

# Legislative Assembly

Thursday, 30 October 1980

The SPEAKER (Mr Thompson) took the Chair at 11.00 a.m., and read prayers.

## COUNTRY AREAS WATER SUPPLY AMENDMENT BILL (No. 2)

### *Introduction and First Reading*

Bill introduced, on motion by Mr Stephens, and read a first time

## ELECTORAL AMENDMENT BILL

### *Second Reading*

MR HASSELL (Cottesloe—Chief Secretary) [11.04 a.m.]: I move—

That the Bill be now read a second time.

Members will recall that in the aftermath of the election for the electorate of Kimberley, allegations were made that certain persons had attempted to undermine the ability of Aboriginal electors to cast their votes at the election. The events have come to be referred to as the "Turkey Creek incident".

Details will be known to all members, and it should suffice for me to say that they were generally deplored.

Mr Davies: Not entirely.

Mr HASSELL: The police investigation which followed the incident disclosed that whilst the facts were fairly well established, no breach of the law had taken place and no action to prosecute was possible. The police view was confirmed by a separate assessment made by the Attorney General.

Mr Davies: Actually the police did not do too well at all up there with the work they did.

Mr HASSELL: In the light of this development the Government decided that the deficiency in the law should be remedied, and that is what this Bill seeks to do.

Section 188 of the Electoral Act sets out a number of acts which become punishable offences under that Act.

The Bill proposes that a new section 187A be inserted, and this will create a new offence.

Any action whatsoever which attacks the physical or mental ability or capacity of an elector so as to prevent or render him incapable of voting at an election will become a punishable offence. Under the proposed section, it is immaterial that the action taken fails to achieve its purpose.

I commend the Bill to the House.

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

## METROPOLITAN REGION TOWN PLANNING SCHEME AMENDMENT BILL (No. 2)

### *Second Reading*

MR O'CONNOR (Mt. Lawley—Deputy Premier) [11.07 a.m.]: I move—

That the Bill be now read a second time.

This is a Bill for an Act to amend the Metropolitan Region Town Planning Scheme Act 1959-1979 by inserting a new section 17A, amending section 28, and substituting a new section 33D in place of sections 33D and 33E which are to be repealed.

Terms of office of members appointed to the Metropolitan Region Planning Authority: In accordance with the provisions of the Act, the term of tenure of members appointed to the Metropolitan Region Planning Authority has expired by effluxion of time on the expiration of a period of two years commencing on the day notice of the inaugural appointments were published in the *Government Gazette*, that being 8 April 1960.

Subsequent appointments to the Metropolitan Region Planning Authority, including the chairman, members and deputy members, have normally been made for a period of two years, commencing 8 April, of every second year.

Over the years there have been occasions when Metropolitan Region Planning Authority members representing local authorities have not been successful at the local government elections, which are held in May each year. As a result, by the terms of the Act, they have ceased to be eligible to remain members of the Metropolitan Region Planning Authority.

The procedures are such that it takes some time before any appointments can be made to fill such vacancies. In fact lapses of two to three months before a vacancy is filled have not been uncommon.

In 1980, for example, the representative of the group "C" district planning committee did not renominate for the May 1980 local government elections, even though he was reappointed to the authority in April 1980. As a consequence, group "C" district planning committee was without a member on the authority for several months. Whilst there are deputy members to act in the absence of a member, it has happened that a member and his deputy have not renominated, or

one has not been successful and/or the other did not renominate.

The proposed new section is designed to overcome the existing problem by specifying that the terms of office of the persons most recently appointed to each of the respective offices of members of the Metropolitan Region Planning Authority before the coming into operation of the amending Act shall expire by effluxion of time on 31 August 1982, instead of 7 April 1982, as would presently be the case. After 31 August 1982, the anniversary date for appointments-reappointments will become 1 September of every second year.

This will ensure continuity of local authority representation for a longer period—at least September-May—instead of the present shorter period—possibly only April-May. In this way members or deputy members will have at least eight months before the next local government elections can result in loss of membership.

A validation clause is included to validate any Act, matter or thing which was done under or for the purposes of the Act, by any member or purported member of the Metropolitan Region Planning Authority, before the coming into operation of the amending Act. The need for this clause is brought about because of doubts about the strict compliance with formalities specified in the Act in the appointment of members.

Approval of the Minister to certain expenditure of the Metropolitan Region Planning Authority: Members will note that at the moment the Metropolitan Region Town Planning Scheme Act 1959-1979 provides that no contract made or expenditure incurred in respect of any one work by the authority, the consideration or cost of which exceeds \$25 000, shall be made or incurred unless approved in writing by the Minister.

The original amount which required ministerial consent was \$10 000 and this was subsequently changed to \$25 000 by amendment Act No. 103 of 1973.

Having regard for the increase in land values in the metropolitan region since 1973, it is considered appropriate that the amount of expenditure requiring ministerial approval be increased and the Bill provides that the sum be \$100 000.

Consolidation and change of scale of the Metropolitan Region Scheme: In 1963, when the Metropolitan Region Scheme was first made it included a scheme map of 28 sheets, hand-coloured and presented on a Bonne projection at a scale of 40 chains to one inch as to 26 of the map sheets. The remaining two sheets, which refer to

the central areas of Perth and Fremantle respectively, are presented at a scale of 10 chains to an inch.

Since that time, the scheme has been amended extensively and has changed as a result thereof from a set of maps showing generalised proposals into a document, which, within the limits of the projection and scale, is as accurate as possible. Of recent years the major road system has been progressively refined by amendment, each amendment being based on large scale dimensioned land requirement plans which have formed the supporting documents at the time of public exhibition.

Since metrication all mapping in Australia has been presented at metric scales on the Australian map grid—the AMG projection. One advantage of this is that mapping at any given metric scale can be reduced or enlarged to any other desired scale. Thus, information on say a 1 : 2000 scale map on the AMG base can be reduced photographically to 1 : 25000 scale and traced directly onto a map at the smaller scale without problems of distortion. The same process is not possible in the case of a map at 1 : 2000 scale on the AMG base and a map at 40 chains to the inch on a Bonne projection.

For the reasons stated above, the Metropolitan Region Planning Authority now wishes to present the scheme at a scale of 1 : 25000 on the AMG and to consolidate therein all those amendments which have been made since the scheme was first promulgated. It is anticipated that the scheme will continue to be subject to a process of review and amendment which will necessitate its consolidation every few years.

As mentioned above, the scheme in its statutory form consists of a map comprising a number of coloured map sheets.

At present, the only convenient method of preparing coloured maps which may have to be modified several times between their initial adoption by the Metropolitan Region Planning Authority and final approval by the Governor, is hand-colouring. In a few years other convenient methods of colouring maps may be developed.

Unfortunately, therefore, the form in which the scheme maps are prepared is not yet suitable for the kind of reprint contemplated by last year's amendment of the Act. To rectify this problem it is necessary to amend the Act so that all references to printing and reprinting of statutory plans are replaced by provisions to enable the use of hand-made documents.

Printed representations of the Metropolitan Region Scheme will continue to be available to

the public but it is not intended that they will have statutory status, because of the new technology which would not allow reproduction of an approved amendment within a reasonable time.

In summary, the primary objectives of this part of the legislation are—

- (1) To enable the Metropolitan Region Scheme to be consolidated as at any convenient date, past or future.
- (2) To enable the presentation of the Metropolitan Region Scheme at a scale of 1 : 25000 but so as not to preclude additional scheme maps at other metric scales if this is necessary to show in detail how land is affected by the scheme.
- (3) To enable amendments to be shown at 1 : 25000 or at other scales—such as 1 : 2000—if this is necessary to show in detail how land is affected. In practice, a 1 : 2000 scale amendment plan would contain a 1 : 25000 locality map as an insert.
- (4) To provide for the Metropolitan Region Scheme once consolidated, to be updated from time to time. This should allow for individual map sheets to be consolidated separately from the rest of the scheme—because they are the ones subject to more numerous amendments than the others.
- (5) To enable those amendments which may occur after the date of first consolidation of the Metropolitan Region Scheme, and which are shown on the Bonne projection at a scale of 40 chains to one inch, to be included in the scheme and shown in the second consolidation.
- (6) To validate any variation between the Metropolitan Region Scheme as shown in the Bonne projection and the scheme as shown in the AMG projection which variation is only due to the difference in these projections and not due to any change in cadastral boundaries.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Taylor.

#### COAL MINE WORKERS (PENSIONS) AMENDMENT BILL

##### *Second Reading*

MR P. V. JONES (Narrogin—Minister for Mines) [11.20 a.m.]: I move—

That the Bill be now read a second time.

The principal Act which this Bill proposes to amend relates to the pension scheme for coalminers in Western Australia.

The original Act was introduced in 1943, so that coalminers could be paid a fortnightly pension from the age of 60 years, as compulsory retirement at that age had already been agreed to.

The Act also allowed pensions for injured coalminers and dependants of deceased miners.

The original Western Australian legislation was modelled on the NSW legislation, and Western Australia continued in step with NSW coalmine pension provisions until some three years ago. At that time, an agreement was reached between the NSW parties to pay future pensions as a lump sum in lieu of the then present fortnightly scheme. It was further agreed that existing pensioners were to continue to receive fortnightly payments, but that these payments were to be adjusted in accordance with movements of the "loaderman" rate of pay instead of the half-yearly adjustment of social security pensions.

A further provision in the NSW scheme was the inclusion of a "deeming" clause, whereby a pensioner is "deemed" to be in receipt of a Commonwealth pension when he reaches the required age or qualification, even though he may not actually receive it because of excess income.

Contributions were also indexed to the "loaderman" rate of pay and therefore kept in step with benefits. To finance the change to lump sum payments, the NSW legislation set down a levy on each man in the industry, indexed to the "loaderman" rate, payable by the collieries, and totally allowable as a cost in winning coal.

The lump sum scheme advanced by five years the fund's liabilities and would have caused liquidity problems if the special short term levy had not been introduced.

Prior to these changes in NSW, the NSW Government had made an annual subsidy to the scheme. This was phased out over a three-year period.

The collieries and unions have negotiated an agreement to introduce lump sum benefits into the Western Australia coalmining industry. This Bill is based on that agreement and seeks to bring the pension conditions of our coalminers into line with their NSW counterparts while at the same time, correcting problem areas in the NSW application. The first, and most likely the most important of these changes, is the provision of a compassionate or hardship clause to cover pensioners who could be adversely affected by the application of the deeming clause.

In this Bill it is also proposed to extend the short term levy to 10 years so as not to impose a prohibitive burden on the cost of winning coal. The basis for the Western Australian levy as at 1 August 1980 is then—

- (1) \$11.70 per man per week as bridging finance for the lump sum scheme,
- (2) \$0.80 per man per week to phase out the Government contributions, and
- (3) \$4.53 per man per week to adjust the collieries' contribution rate to three times that of the worker, as in NSW. The Western Australia ratio had previously been 3.75:1.

The Bill recommends that 1 December, 1979 be set down as the commencing date for lump sum payments, and that they be indexed from that date, while the contribution and fortnightly pension rates be tied to the known composite miner rate on 1 August, 1980. The composite miner rate is the Western Australian equivalent of the NSW loaderman's rate.

The special short levy and the 3:1 ration for collieries will be applied from the first full pay period in October 1980 and the deeming clause will apply from the coming into effect of this legislation.

Before I commend the Bill to the House, the Government would like to pay a tribute to the recently retired Secretary of the Collie Mine Workers' Union (Mr Watkins).

I have been personally associated with Mr Watkins in my capacity as Minister for Mines for a short period and have participated in one extensive meeting with him which resulted in the formulation of this Bill.

Mr Watkins earned the respect not only of the Collie community but also of those he dealt with in his capacity as secretary of the union. On behalf of the officers of the Mines Department, those associated with the pensions tribunal, and my colleagues, I pay tribute to Mr Watkins and hope that his well-earned retirement is one he will enjoy for many years to come.

I commend the Bill to the House.

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

## PARLIAMENTARY SUPERANNUATION AMENDMENT BILL

### *Second Reading*

**SIR CHARLES COURT** (Nedlands—  
Treasurer) [11.25 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Parliamentary Superannuation Act following a review of the Parliamentary Superannuation Scheme undertaken by a panel comprising Mr K. J. Townsing, Government Consultant and former Under Treasurer, Mr D. E. Barton, Consulting Actuary, and Mr P. J. Lanigan, Chairman of the State Superannuation Board.

The review panel, in reporting to the trustees of the scheme, have suggested a number of changes after having due regard to several proposals put forward by members and to the provisions of the various other schemes in Australia which provide superannuation benefits for members of Parliament and their dependants.

The trustees, who as members know are responsible for the management and control of the scheme, have considered the suggestions of the review panel and in accord with them, have recommended several legislative amendments to which the Government has agreed.

The proposed amendments are contained in the Bill before the House and in summary seek to—

- (1) increase members' contributions to the fund from 10 per cent to 11½ per cent of salary,
- (2) raise the level of basic pensions emerging in the future from 38 per cent to 38.8 per cent of basic salary after seven years' service, increasing by 1.2 per cent in lieu of 1 per cent of that basic salary for each additional six-monthly period of service up to a maximum of 70 per cent of basic salary after 20 years' contributory service,
- (3) reduce a member's contribution rate by half when the maximum basic pension of 70 per cent of basic salary is achieved after 20 years' contributory service,
- (4) permit members retiring at age 65 or more to commute up to 50 per cent of their full pension entitlement and for that percentage to increase by 1.25 per cent for each six-monthly period and any part thereof by which the age of a member at retirement is less than age 65,
- (5) reduce, for members retiring at age 66 or more, the commutation factor of 10 by half the difference between the number of years of the retiring member's age and 65,
- (6) remove the existing provision which requires a retiring member under age 40 to take the total pension entitlement in the form of a lump sum,

- (7) raise the level of a surviving spouse's benefit from five-eighths to two-thirds of the member's entitlement or notional entitlement assuming 16 years' service, whichever is the greater,
- (8) provide an option for the surviving spouse of a member who dies in office to commute up to 50 per cent of the reversionary pension entitlement,
- (9) provide, that where a member's parliamentary service ceases and the member does not qualify for pension benefits, a supplementation be paid from the fund to that member equal to the amount of personal contributions made to the fund accumulated at interest, and
- (10) to apply the supplementation proposed under item (9) to any former member who ceased to be a member after the 1980 elections and did not qualify for pension benefits.

The Government considers that the foregoing proposals are reasonable and warranted and it is appropriate that I explain each of them more fully.

The new contribution rate for members of 11½ per cent of salary proposed under item (1) is identical with that prevailing in all other parliamentary schemes in Australia, with the exception of Tasmania, where it is 12 per cent of salary.

The higher pension benefit structure proposed under item (2) would also bring the scheme more into line with other parliamentary schemes in Australia.

While the proposed increase in pension entitlement is only moderate, the new benefit structure would result in the maximum basic pension entitlement being achieved after 20 years' service rather than 23 years as at present.

The purpose of item (3) is, in conformity with existing practice, to authorise the reduction of a member's contribution rate by half when the maximum basic pension of 70 per cent of basic salary is achieved.

While being conscious of the merit of ensuring that retiring members in later years have reasonable levels of income in their retirement, the proposal under item (4) acknowledges an existing trend in comparable schemes towards more liberal commutation options and accordingly would permit members to commute greater portions of their pensions at retirement.

Adoption of the revised commutation arrangement would enable a member retiring at age 45 or less to commute 100 per cent of his or

her pension entitlement. On retirement at later ages up to age 65 or beyond, the maximum proportion of pension commutable would progressively fall to 50 per cent. At age 55, for example, the maximum commutable proportion would be 75 per cent of the pension.

This compares with the existing provision which permits a maximum commutation of 75 per cent of the basic pension at age 40, progressively falling to 45 per cent at age 55 and 25 per cent at age 65 or more.

Again, in common with a number of other parliamentary schemes, it is proposed under item (5) to reduce the standard commutation factor of 10 of those members retiring at age 66 or more. For example, where a member retires at age 67, the conversion factor would be reduced to nine.

Under the existing legislation, a retiring member under age 40 is obliged to take the total entitlement in the form of a lump sum. Under item (6) it is proposed to remove that obligation. In effect, such a retiring member would in future be able to commute any part of the entitlement but there would be no compulsion to do so.

Such a measure would be unlikely to impose any additional strain on the fund due to the high probability that members retiring with pension entitlement under that age would, in any case, elect for the full lump sum.

Item (7) provides for an improved reversionary benefit for the surviving spouse of a member or former member. The increase is not large but it is proposed that the improved benefit would apply to existing as well as future widows.

For existing widows, their pensions would be recalculated based on two-thirds of their husband's entitlement or notional entitlement assuming he had served 16 years. Generally, their pensions would be increased by 6.67 per cent which is the percentage difference between the present and the proposed spouse's reversionary rate.

The proposed option under item (8), to enable the surviving spouse of a serving member to commute up to 50 per cent of the reversionary pension, is considered a meaningful innovation.

By way of explanation, under the proposed revision of members' benefits—item (2)—and spouses' benefits—item (7)—and assuming the current basic parliamentary salary, the minimum pension the surviving spouse of a present member would become entitled to, would be \$10 486 per annum of which up to 50 per cent could be commuted, using the same conversion factor that applies to retiring members.

No change is proposed in respect of the surviving spouse of a former member in which case, as members will be aware, a full spouse's pension is payable even though the member may have elected for maximum commutation at retirement.

Item (9) relates to the entitlement of a member who retires from Parliament, voluntarily or involuntarily, without pension rights. Under existing arrangements the benefit payable to a member in such circumstances is a refund of personal contributions made to the fund accumulated at interest. Under this proposal such a member would also receive a supplementation from the fund equal to the amount of personal contributions made accumulated at interest. Due to the special circumstances of parliamentary life, it is considered that the proposed supplementation is justified.

The question of providing some form of lump sum supplementation, where a member retires either voluntarily or involuntarily from Parliament, was given consideration by the Government late last year.

While no final decision was taken at the time, an undertaking was given that should the Government proceed with a proposal of this nature during the course of this Parliament, any enhanced benefit would be paid retroactively in regard to any former member who ceased to be a member after the 1980 elections and did not qualify for pension benefits. The proposal under item (10), if adopted, would honour that undertaking.

Of the proposed changes only three will have any impact upon State revenue.

The proposed increase in members' pension entitlements, item (2), has been estimated to cost \$130 000 in a full year. The proposed increase in spouses' benefits, item (7), which as I have indicated, would apply to existing as well as future widows, would impose an additional cost estimated at \$20 000 per year.

It is difficult to forecast the cost that would be incurred under item (9) in any future election year. However, based on the experience of the last three elections, the cost would be unlikely to exceed \$50 000 in current terms.

Following the elections earlier this year four members retired without pension entitlement. The aggregate payment to those members under item (10) would in total be \$46 912.

The Bill also contains a proposal, approved by the Government during the course of the previous Parliament, but in respect of which legislation was not introduced.

As members will be aware, under existing legislation new members of Parliament have the right, within three months of their election, to back-pay superannuation contributions to a date not earlier than 1 January in the year of their election. Any period for which contributions are so made is credited as contributory service for the purpose of assessing benefits payable under the Act.

As the basic pension entitlement of a member after the minimum period of seven years is increased by a percentage increment for each subsequently completed period of six months' contributory service, the option to back-pay contributions is of particular relevance to members of the Legislative Assembly. For members of the Legislative Council who are elected for a precise term of years the option does not have the same importance in this regard.

Members of both Houses will of course appreciate the added significance of the back-pay option should the proposal under item (9) be adopted.

The Act as it stands does not permit any extension of time beyond a three-month period for members to back-date contributions, nor does it confer upon the trustees any discretionary power to permit an extension of time where the circumstances justify such action.

Inquiries have revealed that many current members did not back-pay contributions on first becoming members. Generally the reason for this is that they were not acquainted with the provision early enough to exercise the option within the specified time.

There is no doubt that many would exercise the option now if they were able and it is considered only fair and reasonable that they should be given the opportunity to do so.

The Bill therefore contains a provision to give the trustees discretionary power to extend the time for the back-payment of contributions and to determine the amount of interest, if any, that should apply to those contributions.

The proposed amendment has been considered by the trustees and they have agreed that no interest charge will apply to any present member who has so far not back-paid contributions but who, following the introduction of this legislation, elects to do so, provided the appropriate payment is made to the fund within three months.

The members affected by this provision will be advised in writing of the position at an early date.

The Bill contains one further proposal.

In the course of preparing the proposed legislation some doubt arose in regard to the actual cessation date of a member of the Legislative Assembly who is not re-elected to the Parliament following an election.

The uncertainty stems from the fact that the Legislative Assembly is normally dissolved some weeks before an election and the relevant proposal clearly establishes the ceasing date in such instances as the date of the poll following a dissolution.

To assist members in following the observation I made in the last few paragraphs, I draw their attention to page 3 of the Bill, and in particular to clause 3. Probably some members do not know that technically they are not members of Parliament after Parliament is prorogued ready for an election. Others will recall that we had to amend the Salaries and Allowances Tribunal Act so that members could be paid legally up to the date of the poll, otherwise there was a vacuum of about six weeks.

One of the reasons we had to postpone the introduction of the Bill for a few months was that it was realised we could have people who would not have been able to benefit from what we have sought to do in this legislation—and it relates particularly of course to the 1980 election—unless that provision was inserted, which I have explained in the last two paragraphs of my notes. As a result the Bill had to be reprinted.

I want to thank the trustees for the assistance they have given in considering the submissions, and I want to thank also the review panel. Those new to the House might not know that the trustees are made up of members of Parliament from both Houses who represent the Liberal Party, the Australian Labor Party, and the National Country Party. Those trustees are re-elected each Parliament, not each year, and they are elected for the life of the Parliament.

I want to thank those trustees for the way they have studied everything brought before them and for the advice they have given me, as chairman of the trustees.

We are fortunate in that the review panel is composed of three people whose knowledge and integrity is indisputable. In matters of this kind it is good to have someone outside the parliamentary system looking at the provisions of such legislation and making recommendations. We could not have had a more desirable panel than one comprising Mr Townsing—a former Under Treasurer—Mr Barton—an actuary who works for the Government in matters actuarial—and Mr Lanigan—the Chairman of

the State Superannuation Board. Mr Lanigan has a wealth of experience on that board, and also as secretary of the trustees of the fund. To all of them I express my appreciation. I commend the Bill to the House.

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

## MINE WORKERS' RELIEF AMENDMENT BILL

### *Second Reading*

Debate resumed from 22 October.

**MR HARMAN** (Maylands) [11.43 a.m.]: In this Bill Parliament is being asked to agree to legislation which will wind up the Mine Workers' Relief Fund. The fund was established about 1914 so that mineworkers, and particularly those in the gold industry, would receive some form of payment if they contracted tuberculosis or silicosis. In 1932, because of the financial stress in which the fund found itself, it became necessary for the Government to intervene and to legislate to control the operations of the Mine Workers' Relief Fund. Just as an aside, I should tell the House that the Bill to establish the fund was introduced by the then member for Maylands, Mr Jack Scaddan, who was the then Minister for Mines, and now the present member for Maylands is speaking to a Bill which will bring about the demise of the fund. So perhaps there is an omen in that.

One of the problems facing us is the lack of information in the Minister's second reading speech when he introduced the Bill. We would have liked more information in respect of the number of contributors and beneficiaries, the amounts being paid out each year to the beneficiaries, the amount in the fund, and the amount of interest which the fund attracts. I have been able to obtain some of this information and this gives us a better perspective of the necessity for the legislation. Probably most members know that contributors to the fund at present are paying 70c a month. I am told there is about \$2.5 million in the fund. About 1 000 beneficiaries are receiving in the order of \$100 000 a year. Of course, the fund attracts interest well in excess of the amount that it is paying out each year. I think the interest would be around \$200 000 a year.

In 1976 the Mine Workers' Relief Board agreed that steps should be taken to wind up this fund because it had lost its relevance, and also other factors were involved. People working in the iron ore industry are obliged to contribute 70c a month. Contributions are made also by those in the beach sands and quarry industries. The

chances of people working in these industries contracting a silicotic condition is virtually nil. It was felt these people would not benefit at all from their contributions. Also, silicosis is now covered under the Workers' Compensation Act. So in view of all these factors, combined with the fact that only very small payments are received by the beneficiaries—to the extent of \$4 a person a week—it was agreed to set up a committee to report to the Government on ways and means to wind up the fund.

At the same time a referendum of the beneficiaries was held, and the result was almost unanimously in favour of winding up the fund. Since 1976 this committee has made various submissions to the Government. The Bill now before us is the result of those submissions, and it is in line with them.

So when this Bill is passed, the fund will be wound up. The beneficiaries will receive a lump sum payment to be determined by an actuary. The actuary will have regard to the amount in the fund, the life expectancy of each beneficiary, and also recognise that a certain amount must be left in the fund to cover the next three years. If, during that period, a mineworker finds that he has a silicotic condition, he can apply to the fund to receive a benefit either by way of a lump sum or a periodic payment.

Mr P. V. Jones: Three years and three months.

Mr HARMAN: That is right. So an amount must be left over to take care of the contingencies which may arise within the next three years and three months. At the expiration of that period the fund finally will be wound up and the beneficiaries at that time will be paid additional amounts by way of lump sums or, if they so require, they may have fortnightly payments continued. I understand in the latter case the payments will be made by the State Government Insurance Office.

The DEPUTY SPEAKER: Order! The level of members' private conversations is far too high. I would ask them to lower their output.

Mr HARMAN: The Opposition supports this measure. The one point that should be made—and I am sure my colleague from the goldfields will make it—is that we will see the demise of the Mine Workers' Relief Fund which was established for a special purpose. We are also cognisant of the fact that a pension scheme operates to cover the Collie coalmine workers, in respect of which we have heard some amendments proposed to the House a few moments ago. The Government and the mining industry should consider the introduction of some sort of pension

scheme for goldminers, and other miners engaged in the mining industry in this State.

I support the Bill.

MR E. T. EVANS (Kalgoorlie) [11.52 a.m.]: I also support the Bill, mainly because it repeals an Act which was relevant in 1932 but is no longer relevant in today's world. I have some reservations about the matter which I would like to express to the House.

This fund probably would be the most outdated, antiquated scheme ever to offer benefits to employees in any industry. A contribution of 35c a fortnight is compulsory for every mineworker in the State, and the only way miners can receive a benefit from the scheme is by first of all convincing the Workers' Compensation Board of Western Australia that they have contracted an industrial disease such as silicosis, pneumoconiosis, asbestosis, or whatever; then after the total benefit under the Workers' Compensation Act is exhausted, they receive the princely sum of \$4 a week until they die; and after they die their widows receive \$4 a week until they die.

Obviously that is an antiquated scheme in the present day, especially when one considers that a man who contracts silicosis probably would take 15 years to cut out his total entitlement under the Workers' Compensation Act, before he received anything from this benefit scheme.

While I support the repeal of this legislation, I would like to support the comments of the member for Maylands in respect of the introduction of a pension scheme with realistic benefits for all miners engaged in underground mines. Collie has led the way in this field. Under that scheme each miner contributes \$12.08 a fortnight. The companies in the mining industry at Collie contribute 3½ times that amount, and the fund is heavily subsidised by the State Government to the tune of \$120 000 a year at the moment, although I understand that will be reduced under the amending legislation introduced a short time ago.

A miner in that industry can retire at 60 years of age and receive a pension of \$257.90 a fortnight, which is \$54.40 above the old-age pension. The rate for a single person is \$163.30. Upon his death, the retired miner's wife receives \$142.20 a fortnight. I consider that to be a realistic scheme. I point out that every modern industrialised nation in the world where extensive underground mining occurs, has a pension scheme for miners. In some countries, notably America, West Germany, and Russia, miners retire at 55 years of age.



We should bear in mind the type of occupation undertaken by these men. Not everyone would like to work up to 4 000 or 5 000 feet underground, often under appalling conditions, at all times with the risk of injury, and always subject to industrial disease. If a miner gets right through to the age of 65, having spent his lifetime in the industry, he retires on the old-age pension without any additional benefit or assistance whatever. It is difficult to imagine how a man could work for 30 or 40 years in an underground mine without contracting some sort of industrial disease, even if it is only industrial deafness. It is very hard to convince the Workers' Compensation Board that one has a disease, as most miners and their representatives will tell us.

In conclusion, I support the repeal of this Act, and I would strongly urge the Minister and the Government to consider a pension scheme for all underground miners; because if we are to attract a stable and solid work force to exploit the minerals in Western Australia, we must offer them something which is compatible with the 1980s and not the 1930s. We must offer them conditions conducive to the 1980 situation.

For once I have not been critical of the Minister for Mines; and I would ask that he looks into the matter of a pension for all mineworkers.

**MR P. V. JONES** (Narrogin—Minister for Mines) [11.58 a.m.]: I thank the member for Kalgoorlie and the member for Maylands for their comments and their support of the Bill. The member for Maylands referred to the historic aspects of this legislation, as did the member for Kalgoorlie. We are dealing with a Statute that is some 48 years old, and we must take account of its relevance. We must take into consideration the matters to which I referred in my second reading speech. Not only do the sums of money involved lose their relevance over the years, but also other forms of welfare payments—social services and so on—have increased and have tended to take the place of benefits such as the one which is the subject of this Bill.

For example, although workers' compensation has been with us since 1912, it referred only to certain things at the time it was first introduced into the industrial framework within the State. Gradually its dimension has been widened and the payments have been increased, particularly since 1973.

Other factors make the repeal of this legislation acceptable. I thank the Opposition for its support.

The member for Kalgoorlie made some remarks regarding future retirement benefits or a pension scheme for underground miners as a

group of people—regardless, I assume, of whether they are mining gold, nickel, coal, or whatever it may be.

**Mr E. T. Evans:** I was referring to all underground miners.

**Mr P. V. JONES:** One needs to consider that suggestion in conjunction with all the relevant factors. By quoting the example of Collie, the member for Kalgoorlie is referring to an industry dealing with a particular product—coal; he is not referring to people extracting an array of various minerals around Collie.

Secondly, any such suggestion must be considered in the light of what already exists, whether it is on an individual company basis or whether it is on the basis of the total framework of workers' compensation, Commonwealth pensions or whatever other benefit may be available.

Indeed, one of the aspects of this legislation and also the other legislation which has been given a second reading today is that it acknowledges the fact that society now accepts that once a person is past a certain age, he is entitled to the provision of certain benefits and entitlements.

The suggestion of the member for Kalgoorlie also needs to be considered in the light of what is supplied by an employer and employee, bearing in mind that in the example of Collie, employees are, and have been for a long time, making contributions towards the fund to which we are now giving some attention. In the case of the legislation we are now repealing, not only are the employee and employer contributions at a low ebb, and the benefits at a low level but also those engaged in the industry declined to increase the payments they were making.

There was no willingness on the part of either workers or employers to increase the existing level of contributions. I understand that one of the reasons given at the time was that other avenues of financial benefit, such as pensions and other retirement assistance, were available. Notwithstanding that, there is a growing industry which needs to be considered in this regard.

Discussions have been held recently with the Chamber of Mines regarding the level of retirement benefits. One of the matters discussed, for example, was the relationship between the entire mining industry—not just the coalmining industry—and the State Government Insurance Office, where workers' compensation is involved. Other aspects have been pursued with individual companies. I take the point made by the member for Kalgoorlie.

I thank the Opposition for its support of the Bill.

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.

## PARLIAMENTARY SUPERANNUATION AMENDMENT BILL

*Message: Appropriations*

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

## TRANSPORT AMENDMENT BILL

*Second Reading*

Debate resumed from 22 October.

**MR McIVER** (Avon) [12.06 p.m.]: This Bill contains several provisions but in the main it is a machinery measure and, with slight reservations, has the support of the Opposition.

In the main, the Bill seeks to give additional responsibilities to the Commissioner of Transport. It will allow the commissioner to monitor closely the implementation of the next stage of the Government's land freight policy. His main role will be to ensure that the users of the system receive service.

In addition, in conjunction with other legislation which will come before this House, the Bill seeks to take certain responsibilities from the Director General of Transport and vest them with the commissioner. As members would know, when the Knox legislation was introduced to this Parliament, the Director General of Transport was given extensive powers in the field of transport. Many of those powers now are to be transferred to the Commissioner of Transport.

The provisions of the Bill regarding users receiving service will apply also to omnibus proprietors; in addition, people in the light aircraft industry will be given additional protection.

One of the minor provisions of the Bill is to extend from seven to 14 days the time within which permits must be lodged. As members would know, in order to expedite the application process, the procedure followed at the moment is that the permit is arranged by telephone, with a formal application to be submitted within seven days.

However, due to the vastness of our State, and the fact that many people live in isolated areas, in many cases the applications have not reached the Transport Commission within the prescribed seven-day period. That period now is to be extended to 14 days, and the Opposition has no objection to this proposal.

The Bill gives a clearer definition of "petrol" and "aviation fuel". It clears up the point that there is no levy on aviation spirit. Many people have been under the impression that aviation fuel has had a levy attaching to it; and the Bill ties that up.

There are penal provisions in this Bill. There will be penalties for infringements of the Transport Act, which will give the officers of the Transport Commission greater powers. If there are reasonable grounds, transport officers with warrants will be able to enter premises, inspect loads, check documents, and so on. The Bill gives them greater powers, and it also provides greater protection for officers of the Transport Commission. These officers who, after all, are only carrying out their duties and their responsibilities, have been the subject of abuse and assault on many occasions when they have been trying to ensure that the people connected with the transport industry adhere to the Act. Under this Bill, the penalties will increase to \$400 and imprisonment for six months.

Although there may be some objection to this aspect, I can say, from the inquiries I have made, that people realise the transport officers are not there to be abused. They are there to do a job.

There is a provision under which air service operators in Western Australia have to pay fees to the Transport Commission; but some of them are not controlled by the State legislation. Such people pay an *ex gratia* payment into the Treasury. The provision in the Bill allows those funds to go direct to the Transport Commission for the upgrading of airfields and aids in relation to the air transport section of the industry. That will give greater funds to the Transport Commission so it can increase the services.

I will deal now with my constructive criticism of the Bill. The Government has made great play of its land freight policy. The people of Western Australia were going to enter into a new dimension; they were to be given greater services with the implementation of this policy. In some sections, the policy is not working. I have always been of the opinion that it is all right to bring legislation to the Parliament and have it passed; but it is not right to do nothing more about it. It is very important, particularly in the transport

industry, to have an overall plan that will work. Greater attention should be given to it, particularly when it comes to breaches of the Act.

If members refer to section 48 of the Transport Act, they will find that a transport driver is not supposed to drive more than 14 hours per day; but in fact this particular section of the Act has not had much emphasis placed upon it. The situation has not been checked for years; and the situation now exists where the operators go to the commission for increased conditions and wages, and the employers are able to say, "This driver infringed the Transport Act by driving in excess of 14 hours", when in many cases the drivers have been instructed to do so by their employers. The employers have it both ways. They have their cake, and they are eating it as well. This is a matter which should be considered, because if we are to have increased penal clauses, they should apply to the employers and the employees equally.

Are the people in Western Australia really receiving the services that they should? Are the present policies effective? I want to read to the House a letter I received from the Manager of Peters Ice Cream (WA) Limited in Northam. This gentleman has just been transferred to a very senior position in Peters Ice Cream (WA) Limited, and so it is obvious he is not a novice in the field of commerce. I want to read this letter, because it highlights in a few paragraphs what I have been saying. The letter is as follows—

The policy change planned by the Road Transport Commission in having a licence free area of 150 km plus the South West areas, will have a drastic effect on our country frozen food operations, at Northam and Brunswick.

This is a very important point, and I ask members to listen to it—

Our Company has closed Branches at Moora, Merredin and Narrogin and this can be attributed to our clients buying direct from Perth, rather than through a country branch. Should the planned policy be implemented, the Branches mentioned will find it difficult to survive.

Could you make the R.T.C. aware of the situation that will arise should the policy be implemented.

I was in Kalbarri last week and concern was expressed by the storekeepers in the town, regarding the poor condition in which the stock was arriving. Although the contractor has been instructed to reduce the freezer temperature to  $-15^{\circ}\text{C}$ , its freezer unit has never been below  $+6^{\circ}\text{C}$  when it has

arrived at our Geraldton Branch to collect stock.

The R.T.C. have been aware of the situation for at least two years and have taken no effective action.

In all fairness to the Commissioner of Transport, I say I received this letter only this morning, and so I have not discussed it with him personally. However, as the letter was applicable to this debate, I thought I would bring it to the attention of the Minister. It continues—

The R.T.C. have also taken no action with unlicensed freezer/chiller operators servicing country areas from the Metro area, or the Kalbarri situation. Therefore, I can see few problems in servicing Kalbarri ourselves from our Geraldton Branch, with our own vehicles.

I would appreciate any assistance or comment Ken, and thanks for your help so far.

This brings me to the point where I do not want to say, "I told you so"; but when I was speaking in this Parliament when the Government took the freezer traffic from Westrail, I indicated this is what would happen. When one takes a modern service from the country towns in Western Australia, that is what happens. This letter indicates that.

As the member for the district, I do not want to stand by and see this large enterprise at Northam close, as this letter indicates. I do not want to see other country branches of Peters Ice Cream (WA) Limited close because of incompetence by the Transport Commission. Someone must be at fault, but I do not want to put the finger on anybody. However, I repeat the following part of that letter—

The R.T.C. have been aware of the situation for at least two years and have taken no effective action.

There is something wrong, and we have to make it right. The people in these areas are entitled to receive in good condition goods on which they pay a fair amount of freight. I will leave my remarks at that as I have not checked the matter with Mr Dyson.

I have a letter here dated 20 October from Mr Gilham, the General Manager of Bell Freightlines Pty. Ltd., but perhaps I should not quote from it as it has been addressed personally to the Minister.

Mr Rushton: He also sent a copy to the Press and it has appeared in *The West Australian*.

Mr McIVER: I received my copy only today.

Mr Rushton: Obviously someone from the organisation sent a copy to the Press. I was asked to comment and I said a few words about the matter yesterday or the day before.

Mr McIVER: The content of the letter relates to what has transpired since the Government took the freezer traffic from Westrail. The letter reads as follows—

Following the withdrawal by the West Australian Government Railways from the transport of freezer and chiller cargo throughout the southern part of the State in October 1977, the Transport Commission allocated the cargo to various road transport operators. For some time we have been concerned at the manner in which these licences were allocated without the calling of competitive tenders and the resultant high cost of freight to the residents of the towns involved.

In May 1978 tenders were called for freezer cargo from Perth to Cue, Mt. Magnet and Meekatharra and in July 1979 for a service from Perth to Menzies, Leonora and Laverton.

A comparison of the rates of the successful tenderers in these areas compared with the rates approved by the Transport Commission for operators in the south west of the State to whom the cargo was allocated in October 1977 produces some alarming facts, for example:

1. The cost for up to half a tonne of freezer cargo from Perth to Kalgoorlie is 240 per cent higher than the same consignment to Laverton, although the distance is 38 per cent less.

That reveals a great disparity which should be investigated.

During the last session of Parliament I asked some pertinent questions in relation to this matter because the people in Kalgoorlie were having to pay higher costs for their freight than people in centres such as Laverton and beyond. From memory, the replies I received indicated that the road transport vehicles conveying freight from Perth to Kalgoorlie were making intermediate stops. I cannot see how that would increase the freight rate to this degree, if the figures are in fact correct. Something is amiss. Something is breaking down with the Government's land freight policy which it tells the people is a marvellous concept. Already there is a breakdown and we are only just implementing the second stage of the policy. I shall continue quoting from the letter—

2. The cost of up to half a tonne of freezer cargo from Perth to Geraldton is from between 15 per cent and 20 per cent higher than the cost of the same consignment to Meekatharra although the distance to Geraldton is only 55 per cent of the distance to Meekatharra.
3. The cost to Albany for up to half a tonne of freezer cargo is 290 per cent higher than the same consignment to Laverton although the distance to Albany is approximately half the distance to Laverton.

When all this is considered we realise that only one group is suffering, and it is not the transport companies. Naturally, it is the people who have to pay the extra charges passed on to them.

It is no wonder that we constantly see letters published in the Press and hear from members of Parliament who represent country people highlighting the great cost of living in the country in comparison with the costs in the metropolitan area. The Government has to come to grips with this problem once and for all and implement a policy which will be equitable for country people. To continue quoting—

In summary:

The cost per mile to Kalgoorlie is 380 per cent higher than the cost to Laverton.

The cost per mile to Geraldton is 230 per cent higher than the cost per mile to Meekatharra.

The cost per mile from Perth to Albany is 480 per cent higher than from Perth to Laverton.

It is apparent from these comparisons and from the analysis sheet attached, that to the towns where sole licences were allocated and the transport rights not won by tender, rates are between 144 per cent and 480 per cent higher than the rates obtained when competitive tenders were called.

Despite a lengthy exchange of correspondence between our Company and the Commissioner of Transport, he has not agreed to call tenders for this cartage, but has only confirmed that "the whole question will be reviewed in October 1980 when a decision will be made as to the future course of action".

No doubt the commissioner had in mind the Bill before the Parliament now. To continue—

It is quite clear that the present cartage rates for freezer cargo to the southern part of

the State are completely unrealistic compared with the rates obtained to the Meekatharra and Laverton areas by competitive tendering.

We request that without delay, tenders be called for the provision of freezer/chiller services to the towns of Geraldton, Kalgoorlie, Albany, Esperance and Bunbury and all other areas presently serviced by transport operators to whom the cargo was allocated rather than winning it by competitive tender.

The substantial reductions in freight rates that will be obtained by tendering will reflect in decreases in the cost of food and consumables in the areas concerned and a subsequent reduction in the cost of living in the country areas.

I certainly agree with that. No doubt the Minister will reply to this correspondence and I respectfully request that he supply me with a copy of his letter for my information in my position as shadow Minister for Transport. I would like to know whether the figures contained in Mr Gilham's letter are correct and also to establish whether the directors of Peters Ice Cream (W.A.) Ltd. are correct in suggesting that their establishments in places such as Northam and Narrogin will close down because of bureaucratic decisions which could impair future operations in country areas.

As I said at the outset, the Opposition does not oppose the machinery sections of this Bill; but I felt it was incumbent upon me to highlight the situation with respect to freight rates in country areas. Although we have tackled this situation in past sessions, it is quite evident that we are failing and not doing our job correctly. Something is amiss. With those comments I indicate the Opposition's support for the measure.

**MR COWAN** (Merredin) [12.29 p.m.]: Members will recall that when the first of the amendments to the Transport Act were introduced into this House, we stated that whilst the rhetoric was fine, we did not see a great deal in the amendments that would achieve results. After something like six months of implementation of the Government's new land freight transport policy we can repeat that statement with a great deal of conviction, particularly as it applies to people living in the outer areas of the State.

There has been nothing in the Government's new land freight policy which has been of benefit to people living more than 200 kilometres from

Perth or more than 150 kilometres from major rural towns.

The long-running and much-publicised debate on grain freight rates would be the best example of the fact that people living outside the deregulated areas, as they are called, have received no benefits whatever from the Government's current policy.

The Bill before us widens the power of the Commissioner of Transport and, in doing so, removes some of the responsibilities of the Director General of Transport. We have always accepted the role of the Transport Commission is to examine and make recommendations to the Government in regard to transport policy in Western Australia. We would be interested to hear from the Minister exactly what is intended by the Government in regard to the person who holds the position of Director General of Transport. If his powers are to be diminished, I should like an indication from the Minister that the very high salary paid to him will be earned.

The Bill deals with some minor matters, such as the increase in the period of time during which people may make an application in writing for a permit to transport particular goods, provided they have already telephoned for a permit. We agree with that entirely.

One matter to which the party is implacably opposed is the extension of the investigatory powers of the officers of the commission. As far as we are concerned, we are getting closer and closer to a police State in more ways than one.

In the past, Transport Commission officers have been quite successful in their pursuit of people who have been transporting goods illegally in this State. I fail to see why the Minister should bring before the House legislation which gives even more powers to the officers of the Transport Commission so that they will be able to enter premises, demand invoice sheets, despatch notices, and in fact do anything at all which will enable them successfully to prosecute people who may or may not be carting goods illegally.

If the Minister takes the view people are transporting goods illegally, it is clear there must be a reason for it and that reason would be obvious even to the Minister.

**Mr Stephens:** He tried to tell us that metropolitan consumers met the cost of the transport of goods and produce into Perth.

**Mr COWAN:** I agree with the member who has just interjected, but in this case I should like to give him the benefit of the doubt.

When we have a transport system which by way of regulation imposes an inflated cost on transport, surely we should look at deregulating the transport system. The Minister says this is what is being done; but regrettably it is being done in the wrong areas. So far as we are concerned, we believe nothing in this Bill benefits people who live outside the deregulated area. Certainly nothing has been done by the Government to assist the small transport operator who lives in a rural town. Such people form a significant part of the community in those towns.

I am talking about a person who makes his basic living from the transportation of livestock, but who has been forced to move into the wider fields of transportation in order to survive the increasing cost pressures of the transport industry. This particular businessman finds himself in a position where it is most difficult for him to make a living inside the law as it applies. This Government allegedly supports private enterprise, but nothing has been done by it to assist these people and to give them an opportunity to make a reasonable living.

I have no doubt some of the major transport companies based in the urban area are doing particularly well from the policy of the Government. However, nothing has been done for, and no concessions have been given to those people who live in small towns and who base a major part of their earnings on the transport of livestock. In order to be profitable, these people are required to transport other commodities and they have not been given any assistance by the Government.

If we see any further amendments to this legislation, it would be appropriate for the Minister to give some consideration to this segment of the transport industry in the hope that these people will find it less difficult to make a living inside the auspices of the law.

We have been rather vocal about the Government's land freight transport policy. We have no objection to the machinery provisions contained in the Bill, but we are very concerned about the increased powers which will be given to the investigating officers of the Transport Commission. We are opposed to those powers. We believe we are quickly approaching a police State. As far as we are concerned, the powers which exist at the present time are adequate and the penalties are adequate also.

I notice in his second reading speech on the Bill, the Minister talks about having more appropriate penalties for people who transport goods without a licence. I know of one transport

operator who was fined \$1 200 for transporting goods without a licence. If that is an inappropriate fine, it is clear inflation has really been galloping in the last six months. As far as I am concerned, any transport operator who faces a fine of that magnitude is being dealt with in a most appropriate manner! The Minister and his officers are way out of line. They are trying to grab far too much power and far too much money for Consolidated Revenue.

Whilst we support the second reading of the Bill, I indicate we will oppose some of the clauses during the Committee stage.

**MR RUSHTON** (Dale—Minister for Transport) [12.37 p.m.]: I should like to convey to the members for Avon and Merredin my appreciation for the comments they have made and for some of the constructive support they have given in different areas.

The member for Avon indicated that, in many ways, this is a machinery Bill. He referred to each of the items involved, but I will not go through them one by one. Rather I shall deal with the issues briefly at the present time and go into them in more detail in the Committee stage. The member for Merredin indicated he wished to debate certain clauses during the Committee stage and we shall deal with them at that time.

As has been mentioned previously, these changes will be introduced from time to time as they become necessary during the introduction of the new freight policy. Most members would acknowledge the reason we have had a regulatory system for approximately 50 years; that is, to ensure the protection of the rail system. We are endeavouring now to remove many of the anomalies, but we want to retain a strong railway system.

The member for Merredin criticised the length of time taken to make these changes, but I should like to point out the transition cannot be achieved overnight. My information is, if the changes were introduced too quickly, there would be adverse effects on the rail system.

Westrail needs time to adjust to a more competitive position and the Government is endeavouring to give it that time. It is anticipated changes will be introduced gradually and it will take approximately seven years for the complete transition to occur.

We will do our utmost to see that it is done more quickly. I certainly respect the advice I received from the transport advisers; of course, Westrail is a prominent contributor. There are good reasons for delay. I expected criticism to the effect that we are not going quickly enough from

people not fully acquainted with the policy and the phasing in of the policy. What we are doing is responsible. I think the member for Avon adverted to these points.

He acknowledged—if not today it was at another time—that there needs to be recognition that the railway system should be retained for the benefit of the State. I think that is acknowledged by the member for Avon and all other members of the House.

I will speak to the points the member for Avon raised. He spoke about section 48 and how it is misused from time to time. One realises this when one considers the criticism by drivers that there is interference in their freedoms. They want some flexibility and choice. While I have been in this portfolio I have had put before me all sorts of ways on how we could rectify the problem, and the Commissioner of Transport has had such thoughts put before him. If the member has a precise recommendation in this regard I would be pleased to have it. Other countries use all sorts of methods to control this aspect of the industry but the people from whom I have received quite an amount of resistance are the drivers. They do not want to have regimentation, but one has to have regard to the safety and well-being of the people involved. As the member said, if the situation reached the stage of an employer forcing these people to work beyond a reasonable time that would be an issue for which one would have great concern.

If he has a case to put forward I would be happy to receive it to see what should be done.

The member cited a letter from the manager of the Northam branch of Peters Ice Cream. I would be happy to have a copy of it so that I could have it examined and respond to it.

Apart from that there is the question of freezer-chiller services which is under review at the moment, and recommendations will come forward relating to the freeing of this service.

Mr McIver: Would you agree that if a contractor does not fulfil his duty and if he does not supply that service or runs an antiquated service—his freezer is not operating correctly—that he should have his service taken from him?

Mr RUSHTON: I expect the member is referring to the run between Geraldton and Kalbarri, but I am glad he raised the matter. The members in that area, the Hon. Miss McAleer and the Hon. Tom McNeil, have requested that action be taken.

Mr McIver: I have no qualms about that, but irrespective of where the services are operating, if

the operator is not doing his job the service should be given to someone else in the same manner that employment is given to a person who can do his job.

Mr RUSHTON: I accept that. The fact is that the service is being investigated. From Peters' point of view and the carrier's point of view, counterclaims exist. The operator made charges against Peters and Peters made charges against the operator. This matter has been investigated by the Commissioner of Transport and replies have been given to the people involved. As I understand the position, it is now satisfactory. If it is not, the responsibility rests with the Commissioner of Transport to see that something is done. He took a positive stand and acted accordingly.

What is interesting about the Kalbarri situation—I flew there last year at the request of the member for Greenough—is that people there were not satisfied at that time with the service. They made claims that the freight cost was substantial. I had a list of the freight charges which indicated they were minimal when compared with the mark up cost of the products being transported. When I read out those figures to the meeting the whole atmosphere changed. I think the member for Avon should have to be thorough in his investigation of any claims.

Mr McIver: That would not change the vehicle if the vehicle were not up to standard.

Mr RUSHTON: The point made is quite valid.

Mr B. T. Burke: The points he makes are always valid.

Mr RUSHTON: The commissioner took steps to have the vehicle checked to ensure a satisfactory service. The claim that the refrigerated section of the vehicle was not operating at the correct temperature has been investigated and necessary action has been taken. I want to make sure the member knows that this matter was given attention. Claims and counterclaims were made relating to that issue and these differing points of view have been given attention.

The other point he touched upon related to Westrail and the freezer-chiller service. He said that in his view Westrail should continue with that service.

Mr B. T. Burke: Hear, hear!

Mr RUSHTON: He said the changes were made before my time in this portfolio.

Mr B. T. Burke: You cannot have responsibilities like that!

Mr RUSHTON: I do not wish to, but I am fully aware of the impact at that time of the

recommendation which came from Westrail and the Transport Commission. It was recommended that changes should be made. The changes relate to health requirements; Westrail could not deliver the service in the way it was required by the Health Act. For my part, the results of those decisions are being monitored. The claims made by Bell Freightlines Pty. Ltd., the freezer-chiller operator involved, are very interesting.

Bell Freightlines obviously wants to take on the business itself; I accept that is part of normal company strategies and objectives. We are forward in our review of the service and decisions will be taken in the near future. The company is aware that the review is taking place and it is trying to make sure that it has the opportunity of tendering for this service.

In the main I think the member was making the point that the service is not satisfactory or that the policy had not been introduced satisfactorily. He has not proved his point of view. We are in the early days of introducing the service of which there is constant monitoring. As he mentioned earlier, the commissioner has the responsibility to ensure that the consumer receives a satisfactory service and this responsibility is accepted. I think he would have to agree that if he put a case of concern to the commissioner he would receive a ready response. He would have to acknowledge that.

Mr McIver: There is no question about that.

Mr RUSHTON: We should be conscious of the issue involved. We are changing from a regulatory system to a system of freedom of choice, and while we do that we have to make sure the rail system is retained in a healthy condition.

The member for Merredin raised a number of points and one related to his impatience waiting for the results of the review. He acknowledged that there had been gains to some people in the inner areas. That is acknowledged at least. However, one cannot cover the whole State at one time. The other point he raised related to stock carriers. I indicate to him that some regard has been given to this matter and appropriate action will come up in legislation to be introduced, not by me but my colleague the Chief Secretary. This matter will be given attention then.

The member indicated that he would say more during the Committee stage so I will leave the matter till then.

I appreciate the comments and support given. The proposed legislation has my full support and has the objective of improving the transport system in Western Australia. It is a gradual process of introduction. I believe there will be

quite considerable gains for growers as we go through the introduction of the new policy, a matter which was touched on briefly by the member for Merredin. Today, I met representatives of the grain industry who expressed to me their appreciation of the work we have done so far, and obviously because of improvements that could result from the introduction of the new freight policies. There is a changed approach to resolve some of the long-standing problems experienced in the transport of grain.

If the member would like to discuss the matter more fully with me at another time I will do so, but at this stage I commend the Bill to the House.

Question put and passed.

Bill read a second time.

### *In Committee*

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Rushton (Minister for Transport) in charge of the Bill.

Clauses 1 to 12 put and passed.

Clause 13: Section 49 amended—

Mr COWAN: This clause amends section 49 of the principal Act as it relates to the investigatory powers of the officers of the Transport Commission. In the past the investigatory approaches of the commission have been successful in its attempts to ensure that the regulations which relate to the transport of goods are upheld. I believe there have been enough prosecutions coming before the courts to ensure that the majority of people in the transport industry comply with the law. However, we have a situation now where the Minister is seeking, with this clause, to enable police officers or officers of the commission to enter premises.

For example, they may enter the premises of, say, CSBP and make a demand for their advice notices, despatch notices, invoices, or any material at all. I believe this is going a little overboard.

Mr Sibson: They will have a warrant.

Mr COWAN: Of course they will; the honourable member does not think they would not, does he?

The powers contained in the principal Act were adequate because successful prosecutions were made. I do not wish to be a part of any contribution which turns this State into a police State. Therefore, the National Party opposes this clause.

Mr RUSHTON: One has to make up one's mind about law and order and what is reasonable



and what is not. It is obvious that people do not abide by the law and there are many people who just drive on and refuse to stop and accept the lesser penalty.

This clause is presenting a definition and a clarification of the present situation and it is not an extension of what can be done now.

Mr Cowan: They can't do it now.

Mr RUSHTON: The CIB or the police can be asked to carry out a search. Clause 13 is a totally satisfactory arrangement and a reasonable approach.

The National Party members have to make up their minds as to what is reasonable to support people who are operating in a legal way and to restrict others who are wishing to break the law.

Mr Cowan: We have made up our minds, and we believe this is unreasonable.

Clause put and a division taken with the following result—

#### Ayes 35

Mr Bertram	Mr O'Connor
Mr Bryce	Mr Old
Mr B. T. Burke	Mr Parker
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Rushton
Mr Clarko	Mr Sibson
Mr Coyne	Mr Sodeman
Mr E. T. Evans	Mr Spriggs
Mr Grewar	Mr Taylor
Mr Harman	Mr Tonkin
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Tubby
Mr Hodge	Mr Watt
Mr T. H. Jones	Mr Wilson
Mr MacKinnon	Mr Young
Mr McIver	Mr Bateman
Mr Mensaros	
Mr Nanovich	Mr Shalders

(Teller)

(Teller)

#### Noes 2

Mr Cowan	Mr Stephens
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(Teller)

Clause thus passed.

*Sitting suspended from 1.00 to 2.15 p.m.*

Clauses 14 to 16 put and passed.

Title put and passed.

#### Report

Bill reported, without amendment, and the report adopted.

### MINISTER FOR EDUCATION AND CULTURAL AFFAIRS

*Lack of Confidence of the House: Motion*

Debate resumed from 29 October.

MR GRAYDEN (South Perth—Minister for Education) [2.17 p.m.]: In continuation of my remarks, I shall be very brief.

(91)

Mr Bryce: We promise not to interject.

Mr GRAYDEN: I do not think the motion moved by the member for Gosnells really warrants a reply.

Mr Bryce: After four hours!

Mr GRAYDEN: May I say there is one paramount need in respect of the Belmont Senior High School.

Mr Davies: The need is for a new school.

Mr GRAYDEN: We must start to think in a constructive way about the school and its future.

Mr T. H. Jones: A good night's sleep has done you well.

Mr GRAYDEN: It is important not to regard the school as being inferior because this would cause concern to both the students and the parents. The Belmont Senior High School is not under-privileged, and any claims that it is are, of course, false. Actually, in the past the school has been a leader in some fields.

Mr B. T. Burke: In falling down!

Mr GRAYDEN: The school has been a leader, and has pioneered many courses. Pre-vocational education was pioneered at this school.

Mr Bryce: Fixing up their own buildings.

Mr GRAYDEN: It pioneered the employment of a full-time nurse, which has been followed by most secondary schools in the State. It is one of the eight schools selected for the special gifted schools project. It can be seen, therefore, it is absolutely false to talk in terms of this school being under-privileged.

Mr Carr: But you were talking about the low morale.

Mr GRAYDEN: Surely, there is a low morale, and I will deal with that matter also.

A paramount need is that we should start to think about the school and its future.

Mr Davies: We have been saying this since 1978.

Mr GRAYDEN: I reiterate: It is most unfortunate that this confrontation has been planned at a time possibly only two weeks away from the examinations for the students at the school.

A meeting has been arranged for tomorrow with the school building committee, comprising some 18 members, together with some representatives of the local authority.

Mr Skidmore: Have you invited the president?

Mr GRAYDEN: The building programme for the Belmont Senior High School is unchanged; it is exactly along the lines promised by the previous Minister for Education.

As members will be aware, yesterday we received a deputation from the young people at the school. They suggested they could do without the oval for a few years. I had that matter checked out this morning and, unfortunately, the information which we have gained does not appear to agree with the opinion put forward by the young people. The Superintendent of Education, (Physical Health) (Len Pavay), reported after examining the position this morning.

It was suggested yesterday by the young people in the deputation that they could make use of the oval belonging to the primary school next door because it was seldom used. Alternatively, they said they could use two other ovals apparently owned by the local authority.

The significant part of the report I received this morning suggests that the use of the Cloverdale Primary School oval, as an alternative, is not practicable because it is used constantly by the primary school students. In fact, on occasions during the week the primary school students make use of almost half the senior high school oval because of the limit of its own grassed area.

I regard that as most unfortunate because the information supplied to us was that the oval was seldom used. It was suggested that if we went ahead on the site proposed by the building committee we would be able to make use of the primary school oval. Quite obviously, that will not be possible.

Then in respect of other ovals in the area, the Superintendent of Education (Physical Health), said—

The nearest oval to Belmont Senior High School is Forster Park, approximately 3 kms away in Abernethy Road. The transporting of students on a regular basis for Physical Education could not be contemplated if this meant that Physical Education staff members were required to act as bus drivers. Furthermore, the effect of such an arrangement on the Physical Education programme would be devastating if pursued over a significant period.

So again it would seem we are practically back to square one. At this meeting tomorrow we will put these matters before the building committee, and the building committee must take into consideration that if we proceed on the lines it

suggests the children of the Belmont Senior High School will be without an oval for many years.

The Department of Physical Health of the Education Department is strongly opposed to any suggestion of that kind, but nevertheless, it is something we must work out with the parents tomorrow. I understand that the member for East Metropolitan Province (the Hon. R. Hetherington) and the member for Ascot are members of the building committee.

Mr Harman: Sounds like a good committee!

Mr GRAYDEN: No doubt those members are familiar with the ovals I have referred to, and I understand that they will be at the discussions tomorrow.

I repeat: If possible, we want to work out something that is in accord with the wishes of the parents but we will put all our objections to them and certainly we cannot deny the children of that school the use of an oval for an extended period.

Mr B. T. Burke: Last night you said that the member for the East Metropolitan Province was a conspirator trying to stop this progress.

Mr GRAYDEN: Last night I referred to the delays which have taken place over at least two years.

Mr B. T. Burke: Two years. What makes you think they have changed now? You were not going to deal with them.

Mr GRAYDEN: I hope that everybody associated with that school in any way at all, whether the parents—

Mr Harman: Politicians!

Mr GRAYDEN:—staff, or students will take a constructive approach to the whole problem recognising that there are extreme difficulties. However, we must ensure that the welfare of the students is of paramount importance.

I objected to the fact that a confrontation of this kind should have occurred at this particular time when examinations are to be held in a week or two. This morning we even considered the possibility of offering students affected in this way the use of other schools in the area. However, the idea was discarded because it was felt the period before the examinations is too short. In any case, there is nothing educationally adverse in the school itself.

I believe, however, that a great deal could be accomplished in regard to morale. As a preliminary step, we intend to instruct the principal to remove from the foyer the photographs which presently festoon the walls. These photographs depict trouble spots in the school. We do not believe the students at the

school can have a high morale if, when entering the school, they are confronted with photographs of places where the paint is peeling off the wall, etc. I have made inquiries about the curtains at the school.

Mr Bryce: Are you going to apologise?

Mr GRAYDEN: I am dismayed that the school has not been able to solve that problem.

Mr Bryce: Are you going to apologise?

Mr GRAYDEN: About what?

Mr Bryce: Over the curtains?

Mr GRAYDEN: Why?

Mr Bryce: Because your director of planning struck an agreement with the principal to do nothing about repairs of that sort while the whole building was under review.

Mr GRAYDEN: That being the case, the principal should not have complained to the Press. In the science block the curtains are actually rotting off the curtain rod, and the morale of those at the school must be affected while that is allowed to continue. I have been in touch with the Public Works Department, and I was told that if the school is not able to replace the curtains, the department will regard it as an item of maintenance and it will replace the curtains in the science block.

The replacement of the curtains and the removal of the photographs will help to restore the morale of those at the school. Also, I have asked the principal to come up with initiatives with which we will co-operate in an endeavour to restore a sense of pride in the students.

The member for Ascot might be interested in the enrolment figures of the school. They are as follows—

1975	1 332
1976	1 369
1977	1 287
1978	1 203
1979	1 020
1980	999

So there was a fairly substantial drop in numbers between 1975 and 1980—a drop of 333. The situation for the future is interesting. The expected enrolments are as follows—

1981	940
1982	880
1983	830
1984	820
1985	800
1986	760

So a school with 700 students is not really a very big one. Those predicted enrolments will have an

effect on the school which is eventually constructed.

The whole object of bringing on this debate this afternoon is to permit the Opposition to speak. Therefore, I intend to conclude my remarks.

May I conclude on this note: I reiterate once again that the future of the children of this school and of the school itself must be paramount. I would urge all those associated in any way with the school to cease the confrontation which has been taking place and to go along to the meeting tomorrow with the object of attempting to seek a solution. I am quite certain that if all parties approach the talks in that spirit, we will arrive at a solution which is acceptable to all.

MR BRYCE (Ascot) [2.31 p.m.]: Now that the Minister has had a change of heart in respect of the future of the Belmont Senior High School, the decent thing for him to do is to tender a public apology to the principal of that school. Having tendered that public apology to the principal of the school, the Minister for Education should then turn to his own planning department and institute an inquiry in respect of its competence and effectiveness. Because of that department we are in the middle of a controversy in respect of plans to replace the Belmont Senior High School. These plans should have been completed many months ago and building should now be under way.

It is my view and it has been my bitter experience in the negotiations to date, essentially with the planning department of the Education Department, that the original undertaking given in good faith by the then Minister for Education (Mr P. V. Jones)—I mean this as no pun, given the condition of the Belmont Senior High School—was effectively “white-anted” by the planning department of the Education Department. The co-operation simply was not there. This leads me to the conclusion there are too many people within that department who do not understand the meaning of consultation with community groups. They do not want that consultation and they do practically everything within their power to frustrate meaningful consultation.

Having said that I believe the Minister should tender a public apology to the Principal of the Belmont Senior High School, I should like to make some brief remarks about the Minister's demeaning and unethical attack on the principal. Members in this place will recall that over the last few days, the Minister has accused the Principal of the Belmont Senior High School, and blamed him for a whole range of different things. The Minister has implied that the school's

administration was slipshod; he has blamed the principal for vandalism; he has accused the principal of negligence in respect of repairs and maintenance; he has accused the principal of being responsible for what the Minister alleges is low morale in the school; he has also accused the principal of politicising public or community discussion in respect of the rebuilding of the school.

In respect of each and every one of those arguments, the Minister is palpably wrong. The tremendous amount and variety of public support for the principal clearly demonstrates that the Minister's judgment was wrong, and the decent thing for the Minister to do now is to apologise to the principal. As I say, in respect of each and every one of those arguments the Minister was wrong, and I intend to demonstrate that the principal was quite correct.

The member for Gosnells stated some hours ago that it was unprecedented for a Minister for Education publicly to attack in such a personal fashion a principal of one of the schools for which he was ministerially responsible. I do not think any of us can remember such an attack being perpetrated through the media. Had the Minister been serious in his desire to bring this principal to task, he could have achieved that aim through normal channels within the department, which would have involved correspondence.

The strange thing is that the political head of this State's education system—the Minister for Education—should choose to unleash a broadside on the Principal of the Belmont Senior High School because a television station asked that principal to comment on the accuracy or otherwise of allegations regarding his school. When the principal publicly stated he believed various things were true, and went on to describe the conditions within his school, the Minister had the hide to say that in doing so, the principal was criticising the Minister for Education, and, therefore, was making a political attack on the Minister.

The only person who turned this issue into a political football was the Minister for Education, who is the political head of our education system. The Minister, in his barnstorming fashion, with no regard for the accuracy of the facts he was about to use, unleashed a "knee-jerk" reaction type of attack on the principal in respect of the five issues to which I just referred.

Every principal of every school in Western Australia now must beware that this could happen to him. This Minister has indicated he is prepared to set up his principals as sitting ducks

and declare war on them through the media, rather than utilising the usual channels. Those principals should not be cowered by the threats and the table-thumping of the Minister for Education; they should stand up for what they believe to be right and proper; they should have the courage of their convictions to speak out when it is appropriate and necessary. It is not appropriate for them to be cowered and it would certainly be a disservice to the education system for them to weaken when they believed matters in respect of their schools warranted fair, accurate, and truthful public debate.

Mr Grayden: Are you saying I should take disciplinary action through the department rather than making a comment in respect of those allegations?

Mr BRYCE: Not disciplinary action. If the Minister for Education wants to issue an instruction to a principal, the correct, appropriate, and decent thing to do is to handle the matter by correspondence. I know for a fact that plenty of telephone messages and letters pass between the Minister's office and schools.

Mr Grayden: But does it not also work the other way? Do you not believe that is the line of communication as far as the teachers are concerned?

Mr BRYCE: Is the Minister now saying he does not expect his principals to make any public comment?

Mr Grayden: I am not saying that at all. However, if there is a problem I think the principals should remedy it through the normal channels.

Mr BRYCE: Not only the principal and the students but also the committee of the Belmont Senior High School are well aware that two long years of frustration has been the result of doing the right, decent, and proper thing, and negotiating with the Education Department.

One of the regretful things about this particular situation is the change of portfolio half-way through the negotiations and discussions to rebuild the school.

But let me make some reference to the man who has been vilified publicly by the Minister for Education. Those of us who have had any degree of close association with the Belmont Senior High School know this principal to be an honourable man. He is energetic and competent; his enthusiasm for the work within his school has been a breath of fresh air to the students and the school community in the broadest sense.

Mr Sibson: And in particular the Labor Party.

Mr BRYCE: It just so happens that there are other members of this House apart from myself who have had direct working relationships with this principal by virtue of his appointment within their communities. I know the member for Gascoyne thinks highly of this principal; I know the member for Avon thinks highly of this principal; I know the member for Canning thinks highly of this principal; because those members had a close working relationship with him when he was in charge of a school in their communities.

This man has been vilified by the Minister and he has received an enormous amount of support from the people who know his true worth. I draw members' attention to some of the people who have come out and spoken in support of him, who have voiced the opinion that they believe the attacks upon him to be unreasonable, unfair, unwarranted, and unnecessary. This afternoon we are saying that these attacks are unethical. I draw attention to the sorts of organisations and people who have supported the principal.

Mr Grayden: Are you aware that I have not made one single statement about him? I have replied only to statements which he has made.

Mr Davies: But in what way?

Mr BRYCE: I will leave the Minister's interjection to be judged by the House and for anyone who has followed the issue who may read *Hansard*.

Perhaps I could start with the resolution yesterday of the WA High School Principals Association which condemned the Minister for Education for what it described as his personal attack on Mr Carlson.

Mr Williams: That is only political.

Mr BRYCE: The spokesman for the centre ranks of Sunshine Alley knows nothing about education.

Mr B. T. Burke: Or anything else!

Mr BRYCE: This association condemned the Minister's comments for what it described as a personal and unwarranted attack on Mr David Carlson. That is not my judgment, but the judgment of the WA High School Principals Association.

Mr Grayden: I have made no personal attack.

Mr BRYCE: The Minister says there has been no personal attack. Certain members of the staff of the Belmont Senior High School who are members of the Liberal Party have judged the attacks by the Minister to be personal, unethical, unreasonable, and unwarranted.

Mr MacKinnon: Who are those members of the staff?

Mr BRYCE: Would not the Minister like me to set them up in Parliament! I will inform the Minister privately in the corridor after the debate has been concluded. There are at least two members of the staff in this category. One stood up at a public meeting the other night and deplored the politicisation of the discussions. This member of the Liberal Party who is a member of the school staff has done an enormous amount of work to try to achieve the rebuilding of the school. His efforts and those of everyone else have met the same frustration from the Education Department's planning division.

The WA High School Principals Association said in its public statement that its comments were not of a political nature; it insists that the principals who comprise the association reflect the opinions right across the broadest range of the political spectrum. So, for the benefit of the member for Clontarf, it is inappropriate and irrelevant to suggest that this association is a political body.

Mr Williams: There is an appropriate manner in which to go about these things.

Mr BRYCE: One of the tragedies of this entire situation has been that the Minister's point of view has been plastered right across the most prominent pages of the newspapers for the last week. The story has monopolised the local sections of television news coverages. So when the Minister says the principals have not got his side of the argument, one might ask what additional resources does the Minister want to get his point of view across? I would have said he had hogged the news programmes in respect of this matter over the last fortnight.

Mr Grayden: There has been a 30-fold increase in vandalism in three years.

Mr BRYCE: When the Minister presented that statistic to this House, if he had been dinkum in expressing some concern about vandalism in the high school, he should have taken the trouble to compare the increase in vandalism at that school with the increase in vandalism at the South Fremantle school, Governor Stirling, Hollywood, and in other schools in the metropolitan area. I guarantee the Minister has not done that. I know sufficient of the inside workings of high schools to know that happens to be a common problem which is of very great concern to practically every principal and every school administration not just in the metropolitan area but throughout the State.

This has been the sort of comment which has made the Minister a fool and a laughing stock in the entire education field. He will find it hard to

put his face inside a school after some of these statements.

Mr Grayden: I have had teachers tell me that they deplore the vandalism. They have given me reasons for this occurring. They were not from Belmont.

Mr Davies: Name them.

Mr BRYCE: I will put a question on notice and ask the Minister to produce the self-same figures in respect of half a dozen other similar schools.

Mr Grayden: I will take you up on that.

Mr B. T. Burke: You should have done it before you made your statements.

Mr BRYCE: The point made by the member for Balcatta is quite correct. The Minister does not check his facts with the department; he does not check the validity of what he is about to say. He operates on the basis of a knee-jerk reaction; he then rushes out and subsequently changes his mind. During the course of his speech he changed his mind on half a dozen matters.

Mr Grayden: In what way?

Mr BRYCE: I have a list of them here. It is this problem that worries us most in the community I represent. Last night the Minister promised that the old wooden-framed buildings in the school would be rebuilt.

Mr Grayden: Over a period of years.

Mr BRYCE: What we are concerned about is that next week we may be told that that period of years may be 10 or 15, or some other time in the future.

Mr Grayden: It has been estimated that the life of certain buildings is between six and 10 years; so it will not be more than 10 years.

Mr BRYCE: This has been precisely the basis of the indecision of and the vagueness of undertakings given by the Education Department over the last two years which have led to the misunderstandings. No-one has been prepared to say in respect of this school rebuilding programme, "This is exactly the extent to which the department is prepared to go." The letters have been written using those beautiful forms of phrase which give the subsequent outlet if the Minister or the department decide to change its mind. This has been the reason for the parents associated with the matter to be on edge.

The first undertaking was that the school's old wooden-framed buildings would be rebuilt. The next series of letters that arrived at the school said that these buildings would be upgraded—not demolished and rebuilt, but upgraded. For six or eight months there was argument about what was

meant by "upgraded". No-one would tell the parent group. Then someone said, "We cannot afford to demolish all these timber-framed buildings", buildings which happen to be full of white ants from time to time. They may not be full of them at the moment, but they are on their way back, most assuredly. Of course, then the department changed its mind again.

It is this change of mind and indecision which I hope will come to a complete end tomorrow. Other groups have come out and supported this man's character and competence as a principal.

Mr Grayden: Could I say this? Do you realise that certainly neither I nor anyone else has criticised him personally? Do you realise that?

Mr BRYCE: The Minister repeats his claim. I doubt there is anybody in Western Australia who would interpret the way in which he has handled this matter as anything other than a personal attack upon the principal. He went on air and made public statements. He said, "The principal is responsible for the vandalism because of his long absences from the school to do politicking." If that is not a personal attack on the principal I do not know what is.

Mr Grayden: You asked the question.

Mr BRYCE: His statement was manifestly incorrect.

Mr Grayden: You asked the question.

Mr BRYCE: I ask the Minister the simple question of whether he knew there had been 300 requests to the Public Works Department for maintenance and repair work to be done. The Minister's statement was his knee-jerk reaction. He had to find some means of distracting attention from his actions. His knee-jerk reaction was to revert to this action which seems to denigrate and vilify him.

Mr Grayden: What I could have read out but I didn't was a statement by the principal that he was very happy with the PWD response to those 300 requests.

Mr BRYCE: That has absolutely nothing to do with the basic argument.

Several members interjected.

The ACTING SPEAKER (Mr Blaikie): Order!

Mr BRYCE: That has absolutely nothing whatsoever to do with it. I intend to go back to that point. The school council had a meeting on Tuesday night of this week. Like every other community organisation in this State the Belmont Senior High School council usually has poor attendance at such meetings but nearly 200 people turned up at the school council meeting on Tuesday night—the council was formerly the

P. & C. Association. The people at that meeting overwhelmingly supported—I do not recall anybody objecting—the proposition before the chair that the council had complete faith in and support for the school principal and what he was doing.

He has been doing a remarkable job in providing inspiration and energy to the struggle to have the school rebuilt. It was absolutely astonishing to these people who saw him in action in fighting for the school and the welfare of the students to see him criticised and vilified just because in the last State election he happened to stand for the Australian Labor Party against the Minister for Transport.

Mr Grayden: It was at a very inappropriate time—two weeks before the election.

Mr BRYCE: The timing had nothing to do with the principal, the school committee, the member for Ascot or the member for the East Metropolitan Province. The situation could have occurred two months ago or in three months.

Mr Williams: This side of the House does not accept that argument.

Several members interjected.

The ACTING SPEAKER: Order!

Mr BRYCE: A young student from the high school, of his own volition—

Several members interjected.

The ACTING SPEAKER: Order! Members of the back benches from both sides will not carry on a conversation. We were making excellent progress this afternoon. I call on the member for Ascot.

Mr BRYCE: A particularly bright young student aged 15 years and in his third year at high school took the initiative and said, "Why don't we ring 'Terry Willesee's Perth' ", which followed a group discussion at the school about the problem. The student had been told by the previous Minister for Education that the school was to be rebuilt; the student's action was a reflection of what had taken place.

A letter from the Minister was received and an announcement was made but two years of delay after delay and frustration upon frustration were being reflected amongst the students. One of the students took the initiative to do something about the situation; he did that of his own volition. When the television organisation arrived at the school the principal made a statement of fact. I would not blame any other principal anywhere in the State if he made such a statement.

Mr Grayden: They had to give permission for the television crew to go on to the school grounds.

Mr BRYCE: I do not object to the fact that he did. I would not object to the Principal of Bunbury High School or the Principal of Albany High School if he did the same thing tomorrow if the same problem had faced him for two years and his school was in the condition that the Belmont High School is in right now. I do not blame the Principal of the Belmont High School; he did the right thing.

Mr Williams: Let us put that in *Hansard* for future reference—put it in capitals.

Mr BRYCE: When the Minister says—

Mr Williams interjected.

Mr BRYCE: Mr Acting Speaker, are you ready to protect me from the member for Clontarf? I am not sure he is on an even keel.

Mr Davies: You would need a rabies shot.

Mr BRYCE: I will refer to the Minister's allegation of conspiracy concerning the time of the demonstration; it could have flared during any stage of the last six months or the next six months. The timing of it was absolutely coincidental after this youngster took it upon himself to go to the television company.

For the Minister to stand in this House to try to defend himself by saying it was a Press statement which I released in the South Suburban supplement of *The West Australian* that caused the problem, is almost farcical, because he has overlooked one fundamental fact. I am on record in that Press release as saying it was a bitter blow to the parents of children at that high school and to the building committee that after this Minister for Education visited the school he said, "It is not on. We can't afford to demolish all those wooden buildings." The Minister said that, and he knows he said that because there were 20 disillusioned committee members at the school when he said that and they heard him.

When he made that statement I was perfectly within my rights to describe it as a bitter blow. The Minister says that my Press release was responsible for creating the problems which subsequently developed for him. Yet to the best of my knowledge—he may contradict me now if he wishes—he did not contradict that Press statement.

I would have dearly loved to be put in my place the following week by the Minister's coming out to say, "The member for Ascot is completely wrong. The Education Department is committed

to spend X millions of dollars and will do that over a specified period of years." But of course the Minister did not, and he knows that the reason he did not was that what I said in my Press statement at that time was spot on; it was an accurate reflection of what the Minister had said to the parents involved with the building committee.

Mr Grayden: You are talking now in terms of demolishing the school immediately and then rebuilding it in another part of the school grounds.

Mr BRYCE: We now hear the double-Dutch we have had to put up with. This is one of the false assertions with which I want to deal. The Minister has been on air to say that the building committee wanted the whole school demolished, and that that requirement was impractical and ridiculous. Never at any stage did it want all the school buildings demolished; his statement was palpably untrue, and the best construction I can place on it in the Minister's favour is that he did not know the true situation.

Mr Grayden: Except for the ones built on the fringes, which would be part of the other complex.

Mr BRYCE: The Minister probably does not know that the school buildings are divided basically into two parts. A new science block, a resource centre, a gymnasium and a prevocation workshop comprise the first. Those facilities probably would be worth \$1.5 million or thereabouts to replace at cost value. The other component of the school is the original and old shoddy cost-saving experiment that was put up, which comprises karri timber and masonite walls. There are additional classrooms from one end of the school to the other.

I have instanced the two sections of the school. Never at any stage has the school building committee suggested that the substantive new buildings be demolished.

There is a very constructive suggestion in their educational specifications to the department that some of these buildings be used for alternative purposes. I draw the attention of the Minister, quite specifically, to the science laboratories. The science laboratories are situated some 40 to 50 feet from Abernethy Road, and they happen to be the best set of buildings on the site. Abernethy Road carries 18 000 vehicles daily, and a large proportion of them are heavy trucks.

Ironically, either the Director General of Education, or his deputy, visited the school recently and addressed an audience in one of the science laboratories over a period of 30 minutes. During that time 42 articulated heavy vehicles

passed the lecture theatre and it was discovered, on the basis of first-hand experience, how impractical it is to have a core subject learning experience going on at that particular location. In the specifications we have suggested it is reasonable and logical that a noise-related subject, such as manual arts, should replace the science activities in that building.

Mr Grayden: We all accept that.

Mr BRYCE: I am glad the Minister has made that statement because up till now that has not been the case.

Mr Grayden: Everybody accepts that. It is to be subject to negotiation and discussion with the parents. We will determine whether there is some alternative use which can be made of the existing science block. We accept that.

Mr BRYCE: I am pleased to have that statement on record. We have made more progress in the last two days than we have made in the last two years.

Mr Sibson: The matter was taken out of the hands of the committee and progress has been made because the committee was politically biased.

Mr BRYCE: The committee comprises some worth-while citizens, at least one of whom is a very effective Liberal Party activist. It is probable that others amongst the parents are Liberal Party supporters, but I have never discussed politics with them.

Several members interjected.

Mr Pearce: You talk about political bias; you fool.

Mr Sibson: You watch out.

Several members interjected.

The ACTING SPEAKER (Mr Blaikie): Order! I think there are several members who ought to watch out. I will not give any further warnings.

Mr BRYCE: The Minister has made some absolutely rash and wild assertions which are a long way from the truth. I would like to set the record straight, and make it correct. The Minister has stated publicly—or, at least, he implied in the notorious Press release last Sunday evening which was embargoed until 9.00 p.m. so that nobody could reply—that the administration of the school was slipshod. That statement appeared on a prominent page of *The West Australian*. The claim is not true. The administration of the Belmont Senior High School, which involves the vice-principals, male and female, and senior staff, is as good as, if not better than, the administration in any other senior high school in the State. I have a great deal of confidence in the



administration of the school and it simply is not true for the Minister to make that statement.

Mr Grayden: With some of the information I have I could make your hair stand on end.

Mr BRYCE: Perhaps you could even make it grow!

The Minister referred to the famous hopper window. He said all that was necessary in respect of this allegedly dangerous hopper window was to have it closed and locked. The Minister did not take the trouble to explain that there were hundreds of hopper windows in the school. The only source of ventilation is through those hopper windows. The implication is that the Minister simply wanted all the windows closed and locked.

Mr Sibson: Gardens could be planted around the windows.

Mr Grayden: We are talking about one window only. If it had been closed and locked the danger would have been overcome.

Mr BRYCE: It is impossible to grow a garden around most of the windows because of the tarmac surface. Under the tarmac is a myriad of drains which are a substitute for a sewerage system. The gardeners are forbidden from planting any flowers or shrubs anywhere near those parts of the school because of the fear of interference with the drainage system.

Mr Grayden interjected.

Mr BRYCE: The Minister spoke for 4½ hours, and I have only 45 minutes available to me.

The Minister made frequent reference to the tattered curtains at the school. At no stage did the principal complain about the curtains. The Minister visited the school and observed the tattered curtains and he decided he would use that as part of his political attack on the principal. In respect of the morale of the school, the Minister made frequent reference to the curtains.

I must tell the Minister again in this place, publicly, that his director for planning reached an agreement with the principal and the building committee that that type of repair and renovation would not proceed, and that money would not be spent on that type of item. That was to apply while the process of planning and rebuilding was going on. That sort of repair and renovation could wait until the planning process was finalised.

Mr Grayden: But that matter was given a great deal of prominence on television.

Mr BRYCE: All the Minister needed to do was to defend his principal and say that his director of planning had reached an agreement with the principal that that type of repair would not be made at this stage. That was the agreement.

Instead of making that statement the Minister chose to dramatise that particular episode at the expense of the principal.

The Minister made great play about repairs and maintenance. I sincerely want to take this opportunity to set the record straight. The Minister has said on numerous occasions that the principal is at fault, and that he has been negligent in respect of repairs and renovations at the school.

Mr Grayden: That is only in respect of dangerous matters.

Mr BRYCE: The Minister has been contradicted today by the Western Australian Branch of the High Schools Principals Association. The Minister said the principals have easy access to large sums of money for such repairs, which is not true. If the Minister did not actually make the statement, he meant it, that large sums of money were sitting there just waiting for the principals to dip into and use to rectify these problems.

I have done my homework, even though the Minister has not done his. I took the trouble to ring the south-east regional office to find out how much money is available to the schools in the district to rectify these problems. The answer I received was that in the 1980-81 Budget a sum of \$240 000 was allocated for the minor works programme.

Mr P. V. Jones: Is that figure from the Public Works Department budget or the Education Department budget?

Mr BRYCE: I am not sure which budget. I asked the question of the Education Department.

Mr Grayden: There is another fund available.

Mr BRYCE: I know, the Public Works Department also has a fund.

Mr P. V. Jones: That is mainly works money.

Mr BRYCE: This was the Public Works Department allocation. A sum of \$240 000 was to be spread over 15 high schools and 78 primary schools. I repeat: The point made to me on the telephone was that the money for the 1980-81 financial year has been allocated already. In fact, it has not been spent already, but all of it has been committed completely. The work has not yet been done and that is why the cheques have not been handed over.

Mr Grayden: That could be varied at any time if the principal wants to give a certain thing priority.

Mr BRYCE: This principal submitted 21 requests for minor works to be done at the school, and all but two were rejected or deferred because

a planning process was in train in respect of the school's building programme. Yet the Minister has the hide to appear on television and condemn this principal, and allege that he is responsible for the lack of action.

Mr Grayden: We are talking only about the dangerous items.

Mr BRYCE: I have seen some of these dangerous things; I have been to the school. A member for the East Metropolitan Province (the Hon. R. Hetherington) was invited to the school when a real danger existed in the electrical wiring system some two years ago. He had to go to the Minister's secretary and say, "If you don't get somebody from the PWD to fix the electrical system I will get the television crew to come out and look at it." Water was pouring through light fittings inside the building on that occasion. It was not as though the PWD jumped in response to requests to fix that sort of problem.

In respect of the matter of maintenance, the Minister completely contradicted himself last night. At one stage of his argument he said the principal concerned was in effect a troublemaker.

Mr Grayden: I never said anything like that.

Mr BRYCE: The Minister did not use the word "troublemaker"; I cannot quote exactly what he said because I have not yet received a copy of his speech. However, he implied the principal was doing the wrong thing and establishing a case simply by referring numerous troublesome calls to the PWD. The Minister implied that when he said 300 requests had been made for work to be done this year.

Then later in his argument the Minister said the principal was negligent because he had not had those things fixed. He cannot have it both ways.

Mr Grayden: I was talking about dangerous things only—nothing else.

Mr BRYCE: The Minister repeatedly has made claims in public that had it not been for the school's building committee, the buildings would already be constructed.

Mr Grayden: No, one building; the year 8 block.

Mr BRYCE: Let me emphasise that is not true.

Mr Grayden: Why do you say that?

Mr BRYCE: I say that because the previous Minister for Education wrote a letter saying, "We agree to rebuild the school, and we will start work immediately on a long-term plan for the redevelopment of the school." When one sits down to plan something which must last for half a century, one does not repeat the mistakes that

have been made already; and I am aware of who made those mistakes. But the point is that a plan has never been developed by the department. When three of us visited the Education Department in June of this year to ask why such an unreasonable delay had occurred in the preparation of this long-term concept for the school, we discovered that not a thing had been done to prepare the plan. A plan just did not exist; the officers could show us nothing.

This is what they have worked on: They have gone to a filing cabinet and pulled out plans for a year 8 block or a year 12 block—plans which would be a dime a dozen and copies of things done in schools all over the State. It is the easiest thing in the world to go to a filing cabinet and pull out a plan, prepare documentation, and drop a block of classrooms on the school premises. But in fact that is not what the Minister promised, because the silliest thing we could do would be to drop a year 8 block somewhere in the school grounds and say, "Let us hope that will eventually fit in with the overall plan for the redevelopment of the school."

Mr Grayden: There is no dispute about the site; it is in respect of the direction the building should face, that is all.

Mr BRYCE: That is the essential reason for the breakdown in the negotiations between the Minister's office and the school.

I was astonished to hear the Minister say yesterday that more progress had been made in two hours at a meeting with 17-year-old students than had been made in two years with the school's committee. I ask him whether his director of planning was present at that meeting?

Mr Grayden: No.

Mr BRYCE: Then probably that is the reason some progress was made, and that is a matter the Minister ought to consider.

Mr B. T. Burke: It is the same as the Scarborough Senior High School.

Mr BRYCE: I can only assume that as the director of planning was not present the Minister had an opportunity to relate effectively to the students. Of course the Minister, in making that public statement, has raised some rather interesting prospects. Does he now mean to say that from now on he will adopt an open-door policy for deputations of fifth-year high school students to come to him to solve the problems of high schools throughout the State? That was the implication in his comments yesterday.

When he made that statement he deprecated the efforts and energies of the parents and

teachers who comprise the building committee and who have worked incredible hours over a two-year period. I suggest that is not a proper way for the Minister to arrive at conclusions.

I note my time has expired and I regret I do not have available to me the opportunity that was available to the Minister.

**SIR CHARLES COURT** (Nedlands—Premier) [3.17 p.m.]: Before the motion is put to a vote, I feel I have a responsibility as Premier and Leader of the Government to let Parliament know and to have recorded where the Government stands on this motion. First of all, I want to make it clear beyond any doubt at all that the Minister for Education has my confidence, and the confidence of his colleagues. It is important that be clearly understood.

It is very easy for an Opposition to move motions of no confidence as the Opposition has done on this occasion and, no doubt, will do again from time to time; but on the other hand it is very difficult for the Opposition to substantiate the allegations it makes.

**Mr B. T. Burke**: It doesn't make any difference when we do. Look at the Minister for Water Resources.

**Sir CHARLES COURT**: I believe the Minister for Education had done the House a service by answering the allegations in great detail and, I believe, in a very masterly way. Many members on both sides of the House could profit by a study of the way the Minister set out to answer the vilification that has occurred not only in connection with this motion, but also over a period of months.

Some people on the other side of the House have nothing short of a raw hatred of the Minister, and that has been most evident in the last 24 hours. I only wish we could have taken a film with sound of the proceedings yesterday, and played it back to members of the Opposition now in the sober light of day. They would be ashamed not only of what they said, but also of the way in which they said it.

In fact, it is in respect of the last point that members opposite have the most to be ashamed of, because the way in which they said things brought no credit upon themselves; nor did it bring any credit on this Chamber.

The motion is in six parts, but it can be summarised in three sections. The first deals with the Noonkanbah incidents, the second deals with the Belmont Senior High School incidents, and the third section is a general attack on the performance and the conduct of the Minister.

I would like to deal briefly with the Noonkanbah incidents; and I assure the House I do not intend to speak for long. The Minister may be said to have an aggressive style of administration.

**Mr Pearce**: If you are looking for a word, try "confrontation".

**Sir CHARLES COURT**: In government it is necessary to have such people. This Minister has done the public of this State a service, he has done the Parliament of this State a service, and he has done the Government of this State a service by having the courage to expose some of those people who would manipulate anybody. Those people are prepared to manipulate Aborigines, school children, and anybody else.

**Mr B. T. Burke**: And he has promised a vote on the Mining Act regulations, too, has he not?

**Sir CHARLES COURT**: It is not every Minister, it is not every politician, who is prepared to take on some of these people, because there is an easier way to earn a living. Fortunately we have had some people—and they have come from both sides of the House—who have been prepared to expose some of these people over the years, and to deplore the manipulation that goes on.

The most effective and most resounding exposition of those people who have been manipulating the Noonkanbah Aborigines and others was in this morning's paper when Yunupingu spoke in very categorical terms and said, in effect, "Get off our back, you white manipulators. You are doing our cause no good." He hit the nail on the head, and he said it in a way—

**Mr Pearce**: He was hit on the head several times himself by the Minister for Cultural Affairs.

**Sir CHARLES COURT**: Those words will resound through the community and make the point that these people have been prepared to manipulate. The Minister had the very unpleasant job of exposing some of these people. He did it in a way which, I believe, is understood by the community. I believe he has done a service to the community.

Now, the people who are having their fun and games—some of them at the expense of the taxpayers—did not like that. They reacted very sharply. They have a raw hatred of the Minister. In some cases, their hatred of me is a little worse than it is of him.

**Mr B. T. Burke**: We don't hate you!  
Opposition members interjected.

Mr B. T. Burke: You are a nice old bloke. Come on. My grandmother is 96. I understand old people.

Sir CHARLES COURT: In connection with the Belmont Senior High School, if ever there was a case of raw political manoeuvring in the use of a student community, that was it.

Mr Bryce: You are ignorant. You know nothing about it.

The SPEAKER: Order!

Mr Bryce: It is just a palpable lie.

Sir CHARLES COURT: Some of the people involved—

Mr Bryce: Why don't you check your facts and get up to date?

The SPEAKER: Order!

Sir CHARLES COURT: Some of the parents of students at the Belmont Senior High School might find that, in the Minister, they have a great friend. They might have realised what they have not been allowed to think before, because the Minister wants to place the school back on the rails. That is in spite of those who want to use this as a political stunt.

Mr Bryce: What about the facts? Have you got the courage—have you got the guts to tell us?

The SPEAKER: Order! The Premier will resume his seat.

I prevail upon the member for Ascot to allow the Premier to make his speech without being subjected to continual interjections.

Mr Bryce: You won't, will you.

Sir CHARLES COURT: We have seen the political use of a student community—

Mr Bryce: Did you see what your Minister did yesterday?

The SPEAKER: Order!

Sir CHARLES COURT: —and of a school council. I hope sincerely that those who have been involved will take the trouble to read what the Minister has said, long though it might have been. They will see recorded there some facts that will be news to them. Because of this, they will move back to base and allow the department and the staff, with the help of the Minister, to put this school back into the position that it deserves to hold.

I do not want to prolong my comments on this motion—

Mr Bryce: It is a bit too long. That is a fact.

Sir CHARLES COURT: There is no doubt that the Minister has the support of the Government. We applaud the actions he has

taken on a number of issues—actions that were not easy to take. He has had to make very difficult decisions, in spite of the people who claim almost academic privilege from an academic position they have learnt to believe gives them some credibility in the community—

Mr B. T. Burke: Who?

Mr Bryce: Who?

Mr B. T. Burke: Who?

Mr Bryce: Who?

The SPEAKER: Order!

Sir CHARLES COURT: The Minister had the job of exposing these people and putting the matter into its proper perspective. I believe that in relation to the issue of Noonkanbah there will be definite advances towards a better understanding; and that will be, to a large extent, because of the efforts of this Minister in being prepared to accept the temporary unpopularity and the temporary misunderstandings so he could get across the point of what was right. We are trying to do the right thing, and we are not antagonistic to the people.

The same comment applies in relation to the school. My final comment is to the member for Gosnells. When he can say to himself honestly that he has done as much for his country as this Minister, then he might have earned the right to move such a motion.

Mr Pearce: I have that right by virtue of the fact I am a member here.

Sir CHARLES COURT: We reject the motion completely.

Government members: Hear, hear!

MR DAVIES (Victoria Park—Leader of the Opposition) [3.26 p.m.]: If the Premier is prepared to stand up in this House and give us the sort of speech he has, all I can say is that his standard has slipped dramatically. In the past, he held himself up as a paragon of virtue—a man who would stand no nonsense and a man who wanted to see justice done. In this unsavoury episode, untruths galore have been told by the Government. Certainly justice has not been done.

The Premier dealt with two points, and two points only. Despite the fact that there were six points in the motion, he contented himself with dealing with two points only. The six points were placed in the motion because we wanted to highlight how divisive and confrontationalist the Minister was in dealing with his portfolio. We could have listed a number of other instances; but we thought these were enough.

Apparently the Premier accepts four of the items we have quoted in the motion, because he dealt with Noonkanbah and the Belmont Senior High School only. He dealt with the whole question in less than 10 minutes.

Let us see what the Premier said about Noonkanbah. He said that the Minister was the only person prepared to stand up and say nasty things about some of the people associated with that very nasty incident—that very unsavoury episode—when the panzer column left Perth and descended on the people who were armed with sticks and stones only. The Government took great pride in making certain that the full force of the Police Force, backed up by the Army and people from the State Emergency Services, were there to ensure that the Minister had his way. The Government should have ensured that a screen was draped over the whole unsavoury episode; but it took great pride in it.

Of course, the events at Noonkanbah were reflected in the vote for the Federal seat of Kalgoorlie. We can thank the Government for making certain that Kalgoorlie was returned to its proper place, with the Australian Labor Party. The Government's actions in the Noonkanbah incident were enough to do that.

During the whole of the episode, no-one who spoke up on behalf of the Aborigines received the slightest tolerance from the Government. There were the people in the university, and there were the people who were assisting on site. They received nothing but harsh words, mockery, and belittling from the Government. Not a single soul who wanted to help and who wanted to see that justice was done received a fair go in any way. The Government, with all its might, with all its 15 Press officers, with its telex machines, was able to pour out this kind of venom; but despite all that there is still a very large section of the community—a majority of the community—who feel sick in the stomach at what the Government did on that occasion.

Now the Premier stands up here and says, "Well, we have one good man who will do it." Was the Minister chosen to do these things because the rest of the Government did not have the stomach to do it? Was he the boy put there to perform the king hits? Quite obviously he was the fall guy. He could go in and make all these comments without regard for the way in which it reflected back on the Government, because the Premier could say, "It is the Minister, not me."

The Premier has lost control of the Cabinet if what he says is correct. The Minister has made some of the vilest accusations about decent,

honest citizens that have ever been made, and, therefore, has abused his position. The Minister for Education must realise that. Those of us who have had the opportunity to work as Ministers realise that being a Minister gives one some responsibility. It means the remarks one makes will be given a little more credence and people are more likely to believe than disbelieve what a Minister says.

The Minister for Education knows the most outrageous comments he makes will receive headline publicity and are likely to be considered by the public as being true, irrespective of how far from the truth they actually are. That was the position which developed in regard to Noonkanbah.

Can you, Sir, remember the way in which the Ministry ran away from the issue? When we questioned the Ministers as to the part they played in the operation, they all denied they knew anything about it, including the Minister for Police and Traffic. However, after a couple of further questions had been asked and answered, someone directed another question to the Minister for Police and Traffic and he then jumped up and said, "Yes, we thought...". The Minister for Police and Traffic gave away the whole situation, because he used the word "we", which meant the Government collectively had been talking about the matter and knew what was going on.

That was a disgraceful episode. We still do not know how much it cost and the public is entitled to that information. However, we were most concerned about the people involved in this matter. These people have given a great deal to the State in the way of public and community service. They have certainly given a great deal more service to Western Australia than has the Minister. However, they were vilified by the Minister and also by other members of the Government. The Minister tried to make out these people were imbeciles and of little consequence. That was a disgusting state of affairs. And yet the Premier stood up and defended the Minister on an occasion such as that. The Premier's standards are sliding badly. They have been following a downward trend for a very long time, but they hit rock bottom this afternoon.

The Premier said that, in view of the Minister's aggressive style, it must be accepted he would tread on someone's toes. No-one minds a little aggression as long as there is fair play as well. However, in a case such as this the Minister has lashed out at everyone and it has served neither he nor the Government well.

The Premier takes pride in the fact that someone is quoted in this morning's issue of *The West Australian* as saying that the do-gooders should keep away from the Aboriginal community. Of course, the Premier would be jumping for joy, because he has been saying these do-gooders are concerned only with land rights. I am sorry I do not recall the name of the gentleman concerned, but he was quoted in the newspaper as saying that the whole episode had done more harm than good to the land rights cause. No wonder the Premier is applauding him; he has found someone to support him and he wants to take advantage of the comments made by this person. I regret that I do not know this person's standing in the community.

This gentleman said the episode at Noonkanbah had not helped the land rights issue. That should make the Premier very happy indeed, because it is the last thing he wants to talk about.

The Premier referred to manipulation, but he did not produce any proof of it. He has treated Aborigines as being completely ignorant. The Premier denigrates the intelligence of Aborigines and treats them as if they are children. Once again the Premier has indicated to the House his attitude towards Aborigines.

The Minister for Cultural Affairs certainly has not performed a public service. Indeed, he has not provided a service to the Parliament and he certainly has not provided a service to the State by his actions in regard to the Noonkanbah issue or in his comments in relation to the debate on this matter yesterday.

The only good service the Minister for Cultural Affairs has provided to this State is to advertise internationally the plight of Aborigines in this State and we can thank him for that. As a result, I am certain more attention from abroad will be directed towards the situation of Aborigines in Western Australia.

The Premier then talked about raw hatred and he referred to taking photographs of Opposition members in the House and displaying them later so that as he put it, "In the cold light of the morning, we can see how disgusting members are." If Government members want to play at that game, we will join them, because it cuts both ways.

We have seen Ministers lose their heads in this Chamber as they scream, shout, and carry on. Indeed back-bench members, a couple of whom are in the House at the present time, shout loudly across the Chamber. We know who will look the ugliest in any photographs which are taken. I challenge members opposite to produce their

cameras and we will be happy to oblige. I am sure, Sir, members would need your permission to bring cameras into the House, but there will be no objection to such action from members on this side.

Let us not talk about raw hatred. Let us talk about justice and fair play, because if there is a need for justice and fair play on any issue, this is one to which it should have been applied, but it has been overlooked completely.

The Premier then dealt with the position at the Belmont Senior High School. He said it was nothing but blatant politicking. The people involved have endeavoured for two years to get something done, but nothing has been done and when they finally took action, it was referred to as "blatant politicking". Anyone who says anything against the Government or the Minister for Education is labelled as a scoundrel and a person of very low standing in the community. I have to watch the words I use.

The Minister has not been attacked because of what he has done; he has been attacked because he has been caught out in what he has not done and the way in which he has not fulfilled the promise he made.

Mr Grayden: You were a Minister in the Tonkin Government. Why didn't you rebuild the school? You had six years to do so.

Mr DAVIES: Firstly, we should get the facts straight, because the Minister for Education is always prone to exaggeration. He said I had six years to do it. Unfortunately, the Tonkin Government was in office for only three years; so we will correct that statement.

Mr Grayden: Why didn't you rebuild it then?

Mr DAVIES: Secondly, when we were in Government we were trying to bring up to date all the work which had not been accomplished by the Brand Government. That was our first priority. A considerable number of schools needed to be built, let alone repaired.

Thirdly, I was not Minister for Education. We built hospitals and we did a great deal of work in the area of health with which I was associated. We introduced an excellent Environmental Protection Act which, if the reports are true, is about to be slaughtered. I was also able to make some contribution to the community in regard to town planning matters. However, there was no responsibility on me, as a Minister, to ensure a school was rebuilt. Indeed, had I attempted to interfere in the portfolio of the Minister for Education of the day, he might have been very angry and he would have had every right to be.

Let us not draw red herrings across the trail. Let us stick to the facts which are that, after two years, no reasonable progress had been made in meeting a firm undertaking which had been given by a previous Minister for Education who has been strangely silent on this matter. I know it may have been difficult in a period leading up to an election for a Minister to say, "No" to a request such as this.

Only one person of my acquaintance is associated with the Belmont Senior High School and he told me things were quite bad and he was delighted with the promise given by the previous Minister for Education when he visited the school in 1978. However, nothing has happened since then. The students are to be congratulated on their initiative in taking action in regard to this matter. When the media arrived at the school the headmaster was entitled to make a statement.

I remember the Headmaster of the Hamilton Hill High School used to write letters almost weekly to the newspapers criticising the Tonkin Government. Our Government never attempted to vilify him in any way. I think he is still at that school.

Mr Grayden: Do you think it is appropriate for a headmaster to comment, as he did, when he had the power to do something about those matters?

Mr DAVIES: Yes, because his conscience has been cleared as is demonstrated by the figures supplied by the member for Ascot. He had attempted to do those things and must have been near despair. If the Minister wishes to blame the principal, then the blame does not lie with him any more than it does with the Minister for Education. There is a registrar at the school to lodge reports and it is up to him to see that the PWD does the work. A Minister does not do all the minor work associated with his portfolio; any more than a principal does everything at a school.

If that line of argument is used and the principal is to be blamed then the Minister is more to blame. However, because the Minister has been found wanting and because he has been found inept in his portfolio, the only way out for him is to blame the principal, a man whose future lies in the palm of his hand. The Minister can shift him out of the department if he so desires. So, that is the nature of the Minister. It has been demonstrated that anyone who attacks this Government is transferred.

Mr Jamieson: What has happened to the headmaster at Halls Creek?

Mr DAVIES: There is another story!

I do not wish to weary the House by going back over all the circumstances we complained about

where people have spoken out against the Government and have found themselves in a less important situation than they were before. That is putting it mildly. I do not wish to remind members of what the Premier did in regard to the EPA man who was going to Victoria. The Premier never denied his intention, even though he had several opportunities to do so.

There have been many occasions when people have spoken out against the Government and the Government has reacted unfairly. At times it has demonstrated its double standard. For example, with the Aboriginal Lands Trust, the Government said that Mr Bridge could not be reappointed because he had served a couple of terms and it wanted to change the membership. Everyone else has been reappointed, except Mr Bridge. There was also the occasion where a Mr Halse of the EPA spoke out. The Tree Society was also critical of the Government and that society is no longer included under the miscellaneous grants in the Budget. That society does not receive a couple of thousand dollars because the people who belong to the society have criticised the Government.

That has been the pattern during this Government's term of office. Anyone who dares criticise the Government will be sorry. For the reasons I have just mentioned we have been disgusted with the Minister and with the manner in which he has used his authority in this instance. The Minister has not carried out his duties appropriately and because he was finally forced to do something he said, "Let us not worry about the issue, we will say the principal is incompetent". It is as simple as that; he did not worry about the issue.

Mr Grayden: The matter has already been taken care of.

Mr DAVIES: The Minister has not attempted to justify the Government's stand; all he has done is vilify the principal in a most disgusting way. Fortunately, the community at large have more common sense and they have rallied to the defence of the principal. It is pleasing to see that whilst the principal's stocks are rising, the Minister's stocks are sliding once again. There is not the slightest doubt about that fact.

As far as the Education Department employees are concerned, the Minister is incompetent, and any standing he might have had in the past no longer exists. That is just what he deserves because he has attempted to blame the Principal of the Belmont Senior High School for the present condition of that school.

The school has never been a very wonderful school. It was built at a time when it was difficult

to obtain building materials, and at a time when schools were badly needed. It was built in a community which was growing as fast as some of our northern suburbs are today. The need was there and it was met, but the school should have been maintained properly.

I will not take any blame for the Tonkin Government's actions because if that Government is to be blamed, then the Brand Government should be blamed and certainly the Court Government which has been in office for six years also.

All we have heard from the Premier is that he is glad the Minister acted in the way he did with regard to the Noonkanbah incident. The Premier says he does not like the raw hatred which he claims has been in evidence on this side of the House and he does not like the raw politicking that goes on.

The Minister made a great discovery when he found out that Mr Hetherington, the member for Ascot, and Mr McKenzie are on the building committee.

Mr Grayden: A nice coterie.

Mr DAVIES: Of course they are on the committee; they are members of that district and one would expect them to be supporting the school. That committee has attempted to bring to the notice of the Government the conditions at the school so that something could be done about it. We would have thought there would be a little more control of the Minister's portfolio than there has been so far.

The final step of this Government was when the Minister decided to get the students together to discuss the problem with him. He sent a car for them and said that there would be discussions in camera and without departmental officials. The Minister broke that promise because there were staff members and members of the media present.

Mr Grayden: I did not invite the media; they just came.

Mr DAVIES: He did not invite them, but they were inside his office and he wanted them to film and refilm. He broke his promise; he could not even be straight with a handful of children. No wonder we have come to disregard his contributions.

I did not intend to speak to this motion although I felt rather badly about the matter. Most people with reasonable feelings would feel badly about the matter, but when one sees a person with authority attempting to hone in and use his authority on a man who is very much an under-strapper, one would feel that something

should be done. As far as the Minister is concerned, the principal is another cog in the wheel.

We should not have to take to task people who are servants of our community and who are attempting to see that the community is properly cared for.

The Premier dealt with only two of the six points in the motion, and I might add very poorly, too. If the Premier approves of the actions of the Minister, then the Premier's standards have slipped.

MR PEARCE (Gosnells) [3.49 p.m.]: Let me say at the outset that the Opposition did not move the motion of no confidence in the Minister because he is incompetent in the administration of his portfolio. We believe the Minister is incompetent but we would not have moved this motion simply because the Minister's incompetence does not distinguish him from at least several of his Ministerial colleagues, but we specifically aimed this motion at the Minister for Education because he used his ministerial position to attack a person for whom he has ministerial responsibility.

Incompetent though many of his colleagues are, they have not been doing what the Minister for Education has done. Although we have heard a lot about the Belmont Senior High School issue in the course of this debate, it would have to be said that the issue to which I addressed myself in bringing forward this motion of no confidence in the Minister was one to which the Minister did not even attempt to reply; that is to say, the attacks by a Minister on a principal in his own department are unprecedented, and below the standard which could be expected from a Minister.

The Premier, in his patronising contribution to the debate, did not attempt to address himself to the point of the motion either. We wonder whether the standard of the Premier will be the same as that of his Minister, and he will make attacks on people within his own department. Are we to have attacks by the Premier on members of the Treasury, or members of the Premier's Department, or other people for whom he has ministerial responsibility, if they manage to displease him in any way? That standard may be good enough for the Premier, but it is not a standard good enough for the Opposition.

The Premier was kind enough to give me yet another patronising lecture along the lines that after I had been here for 30 years or so then I would be in a position to move this sort of motion. Let me say that if I have to stay here for 30 years,



40 years, or 50 years to reach the standard talked about by the Premier, then I would resign because it would involve a considerable diminution of my own personal standards. Certainly, I am not prepared to accept the Premier's proposition that one has to stick around for a long time before being able to move a no confidence motion.

Sir Charles Court: I did not say that at all.

Mr PEARCE: The Premier did say that.

Sir Charles Court: I said that when you have served your country and your fellow man as well as the Minister for Education has, then you can start talking. That is a different thing. It does not take time to do that.

Mr PEARCE: The Premier said I should wait until I have been here as long as the Minister. I am not at all concerned about the verbiage used by the Premier, who seems to be making many efforts to put himself in the position of my father—an unconscionable slur on my mother.

The point I am trying to make is that unless one meets the Premier's personal requirements, one is not entitled to make a judgment. I am entitled to move a motion of this type by the very fact of being in this House. At least a proportion of the people of this State have sent me here to make sure the State Government operates in the best interests of the State. The Premier and the Minister are not acting in the best interests of the State when personal attacks are made on the principal of a high school, and when statements are made in a racist and divisive manner to divide black from white as happened in the Noonkanbah issue.

The Premier did not listen when I spoke for 45 minutes in introducing this motion, but he referred to the question of blatant politicking. I raised the incident of the John Curtin Senior High School to demonstrate that the matter of the Belmont Senior High School was not the first time the Minister had used this tactic of personally abusing and publicly attacking a principal of a senior high school in this State. It has never been suggested there were any political connotations whatever in this case.

The Premier did not listen when I spoke last night, and he is not listening now. When the Premier spoke in the debate it became obvious he had not listened to the charges we made against the Minister. Certainly, he had not listened to the Minister for the four or five hours during which he spoke. Even so, the Premier referred to the speech as being masterly and packed with information.

In not listening to the Minister, the Premier certainly did not miss very much. But, the

Premier was prepared to talk about blatant politicking. I introduced the matter of the John Curtin Senior High School because the Minister was not keen to reply to the point I raised. Indeed, he did not reply to it so it was left to the Premier to bring in blatant politicking.

The Minister did not know until yesterday that three ALP members of this Parliament are, in fact, on the school building committee at Belmont. I could tell the Minister that every effort has been made, not only by the other members of that committee but also by the ALP members of the committee, to keep this issue out of the political arena. As the Opposition shadow Minister for Education, I have been approached during the last six months regarding this question of upgrading the Belmont Senior High School. In consultation with my ALP colleagues on the school building committee, we made a positive decision to make no public statement on the matter, and not to bring it into the party political arena. It was our belief it would be best dealt with in the way it was dealt with. Of course, part of that was predicated under the assumption that the parents of the school children had been led to believe ultimately they would get an upgraded school. So, to talk about blatant politicking is untrue; totally untrue.

The actual situation is that we have sought deliberately not to make it a political issue. It was an issue to be worked out between the local community, the Minister, and the Education Department.

We have raised this matter here in political terms since the Minister made his bitter personal public attack on the principal of the school concerned. We had to make a judgment on the Minister not because he failed to upgrade the school, and not because of his provocation towards the parents, but because of his attack on the principal of the school. That is the point which concerns me, and that is the point which concerns the Opposition.

The Minister had attempted to provide all sorts of information about the great job he has done at Belmont. If the Minister had been accurate in what he said, he still would not be justified in making a personal public attack on the principal of the school. That is the point of this no confidence motion, and that is the basis on which it is predicated. In fact, the Minister's statements have not been accurate and have been fully and comprehensively refuted by the member for Ascot who has a much more detailed knowledge of the Belmont situation than has the Minister.

The Premier, who did not listen to what the Minister had to say, felt it incumbent on him to make a judgment on the way the debate was carried on. Members will be aware that yesterday there were only two speakers to the issue. One of those was myself, and I spoke for 45 minutes. We decided we would treat this matter seriously and soberly, and we would not create a ruckus by interjecting. However, when I began to speak I was immediately attacked with a barrage of interjections. Because of the gravity of the motion, and because of your excellent demeanour and assistance, Mr Speaker, we were able to quell the tumultuous members here and have a reasonable debate.

The Minister for Education subsequently spoke for four hours. For the first three hours of his speech, there was not a single interjection from the Opposition side. We sat through one of the most provoking addresses I have ever heard in this place without saying a word. Some of our members left the Chamber rather than listen to what was being said without interjecting. Only at the end of the four-hour address by the Minister, when it became clear that he intended to take up the time available to private members, was another motion moved.

That debate was angry, but the anger came as much from the Government side as from the Opposition side. We were in a provoking situation. We reject the proposition by the Premier that if cameras were brought into this Parliament the behaviour would have been different. Had cameras been brought in, they would have been focused on the Premier's disruptive manner, as much as on other members. So I reject that little slur altogether.

To return briefly, and in conclusion, to the points I made in the original motion, I have indicated already that the Minister made no attempt to justify his personal public attack on the principal of the high school concerned or to apologise to him as he ought properly to have done. Worse than that, when he talked about the incident concerning the member for Maylands and the Aboriginal baby, he went considerably beyond the pale—to use an expression the Minister uses—in withdrawing an apology he had made in this House and in attempting to raise the whole matter again as a defence of the indefensible. He was attempting to defend his own actions in this place—a most disgusting episode repeated by the Minister.

In regard to the misleading statements about the Noonkanbah village, I would have to concede that the Minister gave us one of the most laughable excuses that any Minister could ever

advance in support of himself in trying to justify his statement that there was to be a \$1 million 60-house village built on the sacred area at Noonkanbah.

I made three crucial points about this matter in my statement. The Minister told us that his office had been advised by officers of the Federal Department of Aboriginal Affairs about this village, and he quoted an article which had appeared in *The West Australian*. In that very article the author, Frank Platell, said that no decision had been taken on the cost.

Mr Grayden: I read that out.

Mr PEARCE: I know, I am quoting the Minister. The article said that no decision had been made on the cost, on the number of houses, or on the site on which the village was to be placed. The Minister used that article in defence of his statement that there would be a \$1 million 60-house village built on the sacred site at Noonkanbah.

Mr Grayden: The surveying has been completed.

Mr PEARCE: I do not want to commence the debate all over again. The point I am making is that the Minister produced a Press article to substantiate his own Press release. The one thing he produced in support of himself undercut every fact he needed to make.

Mr Grayden: He estimated that the cost would be over \$3 million.

Mr PEARCE: That was the author's guess, but no decision had been made, and the Minister knew that very well because his office had been advised by the Federal Department of Aboriginal Affairs on the Monday morning that no decision had been made on the cost. The Minister's office was advised that no allocation had been made in the Federal 1980-81 Budget, and that it was unlikely there would be an allocation of more than \$200 000 in the 1981-82 Budget. That was what the Minister's office was told, and yet the Minister persisted in putting out these statements despite the fact that the three crucial factual points were all untrue.

That is not the sort of behaviour one expects from a Minister of the Crown. The reason for the Minister's behaviour was to try to score a political point in regard to the Noonkanbah issue, and to ridicule the feelings that Aboriginal people have for their sacred sites. That was a spin-off from another part of the motion which referred to the racist and divisive statement the Minister had made on the Noonkanbah issue. Nevertheless, one would have to concede the Premier's point on that in a great many ways. When the Minister made

those statements he was acting merely as his master's voice, and his master was quite capable of yapping out his own statements in the Press. However, the Minister did make those statements.

The last point I will make is that the Minister felt it incumbent upon himself to turn the attack on me. When I came in here I waited to see what personal attack the Minister would be able to mount on me by way of reply. It was devastating!

The first part of the Minister's attack was that I had moved—he said voted for but I certainly conceded that I moved—to introduce the homosexual law reform Bill in this House in 1977.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: Certainly I moved to introduce that Bill, and I am proud of that fact. I will do it again on some future occasion. However, one can imagine the embarrassment the Minister felt to know that that same Bill was voted for by the Minister sitting next to him in the House, the Minister for Police and Traffic. The Minister for Education had forgotten that point!

The same thing happened when he attacked the member for Geraldton about the fisheries report. He had apparently forgotten that the member for Scarborough was the chairman of that particular committee. So it is a two-edged sword to use that type of argument.

Mr Sodeman: It does not whitewash your actions.

Mr PEARCE: My actions do not need whitewashing. I took a perfectly legitimate Parliamentary action when I introduced that Bill, and I stand by the points I made at that time. Certainly anyone who has demonstrated, as the Minister has, an intolerance for homosexuals but at the same time indicates that public brawling is all right, has his priorities all wrong. I am absolutely appalled at the Minister's actions.

Mr Grayden: I am appalled at your statement.

Mr PEARCE: Then the Minister went on to talk about being intoxicated with marihuana. I forbore raising the question of the Minister's intoxication; I said specifically it was not our intention to canvass issues of that sort. I am prepared to go on record as saying that I admire the efforts of the Minister to overcome his previous problems with intoxication which he had demonstrated in this place. Obviously that is fine for him, but it is going a little far then to attack people who become intoxicated with marihuana.

Mr Sodeman: Your policy and attitude is disastrous to school children in this State, and you

know it. That Bill you introduced encouraged the teaching of homosexuality to school children.

Mr PEARCE: It did not.

Mr Sodeman: It did so—you want to read it.

Mr PEARCE: I introduced it.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: None of this is relevant, but it is just that sort of idiocy that makes me wonder about members on the other side. Although we referred to it as the homosexual law reform Bill, it was in fact a series of amendments to the Criminal Code, and that has nothing to do with whatever is taught in schools. That is how much the member for Pilbara knows about it. However, I do not intend to canvass the intolerances and prejudices of members on the other side.

The point I am making is that the Minister tried to dig up anything he could find on me. I presume he had access to the Education Department files. As the member for Geraldton said to me last night, it shows that my file must be remarkably clean. Perhaps he tried to look at my ASIO file as well.

Mr Grayden: I can assure you we didn't start looking for files or any evidence, otherwise we could have told you so.

Mr PEARCE: I am sure my ASIO file would be clean also—I was asked to join that particular organisation.

Mr Grayden: Tell us about the support—

The SPEAKER: I suggest to the member for Gosnells that he should ignore the invitation to tell members about other things and confine his remarks to the Chair.

Mr PEARCE: Indeed I will, sir. Having made that point, I will just say that the Minister's efforts to dig up something scurrilous about me were unrewarded, and for someone in his position of vulnerability it was a very foolish thing to do.

There are matters on public record to do with the Minister that could be taken up easily again.

We were very serious in moving this motion. We on this side believe the Minister does not conform with the standard one expects in a Minister of the Crown. The support of the Minister by the Premier, as I have said already, just goes to demonstrate that the standard on the Government side of the House has slipped, and one would not have expected that even from this Government in its early days. I imagine we can look to see a further decline.

In concluding my reply, I invite other members of the House to join us in this motion of no confidence in the Minister for Education.

Mr Grayden: That is a great compliment coming from you!

Question put and a division taken with the following result—

#### Ayes 18

Mr Barnett	Mr Jamieson
Mr Bertram	Mr Melver
Mr Bryce	Mr Parker
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Davies	Mr Taylor
Mr E. T. Evans	Mr Tonkin
Mr Harman	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

#### Noes 25

Mr Blaikie	Mr O'Connor
Mr Clarko	Mr Old
Sir Charles Court	Mr Rushton
Mr Cowan	Mr Sibson
Mr Coyne	Mr Sodeman
Dr Dadour	Mr Spriggs
Mr Grayden	Mr Stephens
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr MacKinnon	Mr Young
Mr Mensaros	Mr Shalders
Mr Nanovich	

(Teller)

#### Pairs

Ayes	Noes
Mr H. D. Evans	Mrs Craig
Mr Grill	Mr Laurance
Mr Bridge	Mr Crane
Mr T. H. Jones	Mr Tubby
Mr Carr	Mr Grewar

Question thus negatived.

Motion defeated.

### BILLS (2): RETURNED

1. Police Amendment Bill.  
Bill returned from the Council with an amendment.
2. Western Australian Marine Amendment Bill.  
Bill returned from the Council without amendment.

### QUESTIONS

Questions were taken at this stage.

*House adjourned at 4.27 p.m.*

# QUESTIONS ON NOTICE

1233. *This question was further postponed.*

## RAILWAY STATION

*Toodyay: Pedestrian Crossing*

1242. Mr HERZFELD, to the Minister for Transport:

- (1) Is it a fact that the pedestrian crossing in the vicinity of the Toodyay railway station has recently been closed and signed accordingly?
- (2) As a number of people will possibly be inconvenienced by the change, will he review the closure with a view to returning to the past practice?
- (3) If not, will he look at an alternative crossing point as a matter of urgency?

Mr RUSHTON replied:

- (1) to (3) The pedestrian crossing referred to is in fact a footway between station platforms which was provided for use by Westrail staff. It was never a public crossing and signs prohibiting use as such have previously existed. These signs have recently been renewed.

The footbridge at Duke Street just over 300 metres east of the station and a subway at Harper Road approximately 280 metres west of the station are authorised public crossing places. However, the point raised by the member is recognised and I have asked the Commissioner of Railways to have a look at the situation.

## HOUSING

*Avon Electorate*

1257. Mr McIVER, to the Honorary Minister Assisting the Minister for Housing:

- (1) Further to my question 732 of 1980 relevant to the State Housing Commission building programme for certain units at Northam, York, Beverley and Wundowie, is he now in a position to detail them for me?
- (2) If "No", what is causing the delay?

Mr LAURANCE replied:

- (1) Yes: Northam—two x two-bedroomed units, and four aged persons units. Nil units for York, Beverley, and Wundowie.
- (2) Answered by (1) above.

## GOVERNMENT GUARANTEES

*G. J. Clarke Pty. Ltd. and K. & H. Forrest and Hagel Pty. Ltd.*

1258. Mr DAVIES, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

- (1) Further to question 1194 of 1980 relating to certain loans, can he explain for what purposes the State Government guaranteed loans to—
  - (a) G. J. Clarke Pty. Ltd.;
  - (b) K. & H. Forrest and Hagel Pty. Ltd.?
- (2) What were the extent of the loans in each case?
- (3) Why was the Government forced to meet its obligations under the guarantees issued to the Rural and Industries Bank in each case?

Mr MacKINNON replied:

- (1) (a) G. J. Clarke Pty. Ltd.  
Working capital for the company's clothing manufacture operation.
- (b) K. & H. Forrest & Hagel Pty. Ltd.  
My department has not been involved in any way with K. & H. Forrest & Hagel Pty. Ltd. The Treasury Department which has administered the loan to the company advises, however, that it was for working capital purposes. I suggest that any further questions relating to this company be directed to the Treasurer.
- (2) (a) \$80 000 by way of two separate guarantees of \$56 000 and \$24 000 respectively. The amount paid out by the State, however, was \$44 149.
- (b) Treasury department advises that the amount paid out in respect of K. & H. Forrest & Hagel Pty. Ltd. was \$235 000.
- (3) (a) The company failed, was placed in receivership and as there were insufficient assets available to cover the State's guarantee it was called on to meet its obligations arising thereunder.

- (b) K. & H. Forrest & Hagel Pty. Ltd. ceased operations and the State was called on to meet its obligations under the guarantee provided.

## ROADS: MAIN ROADS DEPARTMENT

### *Employees: Retrenchments*

1259. Mr DAVIES, to the Minister for Transport:

Is it fact that there is a proposal before the Main Roads Department to make 14 men redundant before Christmas from the metropolitan area—Carlisle—depot and a further 14 will become redundant after Christmas?

Mr RUSHTON replied:

The Main Roads Department has found it necessary to reduce the metropolitan area work force by 15. There have been two resignations and the figure is now 13. Every effort will be made to assist those involved to find alternative employment.

A further small reduction in the metropolitan area work force may occur as a result of resignations in the future.

## TRADE PROMOTION CENTRE

### *Membership and Funding*

1260. Mr DAVIES, to the Treasurer:

- (1) What proportion of \$100 000 advanced to the Western Australian Trade Promotion Centre in the last financial year is to be recovered from:
  - (a) member's subscriptions;
  - (b) 150th Anniversary celebration funds?
- (2) How many members does the WATPC have?
- (3) How many members joined at the full price of \$416?
- (4) How many members joined at the reduced price of \$156?
- (5) Have any Government departments, agencies or semi-Government instrumentalities paid membership subscriptions to the WATPC?
- (6) If "Yes" to (5)—
  - (a) what are the agencies or instrumentalities;

- (b) what was the amount paid by each Government institution?

Sir CHARLES COURT replied:

- (1) (a) and (b) The advance of \$100 000 referred to was to be utilised towards the establishment costs and is repayable when sufficient subscriptions are to hand.
- (2) to (4) This information is confidential to the company.
- (5) Yes.
- (6) (a) Rural and Industries Bank of W.A.  
State Energy Commission  
WA Department of Tourism  
Westrail  
Department of Industrial Development  
State Transport Commission  
Public Works Department  
Metropolitan Water Board  
Department of Agriculture  
Western Australian Shipping Commission  
State Engineering Works  
State Government Insurance Office;
- (b) \$400.

## STATE FINANCE

### *Depreciation: Statutory Authorities*

1261. Mr DAVIES, to the Premier:

With reference to his comments on page 6 of his printed Loan Estimates speech in which he comments about the treatment of depreciation by statutory authorities because of "ill informed" statements which have been made on the subject, will he advise the source of those statements?

Sir CHARLES COURT replied:

*Hansard* reports of parliamentary debates.

## DEPARTMENT FOR COMMUNITY WELFARE

### *Auditors' Reports*

1262. Mr DAVIES, to the Minister for Community Welfare:

- (1) What action does he intend to take over the Auditor General's statement in his report to Parliament that auditors'

reports over a number of years have drawn attention to debtors balances being outstanding for excessively long periods and to instances where recovery facilities were not fully utilised before writing off?

- (2) What action does he intend to take on the unsatisfactory accounting matters reported by the internal audit which included rental arrears, overpayments, monetary assistance, irregular and late bankings, inadequate recordings of Government property and stocktaking shortages.

Mr HASSELL replied:

- (1) The Department for Community Welfare has reviewed its procedures in the debtors' area concerned—Burials—and following discussion and agreement with the Auditor General's representative the department has adopted revised procedures which should ensure that these problems do not recur.
- (2) The appropriate action has now been taken in relation to all areas mentioned. This included action to recover moneys owing to the Crown and instructions to staff on the correct procedures to be followed. Notwithstanding this, the department is presently examining ways in which it can strengthen its controls in the areas referred to. Also, funds have been made available to provide a further internal audit clerk for the Department for Community Welfare to facilitate improved controls over these areas.

## PRISONS

*Department of Corrections: Auditor General's Report*

1263. Mr DAVIES, to the Chief Secretary:

What action does he intend to take over the Auditor General's statement in his report to Parliament that an examination of the pay-roll system in the Department of Corrections has indicated serious weaknesses in internal control procedures?

Mr HASSELL replied:

The Auditor General's statement is the result of a State audit report for the period 1 June 1979 to 30 June 1980.

The processing and control of Department of Corrections pay-roll for the said period was the responsibility of the Department of Health and Medical Services.

Department of Corrections assumed responsibility for processing and control of pay-roll from 1 August 1980.

Funds have been provided to meet the salary of an audit clerk for internal audit section of the Department of Corrections, and this will enable the necessary control procedures to be implemented.

## HARBOUR AND LIGHT DEPARTMENT

*Auditor General's Report*

1264. Mr DAVIES, to the Minister for Transport:

What action does he intend to take over the Auditor General's statement in his report to Parliament that auditors' reports over the past three years have drawn attention to the inadequate internal control and lack of documentation of accounting procedures within the Harbour and Light Department?

Mr RUSHTON replied:

I have asked the Harbour and Light Department to introduce changes to enable a satisfactory internal audit system to be introduced.

This should overcome the matters of concern raised by the Auditor General.

## HEALTH

*Department of Health and Medical Services: Auditor General's Report*

1265. Mr DAVIES, to the Minister for Health:

What action does he intend to take over the Auditor General's statement in his report to Parliament that an examination of the pay-roll system for the Department of Health and Medical Services has indicated serious weaknesses in internal control procedures with particular reference to payments made from the Consolidated Revenue?

Mr YOUNG replied:

I have been informed that funds are being made available to meet the salaries of two audit clerks for the internal audit section of the Department of Health and Medical Services. This will enable the necessary control procedures to be implemented.

### PRISONS ACT

#### *Amendment*

1266. Mr DAVIES, to the Chief Secretary:

- (1) Are amendments to the Prisons Act under consideration?
- (2) If so, with respect to which matters?

Mr HASSELL replied:

- (1) Yes.
- (2) A total review of the Prisons Act 1903-1979 is under consideration.

### HEALTH

#### *Noise Abatement Act and Regulations: Amendment*

1267. Mr DAVIES, to the Minister for Health:

- (1) Is he aware of the statement by the Parliamentary Commissioner for Administrative Investigations on page 14 of his report that he believes the Noise Abatement Act 1972 and the Noise Abatement (Annoyance to Residents) Regulations 1974 have insufficient "teeth" and should be amended?
- (2) Can he indicate when the Government intends to amend the Act and regulations?

Mr YOUNG replied:

- (1) Yes.
- (2) The amending Bill is under preparation. New Noise Abatement (Neighbourhood Annoyance) Regulations were published in the *Government Gazette* of 29 August 1980. The amending Bill will also enable suitable hearing conservation regulations to be gazetted.

### BUILDING INDUSTRY

#### *Builders' Registration Board: Area of Jurisdiction*

1268. Mr DAVIES, to the Minister for Consumer Affairs:

- (1) Is he aware of the statement on page 14 of the report of the Parliamentary Commissioner for Administrative Investigations that inquiries and complaints to his office indicate the need to extend the geographical jurisdiction of the Builders' Registration Board, at least to the well populated country areas?
- (2) Does he intend to take action as a result of the commissioner's statement?

Mr O'CONNOR replied:

- (1) Yes.
- (2) No. As previously advised, the Government will keep the matter of extension of jurisdiction under review.

### FISHERIES

#### *Rock Lobsters: Boats Licensed*

1269. Mr CARR, to the Minister representing the Minister for Fisheries and Wildlife:

- (1) What is the total number of zone A rock lobster boats presently licensed?
- (2) What is the total number of zone B rock lobster boats presently licensed?

Mr O'CONNOR replied:

- (1) 204.
- (2) 166.

### FISHERIES

#### *Rock Lobsters: Catches*

1270. Mr CARR, to the Minister representing the Minister for Fisheries and Wildlife:

- (1) How many zone A licensed rock lobster fishing boats sent in returns showing catches in block 2814 in each of the last three seasons?
- (2) What was the quantity of catch reported?
- (3) How many zone B licensed rock lobster fishing boats sent in returns showing catches in block 2814 in each of the last three seasons?
- (4) What was the quantity of catch reported?



Mr O'CONNOR replied:

- (1) to (4) The information requested is not readily available and will take some time to collate in the form of the question. It will be forwarded direct to the member as soon as it is available.

## EDUCATION DEPARTMENT

### *Staff: Wage Payments*

1271. Mr CARR, to the Minister for Education:

- (1) Is he aware of a degree of dissatisfaction among Education Department staff concerning the late payment of wages for such extra duties as night school classes?
- (2) Will he please take action to overcome these delays in payment?

Mr GRAYDEN replied:

- (1) Yes.
- (2) This problem is a long-standing one caused by the great number of part-time staff involved at the many colleges and teaching centres used by the Technical Education Division. The solution of the problem is dependent on the development of a computerised pay-roll system for these members of staff and while such a system is given a high priority within the department, there is little prospect of an early improvement.

Additional computing personnel are to be engaged this year and gradual improvement may be expected in the development of computerised systems.

## PRISONER

### *Lionel Cruttenden: Repayment of Funds*

1272. Mr PEARCE, to the Chief Secretary:

- (1) Is it a fact that Mr Lionel Cruttenden has repaid \$100 000 of the \$171 000 he was convicted of embezzling?
- (2) If so, has this money been returned to creditors of Mr Cruttenden?
- (3) If it has, why have some creditors received no benefit from these repayments?

Mr HASSELL replied:

- (1) to (3) The questions raised are not within the responsibility of the Chief Secretary or the Department of Corrections. However, information on file obtained from the Assistant Official Receiver in Bankruptcy indicates the following—

1. The bankrupt filed his own Petition in Bankruptcy.
2. Date of bankruptcy was 6 December 1974.
3. Estimated deficiency on the Statement of Affairs was \$216 509.
4. It appears that the deficiency on the claims lodged against the estate to date will be \$204 000.
5. The amounts misappropriated by the bankrupt formed part of the original deficiency and most of the creditors involved have lodged claims against the estate and form part of the present deficiency.
6. It appears that a dividend of approximately 3.5 cents in the dollar will eventually be paid in this estate.
7. At present an objection has been lodged against the bankrupt's discharge and as a result of this he continues to be bankrupt. Under the amendments to the Bankruptcy Act which are expected to come into force on 1 January 1981 this objection would keep Cruttenden bankrupt for a further five years. However, he would still have the right to apply to the court for an earlier discharge and the matter would then rest with the judge as to whether the application was granted. Furthermore, if it was considered necessary, an application could be made to the court after the amendments come into force for the time of the bankruptcy to be extended further beyond the five years referred to.

## HEALTH

### *Head Lice*

1273. Mr PEARCE, to the Minister for Education:

- (1) What standing instructions have been given to teachers in dealing with outbreaks of head lice in schools?

- (2) Will he table a copy of the standing instructions?
- (3) Are teachers expected to be responsible for checking the hair of children in their care?
- (4) If so, what training is given to teachers in examining for, diagnosing, and prescribing treatment for, head lice and nits?

Mr GRAYDEN replied:

- (1) Regulation 19A gives a teacher the authority to inspect a child's head if he suspects head lice may be present. The principal has the authority to exclude a child from school if he has head lice. While acknowledging that the treatment is still the direct responsibility of the local council health department, principals are advised that initial contact should be made with the school health nurse or community health nurse who is responsible for the provision of health services to a particular school. The nurse will accept responsibility for liaison with the local council health department. Health surveyors cannot legally carry out mass examinations of school children.
- (2) to (4) The teacher is not expected to assume responsibility for checking hair for lice. The administrative instructions give the teacher the power to examine children's hair if parental complaints or other evidence suggests head lice are prevalent, in order to ascertain whether or not contact should be made with one or other of the specialist agencies with expertise in diagnosis and treatment.

## EDUCATION: HIGH SCHOOLS

### *School Fees*

1274. Mr PEARCE, to the Minister for Education:

Are high schools entitled to withhold student reports, records, or other documents if their parents have not paid school fees?

Mr GRAYDEN replied:

The payment of amenities fees in secondary schools is an obligation for parents or guardians of children, but payment cannot be enforced since amenities fees are classified as voluntary contributions.

Payments for the purchase of books and fees for extra services provided by schools are not voluntary and schools are entitled, like any other creditors, to take reasonable measures to ensure that debts are paid.

The Education Department advises principals of schools to discuss outstanding debts with parents or guardians and to try to reach agreement on payment. For example, agreement might be reached for a debt to be reduced by instalments. Such discussions usually produce a satisfactory result and avoid the use of sanctions.

## TRANSPORT: BUSES

### *School Children*

1275. Mr PEARCE, to the Minister for Transport:

In view of the hardship experienced by many parents in meeting the cost of bus fares for school-aged children, which can now cost \$2 per child per week, what consideration has been given to providing cheaper fares through a fare reduction, a cheaper return fare system, discounted monthly passes, or some other system?

Mr RUSHTON replied:

I have recently received a request from one of my local schools for consideration to be given to this issue. I am aware a copy of this letter was also sent to the member.

The request is under consideration.

## EDUCATION: UNIVERSITIES

### *Research and Development Funds*

1276. Mr PEARCE, to the Minister for Education:

- (1) Is his department concerned at the reduction in real terms of funds available to universities for research and development?
- (2) What steps has he taken to remedy this situation?

Mr GRAYDEN replied:

- (1) Yes, the WA Post-Secondary Education Commission is concerned.

- (2) In its proposals for the 1982-84 triennium the commission has supported increased funding for research and development in universities and also for funding for applied research projects in selected colleges of advanced education.

In addition, the recommendation in the Williams committee report for increased research funding was supported.

The State makes funds available to several tertiary institutions to undertake commissioned research through agencies such as the Solar Energy Research Institute, the Education Department, and similar organisations.

## QUESTIONS WITHOUT NOTICE

### CONSERVATION AND THE ENVIRONMENT

#### *Environmental Protection Act: Amendment*

355. Mr BARNETT, to the Premier:

Is he now in a position to indicate whether the Government will introduce legislation in this session of Parliament to alter the structure of the Environmental Protection Authority?

Sir CHARLES COURT replied:

No. If the honourable member asks me the same question about this time next week, I might be able to give him an indication.

## TRAFFIC

### *Driving Schools*

356. Mr HERZFELD, to the Minister for Police and Traffic:

- (1) Adverting to his comments in the House last week that some driving schools had been taking advantage of unlimited free licensing tests from the Road Traffic Authority, would he amplify on this statement and indicate the nature of the problem?
- (2) Would he name the driving schools with an excessive failure rate?
- (3) Does the evidence indicate that some schools were deliberately submitting students to a test before they were ready for examination?

- (4) As failure to pass a driving test could be used as a subtle device to force students to pay for an extended course of lessons, will he satisfy himself that the Road Traffic Authority is not unwittingly lending itself to a revenue collecting racket in a very competitive industry?

Mr HASSELL replied:

- (1) Essentially, what is happening is that driving schools are giving an applicant for a driver's licence one instruction lesson and then presenting him for testing by the authority. The applicant is charged for two full one-hour lessons as a result; one hour for instruction and one hour for the test period. A high failure rate results from such limited instruction and upon failure the applicant has a minimum of one further driving school lesson before re-presentation for testing. Depending on the ability of the applicant, this procedure can be repeated a considerable number of times. Each cycle is regarded as two hours of instruction time by the driving school and an authority officer is committed for the duration of each test.
- (2) There is no particular school with an excessive failure rate. The present rate is reasonably uniform.
- (3) No. If anything, it appears that the pupil rather than the school is opting for a minimum of instruction and an early test.
- (4) Yes. The proposed increase in testing fees is, among other things, designed to reduce the incidence of testing applicants before they are ready.

## EDUCATION: SCHOOL

### *Balcatta*

357. Mr BRIAN BURKE, to the Minister for Education:

Is he now in a position to tell me exactly when the heaters about which I have previously asked him will be installed in the Balcatta Primary School?

The SPEAKER: Order! The Minister for Education obviously is not present in the Chamber. Had I realised that, I would not have permitted the question to be asked.

Mr O'Connor (for Mr GRAYDEN) replied:

On behalf of the Minister for Education, if the honourable member places his question on the notice paper, I will obtain an answer for him.

### WEDGE ISLAND

#### *Bombing Practice*

358. Mr DAVIES, to the Premier:

- (1) Has the Premier had any correspondence regarding the resumption of land at Narrow Neck to be used by the Navy as a bombing target practice area?
- (2) If so, has he made any representations to the Federal Minister and with what result? It might help me answer the various letters I have received on the matter.

Sir CHARLES COURT replied:

- (1) and (2) I assume the Leader of the Opposition is referring to Narrow Neck at Rottneest.

Mr Davies: No, Wedge Island. They call it "Narrow Neck", which I understand is a place above Wedge.

Sir CHARLES COURT: When I hear the name "Narrow Neck" I always think of it as being part of Rottneest. I have no knowledge of any correspondence on the matter. However, I will check with my department and the appropriate Ministers to see whether correspondence has been received on the matter.

### POLICE AND ROAD TRAFFIC AUTHORITY

#### *Overtime*

359. Mr WILSON, to the Minister for Police and Traffic:

What special arrangements are to be made to ensure public safety in view of the gaps in rosters which are likely to arise as a result of the ban on voluntary overtime by police staff which is expected to take effect after 1 November?

Mr HASSELL replied:

It is my understanding that, in the case of Road Traffic Authority officers, there will not be a ban on overtime as there are sufficient volunteers to man the

services which it is considered appropriate to provide.

### PRISONER

#### *Lionel Cruttenden: Repayment of Funds*

360. Mr PEARCE, to the Deputy Premier:

Further to my question without notice of last Thursday in reply to which he advised the House that Mr Lionel Cruttenden had repaid \$100 000 of the \$171 000 he was gaoled for swindling, and since the Chief Secretary today advised me that Mr Cruttenden went bankrupt owing \$216 509 and it now seems there will be a deficiency on that account of \$204 000—that is to say, about \$12 000 appeared to remain in Mr Cruttenden's account after he was bankrupted—can he advise the House and the people who have been telephoning me exactly what happened to the \$100 000 Mr Cruttenden is supposed to have repaid?

Mr O'CONNOR replied:

I have had no notice of this question, but the member in his assumptions is as inaccurate as the comments published in the *Daily News* tonight. I never made a statement to that effect at all. If the member looks at *Hansard* he will find I said, in reply to a question from him, "Yes, I have." In other words, I had made representations on behalf of the person concerned. I said, "If I recall correctly . . ."—I did not make an emphatic statement. I continued—

... about five and a half years ago Mr Cruttenden was imprisoned for misappropriation of about \$170 000, of which he repaid \$100 000.

Since that time I have had a look at certain documents and I will give the member some information from them. I checked this matter with a document of the Official Receiver. We must not get taken aside with the amount involved in the bankruptcy and the amount with which the man was charged; this is where the discrepancy occurs. From the Official Receiver's documents I learnt that the amount of the charges involved totalled \$170 000. The actual amount was \$170 909. Eight of the charges were in respect of falsely pretending, etc. and

totalled \$48 000. The remaining 10 charges were in respect of amounts totalling \$122 909. In other words, the total amount for which he was charged was \$170 909 and, therefore, I was \$909 out.

I said at the time it was 12 months since I had seen the papers involved and I was relying on memory. The information I will give now is from a letter by Mr Cruttenden which indicated that eight fraud charges were involved amounting to \$48 000 and 10 stealing charges amounting to \$122 909, giving a total of \$170 909. The amount now owing is \$104 460 and of this \$13 000 referred to in paragraph (g) is in doubt.

So the figures I gave were from my memory of what the position was. There was a difference between the amount involved with the bankruptcy and the charges themselves; the difference was the \$104 460 less the \$13 000, an amount of \$95 000 approximately. I have not checked the details. The figures I gave were off the cuff. They might have been a little out, but not by far.

## TRAFFIC

### *Driving Instructors*

361. Mr HERZFELD, to the Minister for Police and Traffic:

- (1) How many licences are currently on issue under section 7 of the Motor Vehicle Drivers Instructors Act 1973?
- (2) Subsection (5) of section 7 requires the holder of a current licence to be a fit and proper person to act as a driving instructor and to be of good character—
  - (a) What investigations are carried out with respect to an applicant's suitability to hold a licence under the above criteria?
  - (b) Does the application form require a declaration of an applicant's record, if any, of traffic or criminal convictions?

Mr Skidmore: And is the Minister going to do something about it?

Mr HASSELL replied:

- (1) 567, including those due for renewal in November and December which have not as yet been renewed.

- (2) (a) The following must be provided—
  - (i) A letter of employment from a driving school.
  - (ii) Two character references.
  - (iii) A certificate of competence from the National Safety Council.
  - (iv) Evidence that appropriate driver's licences are held.
- (b) Yes, and the applicant's criminal and traffic records are checked by the authority.

## POLICE AND ROAD TRAFFIC AUTHORITY

### *Overtime*

362. Mr WILSON, to the Minister for Police and Traffic:

- (1) My question follows on from his answer to my previous question. Is he aware of the statement by the WA Police Union that there has been a marked response from its members at all rank levels to its ban on voluntary overtime and which statement goes on to make the point that the union expects complete co-operation with that ban by 1 November?
- (2) Is the Minister aware of this and did he take the union's comment into consideration in answering the previous question?

Mr Hassell: What is the date of the statement?

Mr WILSON: It was I think 23 October.

Mr HASSELL replied:

- (1) and (2) To receive a proper answer the member would best serve himself by putting a question on notice and I will have the matter checked thoroughly and supply him with the information. If there are to be bans which affect the workings of the Road Traffic Authority, we will have to take some action. The advice I have had to date is that although some members are not volunteering for the work there are plenty of RTA patrolmen who are quite happy to volunteer to do the work and there are no problems.

**CONSTITUTION AMENDMENT ACT***Validity: Supreme Court Application*

363. Mr DAVIES, to the Premier:

Has any progress been made in taking to the Supreme Court the question of the validity of the amendment to the Constitution Act which relates to the appointment of additional Ministers?

Sir CHARLES COURT replied:

As I promised last week, I followed the matter through. I was advised that progress had been made but no-one could be precise about the timing of when anything would happen. Like most

members, I am interested in this matter and I will persist.

**TRAFFIC***Driving Instructors*

364. Mr HERZFELD, to the Minister for Police and Traffic:

- (1) Has he had industry pressure for a review of the Motor Vehicle Drivers Instructors Act?
- (2) Is such a review being undertaken?

Mr HASSELL replied:

- (1) No.
- (2) No.

