

unreasonable of the Minister to reject both Mr Skidmore and myself, who represent the area.

From meeting a great many of the people whom I represent and who attend the school I have got to know their needs and the sort of things that they wish for the school. I cannot see why it is considered unreasonable for a member, particularly a woman who is interested in women's affairs, to sit on the committee. If the Minister is going to suggest that I have had a run of about four years, that that is enough and I should give somebody else a turn, I would say that other members who have been reappointed have also been on the committee for some years. The next question I asked was—

On what previous occasion was a nomination for the advisory committee rejected by any Minister for Education?

The Minister replied—

Not known.

Obviously there has never been a rejection of any nomination on any previous occasion.

The Hon. G. C. MacKinnon: That is absurd. How can you know?

The Hon. LYLIA ELLIOTT: If it is absurd, why has not the Minister produced any evidence of it?

The Hon. G. C. MacKinnon: A Minister sits in his office and says, "I am not having him and I am not having him." But he does not write it down.

The Hon. LYLIA ELLIOTT: In other words, Mr MacKinnon is saying that the Minister acts like God and that he is entitled to reject anybody with a wave of his hand without any justification. I do not think that is good enough. He has not demonstrated that he has rejected the nominations because of anything in the regulations. He has not told me that my qualifications or integrity are the reason for not being accepted and he has not said that the director has recommended against the nomination. All I can assume is that the Minister is playing petty party politics. I strongly object to his action.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [6.03 p.m.]: I suppose there is some truth in what the honourable member has said. There were three Labor members of Parliament on one little committee. I took two off. It is as simple as that. At the time I gave no cognisance whatsoever to the fact that one of the members had a spouse working for the organisation. That did not enter into it. It could have done, but it did not. I can find no other committee in this State that has a multiplicity of members of Parliament on it. Therefore, I thought one was sufficient and I took two off. It is as simple as that.

THE HON. R. F. CLAUGHTON (North Metropolitan) [6.04 p.m.]: I think the Minister's action was most objectionable in that he had no reason to remove those people from the committee other than that they were of the same political party.

The Hon. G. C. MacKinnon: Members of Parliament. I would have taken them off if they had been Liberals.

The Hon. R. F. CLAUGHTON: He had no thought apparently for what that may mean to the school itself and the good work that that council may do. It did not seem to enter his head at all that those two members may have been contributing the most and that their loss could be extremely serious for the council. This is one of the worst examples of high-handed and arrogant action of a Minister in this State, and I think the State is a lot worse off because of that sort of thing.

The Hon. D. J. Wordsworth: That is the worst you can find?

The Hon. R. F. CLAUGHTON: It would not be possible for Mr Wordsworth to think of more serious charges couched in strong enough language without making the situation any more lurid. This was a very unwise and unnecessary action and can be seen only as high handed and arrogant.

The Hon. N. McNeill: I suggest you research what your own Government may have done.

Question put and passed.

House adjourned at 6.06 p.m.

Legislative Assembly

Thursday, the 19th August, 1976

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

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): I would like to make the usual announcement that I propose to take questions at an appropriate time after the afternoon tea suspension.

BILLS (2): INTRODUCTION AND FIRST READING

1. Racecourse Development Bill.

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

2. Taxi-cars (Co-ordination and Control) Act Amendment Bill (No. 2).

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

SUPPLY BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL (No. 2)

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Transport) [2.20 p.m.]: I move—

That the Bill be now read a second time.

During the first part of this session of Parliament I introduced an amendment to the Road Maintenance (Contribution) Act to allow evidence to be submitted by affidavit in the case of uncontested prosecutions. The amendments included a provision that where the accused had previous convictions a statement of these convictions should be prepared and served with the summons.

I might add that at the time the member for Boulder-Dundas brought forward what he considered were difficulties in relation to this legislation, and I asked that the matter be referred to another place for deliberation. The honourable member was not happy with the proposal. However, I have had a look at the legislation since, and I have referred the matter raised by the honourable member to the Crown Law Department. The department is of the opinion that there is some justification in the points the honourable member brought forward.

During the parliamentary debate, some concern was expressed that a separate document with alleged prior convictions would be filed in the court and the court would have knowledge of them before the person was convicted.

Parliamentary Counsel has agreed that this could happen and has recommended a further amendment to ensure that the court does not gain knowledge of prior convictions before conviction.

Measures are also being introduced to ensure that adequate time is provided for the making of the necessary administrative arrangements for court hearings.

In practical terms, it has been found that the period of seven days allowed for the defendant to return a notice of election prior to the date of a court hearing of a complaint is barely adequate to enable planning for Transport Commission officers to be available to attend court where this is necessary. The amendment provides for this period to be increased to 21 days.

Similarly, at present the Act requires that a complaint must be served on the defendant at least 14 days before the date

of hearing. In practice this has been found insufficient and it is proposed that the term be extended to 28 days.

I consider that the amendments are fair to the individuals who go before the courts and are in line with the request the member for Boulder-Dundas made during the previous part of this session of Parliament. I am sure they will be acceptable to members. I therefore commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

CIVIL AVIATION (CARRIERS' LIABILITY) ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Transport) [2.26 p.m.]: I move—

That the Bill be now read a second time.

The Commonwealth Government has decided to amend the provisions of the Commonwealth Civil Aviation (Carriers' Liability) Act to increase the limits of liability for compensation in respect of accidents on aircraft operated or engaged in interstate operations.

It is proposed to increase the limit of liability of these domestic carriers for death or personal injury of passengers from the present amount of \$30 000 to \$45 000. This is considered to be a more appropriate level of maximum compensation and is consistent with international limits.

With regard to Western Australia, compensation for intrastate flights is affected only by the carriers' liability Act and this now requires amending if uniformity is to be maintained between the State and the Commonwealth. The provision before the House will increase the maximum compensation payable to \$45 000 and will also provide for our maximum compensation to adjust automatically in line with future amendments to the Commonwealth legislation.

I think members will generally agree that today a figure of \$30 000 for compensation in connection with this matter is very low and that \$45 000 is a figure which will probably not be maintained for very long. We have made the amendment bearing in mind that we endeavour at all times to keep the local figure in line with the Commonwealth figure. Therefore, it is better to leave the amount open and adjust it from time to time in accordance with the Commonwealth figure. This will obviate the necessity to bring the legislation to Parliament from time to time when the Commonwealth figure is adjusted.

I believe this is good legislation and will be to the advantage of all concerned. I therefore commend it to the House.

Debate adjourned, on motion by Mr McIver.

LAW REFORM COMMISSION ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [2.28 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend section 6(b) of the Law Reform Commission Act, 1972, to provide that the particular member in respect of that section shall be of a status not less than that of senior lecturer, or the equivalent thereof, engaged in the teaching of law at any university in Western Australia.

Currently the Act requires that one of the members of the Law Reform Commission shall be a full-time member of the academic staff of the Law School of the University of Western Australia, who has an academic status or position of associate professor or professor.

The Dean of the Law School has advised the Government that he has difficulty in providing professors or associate professors for the commission. He has suggested that consideration be given to amending the Act to provide that the description of the university representative on the commission includes academic staff of the status of senior lecturer or a person of equivalent status to a senior lecturer.

A further consideration is that if, in the future, the Murdoch University has a law school, provision should be made to include the academic staff of that university also. The proposed amendment covers any university in Western Australia, and I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Transport) [2.31 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains two types of amendments; those requested by the Perth City Council itself arising from its experience with the existing Act, and those added by the Government. Before explaining the broad thrust of each type of amendment, I would like to discuss briefly the context of city parking.

We are often told that the prime problem in our cities today is related to the motorcar, and that unless we deal with it the cities will choke and grind to a halt, or alternatively the environment of the cities, particularly the central business districts, will be destroyed. The theme reflected here is that cities are or should be for people and not for motorcars.

The problems to which I have referred are beginning to be evident in Perth, but fortunately, as yet, only to a minor degree. Both the Perth City Council and the Government appreciate that we should begin to move now to ensure that the problems do not become evident to a major degree.

There is another aspect that must be brought to account. The Government, in pursuit of the "cities are for people" theme, is spending heavily on the public transport system. While not all of this expenditure relates to providing facilities for journeys to the central business district, much of it does.

It will be quite obvious to members that the parking policy for the central business district, defined and then administered by the Perth City Council, must be in harmony with transport policy, if the benefits to the CBD are to be realised from Government expenditure on the transport system. Quite clearly, this is also appreciated by the Perth City Council which in recent years has shown a high degree of enlightenment in designing and administering parking policy.

I now refer to the amendments requested by the Perth City Council, all of which are excellent and are incorporated in this Bill. I would add that they form the great majority of the amendments being put before the House. The amendments would in general terms enable the council to—

- (1) utilise surplus moneys in the parking fund to provide, construct, and maintain facilities to improve the movement of pedestrians;
- (2) utilise surplus moneys in the parking fund to subsidise or establish transport services or facilities for the movement of people and their luggage within the city;
- (3) grant approval and set conditions for the establishment, by persons other than the council, of public parking facilities or stations in three ways, as follows—
 - (i) special licences for a day or a limited number of days, particularly for sporting or recreational events;
 - (ii) temporary licences in respect of land or buildings, which at the present time the council cannot grant;
 - (iii) ordinary licences in respect of land or buildings which can be used to establish permanent facilities;
- (4) attach conditions to the licences in respect of times of use, parking charges to be levied, numbers of vehicles to be parked, type of parking—long term or short term—and such constructional details as the council thinks fit; amend

or modify any of the conditions previously specified; and establish noncompliance with the terms of the licence or conditions as an offence, to which upon conviction a penalty attaches in the form of a fine, imprisonment, or both, and/or revocation of the licence by the council;

- (5) improve ability to enforce penalties on owners and drivers of vehicles;

Members are no doubt aware that there are some problems in connection with this matter and it is sometimes difficult to ascertain who was driving a vehicle at a particular time. As a consequence, many people are avoiding the payment of a fine and refusing to give evidence as to who was driving a vehicle. To continue—

- (6) regulate the speed at which vehicles may be driven and the conduct of the public parking stations;
- (7) benefit from some consequential renumbering and minor amendments.

I now refer to the second type of amendment—those inserted by the Government. I have said that the Perth City Council has shown a high degree of enlightenment in designing and administering parking policy. Nevertheless, for reasons which will become apparent later in my speech we have thought it wise to take this opportunity, presented by the council's desire for amendments, to strengthen the degree of control over parking policy possessed by the Minister.

Our advice is that existing Government control is to a large extent negative in form. Whilst past usage suggests that the Minister may certainly decline to agree to something, it is by no means clear in the principal Act that in some very necessary aspects he can direct the council to do something that for instance might bring council policy more into harmony with the Government's objectives in public transport or other areas.

It will be apparent from a reading of the principal Act that the Minister possesses some powers now. This Bill, if enacted, will reinforce the Minister's power specifically to provide or abolish a parking facility. It will give the Minister power to require the council to vary a condition of a parking licence or impose an annual fee for a licence, but these two powers are specifically limited to the central business district as defined in the Bill. The Bill gives the Minister power under certain conditions to make a by-law.

I have here a map indicating the defined areas of the central business district, which I will table at a later stage so that members will have an indication of the particular area affected by the Bill.

The effect of these amendments—which I am well aware are unpalatable to the Perth City Council—and some existing provisions in the principal Act which will remain, is to give the Minister a broad control—sometimes in an indirect way—over the quantity of parking provided, its location, the hours of use, and the fees to be charged, particularly in the area defined as the CBD. Members might well ask why this is necessary.

We have also included one other amendment which it is thought will be useful to the council; namely, to allow the council, if it so chooses, to utilise surplus moneys in the parking fund to carry on, or engage with others in, research relating to vehicular and pedestrian traffic and parking.

Broadly speaking, cars are brought into the central business district by their drivers for three reasons—

- (1) To be parked for a short or long term whilst their occupants are engaged in some activity in the central business district.
- (2) To set down or pick up without parking other than momentarily.
- (3) To pass through the central business district, incorporating one of the central business district streets in their route.

The number of cars that enter the central business district for reason (3) is a function of the road system. Given, as we hope to have in the future, adequate city by-passes, such cars will not normally enter.

Cars entering for reason (2) should be welcome. Their occupants bring activity to the central business district without requiring investment in car parks, which in itself is unproductive. Cars in this category though inevitably create some conflict with pedestrians.

Cars entering for reason (1) are both a blessing and a curse. They are a blessing because like the public transport system, they bring in that category of people who by their presence, contribute to the total activity of the central business district. Without this activity, be it for a commercial, recreational or other private purpose, the CBD would not exist. The point I am aiming to make is that the CBD is something that cannot exist without people. In this context then, a car like a public transport system, is a blessing.

The curse of the car in the CBD is equally obvious. It has to be put somewhere and thus it takes up space and requires investment in the central business district that might more agreeably and profitably be used for other purposes, such as open space or additional commercial and recreational activities. Much of the space cars take up is environmentally unsightly when either full or empty.

If a large number of cars are coming and going at peak hours the road system inevitably has to be larger and more pervasive than would otherwise be the case. This, too, requires investment and space that might be better used for other purposes.

Many cars coming and going inevitably also contribute to pedestrian conflict and air pollution. Very importantly, they also inhibit the operation of the bus component of the public transport system which, in the context of Perth, accomplishes the lion's share of the transport task.

So there has to be a trade-off, on the one hand between the blessings and the curses of the car, and on the other hand between parking, public transport and environmental policy. The set of rules which actually apply at any point in time must be the product of that trade-off.

An enlightened parking policy, in the sense that it is appropriate to the central business district at any point in its development and is in harmony with public transport policy, probably in the long run needs more than simple controls over location and quantity of parking, charges, and hours of use, to sustain and develop it.

Experience elsewhere in the world has shown that traffic limitation techniques may also be necessary, accompanied by new facilities for pedestrians and new public transport services, perhaps of the city clipper type. This philosophy was well put in the conclusions of the April, 1975, OECD conference on "Better Towns with Less Traffic". I quote these conclusions—

Towns are better with less traffic: so long as adequate provision is made for the mobility of workers and residents, and the distribution of goods. It is of urgent necessity that national and local Governments in the OECD member countries develop their efforts to reduce the adverse effects of motor traffic in urban areas. In so doing they should make provision for the needs of the people who by choice or necessity do not have access to a car (e.g. children, the elderly, the handicapped), and should facilitate the safety and mobility of pedestrians and cyclists

The practical experiences and experiments reviewed at this conference show that policies combining selected traffic limitation measures and public transport improvement can achieve a better urban environment, enhance accessibility for people and goods and conserve energy. Therefore, the conference concludes that the national and local Governments should actively support and encourage the design, implementation and valuation of such programmes, through their own political processes

With the foregoing in mind, the Director-General of Transport has in draft form the first phase of a study of traffic limitation techniques that might in the future be appropriate to central Perth. The study also involves extensive work on the pedestrian and public transport facilities that must go with any serious approach to traffic limitation. Members may be interested to know that two members of the Director-General's staff recently visited Singapore to observe what is being done in that city and that the Director-General himself will be visiting a number of cities, generally similar in size to Perth, in Europe, the United Kingdom, and North America during September for the same general purpose.

The first draft of this study is now with the members of the Perth Regional Transport Co-ordinating Committee for comment. I might add that the study is being funded as to two-thirds of its cost by the Commonwealth Government under the Transport Planning and Research Act. We have not yet seen the Director-General's work and it may be some time before we do. We have therefore no idea what he might recommend. It follows that we have no idea which of his recommendations, if any, we may accept. However, if we do accept some of them these amendments will give us the ability to implement them progressively.

I should make only one last point. Nothing in this Bill raises revenue for the Government and it is not intended that it should.

Upon going through the Bill after it arrived back from the Parliamentary Counsel, it was noted that the measure contains some minor deficiencies. I intend to move amendments to correct those deficiencies at the appropriate time. However, I mention them to members now so that if they find the errors in the Bill they will be aware that they are to be rectified.

In proposed new section 15A, subsection (2) has four paragraphs, (a) to (d); there should be five paragraphs corresponding precisely with the five that appear under proposed section 15A(1) on pages 6 and 7. Also on page 7, the first line of proposed section 15B(1) should read, "Subject to subsection (2)" instead of "Subject to subsection (1)".

On page 8, the Perth City Council has asked for a provision to be inserted between proposed section 15C(1) and (2), to provide for a stay of 14 days between the Minister approving of a grant or renewal and giving notice of imposition of the annual fee. In proposed section 15D(2), page 9, line 29, the word "reserve" should be "reverse". That is a typographical error. In clause 16(a), page 12, line 28, the passage, " "region;" ; and" should read, " "region; and"; ". I hope to make these amendments during the Committee stage. I commend the Bill to the House.

Mr Speaker, I seek permission to table the map to which I referred.

The map was tabled (see paper No. 342).

Debate adjourned, on motion by Mr McIver.

MAIN ROADS ACT AMENDMENT BILL *Second Reading*

Debate resumed from the 10th August.

MR McIVER (Avon) [2.50 p.m.]: At the outset I indicate that the Opposition does not oppose this measure. I preface my remarks by expressing my appreciation to the Minister for deferring consideration of this Bill from Tuesday night, when I was representing the Leader of the Opposition at a function, so that I could speak in this debate.

It has been necessary to amend the principal Act because the passage of time has shown that there are quite a number of redundant sections in it. The purpose of the Bill before us is simply to upgrade the Main Roads Act to bring it into line with the modern concepts of the Main Roads Department. It also deals with grid crossings through fences in pastoral areas such as Wiluna, Yalgoo, Sandstone, and the Murchison areas. Many of these are substandard and it is the requirement of the Main Roads Department, in respect of main roads, to make the necessary moves to have these traffic passes upgraded. Local authorities will also be assisted in upgrading traffic passes.

I do not think there is any need to delay the passage of the legislation. There is nothing contentious in it. It is merely a departmental Bill, as I have already stated, to upgrade the Main Roads Act and to allow the Main Roads Department to bring these traffic passes in line with modern-day construction, which is now required. With those few remarks I indicate once again to the Minister that the Opposition is not opposed to the legislation. I support the measure.

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.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th August.

MR BERTRAM (Mt. Hawthorn) [2.55 p.m.]: The Minister summed up the purposes of this Bill very early in his speech when he said—

This Bill seeks to make three significant changes to the Act: Firstly, to extend the probation provisions to cover young persons between 17 and 18 years of age; secondly, to allow for

courts to make community service orders; and, thirdly, to allow for a female member of the Parole Board to sit on meetings of the board dealing with males.

In general the Opposition supports the measure. As to the first objective, which is to extend the probation provisions to cover young persons between 17 and 18 years of age, we think it is not really necessary to make any comment, although I think it is worth underlining, as the Minister said, that the 1975 annual report of the Department for Community Welfare in this State reveals that the number of offences with which young persons were charged were the highest ever in the 17-year-old age group. The number of charges listed for that age group was 2 792.

Then the Minister went on to underline the concern of the people and the Parliament also, I should imagine, about crime and in particular the criminal activities of young persons between 17 and 18 years of age.

The third purpose of the Bill is to allow for a female member of the Parole Board to sit on meetings of the board dealing with males. That is a perfectly acceptable proposition and requires only a minor amendment. We certainly do not raise any objection to it. It is probably long overdue, but of course that is not unusual in this Parliament.

The second purpose is the point about which I wish to make more comment. The Minister said that the second purpose was to allow for courts to make community service orders. If it were not for the fact that one has been in this Parliament for some years now, one would have been staggered to read the intention of this Government to introduce community service orders. One might say, "Why is that?" The reason I ask is that for some months now, if not years, the Government, through its spokesman, the Minister for Police, has been attacking the whole spectrum of the judiciary because the Minister says that they are not imposing adequate penalties upon offenders.

This is a habitual practice which is being reflected by the type of correspondence which members receive. Having got the message out to the people a measure such as this is introduced which is inconsistent with that message, because this Bill primarily is designed not to punish but to do the sort of thing which is happening the world over—certainly in Western countries—which is to rehabilitate offenders and to put them back on the right track so that they can become decent citizens and make a contribution to society rather than merely be penalised.

One might say, "Why is it that the Government should be taking this line of telling the people one thing and doing another?" As I have pointed out previously, I follow the Moss Cass line concerning

conservative Governments. The Moss Cass line is that one anticipates—and if one is wise one expects—conservatives to do the opposite to that which they express. The reason for the Bill is that quite clearly we have a very serious problem in our midst in Western Australia—possibly more serious today than ever before in the history of this State.

This position is being experienced not only in Western Australia but elsewhere. What I have to say has nothing to do with the denigration of the police. Although we might attract that type of interjection, on this occasion it is nonsense because we are not concerned with that aspect at all.

The reason for this Government tactic is to enable the pressure to be taken off the Minister, and to place the onus on the courts, by saying that they are not imposing adequate penalties, and not that the number of offenders committing crimes and not being apprehended is far too great.

Mr O'Connor: Do you think the courts are imposing the correct penalties?

Mr BERTRAM: I certainly do not say the courts always impose correct penalties, and nobody else does. That is an absurd question. I say this: the Minister should not be castigating the magistrates and judges when they have no opportunity to reply, any more than magistrates and judges should castigate counsel appearing before them when counsel have no opportunity to reply.

Mr Young: So you think that we in this House should remain silent?

Mr BERTRAM: The honourable member has his remedy. One should not try to pass the buck and should draw attention to the fact that not many offenders are apprehended. If a judge does not impose a correct penalty, the person charged has the right of appeal.

Mr Young: This Government is the first to take a step in that direction.

Mr BERTRAM: Why then does the honourable member keep on moaning and groaning?

Mr Young: You are the one who is moaning and groaning, and claiming that we should not dare to criticise the magistrates.

Mr BERTRAM: If the honourable member thinks it is fair game to criticise the magistrates that is his right.

Mr O'Neill: Are Governors-General included?

Mr BERTRAM: We have attacked the present Governor-General clearly enough, and he has replied.

Mr O'Connor: You have been attacking someone who cannot attack back.

Mr BERTRAM: He has attacked back.

Mr O'Connor: He did not attack you.

Mr Jamieson: That is an incorrect statement, and the Minister knows it.

Mr O'Connor: The people of Australia sacked the Federal Government.

Mr Jamieson: You do not know what you are talking about.

Mr O'Connor: You are abusing the people of Australia.

The SPEAKER: Order! The member for Mt. Hawthorn has the floor.

Mr BERTRAM: It is important for us to bear this in mind so as to make the position perfectly clear: the appropriate stage to draw attention to this point; namely that before a judge or magistrate can impose a penalty, whether it be correct, adequate, or too heavy, someone has to be apprehended, charged, brought before a lower court, committed before a lower court, brought before a jury if it is an offence of a certain degree, tried, and convicted. If we add all those stages we see that they are eight or nine removed from the imposition of the penalty. So, it is not fair to attack the judges willy-nilly. It is unfair to attack judges after an offence has been committed and before the offender has been apprehended.

Mr O'Connor: How can you attack a judge before an offender is apprehended?

Mr BERTRAM: The Minister would know.

Mr O'Connor: You do not know what you are talking about. I gave you an answer the other day. You should not misquote it.

Mr BERTRAM: I have read it, and it contains some of the usual stuff which we hear from the opposite side of the House. One of the remarks I objected to was that I was on the side of the criminal.

Mr O'Connor: I did not say that.

Mr BERTRAM: I understood the Minister to say that; this can be checked from *Hansard*.

Mr O'Connor: Even with your legal knowledge you do not understand.

Mr BERTRAM: The greatest deterrent is the certainty of apprehension, rather than the penalty that may be imposed eight or nine steps removed from the commission of the offence.

Mr Young: You are supporting the measure, are you not?

Mr BERTRAM: I have already made that abundantly clear.

Mr O'Neill: In respect of propositions 1 and 3, but not in respect of proposition 2.

Mr BERTRAM: It is noted that amongst other things the setting up of this system will probably bring about a saving of money. I think that is a good thing, and I also think the Act contains some delineation of the variety of offenders

who may be put out into society pursuant to a community service order. Not all offenders will be given that opportunity, nor do I think that an offender can be placed on such an order unless he agrees to be subjected to it. I think the same applies in the case of probation orders generally. So, it does not seem to me to be treating an accused person harshly. I think this is a vast improvement—to have such persons working outside.

Mr O'Neil: Can I make a point concerning the categories I have mentioned?

Mr BERTRAM: I imagine some care has been exercised in relation to that aspect, and probably the matter has been attended to quite adequately. However there is the question of protection of the people so far as the community is concerned, and I think that is a good thing.

The Opposition has some concern about one or two aspects of the Bill. I shall not go into them in detail, except to say that in the Committee stage we will be moving an amendment to introduce a definition of the term "award", at page 9 of the Bill, and also to amend in proposed section 20A the definition of "approved work", since it is our concern that people under community service orders shall not be put into work areas which in effect cut into the domain of persons who are embraced by certain industrial awards and agreements.

We propose to amend the definition of "approved work" by adding the words "shall not include work covered by a classification in any Federal or State award". This is merely for the protection of the people who are governed by an industrial award or agreement. One of the reasons for this amendment is to ensure that people who happen to be trade unionists or who are governed by certain industrial awards or agreements should not have to bear an excessive share of the burden for the rehabilitation of persons who are operating under community service orders.

At this stage I do not think it is necessary for me to say more than that. As I have intimated, by and large the Opposition supports the measure. However, we desire to move certain amendments to protect some people, in order that the burden of the implementation of the new scheme shall not be borne unfairly by one section of the community as opposed to the other section.

MR SKIDMORE (Swan) [3.10 p.m.]: I rise to give qualified support to the Bill. I am concerned that such far-reaching legislation, which seeks to introduce a new concept to the question of parole and probation of prisoners, is foisted on the Opposition at such short notice. It might be opportune to inform members that the Bill was introduced on the 10th August, which is just a few days ago.

Mr O'Neil: Nine days ago.

Mr SKIDMORE: I thank the Minister for the correction.

Mr Young: That is three sitting weeks.

Mr SKIDMORE I find it is not always easy for a person who is interested in the welfare of those people who wish to be paroled, or who wish to go out and work under a community service order, to be able to obtain all the necessary information.

It is fairly obvious that the proposed legislation will impinge upon the basic State awards and it is necessary to ensure that persons working under those awards are adequately protected.

On the morning following the introduction of this Bill, I delivered a copy of the Minister's speech together with a copy of the Bill to the Trades and Labor Council, and I asked for an opinion from that council. It is not always possible for the Trades and Labor Council to deal with all aspects of proposed legislation immediately.

A matter taken before the Trades and Labor Council has first of all to be investigated by either the secretary or a sub-committee of the council. It then has to go before an executive meeting of the Trades and Labor Council and, subsequently, forwarded to a full council meeting for a ratification by the executive officers. I know that the Trades and Labor Council has not as yet had sufficient time to take those steps. The secretary of the council happens to be in the Eastern States, and the assistant secretary is not able to make a firm decision.

I want to make it clear that I do not deny—nor do I intend to deny, and neither do I imply—that the Trades and Labor Council has not had an opportunity to examine the Bill and discuss it with the Parole Board. I know that the secretary, Mr Cook, has conferred with the Parole Board but, unfortunately, I do not know what took place during those discussions. I consider that I should know what occurred. I do not know the opinion of the Trades and Labor Council, and I am not aware of any decisions reached by Mr Cook during his discussions with the Parole Board. The Minister has not deigned it necessary to tell us what took place and, as a result, we are obviously placed at a disadvantage.

I am left with no alternative but to support the amendment suggested by the member for Mt. Hawthorn. It is important to me to see that existing awards and agreements, registered by two authoritative bodies, are protected.

It would not be right to agree to a Bill which adversely affected working people until we were aware of the internal decisions of the Trades and Labor Council. I think the Minister will agree that sometimes even Cabinet finds it necessary to delay certain matters because it is waiting

on decisions by and comments from certain people. So, I do not think it is unreasonable to expect that time should be allowed to ascertain whether or not what we are trying to do is in accordance with the wishes of the Trades and Labor Council.

Mrs Craig: Is that all that matters?

Mr SKIDMORE: Of course it is not all that matters. I would not even try to say that that was all that mattered. The member for Wellington ought to go back to her reading because her remarks are so completely out of context it is not even funny. She has merely asked whether what the Trades and Labor Council thinks is all that matters.

Mr O'Neill: That is all you have said so far.

Mr SKIDMORE: There are 120-odd unions registered with the Industrial Commission, and a great number of those unions are under the authority of and are affiliated with the Trades and Labor Council. Those unions probably embrace between 150 000 and 200 000 workers in this State. They are represented by the TLC. So, when I refer to the TLC—I remind the member for Wellington—it would be obvious that I am speaking on behalf of some 200 000 workers.

The workers, on whose behalf I am speaking, have fought hard and long to achieve awards and agreements. It has to be remembered that the Industrial Commission was not set up for the purpose of satisfying only the employees. It was set up to settle disputes. That is a very important function of the commission. Once a dispute arises the commission arbitrates on the particular award, and its decision is binding on the workers. However, with the passing of this legislation, awards and agreements will be overruled. The Minister, when introducing the Bill, stated—

Provision has been made for the appointment of one or more advisory committees so that the community interest, including the Trades and Labor Council—

The Minister is aware that the TLC represents the workers, so I am on the side of the workers. To continue the Minister's comments—

—may advise on the suitability of projects.

Mr Sodeman: The member for Wellington has simply asked a question and you need only have answered "No".

Mr Hartrey: She has the same right to interject as does every other member.

Mr SKIDMORE: And I have a right to answer the interjection. Having done so, I will get back to the legislation now before us.

Several members interjected.

Mr SKIDMORE: This is a serious matter. It is important to examine amending legislation which could impinge on the protection of the workers. I sincerely hope the Minister will accept the proposed amendment. It should be evident that we are seeking to do nothing more than obtain fair and equitable conditions for the workers in Western Australia. The relevant clause states that one representative of a board of five may do certain things. There is no direction. There could be an infringement of the rights of workers. The board could be placed in a difficult situation and state that it did not accept a decision as a matter of principle. I do not intend to develop that argument any further at this stage.

I assume that the prisoners will not receive any payment.

Mr O'Neill: They will be paid the rate which is normally paid to prisoners.

Mr SKIDMORE: They will receive the normal daily payment which is paid to prisoners?

Mr O'Neill: That is what I understand.

Mr SKIDMORE: I am also concerned with the rate of pay, but I will deal further with that matter during the Committee stage of the Bill. I can give only qualified support to the amending Bill at this stage, unless we are able to achieve the objective contained in the proposed amendment.

MR HARTREY (Boulder-Dundas) [3.19 p.m.]: I feel I should give this proposed legislation an extremely conservative reception. The usual conservative comment when one considers a proposed reform is that "the times are not propitious".

The time is not propitious for the proposition which is before us today. Irrespective of the promises expressed by the Federal Treasurer that his Budget will put an end to all economic ills—

Mr Bertram: Nobody believed him.

Mr HARTREY: —I am very much afraid we will continue to drift into the maelstrom of unemployment over the next 12 months at least and, quite likely, for a considerably longer time. Therefore, it is not a propitious time to propose that prisoners of the Crown should be sent to do work which might otherwise be given to unemployed persons, and for a pittance which is considerably less than the unemployed persons would have been able to earn.

This is not a joke; it is a serious matter. I sympathise with the ideals behind the proposed Act. It is quite desirable that we should make an effort, where we can, to rehabilitate persons who have fallen by the wayside and into the clutches of the law, but there is nothing more degrading and destructive of a man's self-respect and moral outlook in the community than unemployment enforced by economic conditions.

It would be a very curious thing if we devoted our attention to convicted persons rather than to a citizen whose moral character and sense of decency has been destroyed by the fact that he cannot get work. I do not know any factor that has contributed more to crime in the last 500 years than the unemployment of the masses.

I would like to remind members of the days when comparatively trivial crimes were punished by death. Let us consider the crime of the stealing of 30s. Even if we multiply that sum by 100 to bring it more into line with the rubbish we call money today, we would not consider the theft of such a sum to be a serious crime. The punishment of death did not deter people from stealing goods exceeding the value of 30s; they were still hanged for it.

When I was a boy attending boarding school in Perth, I spent a considerable amount of my time browsing through the State Library, and the savagery of the law in the 18th century was brought to my attention in this way. I came across a book, *Old Bailey Trials in 1773*, and one of these cases impressed me so much that I have remembered it for the rest of my life. Four men conspired to steal a cow valued at £4—that must have been a rather remarkable cow for those times! These four men were sentenced to death and they were all hanged! That did not deter people from wanting to steal things and it did nothing to improve the moral character of the people of the 18th century.

The basic and degrading attack on the moral character of the people of the 18th century—and more so in the 19th century and especially in the "hungry 1840s"—was unemployment and the impossibility of obtaining any wages at all for any work at all. Nothing is more degrading or more destructive of the moral fibre of a community than the situation into which we are slowly descending, and not even slowly anymore—the rate of descent is accelerating.

What is the use of putting up a proposition without having worked out what is actually to be done with it? Apparently we will have a committee to decide what is approved work, and this term, "approved work", is defined in the Bill as work approved by the committee. Goodness knows what work the committee is going to approve, but if the committee approves the assignment of convicts to perform labour which would otherwise be performed by men who are not convicts, but merely unemployed, then it is not a propitious time to do that.

I do not suppose there is any man who has had any connection with the criminal law—and I have had many years' connection with it—who is more sympathetic than I am to the victims of it. However, I cannot say, and I will not say, that I am more sympathetic to a man who has

offended against society than I am to a man who is equally destitute but who has not offended against society.

Even a prisoner is entitled to three meals a day—even if it is dry bread and cockie-chaff for breakfast—but the other poor wretches whom we are talking about are not even sure of that, and they have committed no crime at all. I suggest the member for Wellington should give that some thought. I agree with her that the well-being of the trade union movement is not the only criterion against which legislation should be tested, but it is not something upon which we should turn our backs if we want to have industrial peace in the community. If we do not want industrial peace in the community, all we will have achieved is to exaggerate the deterioration of our economic conditions.

That is all I want to say, and I think it is enough. This is not a time to take people out of prison to perform work that ought to be performed by wage earners and when there are so many people who cannot find work of a remunerative nature to do.

I suggest that this Bill be referred to a Select Committee to inquire into the manner in which a similar proposal has been instituted in New Zealand. I am told that the committee set up to administer the legislation in New Zealand consists of five people, one of whom is a representative of the trade union movement. It is this one representative who has the say as to whether or not a magistrate or judge may refer a person to a particular type of employment. If the trade union representative says, "No", that is it.

I am informed also, quite credibly, that there has been only one instance in the last 20 years or so of such a veto. So it looks to me as though that might be the right way to proceed. However, I do not really know how the system operates there, and I certainly do not know how it would operate here. We were not able to learn this from the Minister in charge of the Bill, or from the text of the Bill. Therefore, I say—and I admit that I am being thoroughly conservative—the time is not propitious to pass this legislation. For that reason, with regret, and a great deal of sympathy for the motive behind the Bill, in the current economic conditions I must oppose it.

MR T. J. BURKE (Perth) [3.28 p.m.]: I am compelled to support any legislation that is likely to assist the rehabilitation of deviants. I have listened to the member for Boulder-Dundas and have regard for the things he has mentioned. Unemployment has a serious psychological effect on a person who, through no fault of his own, is unemployed. We must have some concern for these people. However, I feel that the proposed committee would have regard for a difficult employment situation.

The member for Swan is correct when he says that any community work programme which has as its motivation, and hopefully the end result, a reduction in recidivism would have to have the support, or at least the agreement, of the trade union movement.

On the basis of a Tasmanian study, the Minister compared the cost of a community service programme with the cost of imprisonment, but the figures given do not take into consideration all the factors which I believe are a charge on the taxpayer when a person is imprisoned. No reference has been made to the cost of social security benefits which are paid to a family when the breadwinner is incarcerated.

While I have regard for what the member for Boulder-Dundas has said, we are attempting to reduce recidivism and I believe this legislation could assist. This legislation will facilitate the rehabilitation of a man, so that when his services are needed he can join the work force.

Mr Hartrey: You might reach a situation where he finishes up taking the other chap's place.

Mr T. J. BURKE: I do not think that will happen, particularly since unemployment benefits which were increased by the Labor Government of 1972-1975 now permit an individual with a family to survive. Prior to the increase, unemployment benefits were only \$17.50 a week, the wife's allowance was only \$7 a week and the allowance for each child only \$2 a week, so that a man with a wife and child who was unfortunate enough to be unemployed had to try to survive on \$26.50 a week.

Mr Young: At least it would have bought more goods then. With the funny money the Federal Labor Government left us, it would buy nothing.

Mr T. J. BURKE: The member for Scarborough knows that in 1971, rents in the metropolitan area were only \$20 a week. Nowadays, it would not be possible to rent a house in Scarborough for less than \$40 or \$50 a week. Therefore, his argument is specious.

Mr Clarko: It is also important that at the time, only 60 000 people were unemployed, as compared with 300 000 under Labor.

Mr T. J. BURKE: As the member for Karrinyup knows, in 1971 the unemployment figure was 300 000.

Mr Clarko: That is totally incorrect; you would have to be kidding!

Mr T. J. BURKE: I will get off that subject—

Mr Young: You mean you will get away from the facts!

Mr T. J. BURKE: No, I do not mean that at all. The fact is that, until 1972, it was impossible to subsist on unemployment benefits. My reference for such a

statement is the soup kitchen in Shenton Street. The people working there during that period confirm that it was not possible for people to subsist on the then level of unemployment benefits without charity.

Mr Speaker, I was sidetracked there for a moment; however, I felt I had to refer to what the member for Boulder-Dundas said. The important aspect of this legislation relates to its effect on recidivism. It generally is accepted in our community that Fremantle Gaol is a breeding ground for criminals, and that anyone who is sent there is likely to return.

The percentage of people who return to prison is far too high in Western Australia. They tend to get into a group and become interdependent and, more often than not, end up in a life of crime. I am prepared to support any legislation which may reduce the number of people who return to gaol. On many occasions, this involves young people who, through youth and inexperience, are caught up in a life of crime and are imprisoned as a result.

We must not underestimate the saving to society by reducing recidivism. The saving to an individual enabled to avoid a life of crime by a more humane and reasonable penal system can never be estimated. For that reason, and having regard to what my colleagues have had to say, I am pleased to support this legislation.

MR O'NEIL (East Melville—Minister for Works) [3.35 p.m.]: I thank members for their support of the legislation. However, I am disappointed at the lack of solid support for the main principle of the Bill.

Mr Skidmore: We have given qualified support.

Mr O'NEIL: The member for Swan has no need to interject, because his very first words were that he "reluctantly" supported the Bill.

Mr Skidmore: In its present form.

Mr T. J. Burke: You cannot say that I did not support it.

Mr O'NEIL: Members opposite damned the Bill with faint praise. What has happened is that a very important piece of social reform has been converted by some members opposite into an industrial Bill.

Mr Skidmore: Well, what is it if it is not an industrial Bill?

Mr O'NEIL: It is a very important piece of social reform. The member for Mt. Hawthorn and the member for Swan complained that not enough time had been made available to the Trades and Labor Council—

Mr Bertram: I did not say that.

Mr O'NEIL: Then it must have been the member for Swan. He said the TLC had not had adequate time to study the legislation. As a matter of fact, he identified

himself quite clearly with the TLC and on many occasions used the word "we" when referring to the TLC.

Mr Skidmore: Of course I did! I am still a member of the TLC. I am a delegate.

Mr O'NEIL: The member for Swan said that the Bill had been before the House for only a few days. By interjection, I told him that it had been before the House for 10 days.

Mr Bertram: Ten working days?

Mr O'NEIL: It has become an industrial Bill again! I work every day, whether or not the member for Mt. Hawthorn does.

Mr Jamieson: Cut it out! I saw you out on your boat one day.

Mr O'NEIL: I am quite sure the Leader of the Opposition has not seen me out on my boat recently. I suppose I have used it only once in the last 18 months, and that was probably on a working day.

I believe ample time has been made available for the Bill to be examined thoroughly by the legislators in this Chamber. I think it was conceded that the TLC was involved in the preliminary discussions in respect of this proposal.

Mr Skidmore: I said it was.

Mr O'NEIL: I cannot accept that insufficient time has been made available to the TLC, when at three minutes to three this afternoon I heard a rumour that some amendments were to be moved during the Committee stage.

Mr Skidmore: If you had telephoned me this morning, I could have told you.

Mr O'NEIL: It was at six minutes past three this afternoon that I received copies of these amendments which in my view would have the effect of killing this Bill.

Mr Skidmore: They are not intended to have that effect.

Mr O'NEIL: It is obvious that some members of the Opposition have had adequate time to study the Bill, because they have managed to frame amendments to it. Although we have not had the opportunity to examine closely the amendments, in my view they will have the effect—either wittingly or unwittingly—of killing the main purpose of this Bill.

Let me refer to community service orders. We do not envisage this will involve a team of workmen who for the time being happen to be the guests of Her Majesty going out and erecting a great building, thereby robbing a bricklayer or a carpenter of work. The member for Swan referred to the provision of special advisory committees, and used the techniques of debate to say that it could involve a committee of five people, where something may happen—

Mr Skidmore: Because the committee could be varied from three to five.

Mr O'NEIL: That is right, but the honourable member stretched it the other way.

The representative of the Trades and Labor Council is on a committee which will determine and recommend what sort of work is suitable to be performed by a person who is under a community service order. I am sure the committee will have consideration for the situation with respect to employment or unemployment and, as I say, it is not envisaged that we will get a team of these fellows and wait till we have all the right trades and classifications and put them on major jobs. There will be work orders or service orders.

The member for Boulder-Dundas first said that the committee in New Zealand has a representative of the industrial movement on it, and that that one person virtually has the power of veto in respect of suitability of work.

Mr Hartrey: So I am informed.

Mr O'NEIL: I cannot conceive that a committee would be formed and that such a representative would have that sort of power. However the honourable member may be right.

He then went on to say that according to his information the right of veto given to the union member on the advisory committee has been exercised only once in 20 years. My second reading speech notes, however, tell me that this particular community service order has been in operation in New Zealand for only 16 years; so perhaps his adviser is as wrong about the power of the union representative as he is about the time the system has been operating.

As I have already mentioned, the system has been operating for three years in Great Britain and Tasmania. Accordingly we have had a fair amount of experience from which to draw.

I would be concerned if the work of a person under a community service order were to be confined only to that work that is not covered by a Federal or State industrial award. If that is to be the case what are they going to do?

Mr Skidmore: I will tell the Minister in the Committee stage.

Mr O'NEIL: We are not going to get that far I am afraid.

Mr Bertram: You will not have any say in that.

Mr O'NEIL: Parliament will have the say.

Mr Barnett: So it may get to that stage.

Mr O'NEIL: I am very concerned that what is a piece of very desirable social reform is going to be turned into an argument on the merits of unionism, industrial awards and agreements of the Trades and Labor Council and the like.

I think it was the former secretary of the Trades and Labor Council—who I think is now a commissioner of the Federal Industrial Commission and who was a member of the Parole Board—

Mr Skidmore: It is a great pity he is not still on it.

Mr O'NEIL: He was on the Parole Board for a very long time. However he was fully aware of the implications and the complications of this legislation and I am sure he would have supported the principle embodied in it. I am also sure that if he knew, as secretary of the Trades and Labor Council, what his political colleagues in this House were doing he would be appalled.

So I hope that at this stage—in order to get this legislation moving and because of the experience we have—we stick to what we have, and that we do not turn this legislation into some form of union protection.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neill (Minister for Works) in charge of the Bill.

The CHAIRMAN: Does any member wish to speak to any clause before clause 12?

Mr HARTREY: I wish to speak to the definitions clause.

The CHAIRMAN: I will leave the Chair until the ringing of the bells.

Sitting suspended from 3.45 to 4.03 p.m.

Clauses 1 to 12 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Clarko.

BILLS (2): RECEIPT AND FIRST READING

1. Hospitals Act Amendment Bill.

Bill received from the Council; and, on motion by Mr Ridge (Minister for Lands), read a first time.

2. Prevention of Cruelty to Animals Act Amendment Bill.

Bill received from the Council; and, on motion by Mr Jamieson (Leader of the Opposition), read a first time.

QUESTIONS (34): ON NOTICE

1. LIQUID WASTE DISPOSAL *Quantities and Types*

Mr A. R. TONKIN, to the Minister representing the Minister for Health: Adverting to question 10 of 10th August last, how can the Minister state that he is aware of the

quantities and types of liquid wastes being discharged in the Perth metropolitan area and at the same time refer me to the tabled Report: "A Report on Community Wastes in the Perth Metropolitan Region" when that very same report states that the quantities of waste liquids being discharged are unknown?

Mr RIDGE replied:

The information required is in appendices 12 and 13 of the report. The report does, however, refer to the necessity for further research in this area.

2. LOCKRIDGE POLICE STATION

Officers

Mr A. R. TONKIN, to the Minister for Police:

- (1) How many officers are stationed at the Lockridge police station?
- (2) How many officers were stationed there in 1970, 1972 and 1974?

Mr O'CONNOR replied:

- (1) 1 sergeant, 6 constables and one cadet.
- (2) 1970—1 sergeant, 3 constables
1972—1 sergeant, 4 constables
1974—1 sergeant, 5 constables and one cadet.

3.

PEEL INLET

Environmental Study

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

- (1) Has the Western Australian Institute of Technology study on Peel Inlet been completed?
- (2) If so, is a copy available for tabling in the House?
- (3) (a) If the answer to (1) is in the negative, when is it expected that the study will be completed; and
(b) to whom will the report be made?

Mr P. V. JONES replied:

- (1) and (3) In 1974 the Metropolitan Water Supply Sewerage and Drainage Board commissioned WAIT-AID LTD. to undertake a preliminary environmental investigation of Peel Inlet. The report "The Peel Inlet Study", dated 30th June, 1975, is available for reference at the Department of Conservation and Environment.

As part of the current Peel-Harvey Estuarine Study the Western Australian Institute of Technology has been commissioned by the Department of Conservation and Environment to investigate the

hydrological and hydrometeorological inputs to the Peel-Harvey estuarine system. The total study is expected to extend over a period of three years.

- (2) When the study referred to in No. (1) is completed it is anticipated that the report will be tabled.

4. WATER SUPPLIES

Dam: Murray River

Mr A. R. TONKIN, to the Minister for Water Supplies:

- (1) Does the Government intend to build a dam on the Murray River?
(2) If so, when is it expected that it will be built?

Mr O'NEIL replied:

- (1) and (2) The position has not changed since my answer to the member's question on the 19th May, 1976.

5. TRAIL BIKES

Legislation

Mr MOILER, to the Minister for Traffic:

Does the Government propose to continue with the introduction of legislation to control the use of trial and trail bikes?

Mr O'CONNOR replied:

Yes, but not this year.

6. SCHOOLS

Eastern Hills: Bus Service

Mr MOILER, to the Minister representing the Minister for Education:

- (1) Would the Minister accept the view that the present school bus shuttle service being provided for Eastern Hills schools is satisfactory?
(2) Has the Minister received complaints from persons, other than myself, in connection with the shuttle service?
(3) Will the Minister take immediate steps to introduce an additional bus for school children's transport in the Eastern Hills?

Mr GRAYDEN replied:

- (1) The present bus shuttle service is operating on a trial basis to the end of this school term, when its effectiveness will be reviewed.
(2) A complaint has been received from a small group of parents some of whose children reside within 4.5 km of the school attended and are thus not eligible for school bus facilities.
(3) No. See answer to (1).

AIR TRANSPORT

Ban on Smoking

Mr CARR, to the Minister for Transport:

- (1) Does he have the power to make airlines operating within Western Australia follow the example set by the Metropolitan Transport Trust and ban smoking on aircraft?
(2) If "Yes" will he please act in the interests of non-smoking passengers by exercising such power?

Mr O'CONNOR replied:

- (1) and (2) No.

TRANSPORT

South Western Australian Transport Study

Mr McIVER, to the Minister for Transport:

- (1) Would he detail what proportion of the \$84 million wages and salary bill relevant to the South Western Australian Transport Study applies to country employees?
(2) Is it correct that a considerable amount of work has been done by other Government departments involving secondment of staff over a considerable period?
(3) If so, should this be a part of the cost of the study?
(4) What is the cost of such secondment and back-up work required to be done within the agencies?

Mr O'CONNOR replied:

- (1) The information requested is not readily available and cannot be provided without incurring considerable cost. Unless the member particularly requires the data I would prefer not to incur this expenditure.
(2) Yes, the study team includes people seconded to it from the participants as and when required. Consequently, the number varies with the study critical path. In addition participants and some other departments are engaged in in-house back-up work.
(3) In a strict sense yes, but a difficulty rests in determining what work can be reasonably regarded as wholly a charge against SWATS. For instance much current work on costs now underway within both Westrail and the Main Roads Department will be used by SWATS and in a continuing sense by both participants. Put another way much of the back-up work would have been done anyway and the timing of SWATS was deliberately chosen to take account of this.

- (4) I will obtain an estimate of the cost of secondments and advise the member later.

9. RAILWAYS

Suburban Services: Upgrading

Mr McIVER, to the Minister for Transport:

- (1) As the Government has indicated it will retain the suburban rail services—
- (a) would he detail what plans are envisaged to upgrade the respective services; and
 - (b) when will the upgrading commence?
- (2) (a) Is it the Government's intention to purchase new rail cars and rolling stock for suburban services; and
- (b) if so, how many; and
 - (c) when will the orders be placed?
- (3) Did he make a written request to the Federal Government for funds to electrify and upgrade the suburban passenger service?
- (4) If so—
- (a) when was his first request;
 - (b) would he make available to me a copy of his submission and the Federal Government's reply?
- (5) Is it the State Government's intention to retain the Perth to Fremantle line?

Mr O'CONNOR replied:

- (1) to (5) During 1975 I made a verbal request to the Minister for Transport in the Whitlam administration for Commonwealth financial assistance, under the urban public transport improvement programme, to electrify the system. He declined to indicate what the Commonwealth attitude would be until the Bureau of Transport Economics had reviewed the results of the central city railway feasibility study. This has now been done and I table the reply from the present Minister for Transport, dated the 7th July, 1976.

As will be apparent from the letter I have tabled we also included work preliminary to electrification and expenditure on new trailer cars in the annual public transport improvement programme for 76-77 to 80-81 sent to the Commonwealth early this year. I table this programme and I draw the member's attention to page 7.

In view of the Minister's letter and having in mind that no new funds for urban public transport

improvement were provided by the Whitlam administration in fiscal 75-76 or by the present administration in fiscal 76-77, the Government is currently reviewing its options in so far as the railway system is concerned.

I would add that this review will be surrounded with some doubts because as yet we do not know whether any funds for new projects will be available in fiscal 77-78 or whether indeed legislation will be brought down in the Commonwealth Parliament for another 6-year programme when the current one expires in 77-78.

The papers were tabled (see paper No. 343).

10.

DROUGHT

Starea Fodder

Mr CRANE, to the Minister for Agriculture:

- (1) (a) Has a suggestion been made to conduct a study into the feasibility of having the Graincol Company utilise their Wagin plant to manufacture starea or some other commodity for the purpose of drought fodder or supplemental fodder for drought affected stock;
- (b) If "Yes" has he accepted the suggestion?
- (2) If not, will he authorise such a study as a matter of urgency?
- (3) Are the relative merits of starea for use as a drought fodder known?
- (4) If not, as a matter of urgency could a comparative study schedule be provided showing the relative levels of efficiency of feeding starea and like products to drought affected stock?

Mr P. V. Jones (for Mr OLD) replied:

- (1) to (4) Yes. A subcommittee of the drought consultative committee is currently investigating the feasibility of the Graincol plant being re-opened, and is also assessing the relative cost benefits of starea compared with cereal grains as a drought feed.

11.

LONDON AGENCY

Review of Staff Salaries

Mr J. T. TONKIN, to the Treasurer:

- (1) When in 1973 approval was given to a recommendation from the Public Service Board for the basis of salary fixation for members of the staff at Western Australia House in London, was it not agreed that this basis be reviewed periodically?

- (2) Has there been a review since 1973?
- (3) If the position has not been reviewed, when is it intended to have it done?

Sir CHARLES COURT replied:

- (1) Yes.

On the 24th October, 1973 the then Premier agreed that the basis of salary fixation for United Kingdom nationals employed on the staff at Western Australia House in London be reviewed periodically in the light of any changes introduced by other Australian State Public Services.

- (2) and (3) In January, 1975 the then Under-Treasurer examined in London the duties of all staff employed at Western Australia House. As a result, some changes of duties and reclassification of certain officers were effected.

A further review was conducted in July, 1976, following a request from the Civil Service Association that changes should be made to salaries because of fluctuations in the rate of exchange.

Action was initiated to ascertain whether other States had changed their basis of salary fixation, and it was confirmed that they had not.

Secondly, the question of whether or not exchange rates should have any influence on salaries was considered and it was concluded that fluctuations which had occurred did not justify any variation to the existing basis. In any case, it was considered that exchange rates did not have any relevance to the salaries of United Kingdom nationals who reside permanently in the United Kingdom.

It is intended that salaries of staff at Western Australia House will be reviewed at 12-monthly intervals in the light of changes that may have been effected by the other States.

12.

LEGAL AID

Effect of Federal Budget

Mr CARR, to the Minister Co-ordinating Economic and Regional Development:

- (1) Will he please indicate the effect of the Federal Budget on the possible provision of legal aid offices in regional centres of Western Australia?
- (2) Does the cutback in fact mean that the system of regional legal aid offices proposed for Western Australian regional centres by the Hayden Budget has now been abandoned?

- (3) What representations did he make, or will he make, on behalf of Western Australian country people to prevent this from happening?

Sir CHARLES COURT replied:

- (1) The allocation of Commonwealth funds for legal aid in Western Australia within the recent Budget is not yet known.
- (2) The Commonwealth Government Budget provided for an increase—not a cut-back—in funds for legal aid from \$16.3 million to \$20 million.

It is the intention of the State Government to set up a State legal aid commission funded jointly by the Commonwealth and State with the responsibility to provide, within the resources available, legal aid to all deserving members of the community.

The commission will have regard for the best means of providing this service to those located in regional centres.

We believe this system will be an improvement on the former systems and a better use of both Commonwealth and State moneys than was possible under the former Federal Labor Government's scheme arbitrarily superimposed on the original State system.

- (3) The Attorney-General has had continuing discussions with the Commonwealth Attorney-General with a view to Western Australia having a legal aid service available to its citizens, regardless of their location.

13.

"ARTLOOK" MAGAZINE

Government Assistance

Mr CARR, to the Minister representing the Minister for Cultural Affairs:

- (1) Who, or what body, has been responsible for production of the magazine *Artlook*?
- (2) Has his department or any instrumentality under his jurisdiction assisted the magazine, financially or otherwise?
- (3) If "Yes" will he please provide details?
- (4) Has such assistance been reduced or cut out in recent times, or is it about to be reduced or cut out?
- (5) If "Yes" will he give details and the reason for such reduction or cutting out?

Mr GRAYDEN replied:

- (1) The Nine Club.
- (2) and (3) Yes. A guarantee against loss of up to \$5 000 for six issues of the magazine was offered to the

Nine Club by the WA Arts Council in July, 1975, to help the magazine become established.

Subsequently, as the magazine was in extreme financial difficulty, the offer took the form of a \$2 500 guarantee against loss and a direct payment of \$2 500.

- (4) No continuing support was undertaken by the WA Arts Council. The commitment for a guarantee against loss was considered to be a "once only" offer to the Nine Club.

An application for 1976 assistance has subsequently been rejected.

An application for 1977 assistance is currently being considered.

- (5) The WA Arts Council receives many requests for funding including several other magazines and there are insufficient funds to meet all of them.

14. TRANSPORT COMMISSION INSPECTORS

Vehicles

Mr B. T. BURKE, to the Minister for Transport:

- (1) Is the Transport Commission employing people whose job it is to observe the movement of certain vehicles on our roads?
- (2) If used, to what use is the information gathered by these people put?
- (3) Do these employees use private or Government owned vehicles in their work?
- (4) If private vehicles are used, on what terms are owners compensated for their use?
- (5) What is the total cost involved in using private vehicles for this work?
- (6) Is this cost greater or less than the cost which would be involved in using Government vehicles in place of private vehicles now used?
- (7) Has any thought been given to the excess capacity available and unused in the transport industry at the present time in relation to the cost and the work referred to in (1) above?

Mr O'CONNOR replied:

- (1) Yes.
- (2) The enforcement of provisions of the Road Maintenance (Contribution) Act 1975-1976 and the Transport Commission Act, 1966-1976.
- (3) to (5) Government owned vehicles are utilised in the course of their rostered duties.
- (6) Not applicable.

- (7) The number of people employed, as described in (1) above, is such that there is no relationship between excess capacity in the transport industry and the workforce so engaged.

15.

WATER SUPPLIES

Excess Rates: Assessment

Mr B. T. BURKE, to the Minister for Water Supplies:

- (1) Is he aware of complaints from tenants who find themselves facing big excess water accounts within days of taking up occupancy of property?
- (2) Is there any method by which the responsibility for excess water usage can be assigned precisely to present and previous tenants of specific properties?

Mr O'NEIL replied:

- (1) and (2) It is usual for a meter reading to be requested in the case of change of tenancy and if this procedure is followed there should be no cause for concern.

16. GNOWANGERUP HOSPITAL

Ward 8 Patients

Mr B. T. BURKE, to the Minister representing the Minister for Health:

- (1) Is ward 8 at Gnowangerup Hospital set aside specifically for the treatment of Aboriginal patients?
- (2) If so, why?
- (3) Are any toilets reserved specifically for patients of ward 8?
- (4) If so, why?

Mr RIDGE replied:

- (1) and (2) No.
- (3) Yes.
- (4) Design of hospital provides for toilet opposite ward 8 to service that ward.

17.

APPLE EXPORTS

Commonwealth Financial Assistance

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

- (1) What is the total amount of financial assistance which the Federal budget has provided for the Australian apple export industry in the 1976-77 season?
- (2) Of this amount, how much will be available to Western Australian orchardists?

- (3) What level of price support will be available from Federal sources for apples exported to the United Kingdom and EEC markets by Western Australian growers in the 1976-77 season?

Mr P. V. Jones (for Mr OLD) replied:

- (1) to (3) Financial assistance for apple exports in 1976-77 has yet to be decided.

The Commonwealth Government is aware that a decision is required urgently and it is hoped this will be forthcoming in a few weeks.

18. FORESTS DEPARTMENT

Revenue and Expenditure

Mr H. D. EVANS, to the Minister for Forests:

- (1) What was the total expenditure of the Forests Department in 1975-76?
- (2) Of this amount, how much was expended on matters concerned with—
- recreation and tourism;
 - water catchment and conservation;
 - flora and fauna research;
 - environmental research?
- (3) Will he identify the particular projects and localities which involved the expenditure referred to in (2) (a) to (d) inclusive?
- (4) What was the revenue received by the Forests Department in 1975-1976 from—
- timber royalties;
 - other sources;
 - general revenue;
 - loan funds;
 - special loans or grants?

Mr RIDGE replied:

- (1) \$13 184 311 (this includes the \$461 789 paid to Treasury).
- (2) and (3) It is not possible to provide the member with the detailed breakup of expenditure sought because of the wide range of personnel who are involved in various facets of these activities in the department's multiple use management programme. I am arranging for a broad estimate to be prepared and this will be forwarded to the member in writing as soon as it is available.

- (4) Revenue—

	\$
(a) timber royalties	4 741 386
(b) other sources	35 616
(c) general revenue	3 824 773
	<u>\$8 601 775</u>

Other funds Received—	\$
(d) loan funds	3 000 000
(e) special loans or grants including balances carried forward	1 577 319
	<u>\$4 577 319</u>

19.

WHEAT AND GRAINS

Exports through Albany

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

- (1) What is the maximum quantity of—
- wheat;
 - other grains,
- which could be exported through the port of Albany under the existing facilities in one year?
- (2) What has been the total amount of—
- wheat;
 - other grains,
- exported from the port of Albany in each of the past five years?
- (3) What is the quantity of—
- wheat;
 - other grains,
- which it is expected will be exported from Albany in the 1976-1977 year?

Mr P. V. Jones (for Mr OLD) replied:

- (1) (a) 600 000 tonnes;
- (b) 230 000 tonnes.

- (2)—

		Wheat. tonnes	Other grains. tonnes
1970-71	.....	345 000	259 000
1971-72	.....	234 000	214 000
1972-73	.....	212 000	92 000
1973-74	.....	548 000	173 000
1974-75	.....	301 000	94 000
1975-76	.....	574 000	205 000

- (3) Bearing in mind the present drought situation and the possibility of coarse grains/seeds being required to be railed out of the zone to meet specific commitments, the figures indicate that the quantity to be exported through the port of Albany will be—
- 400/500 000 tonnes;
 - 150/170 000 tonnes.

20. DONNYBROOK DISTRICT HIGH SCHOOL

Renovations

Mr T. H. JONES, to the Minister representing the Minister for Education:

Following the visit of the Minister to the Donnybrook District High School earlier this year, will he please advise—

- (a) what action has been taken to improve the facilities at the school;
- (b) if no action has been taken, when is it anticipated the renovations will commence?

Mr GRAYDEN replied:

- (a) In view of the limited availability of funds, it is not possible to indicate when additional facilities will be provided at the school.
- (b) The Public Works Department has advised that the school is not listed for repair and renovation works during the current financial year.

21. COALMINING

Hill River Area: Leases and Deposits

Mr MAY, to the Minister for Mines:

- (1) Will he advise particulars of all coalmining leases or applications held for coal exploration in the Hill River area north of Badgingarra?
- (2) Have any reports been received by the Mines Department as to possible economical deposits in the aforementioned area?
- (3) If so, will he advise details of the extent of the deposits?

Sir Charles Court (for Mr MENSAROS) replied:

- (1) In the Hill River area approximately 60 km north west of Badgingarra there are three coal mining leases and 107 applications for coal mining leases in the name of Amax Exploration (Australia) Inc.
- (2) and (3) The first exploration for coal in the Hill River area was carried out by West Australian Petroleum Pty. Ltd. following the discovery of Jurassic coal in its Eneabba number 1 well. The company concluded that no economic deposits of Jurassic coal are likely to occur in the area. Subsequent exploration by Amax Exploration (Aust.) Inc. has concentrated on Permian coal first located in Wapet's Jurien number 1 well. The results of the initial

work have given some encouragement, but it is not yet known whether economic Permian coal deposits occur in the area.

22. GOLDMINING

State Batteries: Charges and Tailings

Mr MAY, to the Minister for Mines:

- (1) What is the current cost to the prospector for crushing ore at a State battery?
- (2) What percentage is deducted for moisture when payment for tailings is made?
- (3) Is the prospector required to pay the department for the moisture percentage deducted?
- (4) Does the Government consider that it is equitable to charge the prospector for the deductible percentage?
- (5) What action is taken by the State batteries regarding disposal of the individual tailings?

Sir Charles Court (for Mr MENSAROS) replied:

- (1) See answer given to part (2) of question 4 on the 3rd August, 1976.
- (2) A 10 per cent deduction is made for moisture content when paying for tailings.
- (3) and (4) No. The deductions to cover cost of cyanidation of the tailings are based on the dry weight of the tailings.
- (5) Tailings may be—
 - (a) removed by the prospector subject to prior arrangement with the battery manager;
 - (b) pumped to a waste dam if assaying 3.6 grams per tonne or less; or
 - (c) pumped to a high-grade dam for cyanidation if assaying above 3.6 grams per tonne.

23. ELECTRICITY SUPPLIES

Albany

Mr WATT, to the Minister for Fuel and Energy:

- (1) (a) How many power failures have occurred in Albany during 1976;
- (b) what was the date and duration of each?
- (2) (a) What is the approximate route of the two main power lines from Muja which form the grid which serves Albany;
- (b) is the grid considered adequate and operating effectively?

- (3) (a) How many of the failures in 1976 were caused by a failure in the grid system;
- (b) what were the main causes of other failures?
- (4) Are any plans in train to upgrade the service to reduce the incidence of failures?

Sir Charles Court (for Mr MEN-SAROS) replied:

- (1) (a) Six;
- (b) 24th February, part of Albany, 5 minutes;
15th March, all Albany, 5 seconds;
2nd June, Emu Point, 1 hour 40 minutes;
17th June, part of Albany, 1 minute;
21st June, all Albany, 13 minutes and 2 minutes;
7th August, all Albany, 1 hour 10 minutes.
- (2) (a) Muja-Kojonup-Albany, Muja-Minding-Albany;
- (b) see (4) below.
- (3) (a) Three;
- (b) conductor failure during storm conditions.
- (4) The main transmission lines and the Albany substation are in the process of being converted from 66 kv supply to 132 kv supply. This will improve both the capacity and reliability of supply.

24.

MOTOR VEHICLES

Dodge, 1968 Model: Inspection Report

Mr HARMAN, to the Minister for Traffic:

- (1) Was a 1968 Dodge 233 body type 101 colour brown A engine No. D 3835107 examined by the Road Traffic Authority when the registration plates were changed from BY 19444 to XKN 621?
- (2) If so, what defects were found?
- (3) Will he table a copy of the inspection report?

Mr O'CONNOR replied:

- (1) to (3) No inspection was carried out when number plates of Dodge sedan BY 19444 were changed on the 5th February, 1976.

25.

ROADWORKS

Deferment

Mr MOILER, to the Minister for Transport:

What were the postponed road-works for 1975-76 and their total value?

Mr O'CONNOR replied:

The information requested by the member will take some little time to collate. I will forward it to him as soon as it is available.

DROUGHT

Water Bores

Mr McPHARLIN, to the Premier:

- (1) What was the cost per foot charged by boring contractors during the exploratory water boring project in the 1969 drought?
- (2) What was the subsidy paid by the Government?
- (3) Did this subsidy apply to both usable and dry holes as a flat rate?
- (4) Will the Government give consideration to again implementing a similar scheme with a view to carrying it on as a continuous programme to avoid the urgent necessity of introducing the above during drought periods?

Sir CHARLES COURT replied:

- (1) The cost varied, depending on conditions.
However, the average rate was 90 cents per foot for soft drilling and \$1.40 per foot for hard drilling. (On present indications, these costs would be \$2.40 and \$3.20 respectively).
- (2) and (3) The farmers were charged 25 cents per foot for all drilling and, if a good supply of stock water was located, the charge was increased to 50 cents per foot for all drilling.
- (4) The farm water supply committee is assessing the water supply position in the agricultural areas at present, and will make appropriate recommendations, based on the outcome of these investigations.

27.

LEGAL AID

Changes

Mr BERTRAM, to the Minister representing the Attorney-General:

- (1) What are the Government's intentions at this stage as to the future of legal aid in Western Australia?
- (2) When does it intend to implement any necessary changes?

Mr O'NEIL replied:

- (1) It is the intention of the Government to set up a State legal aid commission responsible for all legal aid in this State.
- (2) As soon as satisfactory arrangements can be negotiated with the Commonwealth Government.

28. BUILDING BLOCKS

Lancelin

Mr BERTRAM, to the Minister for Lands:

- (1) Is it not a fact that in addition to the 18 blocks referred to in question 11 on 11th August, 1976, other blocks were in fact sold on 10th June, 1967?
- (2) If "Yes"—
 - (a) how many additional blocks were sold;
 - (b) were these additional blocks sold on conditions identical to the 18 blocks?
- (3) What is the lot number of the one block which is said to have been forfeited, and when was it forfeited?
- (4) What is the lot number of each of the two blocks which have structures upon them which are not in compliance with the by-laws of the Shire of Gingin?
- (5) Are completed concrete foundations and other work of a total value of, say, \$12 000 regarded as being a "substantial improvement" on a block bought for less than \$1 000?

Mr RIDGE replied:

- (1) and (2) The Gingin Shire Council sold 41 freehold blocks on this date. The conditions were not identical—e.g. council land was already freehold and council possessed no powers under the Land Act to forfeit.
- (3) Lot 245 which was forfeited by notice in the *Government Gazette* of the 28th August, 1970, reinstated on the 22nd January, 1971, because full development was promised and again forfeited in the *Government Gazette* dated the 25th July, 1975, no flats having been constructed.
- (4) Lots 245 and 246.
- (5) The development conditions for lots 245 and 246 required construction of four flats on each lot by the 10th June, 1969. "Substantial improvement" is not an issue.

29. WOODMAN POINT

Dredging by Cockburn Cement

Mr TAYLOR, to the Minister for Works:

- (1) Is it a fact that Woodman Point has been set aside under the Metropolitan Region Planning Authority Scheme for future region open space?

- (2) Is it a fact that the activities of Cockburn Cement in dredging near the point is possibly responsible for the deposition of dark sand along the beach on the northern face of the point?

- (3) If "Yes" will he detail—

- (a) the reasons for this deposition;
- (b) action contemplated to inhibit or prevent this deposition;
- (c) whether the company may be required to reinstate the beaches with their natural white sand?

Mr O'NEIL replied:

- (1) Yes.
- (2) Yes.
- (3) (a) and (b) The reason why there is a deposition of dark sand along the beach is not known and studies sponsored by Cockburn Cement Company are at present in course to identify the cause and determine action necessary to resolve the problem.
- (c) The question of restoration of beaches will be considered after the studies are completed.

30. SWAN VIEW HIGH SCHOOL

Senior Status

Mr MOILER, to the Minister representing the Minister for Education:

In view of the Minister's answer to question 21 of 12th August, 1976, can he confirm that parents of children attending year 7 at Darlington and Glen Forrest schools have been made aware of the fact that the Swan View High School may not attain senior high school status for some years after 1978?

Mr GRAYDEN replied:

As in all comparable situations, no discussion has been held with parents on this matter. The decision regarding provision for fourth year classes is always deferred until the school has commenced operating at third year level.

31. TEACHERS

Salary Reductions: Regulation 109

Mr BRYCE, to the Minister representing the Minister for Education:

Adverting to the Minister's answer to my question 3 of 18th May, 1976 concerning his decision to amend Regulation 109 and thereby drastically reduce the rate of pay

for relief teachers because of the Education Department's admission that—

- (a) it has no estimate of the number of relief teachers affected by the decision;
- (b) it is not possible to estimate the saving that may result, why was the regulation amended?

Mr GRAYDEN replied:

Regulation 109 was amended so that both temporary teachers and permanent teachers could be paid the same rate of pay.

32. APPRENTICES

Albany

Mr WATT, to the Minister for Labour and Industry:

- (1) How many apprentices both male and female are indentured to tradesmen or business in the town of Albany?
- (2) To what trades are the apprentices indentured and what are the numbers for each trade?
- (3) Is he aware of any further opportunities for apprenticeships in Albany?

Mr GRAYDEN replied:

- (1) and (2) The information requested has been compiled and is submitted for tabling.
- (3) Commonwealth employment service at Albany advise they have two vacancies, but these positions will not be available till January, 1977. They have 10 applications for apprenticeships. It is not known at present what other vacancies will be available in 1977.

The paper was tabled (see paper No. 344).

33. FUEL OIL

Price Equalisation Scheme

Mr McPHARLIN, to the Minister for Fuel and Energy:

Will he request the Federal Government to reintroduce the fuel price equalisation scheme and re-assess it to take into consideration the inflationary increase thereby relating it to today's costs?

Sir Charles Court (for Mr MEN-SAROS) replied:

The Government has already initiated action to make representations to the Commonwealth Government suggesting that they re-assess the fuel price equalisation scheme and introduce it again.

We are not hopeful of any positive result until the current budgetary constraints ease somewhat.

34.

SWAN BREWERY

Canning Vale Site

Mr BATEMAN, to the Minister for Industrial Development:

- (1) Will he advise what price was paid by the Swan Brewery to the Industrial Lands Development Authority for light industrial land at Canning Vale?
- (2) What was the total acreage involved of the land purchased by the Swan Brewery in Canning Vale?

Sir Charles Court (for Mr MEN-SAROS) replied:

- (1) and (2) \$2 759 802 has been paid for 48.3701 ha. In addition, a lease has been taken over a further 11.9833 ha at a rental of \$500 per annum with option to purchase exercisable within seven years of 16th February, 1976, at the authority's "going rate" for its Canning Vale land at date of exercise.

The land is zoned for general industry, rather than light industry.

QUESTIONS (5): WITHOUT NOTICE

1.

HISTORIC BUILDINGS

Bunbury: Survey

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

- (1) Adverting to question 3 on notice of the 17th August, why has the money not been spent?
- (2) When is it intended that the money will be made available?
- (3) Why has there been such an inordinate delay?

Mr RUSHTON replied:

- (1) I understand the National Trust is reorganising its programme.
- (2) The money was made available in April, 1976, as previously advised.
- (3) There has been no inordinate delay. The reorganisation referred to in (1) is not yet complete.

2.

STATE FINANCE

Commonwealth Grants and Loans

Sir CHARLES COURT (Treasurer):

I would like to give some information in regard to a former question asked by the Leader of the Opposition. I am indebted to the Leader of the Opposition, who

was good enough to draw my attention to a typographical error in question 2 without notice on the 3rd August. A figure of \$6 638 100 was incorporated in respect of local government and a percentage of 74.9. The percentage is right but the figure should have been \$5 638 100. I ask that the answer be corrected, and I apologise for any inconvenience. I appreciate the action of the Leader of the Opposition.

The SPEAKER: It will be recorded in *Hansard*.

3. RAILWAYS

Perth-Fremantle Line: Retention

Mr McIVER, to the Minister for Transport:

My question relates to question 9 on the notice paper. In part (5) the Minister was asked whether it is the intention of the Government to retain the Perth-Fremantle railway line. His answer was that this matter is being reviewed. Can he indicate how long it will be before a decision is made?

Mr O'CONNOR replied:

I am unable to do so at this stage. We are also trying to ascertain the availability of Commonwealth assistance for urban passenger transport, which will assist as far as electrification is concerned. Until such time as we know about that, it is difficult for us to make a decision. Bear in mind that some \$30 million-odd is involved, and that will make a great difference to what we want to do.

4. PRIVATE MEMBERS' DAY

Suspension

Mr JAMIESON, to the Premier:

Has the Premier given consideration yet as to when private members' business will be curtailed, or is it the intention of the Government to adopt the procedure that has been adopted in the last two sessions and have a limited time for private members' business on all Wednesdays until the end of the session?

Sir CHARLES COURT replied:

As I see the situation at the moment there will be no need to interfere with private members' business this side of the break for the Royal Show. Members will know that we are to have three weeks of recess: One after next week, beginning on Monday the

30th; one in the last week in September; and the other in the last week in October. Having looked at the legislative programme, I believe we can continue with private members' business until we break for the show. Should there be any change in the situation, naturally I will confer with the Leader of the Opposition. Beyond that, I suggest that we might coincide the curtailment of private members' business by one means or another after the Budget is on the notice paper, because it is at that time that congestion occurs; and we wish to allow ample time for discussion of the Budget. However, I believe the system we have used of having an arrangement whereby private members' business is continued on Wednesdays from 2.15 to 6.15 p.m., and having Government business after tea, has been reasonably effective with co-operation on both sides. If possible, I would like to continue that system. However, in respect of the period beyond the show week recess I will confer with the Leader of the Opposition at that time.

5. STATE ELECTION

Date

Mr MAY, to the Premier:

Has the Government given any consideration to holding the next State general election before the end of this year?

Sir CHARLES COURT replied:

I will surprise the honourable member with the answer I am about to give.

Mr May: You will never surprise me.

Sir CHARLES COURT: The Government has given no consideration to an election date, apart from the fact that there are certain statutory dates which prescribe the maximum time for which a Government can provide before it must present itself to the electors. So far as the specific date is concerned, however, it might surprise the honourable member to know that, in spite of all the conjecture, we have not given it a moment's thought.

Mr May: We have!

COMPANIES (CO-OPERATIVE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th May.

MR BERTRAM (Mt. Hawthorn) [4.34 p.m.]: This debate commenced early in May of this year, and at about 10 or 11

o'clock last night I was notified that it would be continued today. That has taken me by surprise and has caused me inconvenience; it has also placed me in a position where I am not really ready to proceed; but since I have commenced, I will endeavour to continue.

This Bill has to do with co-operative companies which may well exceed over 100 in number, although I do not know how many co-operative companies there are in Western Australia which are registered under the Companies (Co-operative) Act. I believe the number well exceeds 100, and that most of them are situated in country areas—areas supposed to be represented by members of the Country Party or whatever it is now called.

It would appear to me that the Country Party at the time this Bill was considered and introduced must have been fast asleep. It is because of that situation that I have said previously the Country Party is headed for oblivion; that is why it is aping and exceeding the lemmings who hurl themselves over cliffs to their ultimate destruction.

Mr Jamieson: There is only one Country Party member in the House, anyway.

Mr Cowan: Try again.

Mr McPharlin: You can't even count.

Mr BERTRAM: Well, there are two!

Mr Clarko: What he means is that he is half right as usual.

Mr BERTRAM: As the member for Mt. Marshall well knows, and as we all well know, time is fast running out for the Country Party. The reason is that it cannot be identified; its members do not stand up to be counted; the party has merged and blurred in with its coalition partner.

The SPEAKER: I would think this has nothing to do with the Companies (Co-operative) Act.

Mr BERTRAM: With the greatest respect, Sir, I appreciate your comment, but I think I can show this has a huge amount to do with it, and I will attempt to show that quickly. The Country Party, which is supposed to be looking after country interests, which include a preponderance of the co-operative companies, has allowed this Bill to come in—

The SPEAKER: Order! This matter is most tenuous, and I do not want to enter into argument with the honourable member. My original remark to him was that he should keep to the tenor of the Bill. I am not at all sure that in his initial deliberations on this matter the member intended to refer to the attitude of the Country Party towards the Bill. If that is part of his scheme, then I must regret my initial statement; but if he is merely arguing with me, then I call him to order.

Mr BERTRAM: I most certainly was not arguing with you, Sir. I was proceeding along this line for a reason. There is an association—I cannot recall its name—which assists and cares for the interests of co-operative companies in this State. I have reason to believe that association had no knowledge of this legislation at the time it was introduced.

Mr McPharlin: You had better check that, because it is wrong.

Mr BERTRAM: As it is four or five months since the Bill was introduced, and as I have been taken by surprise, the member may be right. However, my recollection is perfectly clear: that the association did not know about the legislation, and the first it knew of it was when I spoke to it. That seems to me to be unsatisfactory, to say the least, not only from the point of view of the Country Party but also from the point of view of the Liberal Party.

Mr Rushton: You didn't know with whom you were speaking.

Mr BERTRAM: I did not?

Mr Rushton: You said you didn't know the name.

Mr BERTRAM: On the 12th May, this year, I asked the following questions of the Minister representing the Attorney-General—

- (1) Do any companies incorporated since 1962 or prior thereto and under the Companies (Co-Operative) Act contain within their Memorandum of Association provisions to enable them to carry on business of a building society?

The answer to that was "Yes." The second part of my question was—

- (2) If "Yes" how many such companies?

The answer to that was as follows—

- (2) At least two. The exact number could only be ascertained by a detailed examination of the memorandum of association of each company incorporated under that Act.

So we do not know how many companies are affected by this piece of legislation.

One of the things the Bill attempts to do is to place a mandatory obligation on the registrar of companies, who is now known by another title, to reject any prospectuses lodged by co-operative companies wherein it appears they are about to embark upon the activities of a building society. So co-operative companies which have been registered in their hundreds, and a great number of which perhaps contain within their memorandum of association the right to operate as building societies, now suddenly find themselves deprived of that right under this Bill. That is the first thing; it is a retrospective deprivation of a right gained

by law, and we in this House do not know how many co-operative companies are involved.

Mr O'Neil: It is not a retrospective right at all, because the Building Societies Act prohibits that, anyway.

Mr BERTRAM: As from what date?

Mr O'Neil: Prior to the introduction of this Bill.

Mr BERTRAM: I suggest many of these companies had this power within their memorandum of association before building societies provisions were legislated for.

Mr O'Neil: I am not talking about the new Building Societies Act but the Building Societies Act that has existed for a long time.

Mr BERTRAM: Yes.

Mr O'Neil: Well, don't say they had a retrospective right, because they did not. It denies them the right to register as a co-operative under the Building Societies Act.

Mr BERTRAM: It denies them the right to lodge a prospectus. On the same day, I also asked the following question—

- (3) Since what date has the Building Societies Act prohibited the formation or incorporation of a company "for such objects except under the Building Societies Act"?

The reply was—

- (3) The information is not known to the Corporate Affairs Office, however such prohibition has existed since 16th November, 1961 (see Act No. 41 of 1961).

In other words, it was not just the other day.

Mr O'Neil: This Bill doesn't alter that; that was done in 1961.

Mr BERTRAM: That is right. This Bill denies co-operative companies registered prior to 1961 the right to perform some of the objectives of their memorandum of association—to wit, that which has to do with building societies—and the body representing co-operative companies did not even know about it. The Bill is taking from them something they may have acquired in 1921, 1931, or 1941; at least it was acquired before 1961. That is a very serious step in respect of which those members representing the Country Party have said nothing so far. I imagine they support the Bill.

What about the shareholders of co-operative companies who have been deprived of this right? They go into a company. They acquaint themselves with the scope of operations to which that company, by law, may be entitled, they buy shares and pay for the shares at a certain price. By this amending legislation they will suddenly find that the value of their shares could be seriously and

adversely affected. It may well be that one very large co-operative company at this time will be contemplating becoming a building society. This amending legislation will prevent that happening. I shall read the relevant clause because it is very short. Clause 2 of the Bill reads—

2. Section 46 of the principal Act is amended by adding after subsection (3) the following subsection—

(3a) The Registrar shall not accept any prospectus—

He has no choice. To continue—

- (a) if it appears to him that it is intended that any of the moneys that may be received in pursuance of the prospectus are to be used for the purpose of carrying on a business having any of the objects specified in paragraph (a) of subsection (1) of section four of the Building Societies Act, 1920;

As soon as it appears to the registrar that a certain intention exists he has no choice other than to reject holus-bolus the whole prospectus. I believe that is not a fair provision. Indeed, in clause 3 of this Bill there is a proposed insertion into the principal Act to this effect—

- (2) No company, society or association shall be registered under this Part unless the consent in writing hereto of the Minister has been first obtained.

I do not object strenuously to that. That provision would seem to me to be somewhat analogous to a provision in the Associations and Incorporations Act of 1895, and I think it is a good measure. Members will notice that the consent of the Minister is sought. I have an amendment on the notice paper which has been rusticated there for some months. It envisages an amendment to the earlier clause by the insertion of a similar provision, not that that is by way of requirement for ministerial consent.

I question whether that will really meet the position which may obtain concerning which we really have very little evidence here; namely, the number of co-operative companies which will be directly affected.

Mr O'Neil: The honourable member will not be surprised when we show our co-operation by saying that we are going to accept his amendment.

Mr BERTRAM: This is magnificent. It is a rare and unique experience.

Mr O'Neil: I said you would not be surprised, not that you would.

Mr BERTRAM: It is most heartening. It seems to me as though we are going somewhere. As I have already intimated, I do not know whether it would necessarily meet the situation. I can only hope that later we will not be approached as members of Parliament by shareholders and executive officers of co-operative societies to tell

us that we have lowered the value of their shares and taken away their rights. That should not happen.

Also appearing in clause 2 of the Bill is a reference to paragraph (a) of subsection (1) of section 4 of the Building Societies Act, 1920. Members will be aware that recently a Bill for an Act in relation to building societies was passed by this Chamber. I think one of its purposes is to repeal the Building Societies Act, 1920. I wonder, therefore, what will occur in respect of this provision because it will be referring to a nonexistent Act, unless the Minister has some knowledge of what will happen to the Building Societies Bill which is currently in another place at or about position No. 13 on the notice paper for today. It seems to me that that clause also could well come in for some renovation and bringing up to date.

The Opposition supports the other two purposes of the Bill. I have already made reference to one of them, which is the provision to ensure that no company, society or association shall be registered with the word "co-operative" in its title unless the written consent of the Minister has been obtained. I think that is a reasonable and proper provision.

The third provision relates to certain administrative matters touching on the time for which certain documents should be retained. That provision is also acceptable to the Opposition. Subject to those comments, therefore, the Opposition supports the Bill.

MR McPHARLIN (Mt. Marshall) [4.52 p.m.]: When this Bill was introduced I had some discussion with the President of the Co-operative Federation of Western Australia and he expressed some concern about the proposed amendment to section 173 of the principal Act. The amendment proposes to add a new subsection (2) which says—

No company, society or association shall be registered under this Part unless the consent in writing thereto of the Minister has been first obtained.

He explained that what happens at present is that co-operative companies file their articles and documents of registration with the registrar, having first complied with section 357 of the principal Act. This requires a certificate signed by a solicitor or by the person for the time being holding the office of or acting as the Secretary of the Federation Trust Ltd. He claimed that the effect of this proposed amendment would be further to discourage genuine co-operative enterprises by placing before the subscribers to the company a further requirement to obtain the written consent of the Minister before proceeding with the registration. He claimed that this could place restrictions on genuine co-operatives in extending their services to the public.

I suggest to the Minister that he elaborate on this clause of the Bill a little further. I ask the Minister whether he could explain in more detail what the communication with the federation would have been and the points it may have raised with the Government on this issue.

MR O'NEIL (East Melville—Minister for Works) [4.55 p.m.]: I thank members for their support of the Bill. I remind the member for Mt. Hawthorn of the situation relative to co-operative companies registering with the registrar, who is now called the Commissioner for Corporate Affairs, if in fact they intend to carry on business as building societies. It is perhaps as well if I quote again from the second reading speech when the Bill was introduced in May last. One of the purposes of the Bill is—

... to enable the registrar, now the Commissioner for Corporate Affairs, to refuse to register or accept a prospectus seeking funds from the public if the prospectus discloses or intimates that all or any of the moneys raised would be used for carrying on business of a building society nature.

Although the Building Societies Act prohibits the formation or incorporation of a company for such objects except under the Building Societies Act, on two occasions companies have obtained incorporation under the Companies (Co-operative) Act for the purpose of carrying on a business having these objects.

The point is perfectly clear—the Building Societies Act prohibits such action.

Mr Bertram: Only since about 1961.

MR O'NEIL: I am not sure of the date, but the Building Societies Act dates back to 1920. I am not absolutely certain of the time the amendment was brought in.

Mr Bertram: I think it was the 16th November, 1961.

MR O'NEIL: The speech continues—

The documents lodged to obtain incorporation of those companies were typical of an investment company, and it was not until the directors of one of the companies concerned attempted to register a prospectus that the Commissioner for Corporate Affairs was in a position to see that the company did, in fact, intend to carry on business as a building society.

At that stage the company's solicitors argued that there was no provision in either the Building Societies Act or the Companies (Co-operative) Act which entitled the commissioner to refuse to accept the prospectus simply because the company intended to carry on such a business. It is proposed to rectify that situation.

I indicated by interjection to the member for Mt. Hawthorn that the Government is prepared to accept his proposed amendment to clause 2 of this Bill, but there is a complication which I hope I will be allowed to explain. Before the honourable member's amendment is moved a further amendment must be moved by the Government. As you know, Mr Speaker, a new Building Societies Bill has passed through this House. That Bill currently is before another place and I assume, because of the support it had in this place, that it will receive the general approbation of the Parliament and therefore will become the new Act.

Mr Bertram: You are quietly confident of that?

Mr O'NEIL: Quietly confident. Just prior to the proposed amendment to be moved by the member for Mt. Hawthorn, there is reference in the particular clause of the Bill to the old Building Societies Act. The reference contains more than just the title of that Act. Therefore, it is virtually impossible for this Bill to pass through the Committee stage today because an amendment must be moved to make it refer to the new Act.

It appears that one of two things could be done. We could postpone the consideration of clause 2, but a further complication to that course of action has been raised by the member for Mt. Marshall who has asked me to comment on a provision which appears later in the Bill. Members will recognise that I represent the Minister for Justice in this matter and that I have not had an opportunity to confer with him on the point that has been raised. However, I give an undertaking that I shall certainly confer with my colleague and endeavour to answer the question raised by the member for Mt. Marshall when we deal in the Committee stage with that part of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Neill (Minister for Works) in charge of the Bill.

Clause 1 put and passed.

Progress

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

TEACHERS' REGISTRATION BILL

Second Reading

Debate resumed from the 13th May.

MR BRYCE (Ascot) [5.02 p.m.]: As the title of the Bill implies, its purpose is to establish a system of registration for teachers in Western Australia. In the words of the Minister when he introduced the second reading of the Bill, it is

to safeguard the public interest by ensuring that teaching and the administration of teaching of courses of instruction to pupils at schools are undertaken only by competent people.

At this stage I would like to indicate to the House that the Opposition totally supports that very laudable aim; therefore my remarks will be fairly brief. If my memory serves me correctly, this State is probably the last in Australia to introduce a system of registration for teachers. Once again if my memory serves me correctly when I was on the executive of the Teachers' Union, just prior to my becoming a member of this House in 1971, I recall the pressure that was mounted for legislation to be introduced for the purpose of registering teachers. It is quite correct to say that pressure for the introduction of a Bill for the registration of teachers has come from the teaching profession itself; and this is based upon a very sincere desire within the teaching profession to achieve a much higher level of professionalism in teaching in Western Australia.

Because the Bill has remained on the notice paper since the earlier part of the session and over the recess, I have had the opportunity to discuss its contents with various groups of teachers in different parts of the State, and I have benefited from hearing their views. These groups of teachers have expressed to me one or two reservations on the Bill, and I would like to convey them to the Minister.

I would draw the attention of the Minister to clause 17 of Bill, and in particular to paragraphs (c), (d) and (e) of subclause (7). These three paragraphs give some cause for serious misgivings, in the minds of some teachers.

As a conclusion to the discussion I held with the professionals concerned, it is obvious that, because so many parts of the Bill tend to be open-ended in enunciating principles it will be more important for this House to scrutinise the regulations which subsequently will be brought before the House, than to worry about any acrimonious debate on the principles in the Bill.

In a nutshell the system that is provided under the terms of the Bill is for the establishment of a board. A registrar will be appointed, and he will have the responsibility of drawing up a register of teachers in Western Australia. Unbeknown to many sections of the public, this will involve all teachers in the Government and the non-Government sectors of education.

A teacher will have to apply for registration, and be granted either full or provisional registration under the terms of the Bill for a period of three years. It cannot be assumed that a teacher, once granted registration, will for the rest of his or her days be accepted as a qualified and competent teacher. It will be necessary

for a teacher to reapply for registration, or to renew the registration after a period of three years.

The underlying theme of this legislation is that unregistered teachers will not be allowed to teach in Western Australia. As the Minister said in his second reading speech, this legislation is designed to protect the community at large and the students. This a very desirable purpose.

It is of interest to note that complaints against the actual competence of any teacher can be placed before the teachers' registration board by any citizen. He or she does not have to be a parent; it can be anybody in the community who has a complaint about the competence of a teacher. Over the last few years we have heard a great deal of discussion on the inability of the Education Department to dislodge incompetent teachers, after they had been proven to be incompetent. One hopes that under this legislation, when a teacher is found to be incompetent by the teachers' registration board, he or she will be deregistered in the interests of the students and society at large.

I repeat that anybody will have the opportunity to lodge a complaint against a teacher, in much the same way as anybody can lodge a complaint about the performance of a barrister.

It will be within the province of the board to investigate any allegation; and it will be possible for the board to determine whether the allegation is to be dismissed, or whether the registration of the teacher concerned be suspended on a temporary basis or cancelled.

As far as the teacher is concerned, the board must furnish a list or reasons. I think this is a sensible and a reasonable safeguard, if the livelihood of someone is being taken away. It will be necessary for the board to supply a list of reasons for suspending or cancelling the registration of a teacher. The Bill contains a provision under which a teacher who finds himself placed in this position may appeal against the decision in a local court.

The provisions in clause 17 to which I have referred briefly have been the cause of some fears and worries among teachers; particularly the provisions in paragraphs (c), (d) and (e) of subclause (7) at page 13. When the contents of these three paragraphs are drawn to the attention of members they will, no doubt, appreciate that it is very important indeed for the regulations which will be brought before this Parliament, once the Bill is passed and the board is established, to be scrutinised for the protection of teachers as well as for the good functioning of this system of registration.

I am drawing the attention of members to those three paragraphs which constitute the reasons spelt out in the Bill—actually there are five reasons—as to why a teacher

may be considered to be no longer a competent person to teach, and thus not be permitted to teach. The first provision which causes some concern appears in paragraph (c) which I have mentioned. It states—

(c) is subject to a serious mental or physical incapacity by reason of which he is unable to carry out the functions and duties of a teacher;

In those circumstances the provision relating to suspension or cancellation of registration would apply.

At the outset I would point out that it becomes a question of definition. Who will frame the regulations and decide what exactly and precisely is the whole range of things that can go wrong with a person in a physical and mental sense which will be considered as a condition to warrant that person being disqualified from practising?

It is obvious that if a person has a serious mental or physical incapacity he is not a fit and proper person to practise as a teacher. I stress that some teachers are concerned about this question of definition. I draw the attention of members to a situation that was presented to me very recently concerning a 58-year-old practising teacher who was suffering from angina. Over the top of him the headmaster recommended to the Director-General of Education that he was no longer suitable to continue teaching. That caused this teacher a great deal of anxiety, and he believed he had been treated fairly harshly. In this sort of case I believe the board will have a great deal of difficulty in drawing up the definition of exactly what constitutes a fair and reasonable case against someone suffering from a physical incapacity.

The second provision that causes some anxiety among the teachers is once again related to definition, and this is to be found in paragraph (d) to which I have referred. It states—

(d) has been convicted of any offence the commission of which renders him unfit to be a teacher;

In these circumstances the provision relating to suspension or cancellation of registration would also apply.

What offence is the provision in paragraph (d) talking about when it refers to "any offence the commission of which renders him unfit to be a teacher"? Who is to say precisely what offences committed by a practising teacher would, in the eyes of the community, constitute reasonable grounds for the registration board to suspend or cancel his registration?

The teachers who have looked at this provision are concerned, and these people have a very important vested interest in examining the definitions that will be brought down in the regulations to follow.

Paragraph (e) of subclause (7) suggests that if a teacher has been guilty of any grave misconduct, whether or not connected with his employment and functions as a teacher, the board may cancel or suspend his registration. That provision in itself is a veritable bombshell to some teachers. I emphasise the wording of that paragraph. What exactly constitutes grave misconduct?

Who will define "grave misconduct"? One can imagine what might constitute grave misconduct on the part of a teacher in relation to the teacher's employment inside a school premises. However, just exactly what will be defined as being "grave misconduct" outside the scope of the teacher's employment?

Paragraph (e) refers to a teacher who is guilty of any grave misconduct whether connected with his employment and functions as a teacher or not. This matter has caused some degree of concern to those people who are looking for a clear definition of "grave misconduct".

The Opposition supports the laudable aim involved in establishing a system of registration for teachers. However, we cannot guarantee that when regulations are brought to this Parliament, involving definitions with regard to some of these very sensitive areas, we will give the same wholehearted support which we are happy to give now.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [5.16 p.m.]: I thank the member for Ascot for his comments and for his support of the Bill. I have listened with interest to what he has said in respect of clause 17 (7), particularly with regard to the provisions of paragraphs (c), (d), and (e). I give him an assurance that I will draw his comments to the notice of the Minister for Education.

I appreciate that the wording of the regulations will be extremely important and I hope that when a draft of the regulations is available the Minister for Education will confer with the member for Ascot in order to reach some agreement.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Grayden (Minister for Labour and Industry) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Composition of Board—

MR GRAYDEN: The Bill to set up the board was originally drafted and introduced during the autumn sitting of Parliament earlier this year. At that time legislation to amend the Western Australian Tertiary Education Commission Act was still under consideration.

Since then, that Act has passed through all stages, has received the Royal Assent, and now awaits proclamation. Upon proclamation the amended Act will be known as the Western Australian Post-Secondary Education Commission Act, and the body now known as the Western Australian Tertiary Education Commission will be replaced by the Western Australian Post-Secondary Education Commission.

As a consequence, it now becomes necessary to amend this clause. I move an amendment—

Page 4, line 21—Delete the word "Tertiary" and substitute the word "Post-Secondary".

Amendment put and passed.

MR GRAYDEN: As a consequence of the amendment which has just been agreed to, it becomes necessary to make a further amendment to line 23. I move an amendment—

Page 4, line 23—Delete the word "Tertiary" and substitute the word "Post-Secondary".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 16 put and passed.

Clause 17: Cancellation or suspension of registration—

MR GRAYDEN: My next amendment is necessary only because of an error in the original drafting of the Bill. The word "certificated" is now deemed to be more correct in the context of the subclause. I move an amendment—

Page 12, line 15—Delete the word "certified" and substitute the word "certificated".

Amendment put and passed.

MR HARTREY: I move an amendment—

Page 13, line 2—Insert after the word "is" the following words—

in the opinion of a medical board comprising three legally qualified medical practitioners one of whom shall be nominated by the Minister one by the teacher concerned and the third (who shall be the Chairman) by the Director of Public Health.

It is difficult to decide who will determine whether a man is suffering a serious mental or physical incapacity in order to justify his being discharged from the service. It does not seem fair to leave such a matter to regulations. The teacher concerned should be given an opportunity for his case to be reviewed by the only people entitled and able to give an opinion. I refer to those people set out in my amendment.

I would not like the Director-General of Education to give an opinion on whether I was mentally and physically fit. He might not be a good judge. On the other hand

I would rather have the opinion of a medical board on which I was represented by my own medical man.

Mr GRAYDEN: I have to oppose the amendment if only for the reason that first of all the member for Ascot has drawn attention to the wording of the clause and he has made it abundantly clear that when the regulations are drawn up they will have to be acceptable. At that stage members will have an opportunity to move to disallow them.

I consider that adequate precautions can be included in the regulations, and there will be no necessity to write the proposed wording into the Bill. I oppose the amendment but I assure the member for Boulder-Dundas that all the necessary safeguards will be included in the regulations.

Mr HARTREY: I am obliged to the Minister for his kind assurances, but I cannot take him seriously. The Minister will probably have many other matters to consider when the regulations are drawn up, and they will be placed on the Table of the House and nobody will take particular notice of them.

It is not fair that a teacher, who may have a difference of opinion with his headmaster, should have to answer to a medical board on which he is not represented.

Now is the time to take some action. Regulations should not usurp the authority which we have the opportunity to exercise at this very minute. I am sorry the Minister has adopted the view he has stated. It is all very fine to say that justice will be done. It is a splendid idea and I am sure the Minister desires that justice will be done. However, it is a different thing altogether to say justice will be done because the Minister hopes it will be. I hope it will be but I do not have any confidence that it will be. If this amendment is carried, at least we have some sort of guarantee that no-one in the employ of the Education Department will be dismissed on medical grounds without a fair trial by medical men. However, if we do not agree to the amendment now, it will not be done.

Mr GRAYDEN: We have two reasons for opposing the amendment. Subclause (7) commences—

If after conducting an inquiry under this section the Board—

Mr Hartrey: What about a medical board?

Mr GRAYDEN: I will read this out, and then we will consider the composition of the board. Perhaps the honourable member will realise his amendment is quite superfluous. Subclause (7) commences—

(7) If after conducting an inquiry under this section the Board is satisfied that a person registered as a teacher—

And then paragraph (c) reads—

- (c) is subject to a serious mental or physical incapacity by reason of which he is unable to carry out the functions and duties of a teacher;

I would now like to refer to the composition of the board as set out in clause 6, portion of which reads as follows—

- (a) one shall be a person appointed on the nomination of the Minister to be a member and Chairman of the Board;
- (b) two shall be persons appointed on the nomination of the Director-General of Education;
- (c) three shall be persons appointed on the nomination of the Union being persons elected for such nomination at an election conducted by the Union amongst its members;
- (d) one shall be a person appointed on the nomination of the Catholic Education Commission of Western Australia;
- (e) one shall be a person appointed on the nomination of the Independent Schools Salaried Officers' Association being a person elected for such nomination at an election conducted by that association amongst its members;
- (f) one shall be a person representing institutions providing teacher education courses, appointed on the nomination of the Western Australian Tertiary Education Commission constituted under the Western Australian Tertiary Education Commission Act, 1970;
- (g) one shall be a person appointed on the nomination of the Association of Independent Schools of Western Australia.

This board which will conduct the inquiry will comprise responsible individuals. There is no need to go further than what appears already in the legislation.

Mr HARTREY: After this demonstration of the undoubted fact that the Minister is capable of reading, and the astonishing statement that these people will be highly qualified to determine a very technical medical question, I am thoroughly convinced that my amendment must be accepted. What in the name of God would a nominee from the Catholic Education Commission know about angina pectoris or meningitis, or whether someone had anything wrong with him at all!

Mr Skidmore: Someone could be victimised.

Mr HARTREY: It is surprising to find the Minister so suddenly enthusiastic about a union representative. However, I

cannot imagine that three members of the union, however qualified they may be to teach geography, history, or spelling—

Sir Charles Court: They do not teach spelling these days!

Mr HARTREY: I know they do not! How would these representatives determine whether or not a person was unfit to teach? It is quite obvious that a person suffering from infectious tuberculosis is not fit to teach, not because he could not convey information to his class, but because he should not be in the class at all. But what about cases of hepatitis—a liver complaint—or nephritis—a kidney complaint? Perhaps in such cases the board will take a vote—the names could be put in the hat and one drawn out!

Mr Grayden: Medical advice could be sought.

Mr HARTREY: Such medical advice would not necessarily be good. I am suggesting the establishment of an unbiased medical board such as those operating under the Workers' Compensation Act and the Mine Workers' Relief Act. Why not such a board this time? Such an important matter should not be left to a nondescript body of individuals representing the Catholic Education Commission and such organisations.

Mr BRYCE: I feel obliged to make the point that anyone who studies the whole Bill carefully will appreciate that this board is composed of teachers. It is a specific provision of the Bill that anyone who does not have the qualifications of a teacher, or anyone who was a teacher and who has been suspended, would not be qualified to sit on the board. Consequently the board members will be teachers and it is my view that when this board meets to draw up the regulations—because this is the body to do so—to determine how the system will operate, it will adequately protect the people about whom the member for Boulder-Dundas is concerned.

Mr Hartrey: I wish I had your faith!

Mr BRYCE: This is a Bill enunciating fairly broad principles, and if we attempt to close every little loophole it will finish up very unwieldy, and I believe it will be no more practical in the ultimate. I have indicated that the Opposition has studied the whole Bill and in general terms we support its principles. We have indicated to the Committee that in the absence of a subordinate legislative committee, we will act in that capacity when these particular regulations are brought in.

Amendment put and negatived.

Clause, as amended, put and passed.

Clauses 18 to 31 put and passed.

Title put and passed.

Bill reported with amendments.

THE CONFEDERATION OF WESTERN AUSTRALIAN INDUSTRY (INCORPORATED) BILL

In Committee

Resumed from the 27th May. The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Progress was reported after clause 2 had been agreed to.

Clause 3: Interpretation—

Mr O'NEIL: Certain questions were raised by members of the Opposition during the second reading debate some months ago, and I undertook to obtain information. The member for Swan said he believed the Employers Federation had been disbanded and therefore the representation of that body on various boards could be illegal. This matter has been checked and I advise the honourable member that these boards are not operating illegally because both the Chamber of Manufactures and the Employers Federation have retained their legal identity.

The second question related to the first one as it appears now there is a duplication of representation on many boards and instrumentalities because both these organisations had nominated a representative of their own right. There was some concern that with this legislation the balance of representation may be disturbed.

Of course, the Bill maintains the balance of representation by way of individuals on every board and instrumentality to which representatives were previously appointed, so there is no difference in the numerical strength, say, of the representation of the trade union movement and the representation of employer groups. I have been given some examples as to what actually will happen.

Mr Bertram: Neither of the two bodies has been wound up or liquidated?

Mr O'NEIL: Both bodies have retained their legal identity and they are amalgamated in a federation. The advice I received is that both organisations have a separate identity.

Mr Harman: That is not what was said when the Bill was introduced. It was said that the Chamber of Manufactures has yet to be formally dissolved.

Mr O'NEIL: That is right. Neither organisation has been formally dissolved.

Mr Harman: No, but they will be.

Mr O'NEIL: We are establishing legally the title of the new federation, but the two components of that federation have separate legal identities at this moment. It may well be that once we have created The Confederation of Western Australian Industry further action may be necessary to dissolve the two parties to it, and further action may need to be taken to vary

the representation which the two legal entities have on authorities to some other form of representation.

Mr Skidmore: For instance?

Mr O'NEIL: I do not know. The point is, that we have to establish a statutorially recognised body in order that certain other things can take place. It is not unusual for us to introduce a Bill which creates an authority and to insert a provision that it shall come into operation on a date to be fixed by proclamation so that various procedures can occur. The final birth of the new organisation is occasioned by proclamation. This is not unusual; we cannot have a legally responsible body left in a void.

The provisions of the Bill simply maintain the numerical constitution of the presently existing boards and instrumentalities. It may well be that once the two parts which are party to the new body are dissolved and have the statutory right to recreate themselves, certain representations will be made one way or the other to alter the representation. However, we are now dealing with a legislative proposition to create a new body out of two old bodies.

Mr Bertram: Have you any idea when the new body will emerge, and the others dissolve?

Mr O'NEIL: No, I do not; the new body will emerge on a date to be fixed by proclamation. In effect, this is enabling legislation.

When this Bill was debated in another place, the member for the north-east metropolitan province was given an assurance that in representations on boards and committees under various Statutes, no advantage or disadvantage would occur to anybody, least of all the TLC. This is expressly covered by the operative clause in the Bill, which implies whereas beforehand each of the former bodies by virtue of references in a law of the State would have been entitled by nomination or otherwise to representation on another body, the new body likewise is entitled to such representation thereon as is equivalent to the total of the representation the former bodies would have been entitled to thereon.

Let us examine some of the bodies likely to be affected. I have received advice from my officers that the present situation is as follows—

- (1) Factory Welfare Board (Factories and Shops Act) 3 members including 1 who is appointed on the joint nomination of Employers Federation and Chamber of Manufactures.
- * (2) Air Pollution Control Council (Clean Air Act) consisting of Chairman and 14 other members. 1 member from Trades and Labor Council, 3 members nominated by Chamber of Manufactures.

- (3) Scientific Advisory Committee (Clean Air Act) Consisting of Chairman and 7 other members—2 nominated by Chamber of Manufactures.

- * (4) Construction Safety Advisory Board (Construction Safety Act) Consisting of Chairman and two other members. 1 member from Trades and Labor Council, 1 member from joint nomination of Employers Federation, Chamber of Manufactures, Master Builders Association, and Federation of Construction Contractors.

- (5) Dairy Industry Authority. Nine members—two of whom are on the nomination by Minister from a panel of names from Butter and Cheese Manufacturers Association, Milk Treatment Plants Association, Chamber of Manufactures and any other body, etc.

- (6) Painters Registration Board (Painters Registration Act). 3 members, one of whom is a person nominated by Chamber of Manufactures representing the Australian Paint Manufacturers Federation.

- * (7) Long Service Leave Board of Reference (Long Service Leave Act). 3 members—1 appointed by Trades and Labor Council and 1 by Employers Federation.

- * (8) Noise and Vibration Control Council (Noise Abatement Act). Consisting of Commissioner of Public Health, Chairman and 9 ex-officio members—1 nominated by Trades and Labor Council, 1 nominated by Chamber of Manufactures, 1 nominated by Employers Federation.

- (9) Energy Advisory Council (Fuel Energy and Power Resources Act). Six permanent members—1 on nomination of Chamber of Manufactures.

* Areas of Trades and Labor Council representation.

Of the bodies mentioned, there is only one where the question of duplication of representation could arise.

Mr May: The only difference is that you are not sure. You presume what you say to be correct, but you do not know.

Mr O'NEIL: That is right. It will be noted that the passing of this Bill would not affect the existing balance of representation of any of the organisations in question. The Bill is to maintain the status quo and not for providing the opportunity to debate representation on the various boards currently existing by Statute and already agreed to by Parliament.

However, I am glad the opportunity has presented itself to enable members to debate the representation of various boards. I am sure members will see that the representation ratio will be maintained and I am sure that any problems of duplication will be resolved once the new authority comes into being.

Mr SKIDMORE: Although I intend to support this clause, I should like to say I have never seen such an untidy way of achieving an objective. Surely it would have been better to wait until the amalgamation took place and then introduce legislation. This would have avoided any possible duplication. I thank the Minister for the information he has provided and I accept his assurance that should a duplication of representation occur and the TLC is disadvantaged, the situation will be remedied.

Mr O'Neil: I did not give that assurance; I simply assumed this would be the case, and that it would follow as a normal course.

Mr SKIDMORE: I understood that to be the tenor of the Minister's remarks.

Clause put and passed.

Clauses 4 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 6.01 p.m.

Legislative Council

Tuesday, the 24th August, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (10): ON NOTICE.

1. "POLICY AND PERFORMANCE" PUBLICATION

Departmental Work Control

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Premier:

- (1) In respect of policy item 23 of "Policy and Performance", have work control and review methods been introduced in the departments of Works, Water Supply, Sewerage and Drainage?

- (2) If so, when?

The Hon. N. McNEILL replied:

- (1) and (2) To date, ten courses in work control and review, with over 200 participants, have been conducted at the R. H. Doig Executive Development Centre

and 27 officers from the Public Works Department and the Metropolitan Water Supply Board have participated.

Since impetus was given by my Government for departments to critically analyse manpower requirements and reduce expenditure without loss of effectiveness, work control and review methods have been introduced to a number of activities of the above departments.

2.

DOGS

Crown Land Reserves

The Hon. H. W. GAYFER, to the Minister for Justice representing the Minister for Agriculture:

- (1) In each of the last three financial years, what has been the total cost to the Agriculture Protection Board, and the individual annual shire contributions towards the employment of dog trappers operating in those shires adjacent to Crown land reserves surrounding the metropolitan area?
- (2) How serious does the Agriculture Protection Board view the dog problem in those areas referred to in (1)?
- (3) Is there any predominant breed of dog, either wild or domesticated, that the department feels is a major menace to farmers adjoining Crown land reserves as referred to in (1)?

The Hon. N. McNEILL replied:

(1) —

	1973-74	1974-75	1975-76
	\$	\$	\$
Serpentine-Jarrahdale	nil	nil	nil
Wandering	130	130	130
Brookton	325	325	325
Beverley	325	325	325
York	325	nil	nil
Northam	325	325	325
Toodyay	nil	nil	nil
Chittering	nil	nil	nil
Gingin	1 300	1 570	1 570

Total Contributions Shires 2 730 2 675 2 675

Contribution

APB	6 801	11 042	11 884
Total	9 531	13 717	14 559

The above contributions do not include Shire expenditure on the control under the Dog Act of neglected domestic dogs.

- (2) Seriously in certain circumstances; properties bordering Crown Land or in isolated situations can experience considerable losses.