problem is that demonstration vehicles, by definition, are not regarded as used vehicles. The fact is that demonstration vehicles will be well and truly thrashed. A salesman will want to demonstrate just how great is the car's acceleration and how wonderful the brakes are. So a demonstration vehicle may be well and truly used in every sense of the word.

I know, Mr Acting Speaker (Mr Sibson), that your knowledge of this industry is superior to mine and you seem to disagree. It is a pity you are in the Chair as you might otherwise interject on me and put me right. But my experience has been that demonstration vehicles are, in fact, used vehicles. The problem is that by the definition contained in this Bill, a purchaser of a demonstration vehicle is thrown back onto the manufacturer's warranty.

If a demonstration model has done 13 000 kilometres, there are 7 000 kilometres left under a manufacturer's warranty compared with, say, 5 000 kilometres under a dealer's warranty. So by the provisions of the Act the purchaser will get the manufacturer's warranty because it is greater in terms of kilometres. One might think this is working in favour of the purchaser because he is getting 7 000 kilometres coverage instead of 5 000; but with a manufacturer's warranty one gets far less than one does with a dealer's warranty. This is because, for example, wear and tear on parts are not included in the manufacturer's warranty, making it less valuable than the dealer's warranty. So with a demonstration vehicle, where parts such as the clutch and brake have been well and truly used for several thousand kilometres, it is not fair that the purchaser is not to be indemnified against such wear.

It is a very grave deficiency in the Act and is something which should be examined thoroughly, because the manufacturer's warranty is insufficient to provide the kind of protection to the consumer that he would otherwise get if he had bought a secondhand car under the definition of secondhand vehicles.

Mr O'Connor: Are the conditions set out in this Bill much more satisfactory from your point of

view than those which previously existed in regard to demonstration vehicles?

Mr TONKIN: I cannot understand why demonstration vehicles are treated in this manner. Perhaps the Minister can tell me? Perhaps if it is a technical point he might confer with the commissioner and inform me later during the Committee stage; but I would be interested to know why we have this provision with respect to demonstration vehicles which forces people to be covered by the inferior manufacturer's warranty.

I note the commissioner can still waive warranty requirements. I believe it is a provision in New South Wales that warranty requirements cannot be waived by law. However, the power is given to our commissioner to do this. We believe that the commissioner should not have this power and that the Act should be amended to take away from the commissioner the opportunity to waive warranties.

I have been told—not by anyone in authority—that the commissioner is not exercising this power, but I note the following can be found in the 1976-77 annual report of the Consumer Affairs Council and the Bureau of Consumer Affairs under the heading, "Motor Vehicle Dealers' Act"—

Section 48 of the Motor Vehicle Dealers' Act provides that no person shall be competent to waive any rights conferred on him by the Act without the prior consent to the Commissioner. It therefore follows that no persons, either purchaser or dealer, can forego the provision of Section 34 of the Act which provides statutory warranties on used motor vehicles, without the approval of the Commissioner.

The Commissioner has adopted the following guidelines in the assessment of requests for the waiving of warranties—

- (i) real and valuable consideration being given in lieu of the warranty, and/or
- (ii) that the consumer has "shopped" around and is satisfied that the price which he is to pay is reasonable, having regard to the fact that the vehicle will not be covered by warranty, and/or
- (iii) that the consumer has obtained an independent assessment of the vehicle by a qualified person.

Applications were received for the waiving of 1 190 warranties, 29 of which were rejected.

So the commissioner waived the vast majority of warranties in these applications. I believe the

commissioner should not have this power. The warranties should be there and it should not be possible to contract out of them. I understand that the commission refuses to use those powers in some other States where there is a provision for opting out.

Certain parts of this amending Bill do give the commissioner greater powers and we welcome this. The commissioner can appear before the Motor Vehicle Dealers' Board. This is very desirable. It is important that if the commissioner has particular information which he feels could influence the decision of the board he should be able to pass on information and hear the applications. He is also to receive by this amending Bill a copy of applications and this will keep him informed of people who are applying. He would have files and there may be people applying about whom he has information which the board does not have.

The commissioner is also to be kept informed when the board grants a licence, when there is any change in terms under which the business is to be carried out, and when there are any changes made to the firm which is carrying out the business; and all this is to be applauded.

The commissioner can also request both dealers and purchasers to write to him within 14 days of a dispute. To some extent this seems to strengthen the powers of the commissioner to provide that information shall be given to him to enable him to determine who is at fault in any given dispute.

The Bill also provides that the required particulars include the year of first registration and the year of manufacture. This is necessary. I had a case recently where a vehicle had been manufactured something like 18 months prior to the year of registration. One can see there is an enormous disparity between those two dates. A vehicle manufactured over a year before it is registered may well have deteriorated to a very large extent. It is important for people to be aware of both dates—that is, the date of manufacture and the date of first registration—because they are both relevant. One date will not do. The year of manufacture is relevant to the rusting of parts and the deterioration which occurs with standing. The year of licensing is relevant in the case of parts which deteriorate with use.

I have made the point before that anyone who sells something should be competent and that a motor vehicle dealer who does not know his job—who does not know the year of manufacture of a car—should not be in the business. It is all very well for him to claim innocence, but I believe

we have a right to expect a certain degree of competence from anyone, regardless of his or her occupation. It is up to a motor vehicle dealer to ensure that he knows these particulars. He should not expect to be able to claim that, in all innocence, he misled the consumer; that it was an innocent mistake and, therefore, he should not be penalised.

However, having said that, I should point out we must be fair to the dealer and ensure he is given the information so that he knows the year of manufacture and the year of first registration of the vehicle which he is selling. I understand the year of first registration is not shown on the licence papers and one wonders, therefore, how the dealer is to know what it is. If the compliance plates are removed, how is the dealer to know the year of manufacture? The whole question of compliance plates should be looked at.

Mr O'Connor: I take it you are referring now to secondhand vehicles?

Mr TONKIN: I am referring particularly to secondhand vehicles. It is remarkable that so many vehicles are sold without compliance plates. I do not know whether we should tighten up the legislation and make it an offence to remove them or whether we should make it an offence to sell vehicles without compliance plates. Why should vehicles be sold without compliance plates which contain these vital statistics? Vehicles must have wheels and engines; they should also have compliance plates.

I can think of no reason which would preclude us from insisting that all vehicles should have compliance plates or some other means by which the date of manufacture can be established conclusively. If that were done, it would be impossible for the consumer to be misled. The dealer would not be able to say, "I just did not know." I wonder if the Minister could ask his advisers to examine those aspects, because it seems to me that is something which would remove a cause for many complaints in this area.

The Bill before the House removes the requirement that a dealer must know a misrepresentation is taking place. That is a desirable course. On many occasions people knowingly misrepresent something or give false information. However, we then have the problem of establishing in a court of law what was in the mind of the vendor and, of course, that has been shown to be impossible; therefore, we cannot prove he knowingly misrepresented something. Although it may seem to be desirable to have such a provision in the interests of justice, paradoxically it does not lead to justice at all. It

leads to problems, because of the difficulty of obtaining a conviction. The strengthening of the Act in that regard is most desirable.

I know penalties have been increased, in some cases threefold and in others fivefold. Penalties are meant to be a deterrent. Therefore, they must be increased if they are to be realistic and if we are serious about the matter rather than just engaged in window dressing.

The amending Bill enables the board to disqualify a person from holding or obtaining a motor vehicle dealer's licence if he has offered a secondhand vehicle for sale without the consent of the owner.

Mr O'Connor: It is unbelievable, isn't it?

Mr TONKIN: The Minister would be aware that this has been occurring to a large extent. The Minister's department has received a number of complaints in this regard. A person goes off to do some shopping and he is told, "Leave your car there and I will see if I can get a buyer." The person returns and finds his car has been sold without his permission. When this is pointed out, the salesman says, "I have a better deal for you, anyway." The man does not know where his vehicle is. The police cannot be called in, because it may not be a criminal offence; it may be a civil offence. The average person not trained in the law is in a quandary, because his vehicle has been sold without his permission.

It is pleasing to note the Government is clamping down on this kind of behaviour and that a secondhand vehicle cannot be offered for sale without the consent of the owner or a hire-purchase company if such a company has an interest in the vehicle. However, it has been represented to me that certain motor vehicle dealers will find it difficult to obtain the consent in writing of the hire-purchase company. I wonder if that can be looked at, because what happens if there is a delay? The hire-purchase company maintains its equity in the vehicle whether or not it is sold, so it is not interested in the sale. The owner wants to get rid of the vehicle and he is keen to sell it. The dealer has an interest in making the sale, because otherwise he will be out of business. He is only there to sell. The hire-purchase company does not care whether the vehicle is in the possession of the present owner or the buyer, because it still maintains its equity.

This matter should be looked at, because I understand some motor vehicle dealers are concerned that this provision may prevent them from selling vehicles. They do not want to sell vehicles without the permission of the owners; but they are concerned that the hire-purchase

company may be rather tardy about giving permission for the sale.

I have raised the matter of unauthorised dealers on several occasions. In fact, I had a running battle on this matter with the member for South Perth when he was the Minister for Consumer Affairs. I believe the situation is still unsatisfactory.

Under the previous Act which was replaced by the present Act in 1973, the police were authorised to put the provisions into effect. In those days the RTA did not exist, so when I refer to the "police" I am including the traffic patrols. The police saw what was happening in the car yards and were aware of cases in which unlicensed dealers were operating. Now, however, this power is in the hands of the Bureau of Consumer Affairs and I understand there is a dispute between the Minister for Consumer Affairs and the Minister for Police and Traffic on this issue.

That dispute should be resolved, because the RTA is aware of the unofficial dealing which is occurring. The officers of the RTA are involved with dealers in the course of their work. They see what is going on but they are not responsible for enforcing the Act. The CAB, which has the responsibility to enforce the Act, does not have its officers out and about, therefore the one body which knows what is happening does not have the power of the CAB.

This matter should be looked at very closely because there is no doubt that a great deal of unlicensed dealing is being carried out by a large number of people. This can be verified by the man in the street as well as the motor vehicle dealers. The Automobile Chamber of Commerce has drawn this matter to the attention of the Government. Some people are evading the Act and the consumer has no protection if he purchases a vehicle from them.

I am aware that there is a problem of definition because an individual has the right to sell his own car but some people are selling motor vehicles so frequently that it is obvious they are not their own vehicles. It is obvious that they are unlicensed dealers. The penalty for unlicensed dealing has been increased but I submit that there is no point in increasing the penalties if the Act is not enforced.

The member for Balcatta asked several questions in relation to this matter before the present Act was put into operation. The Minister said that the car dealers Act was enforced by the Police Department, but since the Motor Vehicle Dealers Act has come into operation it has been a

matter for the Consumer Affairs Bureau. The member for Balcatta asked a further question on the 11th April, as follows—

How many “backyard” car dealers have been prosecuted in each of the past five years?

The Minister replied in part as follows—

The following figures are the only ones available from bureau records:

1974 (from August), none;
1975, none;
1976, none;
1977, none;
1978, two;

This question was asked at a time when I had indicated that we were dissatisfied with what was going on. The Automobile Chamber of Commerce had also indicated its dissatisfaction with the situation. The figure for 1979—that was up to the 1st April—was one. I do not know how many prosecutions have been launched since then. It is obvious that the provisions of the Act are not being enforced. They should be policed far better than they have been. It may mean that more liaison is required between the RTA and the CAB and it may even mean giving the RTA the authority to police the Act in certain respects.

Whatever decision is made it is an administrative one which the Government is competent to make, and I hope it will do this.

The Bill provides for the warranty amounts to be in the regulations. The Opposition is opposed to this at the present time because the warranty amounts are within the Act and they should stay there. I know that there is a problem with inflation—

Mr Bertram: And it is getting worse.

Mr TONKIN: If this matter is put into the regulations the consumer will not know where he stands. The Opposition believes it should be in the Act so that there will be no sleight of hand with respect to these amounts.

Mr O'Connor: This Bill improves the position.

Mr TONKIN: I have already indicated that we are concerned with the fact that purchasers of demonstration vehicles are not being properly protected when one considers the warranties. However, to conclude I will mention two cases of the type of things that have occurred with motor vehicle dealers.

The first related to a person wishing to buy a motor vehicle for \$990; he was allowed an \$800 trade-in, with the balance to be in cash. The document written up for the transaction showed the value of the car to be \$450. The explanation

given was that this would be cheaper for the client because of the lower transfer fee charge. The purchaser then found that the car was not under warranty because the purchase price was too low. This is a total evasion of the requirements of the Motor Vehicle Dealers Act and this type of action should be liable to prosecution; even if it means that the consumer must be prosecuted also for the falsification of a document. People must realise that the law has been made for a purpose and the evasion of the law is not in the interest of any one person. The second example was of a young unemployed man—in fact, he was a retarded youth—who decided to buy a car worth \$3 100. He was told to borrow the \$10 deposit, which I understand the salesman lent him. He had a car as a trade-in and as a result he had a \$900 equity in the car. When he was unable to meet his repayments—and I add he was unemployed—he was threatened with prosecution. Representations were made and the deal was quashed; but no prosecution occurred.

The Government or the CAB seems loath to prosecute. I note that some prosecutions have occurred but this matter needs to be better enforced. This does not mean—as the Premier said—that I am advocating that we should be rushing around prosecuting everyone. Of course we would all like to live in a world where it is not necessary to prosecute anyone, but if people flout the law they should be prosecuted or else the law if it is a bad one should be changed. We are able to change laws here if necessary.

If we believe the law should be retained, it should be obeyed. I make those comments to indicate that the Opposition, with reservations, will support the Bill. We believe the Bill will make the Act somewhat better, but there are several areas which we believe could be improved.

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [6.01 p.m.]: I thank the member for Morley for his general acceptance of the Bill, with the couple of reservations he pointed out. He stated initially that he felt the comments I made were misleading, and I am pleased that he accepted the view that I had no intention of misleading anyone.

The member referred to the fact that two independent quotes will have to be obtained, and he believed that stipulation should be in the Bill. During my second reading speech, I said—

The powers of the Commissioner for Consumer Affairs are to be more clearly defined, to enable him to make a determination that a warranty exists in relation to a particular vehicle.

These powers will enable the commissioner in certain circumstances to authorise another person to effect repairs. To avoid any possible collusion at least two independent quotations must be obtained.

The commissioner gave an indication that there was some problem in implementing that provision. Subsequently, there was a lack of convictions in that area. The position has now been defined very clearly so that action can be taken when the commissioner thinks it is necessary.

The position with regard to demonstration vehicles was quite unsatisfactory, and we have attempted to give the commissioner power which will allow the purchaser to receive a better deal than previously. The member for Morley acknowledged that the situation will be better than that which previously prevailed.

The member for Morley also mentioned the matter of the waiving of warranties, and he thought there should not be any provision for warranties to be waived. I do not think this provision should be taken out of the Act because there are cases where the waiving of warranties can, and should, apply. A person who is a mechanic should be able to purchase a car at a reduced price and do the necessary work himself. In many cases that arrangement could be satisfactory both to the purchaser and the seller. Many people are expert in this field and would prefer to do their own work rather than have, perhaps, an unqualified person do the work.

Mr Skidmore: Was there any indication from the industry that dealers would prefer to have a "waiver" clause?

Mr O'CONNOR: I have received no indication, but there are cases where it could and should apply. If a purchaser were to object I do not think the department would agree to the waiving of a warranty. I do not know of any case which has been brought to the attention of the department. A total of 29 waivers of warranty have been refused in the past. Perhaps on those occasions someone was coerced into purchasing a vehicle which he did not want.

The member for Morley also mentioned that the sellers of vehicles should be competent persons. We have already taken action in this regard by licensing car dealers and salesmen. If a person is found to be of ill-repute his licence is not renewed, or if he has been in serious trouble previously he does not get a licence. I believe we have a fairly reputable crowd in the car dealing industry, certainly much better than we had many years ago.

One of the problems with regard to compliance plates—and generally I do not agree with compulsion—is that many vehicles coming into Australia may not have them. Compliance plates have applied in Australia only for the last seven or eight years. I can recall I was the Minister for Transport when the regulations were passed to refuse the entry of vehicles unless they had compliance plates to show that they complied with our safety requirements. The State Ministers, and the Federal people, got together and drew up the regulations. The point I am making is that some older vehicles probably would not have compliance plates. I certainly would not disagree with some compulsory form of identification whereby plates would be attached to vehicles.

I find it unbelievable that cars have been sold while the owners have been out in a demonstration vehicle. Obviously, some people have been taken for a ride, and the provisions of this Bill will cover that situation. It is hard to believe that a person, after a demonstration drive in a motor vehicle, can return to the dealer's yard and find that his own vehicle has been sold. Obviously, some people could be talked into going into another vehicle, rather than having to walk home.

Mr Skidmore: The problem is that many people have been conned in that respect. They return to the yard and find that their vehicle has been sold. It is merely an excuse for the salesman to make a sale.

Mr O'CONNOR: It is very unsatisfactory and unsavoury, and the provisions of this Bill will cover that situation.

The matter regarding hire-purchase companies not giving authority to dealers can be overcome by the dealers ringing the company, as they normally do, asking for the pay-out figures, seeking the company's approval, and holding the pay-out cheque until approval is received.

We realise a problem exists in regard to backyard dealers. We have given an undertaking to the dealers' association that within a couple of weeks we will employ two people for a six-month period in an endeavour to overcome the problem and ensure those operating from backyards, who do not have to comply with the conditions imposed on dealers in registering their yards, are chased up.

Mr Tonkin: Will they be outside officers?

Mr O'CONNOR: I am trying to organise it in conjunction with the Commissioner of Police. It will be decided in a few days.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Clauses 1 and 2 put and passed.

Progress

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Connor (Minister for Labour and Industry) in charge of the Bill.

Progress reported and leave given to sit again, on motion by Mr O'Connor (Minister for Labour and Industry).

House adjourned at 6.10 p.m.

QUESTIONS ON NOTICE

PARLIAMENT HOUSE

Staff

1732. Mr HODGE, to the Speaker:

- (1) Will the Speaker provide me with details of the wage rates, overtime and penalty rate payments and general conditions of employment applicable to staff employed at Parliament House?
- (2) (a) Do staff employed at Parliament House enter into a contract of employment;
(b) if so, can a copy of the normal contract be provided to me?
- (3) How are the wages and conditions of employment for staff at Parliament House determined and who decides when changes or adjustments are necessary?
- (4) Has an officer from the Public Service Board visited Parliament House and had discussions or made inquiries about the wages, hours of work and general conditions of employment of staff employed at the House?

The Acting Speaker (Mr Watt) (for the SPEAKER) replied:

- (1) Wage rates, overtime, and penalty rate payments and general conditions of employment applicable to wages staff employed at Parliament House are similar to those applicable under the Hospital Workers (Government) Award.
- (2) (a) and (b) When staff are engaged, they are advised of the conditions as in (1) above.
- (3) When the Hospital Workers (Government) Award and service pay entitlements are amended through indexation or for any other reason, the Public Service Board advises the recommended new rates. These are generally accepted by the Joint House Committee.
- (4) Yes.

1733. *This question was postponed.*

CONSERVATION AND THE ENVIRONMENT

Bunbury Power Station

1746. Mr SKIDMORE, to the Minister for Conservation and the Environment:

Has the Department of Conservation and Environment reviewed the proposed discharge of industrial waste from the Bunbury power house into adjacent natural swamp lands with a view to ensuring that no damage to the environment will result and that no destruction of flora or fauna will take place because of this discharge?

Mr O'CONNOR replied:

No, but I understand that the necessary approval had been obtained from the City of Bunbury, the Leschenault Inlet Management Authority, and the Public Works Department.

ENERGY: ELECTRICITY SUPPLIES

Bunbury Power Station

1747. Mr SKIDMORE, to the Minister for Fuel and Energy:

The Minister made a recent statement that 50 tonnes per day of industrial waste from the Bunbury power house would be pumped into natural swamp lands in the area. Has consideration been given to the possible damage to the environment with the resultant destruction of flora and fauna in these wetlands?

Mr MENSAROS replied:

The honourable member must be referring to the disposal of fly ash from the recently installed electrostatic precipitators at Bunbury power station which have effectively eliminated particulate emission from the power station chimney stacks. This fly ash is pumped as a slurry to the Turkey Point area where it is being used for landscaping as part of a co-ordinated development of the Turkey Point area.

The disposal of fly ash and its use for this purpose has been conducted with the full involvement, knowledge and approval of the necessary authorities, including the City of Bunbury, the Leschenault Estuary Management

Authority, and the Public Works Department which have approved groundwater quality control measures.

FISHERIES

"FINS" Magazine

1748. Mr SKIDMORE, to the Minister for Fisheries and Wildlife:

Would he place the following societies on the mailing list for the magazine FINS along with any other relevant information that the department may from time to time publish—

- (a) The Avicultural Society of W.A. (Inc.), P.O. Box 55, Victoria Park, 6100;
- (b) The Avicultural & Wildlife Association, 165 Planet Street, Carlisle, 6101?

Mr O'CONNOR replied:

- (a) and (b) Yes.

1749. *This question was withdrawn.*

HOSPITALS

Federated Engine Drivers and Firemen's Union Award

1750. Mr SKIDMORE, to the Minister for Health:

- (1) Is it fact that the Federated Engine Drivers and Firemen's Union of Workers of WA wrote to the Chairman of the Public Service Board on the 6th July, 1979 complaining that incorrect information re award conditions of workers employed in the medical services were being circulated amongst public health institutions?
- (2) Is it fact that on the 5th July, 1979 the same union wrote to the Mental Health Services, West Perth, complaining of an under payment of wages to workers employed by them?
- (3) Is it fact that on the 6th July, 1979 a letter was sent to the Secretary of the Swan Districts Hospital indicating an underpayment of wages of workers employed at that hospital?

- (4) Is it a fact that on the 5th July, 1979 a letter was sent by the same union to the industrial officer at the Royal Perth Hospital complaining of under payment of wages at that hospital?
- (5) In bringing this matter to his attention and in view of his Government's stated intentions that workers should abide by the conditions of their awards as established by the WA Industrial Commission, will he now take action to ensure—
 - (a) that correct award conditions are circulated to officers from within the department;
 - (b) that wages and allowances are paid correctly and at the time that award conditions are changed?

Mr YOUNG replied:

- (1) I do not know whether or not this is so. The question needs to be directed to the Premier. However, information which was subsequently amended was supplied by the Public Service Board and implemented immediately by the Medical Department and hospitals.
- (2) to (4) Yes.
- (5) (a) The term "department" in this section is confusing. The Medical Department implemented correctly and completely the advice it received from the Public Service Board. Unfortunately, that advice required amendment.
- (b) This is the Medical Department policy and normal practice.

HEALTH: CHIROPRACTORS REGISTRATION BOARD

Rules: Amendment

1751. Mr HODGE, to the Minister for Health:

- (1) Further to question 1719 of 1979 relevant to chiropractic, despite the fact that he will not be introducing changes to the Chiropractors Registration Board rules into Parliament, does he intend to table the proposed rule changes in Parliament in order that Parliament can accept or reject them?
- (2) Will he provide the following details about the Australasian Council of Chiropractic—
 - (a) which Act of Parliament established the council;

- (b) is the council a Western Australian organisation;
 - (c) is the council a registered, incorporated or statutory body in Western Australia;
 - (d) who does the council represent and to whom is it responsible;
 - (e) what are the names, qualifications and occupations of council members;
 - (f) are council members appointed or elected;
 - (g) if council members are appointed who appoints them; if they are elected who elects them?
- (3) How did the International College of Chiropractic convince him or prove to the registration board that it should become the standard for Western Australia?
 - (4) Has he or the registration board inspected the Sydney College of Chiropractic?
 - (5) Why does his department believe that the Sydney College of Chiropractic should not be named in the rules as the standard for Western Australia?
 - (6) How many graduates of the International College of Chiropractic who have completed their entire training at that establishment have been registered by the board in Western Australia?

Mr YOUNG replied:

- (1) No, normal procedure is that proposed rules are not tabled. After a rule amendment is resolved by the board it is submitted for approval to the Governor and, on approval, it is published in the *Government Gazette* and tabled in Parliament under the provisions of section 36 of the Interpretation Act.
- (2) (a) to (g) The information requested is not all available but will be obtained and given to the member when received.
- (3) The board studied and accepted the International College of Chiropractic's handbook. Three board members have inspected the college. The board took cognisance of references to the International College of Chiropractic in the report of the Committee of Enquiry into Chiropractic, Osteopathy, Homoeopathy and Naturopathy 1977.

- (4) No.
- (5) The board has not made such a recommendation.
- (6) Two.

CULTURAL AFFAIRS: ARTS COUNCIL *Grant to "Desperate Measures"*

1752. Mr HASSELL, to the Minister for Cultural Affairs:

- (1) Is it a fact that the Western Australian Arts Council has made a grant of \$3 000 to the group known as "Desperate Measures"?
- (2) When was that grant made?
- (3) Is it a fact that \$3 000 is equal to the largest other grant made by the council among the grants made at the time?
- (4) Is it a fact that there is some doubt as to the bona fides of "Desperate Measures" as a theatre group because it engages in a considerable amount of political activity including—
 - (a) railway closure protest entertainment;
 - (b) anti-uranium mining street protests;
 - (c) extensive poster publication of a political nature?
- (5) What was the grant made for?
- (6) Is his department satisfied that all the moneys granted were used by the group—
 - (a) for the purpose for which the grant was made; and
 - (b) for non-political purposes?
- (7) Is it the policy of the Government to make grants of taxpayers funds to political protest groups of the "right" or "left" persuasions?
- (8) What check is made by the Arts Council on the use of funds granted?

Mr P. V. JONES replied:

- (1) I am aware that a grant of \$3 000 has been made to the Desperate Measures Theatre Company.
- (2) The grant was made on the 4th September, 1979.
- (3) The grant was one of a number of special project and bursary grants made by the WA Arts Council in September. Grants totalling \$37 790 were made at this time and these included two grants, and one guarantee against loss of \$3 000. These were the largest grants made at this time.

- (4) (a) to (c) I am advised that the Western Australian Arts Council considers that the group is properly constituted with the objects of its constitution defined as follows—

- (a) to promote the development of community arts and in particular theatre as a medium of information, education and entertainment;
- (b) to promote the education and information of the public to live theatre...

The WA Arts Council considers applications from groups on the basis of their artistic merit and quality within the applicant's chosen field. The council does not take political affiliations into consideration. The group has undertaken a number of community arts and theatre activities since its inception in 1977.

- (5) The grant, which will be paid in two instalments of \$1 500, is towards administration costs.
- (6) (a) and (b) No. I am aware of some questioning regarding the use of public funds granted by the Arts Council to the group in question. Consequently, the Arts Council has been asked to investigate and report on the use made of public funds granted for artistic support.

- (7) No. It is the Government's policy through the agency of the WA Arts Council to make grants to individuals and organisations who are successfully contributing to the artistic life of the community. Any abuse of public funds by and receiving organisation will result in no further funding being advanced.

- (8) The terms and conditions of the grant require that—

- (a) the grant is used for the purpose for which it is given;
- (b) any change in the proposed project is notified to the council;
- (c) within six weeks of the completion of the project a detailed report, together with certified statement of income and expenditure, be forwarded to the council.

RAILWAYS

Wool

1753. Mr COWAN, to the Minister for Transport:

- (1) What is the revenue to Westrail from haulage of wool, for each of the last five years?
- (2) In each year what was the number of bales carried by Westrail?
- (3) Has the net profit (or loss) realised by Westrail ever been calculated for each of these years?

Mr RUSHTON replied:

- (1) and (2)

| | Revenue \$ | Bales |
|------------------------------------|---------------|-----------|
| Year ending the 30th June, 1975 | 2 807 149 | 960 582 |
| Year ending the 30th June, 1976 | 3 527 554 | 1 033 214 |
| Year ending the 30th June, 1977 | 3 407 663 | 1 014 545 |
| Year ending the 30th June, 1978 | 3 176 413 | 812 868 |
| Year ending the 30th June, 1979 | 3 495 654 | 893 676 |

- (3) No. Because of the many joint and common costs related to railway systems, it is not practicable to calculate a profit or loss on a specific commodity without carrying out an in-depth study.

TRANSPORT: BUSES

Fremantle-Perth: Patronage

1754. Mr COWAN, to the Minister for Transport:

With reference to question 1708 of 1979 relevant to the patronage of linc buses, is he prepared to answer parts (3) and (4) now?

Mr RUSHTON replied:

I will answer the question completely when all the information is available.

LOCAL GOVERNMENT

Perth City Council

1755. Mr BATEMAN, to the Minister for Local Government:

- (1) Is it a fact that amateur fishermen fishing between the old brewery in Mounts Bay Road and the Narrows

Bridge are being prosecuted by the Perth City Council parking inspector on weekends and holidays for parking on the river verge?

- (2) If "Yes", is it also a fact that fishermen have been fishing in this area for years without being queried, questioned, or hindered by anyone?
- (3) In view of the attitude by the local authority in this matter, will she take steps to allow this peaceful recreation to continue?
- (4) If not, why not?

Mr Young (for Mrs CRAIG) replied:

- (1) and (2) I suggest that the honourable member refers his queries to the Perth City Council.
- (3) and (4) If the honourable member would care to write to me, setting down all the facts as he understands them, I will have inquiries made with the Perth City Council. However, I am unaware of any authority for my intervention.

HEALTH: TOBACCO PRODUCTS

Advertising: Children

1756. Mr COWAN, to the Minister for Health:

- (1) Was he factually reported in *The West Australian* on Friday, the 5th October, when he was quoted as saying the doctors apparently were not prepared to give evidence to back their assertion of a link between the advertising of tobacco products and children smoking?
- (2) If "Yes", did he mean, it is nothing more than an unproven assertion that advertising leads to children smoking?
- (3) Does he have information from tobacco companies that indicates there is no link between advertising and children smoking?
- (4) If so, why do tobacco companies spend money on advertising?

Mr YOUNG replied:

- (1) Yes.
- (2) No, and the doctors have subsequently agreed to present evidence to the committee.

- (3) and (4) These questions suggest that the tobacco companies advertise only to recruit children to the ranks of smokers. This is obviously not so. The effect of advertising on children can be canvassed by interested parties with the committee. I am setting up to study the matter. I will consider any recommendations put to me by this committee.

WOOL

Production

1757. Mr COWAN, to the Minister for Agriculture:

What was the number of bales of wool produced in Western Australia in each of the last five years?

Mr OLD replied:

According to the Australian Wool Corporation, Western Australian production over the last five years is as follows—

| Year | million kg greasy | Approximate Bale Equivalents million |
|---------|----------------------|---|
| 1974-75 | 180.0 | 1.21 |
| 1975-76 | 183.5 | 1.23 |
| 1976-77 | 166.4 | 1.12 |
| 1977-78 | 149.8 | 0.97 |
| 1978-79 | 157.6 | 1.00 |

I must make a point that the bale numbers are approximate because we have no bale numbers that have been calculated.

RIFLE RANGE

Greenough

1758. Mr CARR, to the Minister representing the Minister for Lands:

- (1) Further to the answer to question 950 of 1979 in which it was advised that the Lands Department had referred the matter of a rifle range site for Geraldton back to three objecting authorities, have replies been received from any of these authorities?
- (2) If "Yes"—
 - (a) from which authority or authorities;
 - (b) what was the nature of the reply or replies?

- (3) Has his department yet made a decision as to whether to approve this site or not?
- (4) If "No" to (3), when does he expect such a decision to be made?

Mr YOUNG replied:

- (1) Yes.
- (2) (a) and (b) Department of Fisheries and Wildlife objects and the National Trust of Australia (W.A.) is now in agreement.
- (3) No.
- (4) Not known. Portion of the area lies within Class "A" Reserve No. 8613 and would require referral to Parliament.

MEAT: LAMB

Marketing Board: Grading

1759. Mr GREWAR, to the Minister for Agriculture:

- (1) To whom is the WA Lamb Marketing Board accountable?
- (2) By what means can producers assess the efficiency of the board's operations?
- (3) Why are lamb prices in Western Australia 25 per cent to 30 per cent lower than equivalent grades in the Eastern States, especially in a year of low rainfall and with good export contracts arranged?
- (4) What percentage of lambs were graded red, blue and white in each month of the past year?
- (5) Is there any fact in media reports that "in peak supply periods the gradings into white grades is higher than at times of low supply"?
- (6) If answer to (5) is "Yes", why is this so?

Mr OLD replied:

- (1) To the Minister for Agriculture.
- (2) Through contact with their representatives on the board.
- (3) The honourable member should be specific as to what period he is comparing prices in Western Australia with Eastern States prices. During July and August for example board schedule prices were higher than prices received by producers in other States.

The seasonal pattern of production is more pronounced in Western Australia

than in the Eastern States during September, October, and November, this being reflected in the prices received by producers.

- (4) to (6) The percentages were as follows—

| | Blue per cent | Red per cent | White per cent |
|-----------|---------------------|--------------------|----------------------|
| 1978 | | | |
| July | 9 | 24 | 67 |
| August | 19 | 38 | 43 |
| September | 23 | 48 | 29 |
| October | 27 | 43 | 30 |
| November | 22 | 44 | 34 |
| December | 13 | 53 | 34 |
| 1979 | | | |
| January | 7 | 47 | 46 |
| February | 4 | 45 | 51 |
| March | 6 | 45 | 49 |
| April | 6 | 49 | 45 |
| May | 7 | 44 | 49 |
| June | 5 | 34 | 61 |

I am unaware of the media reports to which the honourable member refers. However the percentages show that there is no fact in an assertion made in a letter in a rural newspaper that in peak supply periods—that is, September to November—the gradings into white grades are higher than at times of low supply.

TRAFFIC ACCIDENTS

Morley Drive-Crimea Street Intersection

1760. Mr TONKIN, to the Minister for Transport.

- (1) How many—

- (a) serious;
- (b) fatal

accidents have occurred at the confluence of Crimea Street with Morley Drive in Morley during each of the past three years?

- (2) Are there plans for traffic control lights to be installed there in the near future?
- (3) If not, what plans does the Government have to improve the safety of the intersection?

Mr RUSHTON replied:

| | | | | 1979 (to October) |
|-------------|------|------|------|-------------------------|
| (1) (a) | 1976 | 1977 | 1978 | |
| Property | | | | |
| Damage only | 8 | 12 | 6 | 5 |
| Injury | 2 | 2 | 4 | 3 |

(b) Nil

- (2) and (3) Channelisation suitable for the provision of traffic control signals was completed in January and the site will be considered for the installation of the signals in the next programme review this financial year.

STANFORD INSTITUTE

Report

1761. Mr DAVIES, to the Premier:

- (1) Did the Stanford Research Institute report on "Mechanisms for resolving land use issues in the Darling Range" by Saches and Harvey of July 1978, include the following statement—

Modification of present administrative arguments and procedures to facilitate public involvement are needed to reflect the growing public interest in decisions regarding the use of resources in the Darling Range.

and state as a major recommendation that the Darling Range policy advisory council should be established?

- (2) If so, what was the report's recommendation for the composition of the policy advisory council and what were its terms of reference?
- (3) What has the Government done to implement the report's recommendation?
- (4) Why has the Government refused to make all recommendations of the report public?

Sir CHARLES COURT replied:

- (1) to (4) The report by SRI International contained a number of recommendations which were carefully considered by the Government together with other expert advice.

The outcome of these considerations was the decision to establish a Darling Range study group under the

chairmanship of Mr W. D. Benson, and a joint State/private industry committee to co-ordinate research in the Darling Range, under the chairmanship of the Conservator of Forests (Mr B. J. Beggs).

The membership of both these bodies was recently announced and their work has commenced.

As I have stated previously, the SRI report was essentially one to the Government and therefore not considered appropriate for release.

ABORIGINES

Noonkanbah Station: Sacred Sites

1762. Mr DAVIES, to the Minister for Cultural Affairs:

- (1) Further to question 1331 of 1979 concerning oil drilling at Noonkanbah Station, will he advise whether legal action has been taken?
- (2) If "No" to (1), will he now answer question 997 of 1979 pertaining to oil drilling at Noonkanbah?
- (3) If "No" to (2), why not?

Mr P. V. JONES replied:

- (1) I am advised that formal notice of discontinuance has been filed.
- (2) and (3) The trustees of the Western Australian Museum have advised that they do not wish to release their report on sacred sites in the area of mining exploration by Amax Petroleum on Noonkanbah Station in view of the confidential nature of the information contained within the report.
- In view of all the circumstances I do not propose to table any documents.

TRANSPORT: ROAD

North-west: Permit Fees

1763. Mr DAVIES, to the Minister for Transport:

How much revenue has been obtained in each of the past three financial years from permit fees for the transport of road cargo from Perth to north of the 26th parallel?

Mr RUSHTON replied:

Fees paid to the Transport Commission for permits authorising road transport of general cargo from Perth to centres north of the 26th parallel of south latitude for the past three financial years are—

| | |
|---------|------------|
| 1976-77 | \$517 416 |
| 1977-78 | \$872 507 |
| 1978-79 | \$928 565. |

LAND: BROOME

Cost of Services

1764. Mr DAVIES, to the Minister representing the Minister for Lands:

Is it a fact that blocks which were for sale in Broome recently were assessed for costs of services, and subsequently re-assessed as a result of the extra costs which were not taken into account in the original assessment?

Mr YOUNG replied:

No.

ENERGY: ELECTRICITY SUPPLIES

Connection: Cost per Kilometre

1765. Mr DAVIES, to the Minister for Fuel and Energy:

What is the cost per kilometre for power connections in—

- (a) south-west;
- (b) Murchison-Eyre?

Mr MENSAROS replied:

Cost per km of 22 kV power line.

| | | Single phase km | Three phase km |
|---|--|-----------------------|----------------------|
| (a) South-west | | | |
| Actual cost of construction | | \$1 800 | \$3 600 |
| SEC subsidised cost to customer under Contributory Extension Scheme | | \$1 000 | \$2 000. |
| (b) Murchison-Eyre | | | |
| Three-phase lines only erected | | | |
| Actual cost | | \$6 000. | |

No subsidy applies beyond the interconnected system since electricity is supplied at standard tariffs and includes a substantial subsidy on the actual costs involved in making electricity available from diesel power plants.

TRAFFIC

Motor Vehicle Insurance Trust

1766. Mr DAVIES, to the Minister for Local Government:

- (1) Has the Motor Vehicle Insurance Trust sought an increase in premiums?
- (2) If so, was it refused "for the time being"?
- (3) When is the position likely to be reviewed?

Mr Young (for Mrs CRAIG) replied:

- (1) and (2) Yes.
- (3) The matter is under continuing review.

STATE FINANCE

Short-term Interest Transactions: Unauthorised Dealers

1767. Mr DAVIES, to the Treasurer:

Further to my question 4 without notice of Wednesday, the 19th September, what were the amounts of cash advances, comprising the \$75 942 210 invested at the 30th June, 1979, made to dealers other than authorised and approved dealers in the short-term money market in return for—

- (a) securities of or guaranteed by the Government of the Commonwealth;
- (b) securities of or guaranteed by the State Government;
- (c) trading bank negotiable certificates of deposit?

Sir CHARLES COURT replied:

- (a) to (c) I think myself and the Treasury have been more than patient in answering questions on this matter.

This latest question by the Leader of the Opposition seems to be going over the same ground as that already covered.

Therefore I suggest the honourable member takes advantage of the offer I made in the latter part of my answer to question 1717 (9th October, 1979)

LAND: NATIONAL PARK

South Coast

1768. Mr H. D. EVANS, to the Minister for Conservation and the Environment:

- (1) Has the south coast national park been declared?
- (2) If "No", when is it expected that the south coast national park will be proclaimed in accordance with Cabinet's endorsement of the Environmental Protection Authority on the 20th October, 1976?

Mr O'CONNOR replied:

- (1) No.
- (2) Preparation of plans relating to the consolidation of reserves and Crown land to enable proclamation of the park in accordance with the Cabinet endorsed recommendation is proceeding. It is not possible at this stage to advise when the park will be proclaimed.

STOCK

Livestock Breeding Institute

1769. Mr H. D. EVANS, to the Minister for Agriculture:

Where is it proposed to establish the livestock breeding institute referred to in the Premier's Budget speech?

Mr OLD replied:

Earlier this year I appointed an interim advisory committee to consider the location of the animal breeding institute. The committee has recommended that the institute should be located near a major regional centre in the great southern area. Further consideration by the committee will depend on the availability of a suitable property.

PUBLIC WORKS

Harvey Shire and Bunbury City

1770. Mr H. D. EVANS, to the Minister representing the Minister for Works:

- (1) What is the total allocation which has been made for public works in each of the following local government areas—
 - (a) Harvey Shire;
 - (b) Bunbury City?
- (2) What projects will such allocation finance in each case?

Mr O'CONNOR replied:

- (1) and (2) The honourable member's attention is drawn to the General Loan Fund Estimates of Expenditure, which were presented on Tuesday, the 18th September.

EDUCATION: PRE-PRIMARY AND PRE-SCHOOL

Child Care Workers

1771. Mr WILSON, to the Minister for Education:

- (1) On what grounds is the Education Department proposing to deny to child care workers who are currently employed in 25 children groups in pre-school and pre-primaries, further adjustments to pay scales, e.g., indexation increases, while allowing such increases to continue to apply to those employed in 36 children groups?
- (2) Does this proposal stem in any way from the view that 25 children groups do not have a need for trained support staff?
- (3) What consideration, if any, has been given to the effect of the reduced pay rates for child care workers who are the sole breadwinners for their families and who have established long term commitments such as house repayments to meet?

Mr P. V. JONES replied:

- (1) Child care workers are not employed in pre-primary and pre-school centres with 25 children in a group. Staffing in these centres is a trained teacher and an aide. Conditions of service for aides are determined under the Teachers' Aides' Award, 1979, and these apply to all aides, irrespective of qualifications.

Salary increases granted to child care workers do not apply to teachers' aides.

- (2) No.
- (3) No aide who was paid a higher wage than award rates prior to acceptance of the Teachers' Aides Award, 1979, will be reduced in pay.

HOUSING

Rural Housing Authority

1772. Mr CLARKO, to the Minister for Housing:

- (1) During the last financial year, what was the total sum of money that was approved by the Rural Housing Authority as loans for rural housing?
- (2) How many separate dwellings were constructed from such loans?
- (3) How many of the dwellings were transportable buildings?
- (4) Which companies successfully tendered to supply the transportable buildings?

Mr O'Connor (for Mr RIDGE) replied:

- (1) \$1.453 million.
- (2) 37.
- (3) 18.
- (4) Tenders arranged by individuals and not the Rural Housing Authority.

CONFEDERATION OF WA INDUSTRY AND PERTH CHAMBER OF COMMERCE

Rented and Leased Floor Space

1773. Mr DAVIES, to the Premier:

- (1) Further to question 1709 of 1979 relevant to grants and loans what was the value of the floor space which was rented or leased by the Department of Industrial Development and made available to the Confederation of Industry and/or Perth Chamber of Commerce?
- (2) Was the floor space made available to the Confederation of Industry and/or Perth Chamber of Commerce without charge?

Sir CHARLES COURT replied:

- (1) and (2) The honourable member has asked a number of questions on this subject and myself and the Department of Industrial Development have endeavoured to answer them.

However, we do not appear to be understanding the basis of the honourable member's concern or the information he seeks.

If there is something of special concern to him, I suggest he either confers with myself or my colleague (the Minister for Industrial Development) and we will endeavour to supply the information needed, or allay any concern he may have—if such be the case.

TRAFFIC

Australind Street, Shenton Road, and Loch Street

1774. Mr DAVIES, to the Minister for Transport:

What action does he intend to take to moderate noise pollution and traffic jams in Australind Street and Shenton Road in Cottesloe and Loch Street, Claremont, as a result of revised bus routes on those roads following the closure of the Perth-Fremantle rail service?

Mr RUSHTON replied:

The Chairman of the MTT informs me he has no reason to believe these problems exist.

TRANSPORT: BUSES

Fremantle-Perth: Speeding

1775. Mr DAVIES, to the Minister for Transport:

- (1) Is it fact that linc buses have been forced on occasions to exceed speed limits to maintain regular running times, with resultant discomfort for travellers?
- (2) If "No" will he investigate these claims?

Mr RUSHTON replied:

- (1) No.
- (2) The MTT has received no claims but any specific claims received would be investigated.

WATER SUPPLIES

Dam: Harvey

1776. Mr H. D. EVANS, to the Minister representing the Minister for Water Supplies:

- (1) Does the Government intend to build a new dam in the Harvey area?
- (2) If "Yes"—
 - (a) when is construction expected to commence;
 - (b) where will be its precise location;
 - (c) has land been resumed for the purpose of building such a dam, or is it intended to resume land?

Mr O'CONNOR replied:

- (1) The Government has no plans to build a new dam in the Harvey area at present. Alternatives are being investigated.
- (2) (a) to (c) Answered by (1).

WATER SUPPLIES: IRRIGATION

Harvey

1777. Mr H. D. EVANS, to the Minister representing the Minister for Water Supplies:

What is the level of water restriction which it is proposed to impose on farmers in the Harvey irrigation area in the forthcoming season?

Mr O'CONNOR replied:

The allocation of water in the Harvey irrigation area is 5 000 cubic metres per rated hectare for the area served by Stirling Dam and 5 900 cubic metres for the area served by Logues Brook. These allocations are of the order of 50 per cent and 60 per cent respectively of the average usage in a normal year.

TRANSPORT: AIR

Two Airline System

1778. Mr DAVIES, to the Minister for Transport:

Further to question 1713 of 1979, which asked the Minister to outline those features of the domestic two airline policy which disbenefit Western Australia, what are his reasons for refusing to outline those features of the

two airline policy which disbenefit Western Australia and for refusing to outline the modification of those features he is seeking?

Mr RUSHTON replied:

In a short time, I hope to be in a position to provide the honourable member with the information he seeks.

TRANSPORT: AIR FARES

Perth-Sydney-Perth Extensions

1779. Mr DAVIES, to the Minister for Transport:

Further to the answer to part (3) of question 1617 of 1979 concerning reductions in interstate air fares, and his announcement that the cost of an economy return ticket between Perth and Sydney would be reduced by about \$80 from \$483 to \$403 under a formula suggested by the State Government to the Commonwealth—

- (1) Is it a fact that a shipping company operating cruises out of Sydney advertises special concessional return air fares of \$200 with Ansett airlines available on nominated lunch-time flights the day before sailing, with free overnight hotel accommodation?
- (2) Is it a fact that these fares are not within the apex or super-apex periods?
- (3) Is it a fact that the cruise company subsidises the airline on these fares?
- (4) If "Yes" to (3), by how much?
- (5) If "No" to (3), will he find out how such low fares can be offered and advise the House?
- (6) Is it a fact that another company is offering ship-jet tickets for the United Kingdom to Singapore by air, from Singapore to Fremantle by sea and one-way travel by Ansett or TAA from Perth to Sydney for \$135.00?
- (7) Is this fare subsidised?
- (8) If "Yes" to (7) by how much?

Mr RUSHTON replied:

- (1) to (8) The Leader of the Opposition is in just as good a position as I am to obtain detailed information of the type he is seeking from private companies.

The situations to which he refers seem to be typical of package tour arrangements made between travel agents and tour organisers on the one hand and providers of accommodation and transport facilities on the other.

Invariably, these arrangements involve block bookings of seats on aircraft at a reduced rate with the tour organisers taking the risk that all seats booked will be filled.

Costs are usually shared by the participants in the tour arrangements.

Understandably, I think, the participants to these arrangements would probably be reluctant to make details of them public. I doubt whether cross-subsidy, in the economic sense, would be involved in these arrangements.

I understand that the airlines discourage block bookings of this type during their busiest periods. However, where block bookings of aircraft seats occur during peak periods, the airlines often put on extra flights to ensure that passengers are not inconvenienced.

TRANSPORT: AIR FARES

Interstate

1780. Mr DAVIES, to the Minister for Transport:

- (1) Is it a fact that the Federal Minister for Transport has approved any special concessional fares, single or return, for interstate air travel in conjunction with a sea journey?
- (2) If "Yes", can he give details of fares, discounts and conditions?

Mr RUSHTON replied:

- (1) Not to my knowledge.
- (2) Not applicable.

QUESTIONS WITHOUT NOTICE INDUSTRIAL ARBITRATION ACT

Amendment: Member for South Perth

1. Mr DAVIES, to the Minister for Labour and Industry:

- (1) Is he aware of the reported views expressed by the member for South Perth, as a former Minister for Labour

and Industry for over four years, that the Government's proposed industrial legislation will lead to industrial confrontation and anarchy?

- (2) Was the former Minister for Labour and Industry consulted about the Government's proposed industrial legislation?
- (3) If not, why not?
- (4) Will he now be consulted?

Mr O'CONNOR replied:

- (1) to (4) I ask the Leader of the Opposition to place the question on the notice paper so that I can give proper consideration to it.

Mr Pearce: You and your party room!

Mr O'CONNOR: If the Leader of the Opposition is referring to matters quoted in the newspaper today, first of all he needs to be sure they were quoted in the party room, and secondly I am not prepared to reveal what takes place in the party room.

HEALTH

Bubble-gum "Cigarettes"

2. Mr SHALDERS, to the Minister for Health:

- (1) Is the Minister aware that sweets in the form of bubble-gum are being sold in a form and with packaging and name closely resembling certain brands of cigarettes?
- (2) Does the Minister believe this to be a desirable practice?
- (3) If not, would he endeavour to dissuade the company or companies concerned from continuing this practice in this State?

Mr YOUNG replied:

- (1) I am aware of the fact that at one stage such bubble-gum cigarettes were on sale and I asked the Public Health Department to investigate the sales, following the suggestion that the sweets may have been in themselves a health hazard to a certain extent. It was discovered at that time—three or four weeks ago if my memory serves me correctly—that there were no longer any of these products in any retail outlets in Perth.
- (2) Personally, I think the presentation of children's sweets in such a fashion is a highly undesirable practice and that it is reprehensible to attract children to sweets in that form.
- (3) It is very doubtful that in my capacity as Minister for Health I have any influence over the marketing of such products.

INDUSTRIAL ARBITRATION ACT

Amendment: Postponement

3. Mr TONKIN, to the Minister for Labour and Industry:

In view of the former Minister for Labour and Industry's concern over the Government's proposed industrial legislation and the industrial confrontation which this legislation will provoke, will the Government withdraw it for this session at least so that it can be fully considered by members, employee and employer groups, and the general public and so that the Government can clearly demonstrate that it is not using the legislation to provoke industrial confrontation as an election issue?

Mr O'CONNOR replied:

The Government has given careful consideration to the legislation. It considers it is appropriate legislation and has no intention of withdrawing it.

DROUGHT

Soil Testing

4. Mr TUBBY, to the Minister for Agriculture:

- (1) Is it correct that shires in drought-declared areas are collecting agents for soil samples to be tested for phosphate

requirements through the free soil-testing service offered by the State Government for farmers in drought-declared areas?

- (2) Is there a delay in having these tests carried out?
- (3) If "Yes" to (2), would he please take action to have the position rectified?
- (4) Does the Minister realise farmers are obliged to lodge orders for phosphate requirements this month for next season, if they are to be assured of supply at the required time, and that it is urgent to have test results, so that firm orders can be lodged and financial arrangements made?

Mr OLD replied:

- (1) Yes.
- (2) There have been some delays in developing the procedure for the collection of samples.
- (3) and (4) Action has been taken to rectify the position with the aim of ensuring that soil test results are available to producers prior to confirmation of their orders for phosphate requirements.

WATER SUPPLIES

Rates: Carnarvon

5. Mr JAMIESON, to the Premier:

As tomorrow is the deadline for appeals against valuation by Carnarvon businessmen in connection with water rates and there seems to be some confusion in the town as to what has happened in this matter, will he ask the Minister for Water Supplies to extend the time limit in which commercial consumers in Carnarvon can appeal against water rates, in view of the massive increases in those rates and their effect on the viability of businesses in the town?

Sir CHARLES COURT replied:

Appeals in respect of a valuation of rateable land must be made under the provisions of the Valuation of Land Act, 1978. The Premier and not the Minister for Water Supplies is responsible for the Act. Under the provisions of the Act the Valuer General has a discretionary

power to extend the time limit for objections under section 32(6) of the Act for reasonable cause.

The Valuer General has been apprised of the situation.

ELECTORAL: STATE

Enrolment Claims

6. Mr TONKIN, to the Chief Secretary:

- (1) Is it a fact that the Electoral Department is rejecting applications for enrolment on the basis that applicants have not given full dates of birth?
- (2) If so, is it Government policy to refuse to enrol people who do not know their exact date of birth?
- (3) Does this mean that people who do not know their date of birth will be forever denied the right to vote because of their inability to enrol?

Mr O'NEIL replied:

- (1) Yes.
- (2) No. If the date of birth is not known to an elector, a statement on the claim showing the year of birth will be sufficient if it establishes that the claimant is not under 18 years of age. This is referred to in section 44 of the Electoral Act and on the electoral claim card.
- (3) If the statement referred to in (2) above cannot be made, the claim must be rejected under section 44 of the Electoral Act.

PREMIERS' CONFERENCE

Views Expressed

7. Mr DAVIES, to the Premier:

Does his Government concur with the views expressed after the June, 1979, Premiers' Conference by NSW Premier Wran that the outlook was "as bleak as a Canberra winter", and the Tasmanian Premier's views that the financial package was a catastrophe; or does it concur with the Prime Minister's view that recent State Budgets made a "complete lie" of what Premiers had said after their June conference?

Sir CHARLES COURT replied:

I am not prepared to comment on expressions of opinions by the Premiers of New South Wales and Tasmania because I made my own fairly strong and powerful comments at the time. If it gives the Leader of the Opposition any consolation, I have this afternoon issued an equally powerful statement criticising the Prime Minister.

Mr B. T. Burke: You see an election coming up.

ROADS: FUNDS

Comments of Federal Minister

8. Mr DAVIES, to the Premier:

- (1) Does his Government concur with comments made by the Federal Minister for Transport (Mr Nixon) that there is nothing to stop State Governments from re-ordering their priorities to allow some of the very generous revenue assistance the Commonwealth has made available to be spent on road funds?
- (2) If "No", does he intend to take any action in respect of Mr Nixon's comment?

Sir CHARLES COURT replied:

- (1) and (2) As the Leader of the Opposition well knows from my many comments, we do not agree with what the Federal Minister for Transport has said. Whilst I was saying some rather strong things to the Prime Minister today, I added a few comments to the Federal Minister for Transport.

Mr Davies: Well done!

Mr B. T. Burke: An early election is a certainty.

CONSERVATION AND THE ENVIRONMENT

Bunbury Power Station

9. Mr SKIDMORE, to the Minister for Conservation and the Environment:

In my question 1746 today, I asked about the discharge of waste from the Bunbury power station and whether the department had asked for a review of the situation. The reply to that question was "No". I now ask—

Will the Minister ask his department to carry out such a review?

Mr O'CONNOR replied:

The department will not carry out a review unless the request is made and the department decides that such a review is necessary. The Leschenault Inlet Authority has investigated the matter, and it has certain powers in this area. Apparently the department has not received any indication of a problem. If the department receives such information, it will take the appropriate action.

KAMPUCHEA

Donation

10. Mr WILSON, to the Premier:

In view of the announced intention of the New South Wales Government to make a donation of \$150 000 to the international campaign to save the people of Kampuchea, is he giving any consideration to the possibility of the Western Australian Government making a donation to this cause?

Sir CHARLES COURT replied:

No consideration has been given to this matter by the Government at this stage.
