

# Legislative Assembly

Thursday, the 23rd September, 1976

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

## QUESTIONS ON NOTICE

### *Postponement, and Closing Time*

**THE SPEAKER** (Mr Hutchinson): I desire to inform members that questions on notice for Tuesday, the 5th October, will be accepted until 12.00 noon on Friday, the 1st October. I advise members also that as is customary, questions on notice will be taken at a later stage of this sitting, probably after afternoon tea.

## LEGISLATIVE REVIEW AND ADVISORY COMMITTEE BILL

### *Second Reading*

**MR O'NEIL** (East Melville—Minister for Works) [2.20 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House is to implement two proposals referred to in the Premier's policy statement at the last election; to establish an independent body to ensure that laws and regulations do not trespass unduly on personal liberties, and to establish an impartial committee on freedom and responsibility for identification of guidelines between freedom and licence.

There is a close connection between the two proposals and there is no reason that one body cannot carry out both functions.

At the outset it must be made clear that there is no intention of usurping any of the functions of Parliament. The new body will in all respects be subservient to and an instrument for Parliament to make use of in an advisory capacity. Private members will be expected to continue to scrutinise governmental regulations—as some have in the past—and there will be no lessening of the rights of private members to move for the disallowance of such regulations. Indeed, this Bill does not affect private members' rights, privileges or duties in any way whatever. It supplements those rights by providing an additional avenue of skilled and technical review of the mass of subordinate legislation. But I again emphasise that members of both Houses of Parliament will continue to have an obligation to their constituents in regard to overseeing regulations and indeed will—as in the past—be expected to do so.

The overviewing of certain aspects of subordinate legislation is, however, only one part of the charter of the legislative review and advisory committee which the Bill seeks to establish.

The functions of the committee can be conveniently divided into three areas.

The committee's first function will be to examine promptly, after publication in the *Government Gazette*, all regulations, rules and by-laws required by Statute to be tabled in Parliament.

The committee will examine all such regulations, rules and by-laws to determine whether the attention of Parliament should be drawn to their provisions on any of five grounds, namely—

- (1) that they are *ultra vires* or not in accordance with the general objects of the Act under which they have been made;
- (2) that their form or purport is unclear or unsatisfactorily expressed and requires clarification;
- (3) that they unduly trespass on rights or liberties previously established by law;
- (4) that they confer too much discretion on the Executive in that they create authority which should be dependent upon judicial rather than administrative decisions;
- (5) that they contain matter which should properly be in an Act of Parliament rather than in regulations, rules or by-laws.

These five criteria may be said to be technical but are nevertheless basic to the preservation in our law of democratic principles. It will be appreciated that our law comprises not only the Statutes passed by Parliament but also the regulations and by-laws made under those Statutes by persons—mainly civil servants—charged by the Executive to do so.

Parliament passes the Acts, public servants frame the regulations under the Acts, and these may be disallowed by Parliament. Some have advocated a parliamentary committee to scrutinise the regulations. We believe members of Parliament are already heavily committed to their many other duties and this task would be best performed by a committee of citizens with good technical assistance who could advise Parliament when there are grounds for objection.

At the same time, members of Parliament who have an interest in any particular regulations may make their own inquiries independently. Of course, the final say in whether or not any advice of the committee is to be acted upon or any regulations disallowed will always rest in the hands of the members of each House.

Under the terms of this Bill, the committee is obliged to furnish any report, where practicable, to each House of the Parliament within six sitting days of the day on which the subordinate legislation

to which each report relates has been tabled. This should provide members of both Houses of Parliament with sufficient time to examine the report before the expiration of the period in which a motion can be made for the disallowance of the legislation under the Interpretation Act.

The committee's second function will be to examine legislation of any kind—Acts of Parliament, regulations, rules and by-laws, Orders-in-Council, proclamations and any other form of statutory instrument—and to consider and report on whether the legislation unduly trespasses on personal rights and liberties, makes rights unduly dependent upon administrative and not judicial decisions, or unduly restricts or inhibits rights of appeal against administrative decisions.

The committee may consider and report only upon existing legislation. It cannot consider legislation currently before the House in any way.

The Bill proposes that either House of the Parliament or the Minister administering the Act may refer such legislation to the committee for examination and report.

It is felt that this particular function of the committee will serve the useful purpose of enabling either House of the Parliament or the Minister to require the committee to review the actual operation of legislation which may have been passed or promulgated years ago. This will have particular effect in circumstances where either House or the Minister is of the opinion that in actual operation the legislation may without proper community justification be producing some unfair or arbitrary result.

The final function of the committee is to investigate and report upon general principles to be adopted in the preparation of future legislation, either generally or in respect of particular subject matters. One typical matter which a Parliament might wish the committee to examine is whether in compulsory marketing schemes there should be a right of appeal to a court against the quota allotted to any individual producer.

Here again the committee cannot take up a matter on its own initiative but only on reference by either House of the Parliament or by the Minister. Its function will be to advise only, and there will be no obligation on the Parliament to accept its findings.

Because the committee's functions in total are much broader than those of any committees hitherto established by any of the Australian Parliaments, it is the Government's view that the committee ought not to be a parliamentary one. The Government expects that the members of the committee will be required to devote a considerable amount of time to their duties if the committee is to perform

satisfactorily, which in itself is a valid reason for the committee not being a parliamentary one.

It must also be appreciated that the committee's function will not be to write legislation or even to recommend the full scope of legislation on any particular subject. Its task will be to consider the principles which Parliament should adopt either generally or in a particular context in order to preserve fundamental liberties.

The Government anticipates that if the committee is to operate effectively it will need to be able to call on expert advice, including legal advice, and the Bill so provides.

To perform its first two functions—namely, examination of regulations, rules and by-laws immediately after promulgation and examining existing legislation referred to it—the committee will have all the powers of a parliamentary committee and will be able to compel persons to attend before it and answer questions.

The Bill provides that, in effect, the provisions of the Parliamentary Privileges Act extend to the powers of, and proceedings before, the committee so that persons who fail to attend after being summoned or who fail to answer questions or who disrupt proceedings of the committee can, if Parliament thinks fit, be dealt with by the Parliament as if they had committed contempt of a parliamentary committee.

The Government's undertaking in its pre-election policy statement, to establish a body or bodies to perform the functions I have outlined, was motivated by its concern, which is shared by many people in the community, that on occasions insufficient consideration is given to the rights and freedoms of the individual when legislation is being prepared or reviewed. The passage of this legislation will enable the Government to fulfil its undertaking to enable such a body to be established to ensure that the rights and privileges of the citizens of the State are not taken away or interfered with by hastily or ill-conceived legislation or by a lack of review of existing legislation.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

## COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

### *Second Reading*

MR O'NEIL (East Melville—Minister for Water Supplies) [2.30 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill is to amend the Country Areas Water Supply Act to permit control to be exercised over the clearing of land within the Wellington Dam catchment area.

Extending from the earliest periods of the State's history, it has been recognised that clearing for agricultural and other purposes has been followed by an increase in stream salinity. The rivers worst affected are those with their headwaters in relatively low rainfall areas—for example, Avon, Frankland, Blackwood, and Murray.

In more recent years the salinity of rivers having their headwaters in areas of medium rainfall is showing signs of increasing. The Collic River is in this category.

The clearing of the catchment behind Wellington Dam has resulted in an increase of salinity in the streams and consequently the water impounded in the reservoir.

Wellington Dam provides the second biggest reservoir in the south-west and assured supplies of water for irrigation and domestic use.

When Wellington Dam was constructed only a small proportion of the catchment was alienated and very little was cleared. By 1945 only 5 per cent of the total catchment was cleared, and by 1960 this had increased to approximately 9 per cent, although approximately 35 per cent of the catchment had been alienated.

By that time there were already clear indications that salinity was becoming a problem, and it was determined that no further Crown land, except within town-sites, would be released. Although no further land has been released, clearing on existing farmlands has continued at a high rate, so that at the present time approximately 25 per cent of the catchment has now been cleared. This leaves approximately 70 000 acres of alienated land which is still uncleared within the catchment area.

Water sampling from Wellington reservoir has been carried out regularly since 1941 when the mean annual salinity was approximately 200 milligrams of total dissolved salts per litre of water. This year, as at the end of winter, the average salinity is over 700 milligrams of total dissolved salts per litre of water.

The salinity of the water in the reservoir is influenced quite significantly by seasonal factors. Nevertheless the long-term trend is upwards. The dry winter just experienced has caused a substantial deterioration in the water quality and, to reduce the effect of this, some 10 million cubic metres of high salinity water will be scoured to waste.

Recent studies of the catchment area and of stream flow indicate that the heavy clearing during the late 1960s has not yet had its full effect. On this basis even without further clearing the salinity is expected to increase, and if all the alienated land is cleared the water could become too brackish for irrigation and domestic use.

The seriousness of the problem has been recognised by both the Public Works Department and the Department of Agriculture for some time, and a great deal of technical research has been carried out to obtain a fuller understanding of this complex problem. Results from these studies are now becoming available and are being evaluated.

Some of the studies undertaken have looked at the effect of clearing on salinity, the potential of agro-forestry, the effect of saline water on pasture growth, possible catchment management techniques and the salinity layering of water in the reservoir and its possible use as an operational tool. The studies are being carried out by the Public Works Department, the University of Western Australia and the CSIRO.

There is no single solution to the problem. Control and eventual reduction in the salinity content of the streams feeding Wellington reservoir will take many years to achieve and require the uses of many techniques.

With the benefit of this background, members should appreciate the need for control over clearing which will be provided by requiring a person who wishes to clear land within defined areas of the catchment to obtain a licence. The licence may be issued by the Public Works Department subject to conditions. Once issued, the conditions may be varied or the licence cancelled. When a licence is refused or revoked, or includes a condition unacceptable to the applicant, an appeal against the department's decision may be made to the Minister.

Provision is made in the Bill for compensation to be paid to owners adversely affected by a refusal to grant a licence, or cancellation of a licence, or the imposition of unacceptable conditions. The Bill also provides that, in lieu of paying compensation, the land affected may be purchased or resumed.

Legislation to control clearing of the Collic catchment is a first necessary step if we are to prevent deterioration of the water quality of Wellington Dam to the extent that it will be unsuitable for irrigation. However, there are other rivers in the south-west which could go the same way as the Collic if clearing is left uncontrolled, and careful consideration will need to be given in the not-too-distant future as to whether there is a need to extend the controls to other catchments and water reserves.

For the benefit of members, an exhibit prepared by the engineering division of the Public Works Department will be displayed in Parliament House from Monday, the 4th October, to Friday, the 8th

October. The same exhibit will be on display at—

The Perth Royal Show from the 24th September to the 2nd October;

Harvey Show on the 15th and 16th October;

Brunswick Show on the 23rd October;

Southern Districts Show at Busselton on the 29th and 30th October;

Upper Blackwood Show on the 2nd November; and

Collie Show on the 26th and 27th November.

I commend the Bill to members.

Debate adjourned, on motion by Mr McIver.

## BILLS (2): MESSAGES

### *Appropriations*

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Legislative Review and Advisory Committee Bill.

2. Country Areas Water Supply Act Amendment Bill.

## LOCAL GOVERNMENT ACT

### AMENDMENT BILL (No. 5)

#### *Second Reading*

**MR RUSHTON** (Dale—Minister for Local Government) [2.39 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for extensive amendments to the Local Government Act. Whilst some of its provisions are intended to overcome problems or remove anomalies which have come to light from the application of the present provisions of the Act, there are also some which introduce entirely new principles.

I would like first of all to explain to the House some of the more important matters of principle which are contained in this Bill.

The Bill seeks to give councils some control over their officers engaging in employment or business outside their council duties.

An officer employed by a council will be required to obtain that council's permission before accepting outside employment or engaging in business.

It is desirable that councils be able to exercise this sort of control to ensure that their officers do not become involved in separate employment or business enterprise which might conflict with or hinder their duties as council officers.

This position will be very similar to that applying in the State Public Service where officers are not allowed to have a

second field of employment or become involved in business except with the Governor's approval.

Another measure contained in this Bill, which I regard as most important, is that the Minister will be able to impose conditions relating to the attainment of local government qualifications when approving the appointment of unqualified officers to certain offices at councils.

In effect, the Minister will be able to approve appointments on a probationary basis subject to the officer obtaining the necessary qualification within a reasonable period.

I should perhaps explain that the present provisions of the Local Government Act allow regulations to be made prescribing the academic qualifications required by persons occupying offices of clerk, engineer, town planner, building surveyor or treasurer of a council. A council cannot appoint a person who does not hold the required qualifications to one of these offices except with the Minister's approval.

The whole object of these provisions, of course, is to ensure that senior local government officers are suitably qualified at what might be regarded as a minimum standard.

Over the years, many local government officers have obtained the prescribed qualifications and it is generally accepted by junior officers who aspire to more senior positions that they will have to undertake the relevant course of study.

The stage has not yet been reached where an adequate number of qualified officers apply for each vacancy and the Minister, because of this, has approved unqualified appointments.

In some ways, these unqualified appointments tend to act as a disincentive to other officers who are pursuing their studies and of course they are not in keeping with the principle of ensuring that occupants of the particular offices concerned should have reached a minimum academic standard.

Whilst Ministers have consistently followed a policy, when approving unqualified appointments, of making the approval subject to the officer concerned obtaining the required qualification, this has not always had the desired effect because there is nothing in the legislation which allows the Minister to enforce such a condition. This Bill proposes to remove this deficiency.

Under the present provisions of section 37 of the Local Government Act, a person is disqualified from being elected or acting as a member of a council if he has a direct or indirect pecuniary interest in an agreement to which the municipality is a party. A person is not so disqualified if he has entered into an agreement with the council in the ordinary course of business.

These provisions are intended to preclude the possibility of council members entering into special contractual arrangements with their councils. However, they have reacted in an unfortunate way for a number of council members.

Many councils promote the development of recreational and leisure facilities in their districts by raising loans for the construction of buildings and other works for local organisations; for example, bowling clubs, golf clubs, and community clubs.

Standard practice is for the councils to require the organisation concerned to recoup the council for the annual amount required to service the relevant loans and frequently councils insist on guarantors to safeguard against the possibility of the organisation being unable to meet its annual commitment.

In these circumstances, guarantors have nothing to gain financially. Indeed, their only prospect of becoming financially involved is that they may have to make good any amount which the organisation concerned is unable to meet.

In several cases, a number of councillors have unfortunately disqualified themselves from council membership because of their public spirited gesture in acting as guarantors for loan agreements between their council and local community organisations.

Whilst there is no argument with the principle behind the prohibition of special agreements between councillors and their councils, the events to which I have referred demonstrate that some flexibility is required.

The Bill therefore proposes to authorise the Minister to exempt a councillor from disqualification in respect of a particular agreement.

Members will no doubt be aware of the fairly stringent by-laws made under the Local Government Act, and administered by councils, which require fencing and other safety measures for a private swimming pool. These by-laws are well known and accepted by the public. It is considered that an unprotected swimming pool can be a very hazardous enticement to young children.

The provisions of this Bill will allow necessary action to be taken where a pool presents a particular danger to the public because it does not comply with the safety provisions of the by-laws.

Council officers will be able to make inspections and where danger is apparent, direct the owner or occupier to rectify the problem. If the owner or occupier fails to take the necessary steps, the council will be able to take such measures as may be necessary to remove the danger.

Mr Davies: Have they not got that power now?

Mr RUSHTON: Not completely. The Bill also proposes to rewrite the present provisions of the Act relating to modified

penalties—sometimes referred to as “on-the-spot fines”—in respect of offences associated with the driving or parking of vehicles. More particularly, it amends the present “owner onus” provisions.

These provisions of the Bill are modelled on those contained in the Road Traffic Act whilst at the same time providing a measure of consistency with the City of Perth Parking Facilities Act.

Other matters covered by this Bill are—

- (1) Section 538 of the Local Government Act is to be amended to remove the ambiguity in the method of councils making charges, in lieu of rates, for gas and electricity installations in their districts.
- (2) The timing of a “case stated” from a Valuation Appeal Court to the Supreme Court will be clarified.
- (3) A person presiding at a council meeting will be given the same opportunity to have his pecuniary interest in a matter declared as a trivial interest, as is already given to other members of the council.
- (4) The voting rights of a chairman of a council committee will be clarified as will the voting entitlement of a deputy mayor or deputy president when presiding at meetings.
- (5) The eligibility of persons for appointment as referees to consider building disputes will be extended to include engineers.
- (6) Provision is made for the annual meeting of electors to be held, with the Minister's approval, prior to the receipt of the audit report.
- (7) The provisions relating to the service of notices by council will be amended to permit a notice to be left at a person's usual or last known place of residence.
- (8) Provisions will be introduced to permit councils to obtain advances from permanent building societies for the purpose of town planning schemes for the development of residential sites.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

#### ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL (No. 2) *Council's Amendment*

Amendment made by the Council now considered.

*In Committee*

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr O'Connor (Minister for Transport) in charge of the Bill.

The amendment made by the Council was as follows—

Clause 3, page 2, lines 7 to 14 inclusive—Delete all words in the clause and substitute the following:—

Section 19 of the principal Act is amended—

(a) as to subsection (1)—

- (i) by deleting the word "fourteen", in line five, and inserting in lieu thereof the word "twenty-eight"; and
- (ii) by deleting the word "seven" in line nine of paragraph (b), and inserting in lieu thereof the word "twenty-one"; and

(b) by adding after subsection (4) a subsection as follows—

(5) The Governor may make regulations prescribing all things that are necessary to be prescribed for the purposes of this section and of section twenty of this Act.

Mr O'CONNOR: I move—

That the amendment made by the Council be agreed to.

Members will notice that sections 19 and 20 of the Road Maintenance (Contribution) Act refer to the "prescribed form" in respect of matters relating to affidavit evidence. Attention has been drawn to the fact that there is no regulation-making power in the principal Act that would allow the necessary forms to be prescribed. The further amendment suggested in another place is, therefore, essential to enable the amendment contained in Act No. 23 of 1976 to operate.

This is something that we anticipated would be necessary before the Bill left this place and the Council's amendment brings into being what we believe the case should be.

Mr McIVER: We have no opposition to this amendment. We are in full agreement with it.

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

*Report*

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

**RACECOURSE DEVELOPMENT BILL***Council's Amendment*

Amendment made by the Council now considered.

*In Committee*

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr O'Connor (Minister for Police) in charge of the Bill.

The amendment made by the Council was as follows—

*New Clause.*

Page 10, after line 8—Add a new clause to stand as clause 12 as follows—

12. Where an application has been made to the Trust by a club for a loan or grant, the Trust shall afford—

- (a) a representative nominated by the club for the purpose; and
- (b) the appropriate member of the Board whose appointment to the Board was made on the nomination of a conference of Country Racing Associations or a conference of Country Trotting Associations, whichever is appropriate having regard to the type of racing conducted by the applicant club,

a reasonable opportunity to appear at and be heard before a meeting of the Trust in support of the application before the Trust makes a final decision with respect to the application.

Mr O'CONNOR: During the second reading debate on the Bill members opposite felt that greater representation should be provided to the country clubs. At the time I gave an undertaking that if necessary an appropriate amendment would be made in another place. Such an amendment has been made in another place to fit in with the request of members of this Chamber.

The Council's amendment will provide the opportunity for the officials of the country clubs, association, and the representative of a club which is making an application to the trust, to express their views before the trust. This is in line with the amendment sought by the Opposition.

I move—

That the amendment made by the Council be agreed to.

Mr H. D. EVANS: The Minister's fulfilment of his assurance is very much appreciated by the Opposition. The Council's amendment has gone a long way to meeting the objections which we raised previously. I take it that in the first instance opportunity will be provided for a member of the club which has lodged an application to the trust to appear before the trust. At the same time I take it that a permanent member from the Trotting Association and the Turf Club will be available at all times to appear before the trust to represent the interests of country racing and country trotting.

I assume there will be no possibility of these representatives being able to influence the trust, and that they will be present only to make the necessary representations and to ensure that the full circumstances are placed before the trust.

Mr O'Connor: I would expect the trust to take cognisance of the views of these people at the appropriate time.

Mr H. D. EVANS: I presume these representatives will not have a vote on the trust, and they will appear only to give advice and information on the circumstances of the application.

This is a gesture on the part of the Minister, and it is appreciated by the Opposition. The Council's amendment will ensure that no occasion could arise when a country club was disadvantaged by not having proper representation before the trust, or by not being fully aware of a hearing that was to take place. It is our view that a club lodging an application to the trust should be represented.

We support the Council's amendment.

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

#### *Report*

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

### **EDUCATION ACT AMENDMENT BILL (No. 2)**

#### *Second Reading*

Debate resumed from the 9th September.

MR BRYCE (Ascot) [2.55 p.m.]: The Bill has been introduced essentially to repeal and re-enact section 20 of the Education Act. It spells out the Government's policy in respect of special education, or the education of intellectually and physically handicapped students.

Having considered that part of the Bill the Opposition is appalled but not surprised at the old-fashioned and outmoded approach which the Government has adopted in respect of these provisions in the legislation. The Government seems to fly in the face of the expert advice

which it has received. After all, the Government did establish its own council on special education to advise it on the best possible way of handling the education of handicapped children.

The Government seems to be flying in the face of the advice of that committee, and it seems to be ignoring what has happened in recent months and in recent years in other parts of Australia and other parts of the world. Although we on this side of the House certainly support the repeal of section 20 of the Education Act, we do not give our support to the propositions which the Government is suggesting should take the place of the provisions in existing section 20.

The Government's attitude seems to fly in the face of a great host of expert advice. The trend taking place throughout Australia seems to be pointing to the need for Governments to accept complete responsibility for the education of intellectually and physically handicapped children. However, that responsibility is not accepted by this Government under the terms of the Bill.

Current thinking suggests that parents should not be involved in the cost of special education when they are directed by a Minister for Education to take their children to a special educational institution. That principle has not been spelt out in the Bill.

The latest advice that this Government has received in respect of special education suggests that one of the most important things in the life of a child who happens to be disadvantaged or handicapped is the assessment procedures that are adopted. We all know that mistakes can be made with assessments which involve human values and judgments. The very latest report available to this Government suggests that medical practitioners and educational authorities ought to work very closely together in the assessment of these children.

However, in the Bill before us the Government is prepared to give educational authorities and experts in psychology the sole responsibility, because the Bill seeks to establish a panel to classify and assess these handicapped youngsters. The very latest report—the Neal report—presented to this Government deals with the needs of special education in this State, and it suggests in the strongest and most positive terms that medical practitioners should be involved in any panel established to classify these youngsters.

Current opinion in education circles, both in this country and in other countries, also suggests that the views of the parents of handicapped youngsters, who suffer anxiety through the relationship of these youngsters with the rest of the family, should be taken into consideration.

This is not spelt out in the Bill, but Bills, similar to this, introduced in other parts of the country clearly spell out this important item. All these specifics have been excluded from the Bill and are the subject of amendments proposed by the Opposition.

I have indicated that the Opposition is very strongly opposed to section 20 of the Act and therefore we are pleased that action has been taken by the Government to repeal that section. This would apply to a Government of any complexion which took the action. However, we do not support the proposals the Government has included to replace that section.

With regard to the rest of the Bill, the Opposition supports the deletion of section 28 (p2) and the repeal of sections 32C and 32D. Believe it or not those two sections spell out in some detail that it is *ultra vires* the law for any teacher to stand up in a class in Western Australia to conduct instruction in any language other than English. This would include the Macabean School and a number of others, including those which are starting to instruct students in Aboriginal dialects. Those schools are conducting such lessons contrary to the intent of the Act. So we are very happy with the deletion of that provision. It is an insult to every migrant in the country and was no doubt included in the Act many decades ago.

We also support the amendments to sections 34, 37AF, and 40, and to the second and third schedules.

Although all those "nuts and bolts" sections of the Act are being amended, the essence of the Bill contains the Government's policy in respect of special education for handicapped children. Before I refer to the details and implications of that special education, I feel obliged to point out, particularly for the benefit of the Minister in this Chamber who represents the Minister for Education who is in another place, that the Education Department has not been fooled by the Liberal Party propaganda and the false explanation of its case in this Chamber a few nights ago when a censure motion on education was debated.

I draw the attention of members particularly to the proposition found on page 8 of the Bill relating to the third schedule which is not complex, but which rather covers a simple aspect. The third schedule is found on page 59 of the Act and under the heading of "Compulsory Form" it indicates that the names of all scholars between the ages of six and 14 years who have been absent on any occasion without satisfactory excuse during the various months must be listed. The schedule deals with the forms which each school must keep in respect of students who are absent from school.

With reference to the Government's policy I draw everyone's attention to the fact that this Government still classifies the year in which students turn six as the year in which they start school.

Mr Cowan: Compulsory schooling.

Mr BRYCE: I notice that the member for Merredin-Yilgarn is implying that that is good Country Party policy.

Mr Cowan: National Country Party policy.

Mr Bryce: The point which must be made is that in this Chamber only a few days ago the Minister representing the Minister for Education in another place insisted that the Government's policy promise of nearly three years ago—that is, that this Government would reduce the age at which youngsters start school to the year in which they turn five—was being implemented.

Mr Grayden: That is exactly what has happened.

Mr BRYCE: To answer the Minister's interjection, if that is the case, and the Government's policy in this respect is being implemented, I expect the Minister himself will initiate an amendment in this House to that particular schedule.

There are two ends to the span of a child's school life—the beginning, the year in which the child commences, and the year at the conclusion of school when a child may leave. By compulsion of law the child must remain at school until a certain time after which he or she may remain at school or leave.

The purpose of the amendment to the third schedule is to retain the age of six as being the school commencing age, but to delete the age of 14 years as being the minimum age for school leavers. That is quite acceptable. However, this Government promised the people of Western Australia that it would reduce the age at which students commenced school to the year in which they turned five.

Mr Shalders: And also that it would be noncompulsory.

Mr BRYCE: Under the Bill the Government has acknowledged the duplicity of its thinking. Members opposite do not believe it themselves.

Mr Shalders: You do not believe what you are saying.

Mr BRYCE: The Government has brought to the Chamber a Bill which reveals the Education Department has not been fooled by the propaganda about the age at which a student commences school in this State.

Mr Clarko: The age of five is not compulsory.

Mr BRYCE: It is precisely why that particular portion of the legislation remains unchanged.



Mr Grayden: I hope you do not think these statements even warrant an answer.

Mr BRYCE: If the Government's performance on the Bill resembles anything like its performance a few days ago on the censure motion, we would scarcely expect it to answer the statements. The case against the Government in respect of its performance on education is so damning members opposite dare not raise their voices.

Mr Bertram: The performance is non-existent.

Mr BRYCE: If members opposite all gathered in a room for an entire night they could not submit a decent case to justify their performance.

The essence of the Bill deals with section 20 and it is this aspect of education on which we should concentrate our attention. I have already suggested to the Chamber that the Government has taken no account of what is happening currently in other States and other countries in respect of special education. Technical education and special education in Western Australia would constitute the two areas of education which have been most seriously deprived in a financial sense, and they would certainly be the two areas of our education system which would require a vast injection of funds.

Mr Sibson: One of them would be to educate you; that would be one of the areas.

Mr BRYCE: I will ignore that interjection. We will all have the opportunity to educate the member for Bunbury politically in a few months' time.

Mr Bertram: We cannot have an opportunity to hear him, because he is not allowed to speak.

Mr BRYCE: Some members in the Chamber may not be familiar with the substance and meaning of section 20 of the Act. I indicated a few moments ago that my party is very opposed to section 20 and therefore is pleased to see any move to delete it.

Our opposition to this particular section of the Act is based on the very first subsection which spells out, in unquestionably straight language and so straightforwardly that it should offend the conscience of anybody who is concerned about the education, in any way, of intellectually and physically handicapped children, that it shall be the duty of the parents of blind, deaf, mute, cerebrally palsied, and mentally defective children to pay for the education of those children.

It occurs to me that the particular section has been in the Act for many decades. It is so outmoded and so out of step with the thinking of the 1970s that there is an excellent case to remove it from the legislation. There is no justification whatsoever to suggest that parents who are unfortunate enough to have a child who

is deaf, blind, mute, or suffering from cerebral palsy, should be expected to face the expense of making special arrangements for the education of that child. That is precisely what is spelt out in section 20 of the Education Act, as it currently exists.

The balance of the section covers two or three pages of the Act. To be fair to those who drafted the section of the Act, to say the least it constitutes a dead letter. It is a series of paragraphs containing mumbo jumbo relating to what parents of unfortunate children must do in the event of those parents not being able to provide special education for their youngsters.

By means of a series of questions to the Minister in this place, I have confirmed that the provisions of section 20 of the Education Act actually have never been applied. For that reason, we support the repeal of that section of the Act. However, we are greatly concerned at the way the Government has chosen to fill the vacuum which will be created by the repeal of section 20.

We should pay some compliment to the people who comprise the organisation known as "Watchdog". Any member who took the trouble to read the Education Act, from beginning to end, would agree that many other sections, as well as section 20, are well and truly in need of repeal and re-enactment. The whole Act certainly is in need of a review.

The group of people known as "Watchdog" banded together because of their common interest in this particular section. Those people have suffered the anxiety of having to provide for the education of youngsters who were born blind, deaf, cerebrally palsied, or physically or intellectually disabled in other ways. Without pressure from that particular organisation the members of which were incensed by this part of the Act, I doubt very much whether this Bill would have been before Parliament today. Those people are to be congratulated for the pressure they have applied to members of Parliament representing all political parties.

Mr Davies: Hear, hear!

Mr BRYCE: In October, 1974, the Minister for Education established The Western Australian Council for Special Education. That council was given a specific responsibility—to report to the Minister in respect of the most recent trends in special education and advise him with regard to legislation or administrative procedure which should be followed in the Western Australian system of special education.

I believe it is relevant to this debate that we should consider the initial recommendations from the council. Its first report was dated August, 1975, and contained six fairly brief but very significant recommendations to this Government. Those recommendations incorporated the

latest thinking throughout many parts of the world. However, this Government has introduced legislation which falls a long way short of the idealism involved in the report, and the needs of special education.

For the benefit of members I intend to inform them of the precise recommendations to the Government. The council recommended firstly that—

... a centrally co-ordinated service be established for the assessment and diagnosis of all forms of physical and mental handicap among children. Such a service would be staffed by education, medical, and psychological personnel.

I must make the point that the council recommended to the Government that in setting up any advisory panel to classify or assess these youngsters it should include education, medical, and psychological personnel who would work together and be closely involved. However, the Government has brought the Bill to the House and for some unexplained reason has not included in that panel a medical practitioner.

The second recommendation was—

... programmes of special education which are staffed and financed by the Government should be controlled by the Government and housed in Government owned facilities.

The implication in that recommendation is that the time has come for the Government to assume responsibility for special education in this State. The tremendous effort in past decades by voluntary organisations in this field of education must come to an end. There is a very important role for those organisations to play in supplementing the efforts of the Government, and I propose to examine that role in some detail a little later.

It is very important that the ultimate responsibility for the education of those children should be in the hands of the Government. An expert body has recommended that the education of those children should be taken over and administered by the Government.

The third recommendation of the council was—

... immediate plans should be initiated to build two special education centres in the metropolitan area to serve the northern and southern districts respectively.

The fourth recommendation was—

... the Education Department adopt the policy of providing for the education of handicapped children as near to their homes as possible.

The Bill now before us contains no implication, and no suggestion, that the Government proposes to adopt that recommendation. Instead, the suggestion is that if a youngster is to be taken out of

the mainstream of schooling in order to have special education, the Minister should be given the power to direct the family or the parents where the youngster should be sent. There is no emphasis in the Bill on the changes which must be implemented in hundreds of ordinary primary schools which serve our community to enable affected youngsters to remain in those schools where it is at all possible. It is terribly important that those youngsters should be able to remain in ordinary schools; that is well recognised by educational authorities in this State and in other parts of the world.

The fifth recommendation of the council was—

... the School Health Services of the Public Health Department should be responsible for the medical supervision of physically handicapped children in schools.

The sixth recommendation was—

... a decision to proceed with the planning of the two special education centres and with the general recommendations of this report should be made as soon as possible.

That is the advice which has been given to the Government; it is spelt out very clearly. A great deal of research is not required to find out what is happening elsewhere in Australia, or in other parts of the world, but for some reason the Government has decided to introduce this very disappointing policy with regard to special education. I await with some considerable patience the efforts of the Minister who represents the Minister for Education to explain why the Government has adopted this particular tack.

Mr Grayden: I am not going to too much trouble, I can assure you of that.

Mr BRYCE: I certainly hope that does not reflect the Minister's contempt for Parliament. Perhaps we as politicians can express contempt in political debate from one to the other but I hope by his interjection the Minister does not indicate he has contempt for Parliament.

Mr Grayden: If you make a political speech you will get an appropriate reply—

Mr BRYCE: In respect of this whole question—

Mr Grayden: —at the expense of handicapped children in Western Australia.

Mr H. D. Evans: Come, come!

Dr Dadour: That is right, you know. He is speaking the truth.

Mr BRYCE: If only the Government would accept the fundamental responsibility instead of running away from a financial commitment! If the Government were committed to the educational needs of these handicapped children it

would accept the financial responsibility. Only yesterday in this Chamber the member for Murray asked the Minister representing the Minister for Education whether it was the intention of the Government to accept responsibility for educating these youngsters, and the Minister replied that the Government was not prepared to make that decision. There is no question that the Government is dodging its responsibilities. There are very real needs in respect of these youngsters and their families and the Government is dodging its responsibility to fulfil those needs.

Mr Grayden: You know that is completely untrue. The reverse is the case.

Mr BRYCE: In respect of the whole question of special education there are a number of issues we should consider seriously. Special education does not mean a youngster should be taken from a school and placed in a special institution to be set aside from the rest of society. That is a 19th century approach to the education and care of people who suffer from intellectual and physical disabilities.

Mr A. R. Tonkin: The Tresillian mentality, we might call that.

Mr BRYCE: It is important that members of this House and the community, generally, appreciate that a whole range of intellectually and physically handicapped children can be assisted and educated in our schools if only the Government will accept responsibility for providing special educational services in the school—all the support facilities needed, special ramps for youngsters in wheel chairs, special changing rooms, and things of that nature. A great proportion of youngsters who are handicapped are currently in institutions when they would benefit greatly from education in a normal primary school, and the Government's reason for backing off is that there are financial implications—it will cost money. The Government should be game enough to come out and say so through its spokesman in this Chamber.

At this stage I feel obliged to remind members that when the Schools Commission was established—the national body to disperse funds to the schools throughout Australia through the State education systems—for the first time in Australian history money was made available for special education in schools through the national Government. Yet we have heard members of this Chamber say they objected to the way that money was being directed. There was a very considerable injection of funds into this State in the field of special education—for the first time by a national Government.

If we accept the proposition which most experienced professionals in this field are now advancing—that there is a need to leave these young people in normal schools wherever possible and for as long as possible—we will appreciate this Government

is not accepting its responsibility. It is too simple to label somebody as being disabled in a certain way and pop him into an institution, expecting the institution to accept all responsibility for his further education. That simple process of labelling can be very dangerous indeed to the future of any young citizen who happens to be disabled or handicapped in any way.

A single physical handicap does not mean a youngster faces a completely bleak future as far as career opportunities are concerned. Members who have not had the opportunity to see how intelligently some of the youngsters at the Sir James Mitchell centre cope with education probably have not thoroughly appreciated this fact. Some of those youngsters are in fact quite bright and have handled the challenges of the secondary education system extremely well. Some of them have matriculated. However, they bear the terrible affliction of not being able to move their limbs properly, although they have coped intellectually. It is not true that any of the young people who suffer a single mental or physical disability must be set aside, and that their future is bleak. In our community it is convenient to give them a label, push them to one side, put them in special institutions, and forget all about them.

The case against segregating these young people is very strong indeed. Segregation of students who are physically or intellectually handicapped should be the very last resort of any education system, and I intend to quote one of a number of paragraphs in the Schools Commission report upon which the Neal report relied for guidance on this particular aspect of the argument.

The thesis is that wherever possible students who suffer from a physical or intellectual disability should not be segregated. They should be given the opportunity to spend their school life in normal schools. The Schools Commission spelt it out in this way, and I quote from page 2 of the Neal report which resulted from this Government's own initiative—

Children should not be segregated from their peers unless it can be established that this is necessary or that it provides educational advantages which will outweigh the disadvantages . . . special support should be available to children requiring it, whether those children are educated in special or ordinary schools.

There is a very sound case for saying the Government of this State, with the support of the Federal Government, should be spending a great deal of money to provide the special support facilities which are necessary in ordinary primary schools so that the youngsters suffering from different types of disability can be educated in local schools rather than be shut away in special institutions.

There are a number of very important implications in keeping these young people in local schools, and I draw attention to a few of them. The first is that if we isolate a young student with a disability we tend to emphasise in that youngster's mind the nature of his or her disability. If we set that youngster apart from the school community and his peer group, and put him in a special community with other youngsters suffering from disabilities, we tend to emphasise in that child's mind and in the mind of the family the fact that the youngster is different. The greatest challenge facing any youngster who has this kind of disability is to learn to live with his disability in the future and face the demands of a modern society in the years to come. If we set about a policy of deliberately segregating him we will make his life so much more difficult.

There is also a tendency for people suffering from a disability—and more particularly young people—to begin to behave like those with whom they associate. I have had this particular argument put to me, as a member of Parliament, from a parent who sought my assistance to make an appeal to the Minister for Education to have his child removed from a particular institution. This parent felt that his child was in fact regressing rather than progressing because he was mixing with people who were severely mentally retarded or suffering from severe intellectual disabilities. I do not think it requires very much analysis of assessment procedures to appreciate that although someone may be classified as having cerebral palsy or some other disability, there are many different degrees of disability.

If a panel makes a decision to send a young handicapped person suffering from a very mild form of a disability into one of these institutions, evidence abounds to prove that such a youngster tends to behave like the others who suffer from more serious forms of the same disability. I am sure many members in this Chamber have had contact with parents who are facing this problem, and they will appreciate readily the anxiety it causes.

Let us not forget that the purpose of this Bill is to establish a panel to advise the Minister so that the Minister can direct to which school a child should go if, on the recommendation of the panel, special education is required.

Mr Grayden: Don't you think you can have some confidence in the panel?

Mr BRYCE: Not in the way it is constructed at the present time. That is the point I am making; if the Minister is happy to accept our amendments we will have a great deal more confidence in the decisions of the panel.

It is also an excellent argument to say that it is vital and important for students in normal schools to have disadvantaged or handicapped students attending those schools. Such a situation could help normal youngsters in normal schools to begin to appreciate the difficulties which other people have to cope with. We hear a great deal of talk from time to time from some of the conservatives in education about character building. I suggest it would be character building if the Government decided on a policy to allow these handicapped youngsters to attend normal schools, wherever this course is possible in educational terms. This would allow normal students to develop a sense of compassion and to understand the needs of other people.

Mr Grayden: Handicapped children with normal children—you are a sadist!

Mr BRYCE: I beg the Minister's pardon.

Mr Grayden: You would have to be a sadist to put handicapped children with other children.

Mr BRYCE: That interjection reveals clearly how out of step the Minister is in respect of the research on this question. It indicates how he is applying his "law of the jungle" philosophy to education.

Mr Grayden: You want to see things in perspective.

Mr BRYCE: We think there is an excellent case for educating disabled youngsters in normal schools. Many normal youngsters have never been exposed to problems of this sort, and that is the reason they behave in this animalistic way.

Mr Clarko: Is it not a question of degree?

Mr BRYCE: That is right; that is what I am saying.

Mr Clarko: That is why you have a panel.

Mr BRYCE: I am not objecting to the panel.

Mr Grayden: Why not let a handicapped child enjoy his life?

Mr BRYCE: Of course there is a role for the panel to advise the Minister. God help us if it were left to somebody in the Education Department, on his own volition, to decide whether or not a youngster is to be placed in a special school. The point of our argument is that in this Bill the Government has not spelt out that it is prepared to enable these youngsters to attend normal schools in special circumstances. Governments in other States have spelt this out. Many of these youngsters suffer from mild forms of disability.

Mr Grayden: We are not talking about mild forms of disability, and you know it.

Mr B. T. Burke: Every time you open your mouth you lose hundreds of votes.

Mr BRYCE: This particular legislation falls a long way short of implementing the expert advice given to the Government. In fact, on this aspect the Government appears to have turned its back on the advice it received.

There is another good argument for taking many of these youngsters into normal schools. Many of us who have lived in country areas know how educationally debilitating it can be for youngsters to travel long distances to school, and this applies particularly to the very young. Children who are unfortunate enough to live a long way from a school definitely suffer an educational disadvantage—there is no question about that. Many of them have to travel two hours in a bus to get to school and another two hours to get home. Because of the situation of the isolated institutions which are being provided in the metropolitan area at the present time, it is sometimes necessary for disabled youngsters to spend up to 1½ hours in a long and tedious bus journey to get to these isolated centres. Many of these buses go right through the traffic to the other side of the city. Of course the youngsters must spend the same amount of time to travel home.

There is no doubt that with their limited ability to cope with education, this is a further disadvantage disabled youngsters have to face, and it is a further good reason for me to say that it is time the Government woke up to the modern approach to this whole problem. The Government should provide more schools with these supportive services in the suburbs so that disadvantaged youngsters do not have to travel as far as they do now.

It is the responsibility of the Government to handle the educational needs of intellectually and physically disabled young people. The Neal report spells this out to the Government with sound justification. The report suggests that the cost of education and the cost of special staff—quite apart from the cost of the bricks and mortar—has risen so significantly that the point has now been reached where it is beyond any of these voluntary organisations to cope with the problem. Perhaps a few decades ago it was possible to convert an old stately home somewhere in the suburbs or in a country town and use it for this particular purpose. However, the pressure on these services has now reached a stage where those forms of opportunity are no longer adequate. It is now very costly to provide the educational facilities for these youngsters, and it is time this service was taken over by the Government.

I anticipate that maybe some people, for shabby political motives, may wish to misinterpret what I am saying. For that reason I intend to spell out what I mean, and to spell it out very clearly.

I have been associated personally with one of the voluntary organisations that work with this problem, and it is time in this particular debate that I paid a tribute to the incredible amount of dedicated, sustained, hard work and effort that has gone into servicing the needs of these youngsters. There is no doubt in anyone's mind that in the past voluntary organisations have done a marvellous job, and at the present time they are continuing to do a marvellous job. However, it is time the Government accepted its financial responsibilities.

A whole range of suggestions has been put to the Government. It is not my idea alone—many other people in the community accept this argument—that rather than being required to accept the financial responsibility of special education, voluntary organisations should be concentrating their efforts on such things as providing residential accommodation where it is necessary, particularly for the benefit of youngsters who come from country centres.

In the way in which the CWA, various church organisations, and a whole range of other organisations have stepped in to administer country high school hostels, there is a real need for residential accommodation for some youngsters from country centres. What happens to someone who suffers from a serious or even not so serious physical or intellectual disability in one of the more isolated parts of the State? There is a real need for accommodation. Perhaps the voluntary organisations should channel their efforts in that direction. There is a need for sheltered workshops, and there is a need for a whole range of employment opportunities for these people when they leave school. The voluntary organisations could play a significant role in this respect.

Voluntary organisations could also play a role in medical and paramedical care, and the ancillary and support and back-up services to the actual medical care that is currently provided to these people. Rehabilitation is a time-consuming effort. The need to help train and rehabilitate some of these people is terribly important, and again it is a role that could be fulfilled by many voluntary agencies. This, of course, dovetails with the needs of these people in respect of vocational training.

There is no question at all that there is a great need for the voluntary effort in this field to be continued, so I do not anticipate that anybody who respects the truth will suggest I am denigrating in any way the tremendous role voluntary organisations have played in the past, the

role they are currently playing, and the tremendous importance of the need for their support in the future.

The final point I would like to make on this matter is that perhaps the most vital thing that faces a family that has a disabled child is the assessment and the diagnosis of the child's problem when it comes to educating the child. To say the least, I am disturbed—and so are other members on this side who have looked at the Bill—to see that the Government has chosen to fly in the face of its own expert advisers in respect of the best form of panel and the best type of people to be on a panel established for the purpose of making such assessments.

This is spelt out in simple English at page 5 of the Neal report, which was brought down in August of last year; and this just happens to reflect what other States and countries are doing, so goodness knows why this Government has chosen to turn its back on it. The Neal report states in respect of this vitally important question of diagnosis and assessment—

It is essential that the diagnosis of children's disabilities and the assessment of their educational needs be carried out by a centrally co-ordinated service. A co-ordinated assessment service could provide the appropriate blend of medical and educational expertise. With very young children the main emphasis would be on medical diagnosis but educational implications also need to be considered as early as possible to enable remedial programmes to be introduced.

If I may interpolate there, the report emphasises something which is logical: that in respect of very young pre-school children, and also children in early school years, it is vitally important that medical practitioners be given a place on any panel to assess and diagnose the future of these children. We can all appreciate the tragedy involved if a wrong assessment or diagnosis is made. The report continues—

A co-ordinated service, rather than separate services catering for particular forms of disability, also helps to prevent problems such as parents being afraid of having their children labelled just because they have been to a particular diagnostic clinic. Multiple handicaps can be overlooked and a biased diagnosis can be made where children exhibit marginal symptoms which could be explained by more than one medical or psychological condition. The particular form of organisation for such an assessment service in the metropolitan area could be mirrored in regional country centres

where a child referred because of a suspected handicap could be examined by the—

Here is the punch line—

—appropriate medical, educational and guidance personnel.

*Sitting suspended from 3.45 to 4.05 p.m.*

Mr BRYCE: I would like to make some comments on the structure of the Bill and the implication of its provisions. The provisions are fairly simple and straightforward but I would be surprised if I am the only member of this Parliament who has received letters from constituents expressing anxiety about the way in which the panel is to be constituted and the power of the Minister to direct parents in respect of where their children ought to be educated. In essence, for the first time in our State, it is suggested that there should be established an advisory panel to advise the Minister for Education of precisely what category of youngster requires special educational opportunities.

When a youngster arrives at a school and a teacher notices some intellectual or physical disability it is possible for a suggestion to pass through the Education Department to the Minister recommending special educational opportunities for this youngster. The point that concerns the Opposition greatly, of course, is that this panel is to be constituted in such a way that it will consist simply of teachers or a teacher and an expert on psychology, a guidance officer, or somebody from the psychology section of the Education Department.

Mr Davies: Hear, hear!

Mr BRYCE: There is no provision in this Bill for a medical practitioner to be involved and yet the Neal report has pointed out that with a very young child it is extremely difficult to make a reliable assessment or diagnosis relating to the youngster's career if he is illiterate at the beginning of his education. It is difficult to assess thoroughly the nature of the problem or what precise form of special educational opportunities that child ought to have without medical opinion. So I repeat that we on this side of the House are simply staggered that the Government has decided not to include a medical practitioner. The case for a medical practitioner is both straightforward and logical and the Government has been advised by its experts to provide for such an appointment on this body.

The purpose of the Bill is to establish a panel to assess these youngsters who require special attention and who suffer from severe disorders of the type described in the Bill. There is one provision which is very important but which we believe requires qualification. It relates to the situation where a family is directed by the Minister to send their

child to a particular institution. Provision is made in the Bill for the family to lodge an application with the Local Court within 30 days of the Minister's direction to have that direction either upheld or dismissed.

Anybody in this Chamber, or for that matter outside it, who has in any way been associated with a family's anxiety when they have received a direction from the Minister for Education or the Education Department that their child is to be sent to one of these special institutions would appreciate it is very important that there ought to be a period of time while the application is being heard in the Children's Court during which the youngster can remain where he is.

Mr Grayden: How can you talk in that vein? You are saying that seriously handicapped children should be amongst other children. That is what you have been saying all day.

Mr BRYCE: The Minister who represents the Minister for Education in this Chamber has not really listened to the case which I have put to the Chamber on behalf of the Opposition. I do not think he wants to listen. The point I make is this: If the Minister for Education is given authority to direct and does direct a family to send a child to a particular institution—I agree it may be necessary in some situations—once that directive has been issued by the Minister, if the parents feel that it is ill-judged, ill-conceived or wrong—

Mr Grayden: What about the child? Let us talk of the child.

Mr BRYCE: Precisely. One should never forget that the people with the greatest concern for the child would be the child's parents—certainly not the Minister for Education.

Mr Grayden: But not you. That is more to the point.

Mr BRYCE: Therefore, we are arguing that there should be in this Bill a provision which spells out that once the Minister has directed a family to take a child out of a normal situation and send it to an institution, the child should remain put until the court has heard the parents' application challenging the direction; because that is a most traumatic decision for any family to make. If the court upholds the Minister's direction, understandably the child would go to the institution.

We believe one of the real failings of this Bill is that if the court were to dismiss the Minister's direction the youngster who has been taken out of a normal school and sent for a period to a special school would then be whipped out of that special school and sent back to the normal school. We seek by way of amendment to improve that part of the Bill.

We express our concern with a number of other features of this Bill. We are not at all satisfied with the structure of the panel. There is an indication that this panel will be a temporary body. There will possibly be trouble in terms of consistency with any temporary panel that the Minister for Education could call together at any time. I suggest that there is a very good case for saying that if the panel is to consist of a medical practitioner, an expert in special education, a psychologist and, as we suggest in our proposed amendment, a representative of the Western Australian Council of Social Service, they should be constituted as a permanent body. They would not sit all the time; they would be the same people called together when the need arose to assess a particular youngster. If the panel is to be a temporary body convened at the Minister's whim, the changing of personnel would affect the consistency of the panel's decisions with regard to assessment and diagnosis.

I believe the interests of children, particularly those youngsters whose condition places them on the borderline as to whether they require special educational institutionalisation, constitute a very good reason to suggest that this panel ought to be a permanent body rather than a collection of interested individuals plucked out of the air from time to time as the Minister may wish.

Another aspect of the Bill about which we are concerned is that it is suggested the panel should be given the responsibility of assessing and diagnosing problems which confront intellectually or physically disabled youngsters. There is no requirement in this Bill that places upon this panel an onus to suggest to the Minister the type of special education the youngster under consideration ought to receive. There is no onus on the panel to give the Minister the benefit of its expert advice. There is no onus on the panel to recommend the type of special education support services that might be necessary. In fact this Government has turned its back on the concept of support services in special education. That problem concerns us because it indicates the conceptual weakness of this Bill.

Another aspect of the Bill with which we are dissatisfied is that, unlike other pieces of similar legislation in other States, the Bill does not spell out that the panel should take the parents' views into consideration. That is not consistent with the view popularly held in our State by educators. The Minister may well say that the panel would do so. The Hamer Government in Victoria believed it was necessary to enunciate in the actual legislation the important principle that the panel should take the views of the parents into account.

This has been a principal source of anxiety in the minds of the people who have approached me since this Bill was introduced into the Chamber. They are worried that there will be no medical practitioners on the assessment panel, and they are worried that nowhere do the provisions of the Bill spell out that the views of the parents will be taken into consideration.

We are suggesting by way of a proposed amendment that there should be such provisions in the Bill. It will be interesting to see whether the Government turns its back on these issues by rejecting the proposed amendments. That is what it will do if it rejects our proposed amendments which are based on popularly held views in this State, views expressed by the Government's own expert advisers, and views that were accepted by the Governments Liberal Party colleagues in Victoria when their legislation was drafted and, I understand, are also being included in legislation which is currently before the South Australian Parliament.

Another principal objection that we have to the way the Bill is structured is that this Government has failed to spell out that the parents of youngsters who are required by direction of the Minister to attend a special school will not be required to meet the cost of so doing. That is precisely why we have proposed an amendment in the form in which we have proposed it. The Hamer Government in Victoria and the Dunstan Government in South Australia were prepared to spell out in no uncertain terms that if a Minister for Education directs a family to send one of its children to a special Government school, there should be no cost to the parents involved.

We are interested to see whether the Government will turn its back on that concept as well. If this Government has no intentions of requiring these people to contribute to the cost of this special education, it would have no objection to our proposed amendment being included in the Bill because it enunciates a fair and reasonable concept which has already been accepted by Liberal and Labor Governments in other parts of this country.

At the outset I indicated that when the Opposition considered this Bill we were disappointed, to say the least, but not surprised, that when this Government took the opportunity in the life of this Parliament to enunciate its policy on special education, it chose to be stodgy and old-fashioned and to come up with a Bill that is outmoded in terms of the way in which the Government proposes to handle this problem.

Members on this side of the House are very pleased indeed to vote for the repeal of section 20. However, we are not the slightest bit interested in the re-enacted

provisions which the Government has put forward to fill the vacuum by the repeal of section 20.

Debate adjourned until a later stage of the sitting, on motion by Mr O'Neill (Acting Premier).

(Continued on page 2738).

## QUESTIONS (24): ON NOTICE

### HOUSING

1.

*Shire of Rockingham: Expenditure*

Mr BARNETT, to the Minister for Housing:

- (a) What moneys have been expended by his department within the Shire of Rockingham, and
- (b) for what purposes were those moneys expended, during the years 1968-69 to 1975-76 inclusive?

Mr Rushton (for Mr P. V. JONES) replied:

The information requested will take time to collate, and the member will be advised by letter.

2.

### INDUSTRIAL DEVELOPMENT

*Shire of Rockingham: Expenditure*

Mr BARNETT, to the Minister for Industrial Development:

- (1) Would he please advise what endeavours have been undertaken by his department in the Shire of Rockingham over the years 1968-69 to 1975-76 inclusive?
- (2) Have any moneys been expended in pursuit of these endeavours?
- (3) If "Yes" to (2), what moneys were expended and in what areas for the years 1968-69 to 1975-76 inclusive?

Mr Ridge (for Mr MENSAROS) replied:

- (1) to (3) My department has been actively involved in the Shire of Rockingham over the period to which the member refers. Moneys have certainly been expended. If the member will agree I will provide him with a brief historical note of the department's involvement in the area over the time period. I would expect this could be available within two weeks. I am sure the member will appreciate that the detailed information he requires takes some time to collate.

3.

### KONDININ POLICE STATION

*Report of Traffic Accident*

Mr COWAN, to the Minister for Police:

- (1) On Thursday, 9th September, was the Kondinin police station notified of an accident involving a loaded stock truck on the Hyden-Newdegate road?



- (2) If "Yes" at what time was the station notified?
- (3) In view of the nature of the accident and the length of time taken to free the truck driver, why did not the police attend the accident to assist volunteers free the man and supervise the destruction of badly injured stock?

Mr O'CONNOR replied:

- (1) Yes.
- (2) 4.30 p.m.
- (3) No police officer was in attendance at the station until shortly before 5.30 p.m., at which time advice was received that the truck driver and passenger had been freed from the truck and were being conveyed to Kondinin Hospital. No advice of stock being involved was received until 8.00 p.m., by which time the matter had been attended to.

#### 4. COMMUNITY WELFARE

*Social Worker: Hyden*

Mr COWAN, to the Minister representing the Minister for Community Welfare:

- (1) Following a request by the Hyden Silver Chain Nursing Centre has the Community Welfare Department assessed the need for a social worker to visit Hyden?
- (2) If so, will the services of a social worker be made available in Hyden?
- (3) (a) How often will the service be provided; and  
(b) where can the worker be contacted?

Mr RIDGE replied:

- (1) No. Commencing 5th October, three visits will be made to Hyden (5/10/76, 26/10/76, 16/11/76), by departmental field staff to assess the future need.
- (2) Hyden is currently serviced by the Department for Community Welfare's Narrogin office. The staff at Narrogin can call on professional support services as and when the need presents. It is agreed all isolated centres need a service but resources have to be matched with needs.
- (3) (a) This will be dependent upon the need established as a result of the visits to assess need (as above).  
(b) Narrogin office—phone (098) 81 1505.

#### 5. SCHOOL AND PRE-PRIMARY CENTRE

*Byford*

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

Would the Minister please advise what specific plans his department has for—

- (a) primary school; and
- (b) pre-primary school, education in Byford?

Mr GRAYDEN replied:

- (a) Projected enrolments for 1977 indicate that there will be adequate accommodation at the Byford Primary School. There are no definite plans at this time for the provision of additional permanent accommodation at the school.
- (b) There is a pre-school at Byford and as yet there have been no local moves for its transfer to the Education Department.

#### 6. WORKERS' COMPENSATION

*Loading of Premiums*

Mr LAURANCE, to the Minister for Labour and Industry:

- (1) Is it a fact that there is a 25% loading on workers' compensation premiums payable by insurers in the north west?
- (2) What are the reasons for this additional loading?
- (3) Is this loading applied in any way to firms whose base is south of the 26th parallel but have workmen employed north of the 26th parallel?

Mr GRAYDEN replied:

- (1) Yes.
- (2) The loading is justified by claims experience due to the higher costs of receiving medical treatment due to transport costs, etc.
- (3) In theory yes, but the employer is required to declare to his insurer wages of employees whilst they are working north of the 26th parallel.

#### 7. HAINAULT TOURIST MINE

*Acquisition by Museum*

Mr T. D. EVANS, to the Treasurer:

Further to my question 7 of 9th September, 1976, would he please advise:

- (1) What was the amount agreed upon between the State museum and the operators of the Hainault tourist mine for the museum to acquire the mine lease and improvements thereon?

- (2) Was an application made to the State Government for funds to complement the grant of \$50 000 from the Australian Government to enable the museum to acquire right and title to the Hainault tourist mine?
- (3) Has the State Government made a loan to the operators of the tourist mine?
- (4) If so—
  - (a) what is the amount of the loan; and
  - (b) what interest is charged thereon?

Mr O'Neil (for Sir CHARLES COURT) replied:

- (1) Negotiations for the purchase of a number of buildings and other historic items on the lease, are still in progress. Although a firm purchase price has not been agreed on, the cost is expected to be in the vicinity of \$50 000. The title to the mine lease will not be included in the transaction.
- (2) to (4) No.

#### 8. UNEMPLOYMENT

##### *Retrenched Workers at Kalgoorlie: Transfer Cost*

Mr T. D. EVANS, to the Premier:

Will the Premier's Department give favourable consideration to meeting the costs of retrenched workers and their families for the transport of furniture and personal belongings where they have to leave the Kalgoorlie area to find alternative employment?

Mr O'Neil (for Sir CHARLES COURT) replied:

Retrenched workers who are required to leave Kalgoorlie to obtain alternative employment will be eligible for assistance of up to \$1 900 for a four-member family under the recently announced Commonwealth Relocation Assistance Scheme.

#### 9. UNEMPLOYMENT

##### *Retrenched Workers at Kalgoorlie: Long Service Leave*

Mr T. D. EVANS, to the Premier:

Will he give favourable consideration to applying to the Federal Government for a special grant in order that workers retrenched in the Kalgoorlie area can be paid pro rata long service leave where they have three years or in excess of three years service?

Mr O'Neil (for Sir CHARLES COURT) replied:

Payment of pro rata long service leave is controlled by the terms of the agreement or award under which the workers are employed. No particular consideration can be given to this matter until after it is known whether any arrangements are made between the union and the employer in respect to a termination allowance.

#### 10. UNEMPLOYMENT

##### *Retrenched Workers at Kalgoorlie: Travel Subsidy*

Mr T. D. EVANS, to the Premier:

In order that retrenched workers in Kalgoorlie will not have to move their homes, will he give favourable consideration to persons who will be employed at Kambalda being granted travel subsidies to and from their work in order to alleviate their financial problems?

Mr O'Neil (for Sir CHARLES COURT) replied:

This is a matter which will be considered by the Industrial Advisory Council subcommittee when clarifying the issues which will be involved by the employment of redundant workers at Kambalda.

#### 11. EDUCATION

##### *School Leavers at Kalgoorlie*

Mr T. D. EVANS, to the Premier:

- (a) will he advise how many children will be leaving school at Kalgoorlie at the end of the year 1976; and
- (b) what action has been initiated by the Government regarding possible employment locally?

Mr O'Neil (for Sir CHARLES COURT) replied:

- (a) Based on current retention rates, it is estimated that some 350 secondary pupils may leave Government and non-Government schools at the end of 1976.
- (b) In addition to the other measures to increase job opportunities already announced, the principal, Eastern Goldfields High School, is making a particular study of the situation, and the Education Department has made it possible for the principal to visit Victoria where a major study of this kind has been completed, in addition the Commonwealth Employment Service is looking into this matter.

12. **UNEMPLOYMENT***Retrenched Workers at Kalgoorlie:  
Re-engagement*

Mr T. D. EVANS, to the Premier:

- (a) Following his visit to Kalgoorlie, will he advise the number of men who will be retrenched in Kalgoorlie as a result of the closure of the Mt. Charlotte gold mine; and also
- (b) by what departments' works programmes men displaced will be re-engaged?

Mr O'Neil (for Sir CHARLES COURT) replied:

- (a) Advice received indicates that some 490 men will be retrenched.
- (b) The works programmes cover a diverse range of activities. It includes—

Schools

Water supplies

Road Works

Courthouse and Police Station building

Maintenance and minor improvements of Government buildings.

In addition, the town of Kalgoorlie and Shire of Boulder have prepared a miscellaneous programme of works which the Government is prepared to contribute to.

A NEAT scheme for displaced workers from Mt. Charlotte is actively being pursued by an Industrial Advisory Council sub-committee which is meeting in Kalgoorlie today.

13. **GOLDMINING***State Batteries: Charges*

Mr T. D. EVANS, to the Minister for Mines:

- (1) Apropos question 4 of 3rd August, 1976, relating to charges for treating ore at State batteries, has the Government had a change of heart since answering part (4) of that question?
- (2) If "Yes" would he please explain what charges are contemplated?

Mr Ridge (for Mr MENSAROS) replied:

- (1) No.
- (2) Not applicable.

14. **UNEMPLOYMENT***Eastern Goldfields: Works  
Programme*

Mr T. D. EVANS, to the Minister Coordinating Economic and Regional Development:

Accepting the motivation behind the accelerated works programme recently announced for the Eastern Goldfields as being the desire to generate employment opportunities within the district will he give an assurance that contractors will be required wherever and whenever practicable, to give preference to employing local work-force members, and furthermore that preference will be extended to local contractors for the performance of the works programme?

Mr O'Neil (for Sir CHARLES COURT) replied:

The programme is specifically designed to employ retrenched employees of Mt. Charlotte gold mine.

I am advised that to date the Public Works Department has only been able to procure the services of one former Mt. Charlotte employee for this works programme.

15. **UNEMPLOYMENT***Eastern Goldfields: Works  
Programme*

Mr T. D. EVANS, to the Treasurer:

- (1) In compiling the \$6.4 million works programme recently announced for the Eastern Goldfields, was consideration given by him to providing a matching sum of \$30 000 to be coupled with a similar sum with the Shire of Boulder to facilitate the grassing of the oval in the Adeline area of Kalgoorlie for common use by the various schools, Government and non-Government in that area?

- (2) If "Yes" what decision was arrived at?

- (3) If "No" why?

Mr O'Neil (for Sir CHARLES COURT) replied:

- (1) Yes.
- (2) The matter is currently under consideration.
- (3) Not applicable.

16. **UNEMPLOYMENT***Eastern Goldfields: Works  
Programme*

Mr T. D. EVANS, to the Treasurer:

- (1) Has provision been made within the \$6.4 million works programme for the Eastern Goldfields recently

for completion of stage IV and any other remaining work at Eastern Goldfields Senior High School to enable the school to be fully located on the Adeline site?

- (2) If not, why?
- (3) Has he given consideration to the provision of finance for the relocation of the Department of Corrections, Kalgoorlie, on part of the site (and using part of the buildings) of the old Eastern Goldfields Senior High School?
- (4) If "Yes" would he please explain what plans are being considered for this purpose?

Mr O'Neill (for Sir CHARLES COURT) replied:

- (1) No.
- (2) Other projects in the goldfields area were considered to have a higher priority.
- (3) No.
- (4) Not applicable.

## 17. IRRIGATION

### *Dunham River Agreement: Conditions*

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

- (1) Who was on the subcommittee of North West Planning and Coordinating Authority which examined proposals put to the Brand Government in 1968 by Goddard of Australia Pty. Ltd. in respect of irrigation on the Dunham River?
- (2) What is the storage capacity of Arthur Creek dam site?
- (3) How does this figure compare with the requirements of section 3 (a) of the schedule to the Irrigation (Dunham River) Agreement Act, 1968?
- (4) Have the conditions set down in section 8 of the schedule of that Act been met by the developer?
- (5) If not, to what degree has the developer not achieved those conditions?

Mr O'NEIL replied:

- (1) Public Works Department

Mr D. Bryden—Chairman and convener, Engineer, Irrigation and Drainage

Department of Agriculture

Mr W. M. Nunn—Chief, North West Division

Mr G. H. Burvill—Chief, Plant Research Division

Lands Department

Mr J. McFadden—Regional surveyor.

- (2) 67 000 000 cubic metres (55 000 acre feet).

- (3) Section 3 requires the dam to have a capacity of 3 acre feet per acre of holding measured at the boundary of the holding. This was regarded (having regard to the earth channels provided) as requiring a capacity of 4 acre feet per acre of holding; that is, 40 000 acre feet for the pilot area of 10 000 acres.

- (4) and (5) Yes.

## 18.

### STATE FINANCE

#### *\$8 Million in Suspense Account*

Mr BERTRAM, to the Premier:

- (1) Will he supply a copy of the \$8 million suspense account as it now appears in the books?
- (2) How much of the \$8 million paid to a suspense account was apportioned to each of the following departments:
  - Hospitals;
  - Railways;
  - Police;
  - Mental Health Services;
  - Public Health;
  - Public Works;
  - Country Water Supplies;
  - Agriculture;
  - Community Welfare;
  - Road Traffic Authority; and
  - all others?
- (3) Did other suspense accounts or reserve accounts or their equivalent exist as at 30th June, 1976?
- (4) If "Yes"—
  - (a) will he identify each;
  - (b) give the balances of each as at 30th June, 1976?
- (5) If "No" to (4) (a) and/or (4) (b) why?

Mr O'Neill (for Sir CHARLES COURT) replied:

- (1) If the member for Mount Hawthorn is referring to the current balance in the account, the answer is nil.
- (2) The payments by each department to the Suspense Account and their subsequent application, will be set out in the Estimates for 1976-77 to be presented to Parliament shortly.
- (3) and (4) Details of the state of all Government accounts at 30th June, 1976, including Suspense Accounts, were published in a special *Government Gazette* No. 54 of 9th September in accordance with the usual practice. The item in question forms part of the account "Departmental Receipts in Suspense". An analysis of all suspense accounts with accompanying comment, is contained in

every report of the Auditor-General. His report on transactions for the year 1975-76 will, I understand, be available shortly.

(5) Not applicable.

## 19. ARTICLED LAW CLERKS

### *Unemployment*

Mr BERTRAM, to the Premier:

- (1) Is it a fact that a serious position exists concerning unemployment of articulated law clerks for the year 1977?
- (2) If "No" why?
- (3) If "Yes" how many are likely to be unemployed?
- (4) What action, if any, has the Government taken so far on this urgent matter?
- (5) What action, if any, does he intend to take on this urgent matter?

Mr O'Neill (for Sir CHARLES COURT) replied:

- (1) and (2) The placement of articulated law clerks in the year 1977 is a matter of some concern.
- (3) At 15th September, 1976, 30 of the 80 students completing their studies this year had not made arrangements for articles.
- (4) and (5) Traditionally, it has been the role of the profession and not the Government to place students. The profession had anticipated some difficulty this year due to the substantial increase in students above last year's 48, and has been most active in circulating practitioners.

It is anticipated that further opportunities will be available in the city and country.

However, in the past, students have been reluctant to take country postings.

The profession is now considering a new system of training with a view to overcoming the present problem of securing articles.

The State Government employs articulated clerks to the extent that funds permit.

## 20. ROE FREEWAY

### *Resumptions and Construction*

Mr TAYLOR, to the Minister for Transport:

With respect to the proposed Roe Freeway, and particularly to that section crossing Hamilton Hill, when is it anticipated that—

- (a) houses and other buildings within the road reserve are likely to be resumed;
- (b) construction is likely to commence?

Mr O'CONNOR replied:

- (a) and (b) No timetable has been set but approximately two years before the land is required for construction owners will be approached and invited to negotiate purchase of their property.

## 21. LOCAL GOVERNMENT AND WATER SUPPLIES

### *Rates: Pensioner Concessions*

Mr DAVIES, to the Premier:

- (1) Is he aware that the Victorian Government recently increased to 50% the concession allowed to pensioners in connection with payment of rates, i.e., local government, sewerage and water?
- (2) As this would indicate that at least one State Government is taking unilateral action on pensioner concessions would he now be agreeable to dealing forthwith with the recommendations of the committee which reported on concessions and benefits in this State?
- (3) If not, why not?

Mr O'Neill (for Sir CHARLES COURT) replied:

- (1) I understand that the Victorian Government proposes to introduce legislation to increase to 50 per cent the rebate available to eligible pensioners on municipal, water and sewerage rates.
- (2) and (3) The member should bear in mind that it is the Commonwealth Government which bears the constitutional responsibility for pensioner benefits. I believe it to be in the interests of all pensioners that we try to call a halt to the piecemeal approach to pensioner benefits and seek to have all eligible pensioners paid pensions and associated benefits at a level which allows them to pay their way in the community with the dignity to which they are entitled.

We are continuing to press this view on the Commonwealth Income Security Review Committee and I believe it would be undesirable to implement any major change in State assistance until the review is complete and the Commonwealth Government's attitude is known.

## 22. HOUSING

### *Victoria Park: Pensioner Units*

Mr DAVIES, to the Minister for Housing:

- (1) Is construction of any pensioner housing units in the Victoria Park area programmed for the current financial year?

- (2) If so, can he give details regarding—  
 (a) number;  
 (b) type and location?

Mr Rushton (for Mr P. V. JONES) replied:

- (1) Yes.  
 (2) (a) 8 units.  
 (b) 1 Bedroom—2 units, Bedsitter—2 units, at Lot 15 Forster Avenue, Victoria Park.  
 Bedsitter—4 units, at Lot 108 Basinghall Street, Victoria Park.

## 23. CONSUMER PROTECTION

### *Unsafe Products: Monitoring*

Mr DAVIES, to the Minister for Consumer Affairs:

What powers does the special committee to monitor unsafe products have to prohibit the distribution or sale of any such goods?

Mr GRAYDEN replied:

Certain powers are already available to the Government under existing legislation.

The committee has only just been formed and is expected to hold its initial meeting within the next two weeks. It will firstly examine reports on unsafe products already referred to the Bureau of Consumer Affairs and will subsequently make recommendations to me on any additional powers considered necessary under the circumstances disclosed.

## 24. KANGAROO PRODUCTS

### *Export*

Mr BLAIKIE, to the Minister for Fisheries and Wildlife:

- (1) Would he advise if exports of kangaroo—  
 (a) meat;  
 (b) hide;  
 (c) tails,  
 are permitted?
- (2) (a) If "No" is this because of State or Commonwealth Government limitations; and  
 (b) would he give the reasons?
- (3) Would he advise the tonnages involved and amount of export income earned in the last permitted year of export of kangaroo meat and skins?

Mr Rushton (for Mr P. V. JONES) replied:

- (1) (a) to (c) Yes, subject to State and Commonwealth requirements being met that the

products were taken and presented for export in accordance with approved management schemes.

- (2) (a) and (b) Not applicable.  
 (3) These figures are not readily available.

## QUESTIONS (5): WITHOUT NOTICE

### 1. WESTERN MINING CORPORATION

#### *Housing at Kambalda*

Mr T. D. EVANS, to the Acting Premier:

- (1) Has the Government been made privy to plans of Western Mining Corporation to construct a large number of homes at Kambalda?
- (2) If 'Yes', was consideration by Western Mining Corporation to build homes in the Kalgoorlie area requested by the Government?
- (3) If not, will the Government negotiate with Western Mining Corporation with a view to having the planned homes constructed in Kalgoorlie, and offer to introduce a fast train service between Kalgoorlie and Kambalda to cater for workers resident in Kalgoorlie where work duties are at Kambalda?

Mr O'NEIL replied:

I thank the honourable member for adequate notice of the question, the answer to which is as follows—

- (1) No.  
 (2) Answered by (1).  
 (3) The State Government is anxious to explore all avenues to assist and strengthen the economic well-being of Kalgoorlie. However, in this case the mine expansion at Kambalda is unlikely to be incrementally big enough to justify a rail service at this time.

### 2. POLICE

#### *Aboriginal Fringe Dwellers*

Mr NANOVICH, to the Minister for Police:

- (1) Has the Minister received complaints this year regarding Aboriginal fringe dwellers on the Saunders Street reserve in Swan?
- (2) If so, of what nature?

Mr O'CONNOR replied:

I thank the honourable member for some notice of the question, the answer to which is as follows—

- (1) and (2) Yes. A number of complaints have been received

including drunkenness, fighting, low health standards, stealing, and the discharge of firearms.

A number of people from the reserve have been charged recently for minor offences, possession of stolen firearms, and one for murder. I believe five stolen firearms were recovered from the reserve.

### 3. TELFER GOLDMINING PROJECT

#### *Industrial Dispute*

Mr HARMAN, to the Minister for Labour and Industry:

Will he inform the House of the source or sources of the information contained in the answer to a question without notice concerning the Telfer mine dispute asked on Tuesday, the 21st September?

Mr GRAYDEN replied:

The Department of Labour and Industry is constantly in contact with parties involved in disputes. The information was ascertained and supplied to me in writing by my department.

Any disagreement with the exact terms of the resolution passed at the Telfer meeting would appear to be a case of splitting straws. If there is some slight variation of the wording I would be pleased to hear the AWU representative's (Mr Butcher's) version of the resolutions passed at the meeting. In Parliament I said that one of the resolutions passed was that the men "wished the union to cease disruption of work". This was reported in the Press as "To ask the unions to stop disrupting work". This is possibly the only variation which might give cause for Mr Butcher's attitude.

### 4.

#### **POLICE**

##### *Geraldton: Press Report*

Mr CARR, to the Minister for Police:

- (1) Has the Minister now had an opportunity to examine the item in *The Geraldton Guardian* of last Thursday under the heading "Police Increase 'Not Justified'—Report"?
- (2) If "Yes", was he correctly reported?
- (3) Does he have any further information on this matter?

Mr O'CONNOR replied:

- (1) to (3) No. I have not yet had a look at the article. If the honourable member will place the question on the notice paper I will answer it.

Mr Carr: You said yesterday you would answer it today.

Mr O'CONNOR: I have not seen anything of it. Did the honourable member ask a question on it this morning?

Mr Carr: I asked it yesterday and you said you would get it today.

Mr O'CONNOR: That is right. I said I would get the information if I had time to check on it. I have not had time to check on it with my department.

### 5. TELFER GOLDMINING PROJECT

#### *Industrial Dispute*

Mr HARMAN, to the Minister for Labour and Industry:

Arising from the answer he gave a moment ago—

- (1) Is it true that he would not deliberately mislead this Parliament?

Mr Blaikie: You are asking for an opinion.

Mr Clarks: Why ask the question?

Mr HARMAN: To continue—

- (2) Will he make inquiries to ascertain whether the allegations which Mr Butcher made and which were reported in the Press this morning gave a true picture of the situation which occurred at the Telfer mine dispute?

Mr GRAYDEN replied:

In answer to the question—

The DEPUTY SPEAKER: Order! Before the Minister answers the question, I believe the first part of it is highly improper, so I ask the Minister to answer only the second part of the question.

Mr McIver: Rubbish.

The DEPUTY SPEAKER: Order! Will the Minister answer the second part of the question.

Mr GRAYDEN: In reply to the second part of the question—

Mr Davies: Do you remember what it was?

Mr GRAYDEN: I think the answer already supplied was right to the point.

Mr Harman: You misled the House on Tuesday.

Mr GRAYDEN: That is absolutely untrue. No-one knows better than the member for Maylands the nature of the resolutions passed at Telfer. I defy the Opposition, and I challenge the member for Maylands, to repeat

to this Parliament and to the public of Western Australia what those resolutions were. I am waiting for them.

Mr Davies: He was not there.

Mr Harman: I was not present.

Mr GRAYDEN: The member for Maylands knows precisely what they were. There was a slight variation. Instead of asking the Trades and Labor Council to do something, it was a question of wishing the Trades and Labor Council to cease disruption of work.

Mr Harman: You misled the House; you gave the House false information.

Mr GRAYDEN: That is absolutely untrue. My statement was correct, and it was slightly misinterpreted by the Press.

We frequently get this sort of statement from the member for Maylands and, indeed, from most members of the Opposition. However, they would not be courageous enough to repeat their statements outside the House. Those statements were made under the protection of you, Mr Deputy Speaker, in this House but not outside of it. It will ever be thus because that is the difference between the Labor Party and the Liberal Party in this State.

## EDUCATION ACT AMENDMENT BILL (No. 2)

### *Second Reading*

Debate resumed from an earlier stage of the sitting.

MR A. R. TONKIN (Morley) [4.43 p.m.]: The Opposition is very concerned with the contents of the Bill now before us.

Mr Grayden: That is a spurious statement.

Mr A. R. TONKIN: I wonder what is meant by that strange remark from the Minister for Labour and Industry. However, we are used to intemperate outbursts from him, so I will ignore him and proceed with my speech.

The Minister for Labour and Industry, representing the Minister for Education, has shown himself time and time again to be incapable of dealing with educational matters. We think it is a disgrace that there should be hooting and jeering when a sensitive and important matter such as education comes before this House.

The Liberal Party attitude towards education is revealed quite clearly. We have witnessed the Minister for Labour and Industry attempting to gain cheap political capital by saying that the member for Ascot must be a sadist at heart when he

debates seriously the question of handicapped children. I would say that no person in this House—and no person to my knowledge—takes education more seriously than the member for Ascot.

Mr McIver: Hear, hear!

Mr A. R. TONKIN: To suggest that the member for Ascot is a sadist indicates the depth to which the Minister will stoop in order to have an interjection recorded in *Hansard*.

Mr Davies: He will probably get a headline.

Mr A. R. TONKIN: He is a troglodyte, scurrying around in the darkness of the 19th century. He claimed it was sadistic to have handicapped children and students attend normal schools.

Mr Davies: They already attend normal schools.

Mr A. R. TONKIN: That was the attitude towards Tresillian; the Premier would not have handicapped children in his electorate.

Mr Clarko: That is incorrect.

Mr A. R. TONKIN: Of course, the member for Karrinyup, by his interjection, shows that he supports that Liberal Party philosophy. I was at a school many years ago when the attitude was far more enlightened than the attitude of the spokesman for education in this place. At that high school a blind boy came to be a student. He was handicapped, and at that time the attendance of a blind boy, at a normal school, was unheard of.

This boy made a great contribution to the school, and his attendance affected both himself and the school generally. Advantages accrued to everyone because the boy, instead of being hidden out of sight—as is the Liberal philosophy—attended school and was able to take his part in society as a normal person—as he was. The member for Karrinyup is a little suspect, but we do not say he should be locked away because of his ideology.

Mr Clarko: It is not as bad as yours, which is sterile.

Mr A. R. TONKIN: The blind boy who attended the school benefited greatly because he was treated as a normal person which, as I have already said, he was.

Mr Clarko: You are not, and should not be treated as a normal person.

Mr McIver: What about the special school which should have been built at Northam?

The DEPUTY SPEAKER: Order!

Mr A. R. TONKIN: The handicap of blindness is no different from the handicap of a person who is particularly short, or particularly tall. The attitude of the Minister for Labour and Industry, who purports to represent the Minister for Education in this House, is atavistic.

The experiment was worth while because of the advantage to the student concerned and also because of the advantage



to the rest of the students in the school. The other students of the school realised that instead of shutting that blind boy away they should co-operate with him. They began to understand what it was like to be slightly different, and I believe that teaching them compassion, in a practical way, was of great advantage to every student at that school.

We do not believe in the Tresillian mentality which the Government has shown towards this matter. We know that in the Middle Ages retarded people were put in cages and had sticks poked at them. That is the kind of attitude we witnessed when the member for Ascot referred to the question of paying for education. This is where the Liberal Party shows itself to be adhering to the philosophy of being opposed to higher education for primary and secondary students unless their parents are wealthy. Members of the Liberal Party are opposed to university education unless the parents of the students are wealthy.

Mr Clarke: Rubbish.

Mr A. R. TONKIN: Under the provisions of this Bill, the parents of handicapped students will be robbed whereas other average students will not be affected. The costs incurred will affect the average student, but not those who come from the wealthy section of the community. The philosophy of the Liberal Party in the 19th and 20th centuries has been against the education of children unless the parents of those children were wealthy, and could pay for their education.

Parents who happen to have an intellectually handicapped child have to bear the cost of providing special education for that child. That is no burden to the wealthy; as a matter of fact, on some occasions the wealthy parents might make a profit, in financial terms, because of the Liberal Party system of education, and the Liberal Party system of taxation concessions. However, the poorer parents will be greatly handicapped by the refusal of the State to accept the responsibility of educating people who are handicapped through no fault of their own. Maybe we should applaud the Liberal Party for its consistency; it is true to its ideology of dog eat dog.

The attitude is that the world is a jungle and it is a matter of the survival of the fittest. It is the type of Darwinism applied to social institutions which we have come to expect from that party.

We on this side of the House make our attitude quite clear, and it is that it does not matter whether the parents of a handicapped child are wealthy, poor, or in average financial circumstances, the State has a responsibility for these people, as it had a responsibility in regard to Tresillian, and as it must accept responsibility for any person who through no fault of his own falls by the wayside or has a

particular problem which necessitates extra expense.

As I see it, this is the crucial portion of the Bill. We believe this situation should not be allowed to continue.

MR SHALDERS (Murray) [4.51 p.m.]: I rise to support the Bill and initially I want to address my remarks to the portion of the measure which allows teaching in languages other than English. I spent two years of my teaching career at the Warburton Range Mission School and I found it would have been of great advantage had the teachers at that school—and, I am certain, teachers at other schools, as the member for Maylands who was a superintendent in the Native Welfare Department, as it was in those days, would know—been able to give instruction in their own language to the Aboriginal children in their early years, who were mainly tribalised and still speaking their own language, with a gradual transition into English. I think this provision in the Bill is a great step forward and I commend the Government on it.

It is not my intention to speak for very long in this debate because I feel the Minister is capable of absolutely destroying the myths, bogies, misstatements, and twistings which have been voiced by members opposite who have spoken to the Bill, particularly the member for Morley who seems to delight in twisting and turning everything said in this House to his own political advantage or the political advantage of the other side of the House.

It is quite clearly spelt out in the Minister's second reading speech that the Western Australian Council for Special Education was established by the present Government in 1974 to report and advise on matters relating to special education. So the Bill comes before the House only as a result of the Government's initiative in establishing that council, listening to and taking its advice, generally, and bringing the Bill to the House. Rather than give a little credit, members opposite proceed to twist and turn the report of that council.

Mr Bryce interjected.

MR SHALDERS: Who set up the council? If the honourable member does not want to give answers which he knows to be true, that is his business.

Mr Bryce: Read the report and you will find this is totally out of step.

MR SHALDERS: Who set up the council?

Mr Bryce: I acknowledge that; it is a fact.

MR SHALDERS: Why not give credit to the Government for setting up the council?

Mr Bryce: The Government turned its back on the recommendations of the council.

Mr SHALDERS: Rubbish! The member for Morley insinuated that through this Bill the Government intended to take out of school every handicapped child, irrespective of the type of handicap and whether it is great or small, and treat those children like animals by putting them in a cage and poking sticks at them, or something of that kind. He implied that was the Government's intention in relation to this Bill.

#### *Point of Order*

Mr A. R. TONKIN: Mr Deputy Speaker, I ask for withdrawal of the statement that I insinuated the Government, with this Bill, intended to put handicapped children in a cage and poke sticks at them. That is quite untrue.

The DEPUTY SPEAKER: The member for Morley has taken offence at the words used by the member for Murray, and I ask that they be withdrawn.

Mr SHALDERS: I withdraw the statement, Mr Deputy Speaker.

#### *Debate Resumed*

Mr SHALDERS: The member for Ascot referred to the composition of the panel which will advise the Minister and was critical of the fact that it is not spelt out that there will be a medical practitioner on the panel. What he did not say was that the fact that it is not spelt out gives the Minister flexibility in the appointment of a medical practitioner. Rather than having a medical practitioner as a permanent member of the panel, if the Minister believes—as he probably will in the majority of cases—that the advice of a medical practitioner is warranted, he can take into account the particular disability concerned and appoint the medical practitioner he believes will be most qualified to comment on and provide an opinion in an individual case.

Although the member for Ascot may believe he is being of assistance in this regard, I think he should look at the other side of the coin and realise that acceptance of his suggestion to appoint permanently to the panel a medical practitioner who is qualified in only one aspect would leave the Minister without the flexibility to avail himself of particular expertise in an individual case when he considers it necessary.

The member for Ascot also felt it was wrong for a child who was under a direction by the Minister to attend a special school to be taken out of the school he had been previously attending and be forced to attend the school to which he had been directed by the Minister pending the outcome of the parent's objection in writing.

Mr Bryce: Pending the outcome of the application before the court.

Mr SHALDERS: Certainly. While I can understand the concern of the member for Ascot, I believe his concern is unwarranted because clause 4(2)(b) of the Bill provides—

(b) the parent of the child to whom it relates is served with another direction under this section or a direction under section twenty B of this Act;

So in the event of a parent appealing to the Minister against that direction the Minister can issue a fresh direction to the parent saying, "Your child is directed back to the school he was previously attending pending the outcome of the appeal." That is possible under the Bill and I believe it would be sensible for the Minister to take into consideration the fact that a parent has appealed and direct that the child continue to attend his previous school pending the outcome of the appeal, where he thinks it is warranted.

Mr Bryce: That is correct. The Minister has directed that a child go to a particular school, and that will be the subject of an application to the Children's Court. The court will decide whether or not the Minister's decision is to be upheld. Why would the Minister suddenly change his mind?

Mr SHALDERS: Two avenues are open to a parent. Perhaps a child has caused, is causing, or will cause a great disruption in the normal schooling situation. Obviously the Minister would not direct that child back to the school from which he had been directed away, pending the outcome of the appeal. I submit in the vast majority of cases where an appeal is made to the Minister or the Children's Court the Minister will allow the child to continue to attend the previous or original school.

Mr Bryce: That is a great assumption and it is not provided for.

Mr SHALDERS: The honourable member wants to take away all flexibility. He does not want the Minister to have flexibility either to say a child would cause too much disruption and will not be allowed to continue attending his previous school pending the outcome of the appeal; or to say a child may continue to attend that school. Such flexibility is allowed for in this Bill.

In every case the member for Ascot wants it to become inflexible so that the child must be allowed to attend normal schools irrespective of the disruption it may cause and possibly the mental damage which may be occasioned to that child while the outcome of the appeal is decided. So for that reason I see very little chance of my supporting the amendments that I believe the member for Ascot will move during the Committee stage.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [5.01 p.m.]: First of all I am literally astonished at the

remarks made today by the member for Ascot. I cannot help but construe the statements which he made as being representative of the views of the Opposition and to my way of thinking those views are sadistic in the extreme.

Mr Davies: You have a funny way of thinking.

Mr GRAYDEN: Possibly the purpose of the Bill before us is conveyed in these few words with which I introduced the second reading—

This Bill deals with special education, the language of instruction in schools, the service of student teachers and the elimination of certain textual anomalies in the principal Act.

The member for Ascot has construed this Bill as some sort of attack upon handicapped children in Western Australia. Of course handicapped children vary between those who are extremely handicapped and those with lesser disabilities. In actual fact what the Bill will do is to provide a tremendous degree of flexibility so that the lesser handicapped can go to existing schools and those who are seriously handicapped will be provided for. However, what the member for Ascot has said, with the support of the Opposition—and this is the same Tresillian attitude again—is that all handicapped children must be forced to mix with ordinary people.

Mr Bryce: That is palpably false and untrue. Obviously you were not listening or you are incapable of understanding.

Mr GRAYDEN: That is not palpably false, and is exactly what the honourable member said.

Mr Bryce: *Hansard* will tell us who is telling the truth.

Mr GRAYDEN: If one refers to *Hansard*, one will readily see that that is the point the member for Ascot made. What is the honourable member saying now? Is he changing his view?

Mr Bryce: It sounds to me as though you are in a political orbit somewhere a long way removed from this debate.

Mr GRAYDEN: Let us just examine what the member for Ascot said. Once upon a time in the history of Western civilisation, we went through a period where dwarfs appeared at court and the people laughed at their antics. The dwarfs performed somersaults and things of that sort.

Mr Bryce: I never said that.

Mr GRAYDEN: The member for Ascot is advocating that people handicapped in many different ways should present themselves to be the butt of jokes of that kind.

Mr Davies: Be fair—he never said that. Just be fair. You do not know what is going on.

Mr Bryce: I said the ones that could be educated in normal schools. Let us be a little honest.

The DEPUTY SPEAKER: Order!

Mr GRAYDEN: With any mentally or physically handicapped child—

Mr Davies: You have a handicap!

Mr GRAYDEN: —the most wonderful thing we can do is to ensure that he lives the most pleasurable life possible on this earth. That is all we want to provide. Every situation must be designed with that objective in mind.

Mr Bryce: That is precisely what I said.

Mr GRAYDEN: The member for Ascot is saying, with the connivance of his friends, "Throw the Christians to the lions". He is doing this for cheap political advantage.

Mr Davies: You are the one chasing the cheap headlines.

Mr GRAYDEN: The honourable member says we should throw these children into the high schools.

Mr Davies: You know how to chase headlines—you have been doing it for years.

Mr GRAYDEN: One moment the Opposition is complaining about the smoking of marihuana and yet the next moment it is advocating this.

Mr H. D. Evans: What about the cannibalism?

Mr GRAYDEN: The Opposition is saying that we should throw the handicapped children into that forum; throw the children into the high schools and let them be the butt of jokes all along the line. We should not, according to the honourable member, out of compassion, go out of our way to do the right thing for these children; recognise they are handicapped and endeavour to ensure that they have a pleasurable life.

Mr Bryce: What school did you go to?

Mr Davies: He didn't.

Mr GRAYDEN: I will tell members what happened in China many years ago. When a banquet was planned, the men would catch a brown bear and put him on an iron plate over the fire. When the fire was lit the brown bear would jump up and down and the blood from its body would rush into its legs. The people at the banquet would then eat the legs of the brown bear. This proposal of the honourable member is in the same category.

Mr Bryce: Where is the black bull while the brown bear is being put on the fire?

Mr GRAYDEN: Another trick was to catch a monkey and make it drink alcohol. After a while the guests at the banquet would tap the poor old monkey on the head, lift off its skull, and eat its brains. This is the sort of thing the member for Ascot is advocating in regard to these children.

*Point of Order*

Mr A. R. TONKIN: Is this the Minister for Labour and Industry replying on behalf of the Minister for Education?

The DEPUTY SPEAKER: That is a frivolous point of order, and I do not think it becomes the member for Morley at all. I direct the attention of the House to the Minister for Labour and Industry.

*Debate Resumed*

Mr GRAYDEN: An analogy of this sort may seem to be far-fetched—

Mr H. D. Evans: No, not at all!

Mr Davies: I only got up to tapping the monkey's skull—I missed the end.

Mr GRAYDEN: My analogy illustrates precisely the intention of the member for Ascot. What he is saying is, "We have many handicapped children in the world, throw them to the wolves."

Mr Bryce: That is so false you ought to be ashamed of yourself.

Mr GRAYDEN: The Government is providing a degree of flexibility; under this Bill children can go to any existing school or, if they require special treatment, they can go to a school which will be beneficial for them. The member for Ascot does not think we should do that.

Mr Bryce: The Minister has no respect for this Parliament, and none for himself.

Mr GRAYDEN: As I said earlier, with the connivance of members of the Opposition, the member for Ascot is simply saying, "Throw these handicapped children to the wolves."

Mr Bryce: Arrant nonsense!

Mr GRAYDEN: The member for Ascot said, "If you have a handicapped child, do not send him to a special school; send him to some high school where he will be victimised, ridiculed, and spat upon."

Mr A. R. Tonkin: You have a very poor opinion of high school students.

Mr GRAYDEN: That is what the member for Ascot is saying. The honourable member knows that if he had a child in that category a high school would be the last place he would choose for the education of his child.

I suggest to the member for Ascot that we should call a meeting of all the parents of handicapped children in this State. We will let them all stand in front of Parliament House and we will take a vote on this question. The honourable member will then see how many parents want their children to be the butt of the jokes of others or to be victimised. Would not the honourable member like to ensure that such children lead a pleasant life, shielded from situations of that sort? We will tell the parents also that the legislation we are discussing will provide a flexibility to enable a child to go into any

existing school, but where it is thought that protection is needed, this protection will be forthcoming.

I would ask the member for Ascot whether he would be prepared to organise a meeting of that kind. If he brought the parents to Parliament House we would see what they want. I know that no parent would want his child to be put in that situation, because children are notoriously unkind. Every member of this House knows that if there are five magpies on a lawn and one magpie is slightly different—

Mr A. R. Tonkin: What about the brown bear?

Mr GRAYDEN: —perhaps it has one feather out of place—all the other magpies attack it.

Mr Bryce: I happen to know there is a lot of truth in what the Minister says!

Mr GRAYDEN: Is this the situation the member for Ascot is inviting?

Mr Bryce: Are you reflecting on the hair-do of the member for Ascot?

Mr GRAYDEN: Is that what he wants? No matter what form of life is involved, if one is a little different one is attacked in that way. I say to the member for Ascot that he should begin at this stage of his life to get things in perspective.

I would stress this: The important thing for any handicapped child in this world is to get enjoyment out of life, and these children will get enjoyment out of life if they are shielded from that sort of thing. They should be shielded to prevent that, and this is precisely what the Government will do under certain circumstances. In respect of other circumstances, the Bill is sufficiently flexible to enable these children to be admitted to any school. So I say everything the member for Ascot has said is politically oriented, and is designed for the sole purpose of scoring some sort of political advantage for him and the Labor Party from this measure. He is interested in the matter for one purpose, and that is to obtain political advantage. As members of Parliament we are not here for that purpose; we are not here as a facade. However, obviously the entire speech of the member for Ascot was designed on the basis that this is a facade.

Mr Bertram: A sham, yes.

Mr GRAYDEN: Obviously the member for Ascot wants to make an impression with the media, but I do not think we are here for that purpose; nor are we here just to hear the way-out views he has expressed.

Mr Bertram: That is a new approach.

Mr GRAYDEN: It is a perversion of Parliament to use it in that way, and we should not be a party to what the member advocates. If we follow his suggestion we would inflict a wound on the State of Western Australia, and we would inflict a

wound on the handicapped children of this State.

Mr Bryce: Your experts made the suggestions.

Question put and passed.

Bill read a second time.

#### *In Committee*

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

Clauses 1 to 3 put and passed.

Clause 4: Section 20A added—

Mr SKIDMORE: I am extremely disappointed with the attitude expressed by the Minister, and I feel the analogies he drew were so far removed from the debate that it was a tragedy that he should use them while we are dealing with handicapped children who have difficulty in fitting into normal schools. Earlier I indicated to the Minister that if he accompanied me to the Koongamia School I would show him some of the problems associated with children who are either physically or mentally deficient, and he would see the great strain imposed upon these children and their parents.

The Minister's reply was an attack upon the member for Ascot and others on this side of the Chamber, on the ground that we seek to make political capital out of this matter. I have no desire whatsoever to make political capital out of it; I merely desire to have recorded in *Hansard* that two parents of afflicted children have asked me to intercede on their behalf in respect of this Bill. They have expressed alarm and despair at the possibility that they may not be able to control or guide the destiny of their children in respect of which school they should attend and how they should be looked after.

It is a great tragedy that we should be considering a proposed new section 20A(1) which states that children so afflicted should attend a remedial school.

Mr Grayden: What clause are we on?

Mr SKIDMORE: Clause 4.

Mr Grayden: Are you talking about clause 20?

Mr SKIDMORE: For the information of the Minister, we are discussing clause 4 which proposes to insert new section 20A into the Act. In that new section it is clearly stated that there will be a panel which will determine whether a child who has a physical or mental disorder or disability should attend a special school. I do not believe that would be in the best interests of the child. The Minister is heartlessly suggesting that we on this side want to throw the Christians to the lions. I suggest the metaphor he was groping for was, "throwing a cat amongst the pigeons". I feel he got his metaphors mixed, and as a result he started a ludicrous saying which added nothing to the debate,

and is characteristic of his efforts to denigrate members on this side who do not take their responsibilities as lightly as the Minister apparently does.

It is easy for people not to be concerned in respect of this matter and to treat it as something to be laughed at, but I certainly do not intend to do that. The Minister seems to believe that these children should be shielded from the cruelty of other children. However, such a decision should be made by the parents of these children.

Mr Grayden: You tell that to the member for Ascot.

Mr SKIDMORE: The parents should have the option of whether or not to send their child to a special school. Surely the parent has such a right. Strangely enough, the people who requested me to speak on this matter, and who have contacted me by letter and telephone to express their great concern, realise the hardship they are imposing upon themselves by placing their children in an environment where other children may be cruel to them.

Mr Grayden: What happens with a battered child? Are you going to leave him with the parents?

Mr SKIDMORE: The Minister raises a problem which, quite frankly, very rarely occurs. However, if he is genuinely concerned about this problem, I might better be able to tolerate his attitude to these afflicted children.

Mr Grayden: Do you not believe that one battered child is too many?

Mr SKIDMORE: Of course I believe that.

Mr Grayden: Now you are saying we should leave it to the parents as to where they are going to send their children.

Mr Bryce: Who said that?

The DEPUTY CHAIRMAN (Mr Blaikie): Order! I suggest that the member continues his speech. The Minister will have ample opportunity to reply to the member for Swan.

Mr SKIDMORE: I believe the parents have the right to determine whether or not their child may be subjected to undue cruelty by other children. I am well aware of the cruelty which can be inflicted by children upon other children, but if the parents are determined to accept that as a challenge, so that their child may lead a normal life, that should be their decision.

I agree with the suggestion put forward by the member for Ascot to alter the composition of the panel. I am concerned as to what form the initial grading of these children may take. We may arrive at a situation where a lot of children with virtually uncontrollable tempers, or who lack the mental capacity to understand the rights and wrongs of any situation, are placed together in one group in a special school. What a calamity that would be! It would be impossible to control them in the confines of the education system.

This is an issue which has to do with education, not health. Surely there are teachers within the present school system who would be able to look after such children. People have contacted me to express their deep concern that the Minister or the Education Department may direct them to send their children to a special school. I take umbrage at the Minister's suggestion that anybody who speaks against this Bill is heartless, and is going to throw the parents of these children into the depths of despair. I believe the contrary is the case; this Bill will work only if a great degree of tolerance is shown. It must not be an exercise of, "out of sight out of mind" where mentally disturbed children are placed in an institution like Tresillian, and forgotten about.

Many of these children are accepted at their respective schools. They are not run down, or looked upon with scorn. Certainly, of course, they come in for a few jibes, but the whole situation is one which they know and with which they can align themselves, and it would be a retrograde step to uproot them from these familiar surroundings.

I do not like the implications of such a direction; I believe there is no need to adopt this attitude and I will not be convinced that the provisions of the Bill for an appeal from Caesar unto Caesar—a characteristic with which the education system is riddled—will necessarily solve any problems which may arise.

If the Minister receives advice from the panel that a child should be removed to a remedial school, and he advises the parents accordingly, the parents will have the right to appeal to the Minister against his decision. Will the Minister then say, "Yes, the panel was extremely stupid and wrong in its decision, and I should not have advised you as I did. The child can now go back to his original school"? I doubt it!

I again express my deep concern on behalf of the families who have contacted me and who feel their children would be best left where they are. I hope these children will be left in peace and that their schoolmates, the teachers and the community at large will accept them for what they are, so that they may enjoy the benefits of the education system while remaining within a reasonable distance of their homes, and the parents may go to the school if they are so required.

In fact one of these children has an affliction which requires his parent's attention, from time to time; the parent must be available at all times during the school day. I believe no great harm will be caused by leaving these children where they are; if they are segregated in the manner suggested by the Minister, it would destroy their very existence, and I do not believe that should be the objective of such legislation.

Mr BRYCE: I say with all due humility that it was a great pity the proceedings of

this debate were not televised so that the thousands of people outside this Chamber, who never get the opportunity to visit the Public Gallery, could have witnessed the performance of the Minister.

The DEPUTY CHAIRMAN: Order! I hope the member will relate his remarks to clause 4.

Mr BRYCE: Yes. The Minister took it upon himself to culpably misrepresent the views I expressed in respect of what is considered by educational authorities to be best for these youngsters. We were treated to a short story about a brown bear, a short story about a magpie, and a short story about a monkey's brains.

The DEPUTY CHAIRMAN: Order! Is the member going to relate this to clause 4?

Mr BRYCE: Those short stories were chockablock full of superlatives and were dreamed up for the purpose of misrepresenting the attitude of the Opposition in respect of this clause. I can well imagine the Minister ducking out of the Chamber and, with one short phone call, contacting his editor in high places to tell him he delivered a few priceless short stories which should be given coverage in the media. It would be to the eternal shame of that editor if he took any notice of the Minister's suggestion.

It also has just occurred to me that perhaps the Minister never reads any of the speeches he makes in this place, because if he read them in the context of the debate I am sure he would cringe in pain in the same way as so many of his colleagues cringed when he was making his statements earlier in the debate.

The point I expressed to this House, which was the point made to this Government by its own expert advisers, was that there happens to be at this time many youngsters being educated in special schools who, in terms of their needs, could be better educated in normal schools, as long as the Government was prepared to provide the special follow-up and support services necessary to achieve this aim.

Under no circumstances would I represent in this Chamber on behalf of the Opposition the view that all children should be thrown to the wolves. I specifically stated that there would be a category of youngsters whose intellectual and physical disabilities were so serious that no Government would have any option but to provide special institutions for them.

Mr Grayden: But that is a back flip, is it not?

Mr BRYCE: I suggest the Minister does a little revision rather than a back flip. In another debate at another time he suggested I was politically dyslexic. I suggest the Minister is politically autistic. He simply is incapable of hearing the truth.

The record will reveal that the attitude we have adopted in this debate spells out clearly that there is—

Mr Grayden: We are back to where we started—we all support the Bill.

Mr BRYCE: —a wide range of disabilities. It is publicly acknowledged by many educators that instead of being directed into special educational institutions, many youngsters could be better educated in normal schools as long as the support services are provided to their parents and to the schools to achieve the desired end.

Mr DAVIES: I enter this debate only because of an interjection by the Minister when he asked whether we are concerned with battered babies. I am most concerned with battered babies and I mentioned that fact when we were dealing with the amendments to the Child Welfare Act some time ago. I cannot see how this clause deals with battered babies and perhaps the Minister may be good enough in his reply—

Mr Grayden: If parents batter their child, are you going to leave it to them to say whether it goes to a special institution?

Mr DAVIES: If the Minister would be good enough to calm down I could finish the remarks I intend to make and then he will have an opportunity to reply to them, if he can. Is that acceptable to you, Mr Deputy Chairman?

The DEPUTY CHAIRMAN (Mr Blaikie): Yes, and I think also the member should address the Chair.

Mr DAVIES: I was looking the other way but, with respect, I was hoping that *Hansard* was taking it all down and that you, Mr Deputy Chairman, would realise that I was talking to you. I know that you, Mr Deputy Chairman, are much more pleasing to the eye than the Minister for Labour and Industry but he is the man whom I particularly want to hear what I am going to say.

The DEPUTY CHAIRMAN: I hope those remarks are related to clause 4.

Mr DAVIES: I shall now relate them to your remarks, Mr Deputy Chairman. I think we can now continue. The Minister spoke of battered babies but clause 4 deals with children requiring special education and mentions children with a mental or physical disorder or disability. I understand that a battered baby is not battered because of any fault of its own. The people who generally require attention are the parents and they are the ones to whom we should be directing our attention. Unless a child has been so badly battered that its brain is damaged, its leg is broken, or it is suffering from permanent disfigurement, I cannot see

how it will fit into the classification of mental or physical disorder or disability. If the Minister can tell me in what context this clause applies to a battered baby, I would be pleased to know, because if there is any way in which we can assist these unfortunate children I would be delighted to do so.

Mr Grayden: Do you not think a battered baby may well be handicapped and as such should come within the provisions?

Mr DAVIES: It is not handicapped because it is battered.

Mr Grayden: But it could well be.

Mr DAVIES: It might be battered by a parent because it is handicapped and because the parent cannot stand the child.

Mr Grayden: What you are saying is that we should leave it to the parents to decide, and we are simply saying that in certain situations it should be taken out of the hands of the parents.

Mr Bryce: It is arrant nonsense to suggest that we shall not give the parents the right to decide.

Mr Grayden: Whether they batter their babies or not?

The DEPUTY CHAIRMAN: Order! I call the member for Victoria Park.

Mr DAVIES: I was trying to get some good done somewhere for battered babies and I thought I might have missed something in this clause. Quite obviously I have not missed anything. The Minister has just thought of this out of the air and has tried to apply it to the situation.

Mr Grayden: Battered babies are most likely to be handicapped.

Mr DAVIES: There is no reason whatsoever for the Minister to say that a battered baby is most likely to be handicapped. Research into battered babies done at our own Princess Margaret Hospital would not substantiate this in any way. If the Minister is implying that under the Act a battered child can be taken away from its parents and put in the care of the department, that is a second string to the bow I have been looking for whereby there is some protection for battered children. All I am asking the Minister to do in this case is to confirm that this Act applies to battered children, and I have it in *Hansard* for future reference.

Mr BRYCE: Before the Minister puts his foot in his mouth again, I feel obliged to draw his attention to the fact that this clause does not relate to battered babies. We are talking about children from the age of six to the age at which they leave school. No matter how wide or wild one's imagination—the Minister's imagination certainly fits into those categories—one cannot say that this Bill has anything to do with battered babies.

Mr Grayden: Battered babies ultimately grow up.

Mr BRYCE: Before the Minister gaffs again he should realise that we are dealing with youngsters of student age whom the Minister may choose to direct to a special school.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Section 20D added—

Mr BRYCE: In the second reading debate I pointed out that members of the Opposition were totally dissatisfied with the structure of the panel. The Bill proposes that for the purpose of assessing the nature of a child's disability, and the diagnosing of the type of treatment or educational programme required, the panel shall comprise at least two persons, one being a teacher, and the other a guidance officer or psychologist. There is to be a degree of flexibility, and to that I have no objection.

We on this side of the Chamber believe that in accordance with the best advice offered to this Government the panel should also comprise a medical practitioner. The Government's own expert committee which was established in 1974 recommended this. It said that when it came to assessing and diagnosing the problems of these youngsters, there should be very close consultation between the medical experts and the educational experts.

However, what do we find in the Bill? The proposal is that the panel shall include a teacher, and a guidance officer or psychologist. I should point out that the Neal report also suggests the inclusion of a psychologist. It has been suggested that it is essential for intelligent co-operation to exist between those three units of advice. The Government has simply put a pencil through that recommendation for the inclusion of a medical practitioner.

The implication is that if the Minister so decides from time to time he may appoint a medical practitioner to the panel. There are people outside this Parliament who are not prepared to accept any guarantee from a Government backbencher or from the Minister representing the Minister for Education that this would necessarily take place. It is all very well for them to stand up and say, "Of course no Minister would oppose the inclusion of a medical practitioner if it was necessary." Some people outside this Chamber are concerned that the Government has introduced the Bill to establish a panel, but the Bill does not specify that in addition to a teacher and a guidance officer or psychologist, there shall also be a medical practitioner on the panel.

Mr Shalders: Do you believe that every single case considered by the panel would need the advice of a medical practitioner?

Mr BRYCE: If we are dealing with the intellectual and physical disabilities specified in section 20 I would believe that, and

certainly more so in the case where young children are involved. Because of the nature of this problem I also believe that the nominee of the Western Australian Council of Social Service—this is a special body representing all the community organisations that provide support and the follow-up social security type of service—should be included on the panel, because that organisation is fully aware of the anxiety, the problems, and the difficulties which families of these handicapped children are required to put up with in the home situation.

When it comes to classifying, diagnosing, and assessing these youngsters there is very sound reason for the inclusion of a representative of that organisation on the panel. Its members understand the situation, and they work in it daily.

No-one is suggesting that the hands of the Minister will be tied if my amendments to clause 7 are agreed to. Instead of restricting the composition of the panel to two members, we are simply proposing that the panel shall comprise four members and any other persons the Minister may care to appoint from time to time to assist him. If the Minister feels that in addition to the medical practitioner, the teacher, the guidance officer or psychologist, and the representative of the Western Australian Council of Social Service, some other expert on social welfare or on education should be included, there is no reason that expert should not be called on to sit on the panel.

All the best evidence available to us indicates that it is necessary to have the best possible co-operation and co-ordination between the medical profession and the education profession when it comes to classifying these youngsters. However, the Government is not prepared to spell such a proposition out in the Bill to enable a medical practitioner to be included in the panel.

For that reason I propose to move my two amendments to the clause.

The DEPUTY CHAIRMAN: The honourable member is required to move his first amendment only.

Mr BRYCE: I move an amendment—

Page 5, line 23—Delete the word "two" with a view to substituting the word "four".

Mr GRAYDEN: This clause will enable the Minister to obtain advice from the panel before directing that a child shall receive special education, or be excluded. The panel will comprise people with special qualifications or experience in the area of the child's disorder or disability. At least one member must be a teacher, and another a guidance officer or a psychologist.



Objection has been raised because the composition of the panel has not been spelt out in the Bill. However, the important thing to remember is that it is impossible to anticipate every type of disorder or disability, and different types require different expertise.

By not specifying the composition of the panel in detail the Bill ensures that the Minister can seek the advice which is most appropriate to each individual case. We get back to the situation mentioned earlier when it was said that the Bill provided the maximum flexibility. It is for that reason I oppose the amendment.

Mr SKIDMORE: I support the amendment, and I cannot accept the explanation that has been given by the Minister. It seems that the Minister for Education considers that he should be the sole person to determine whether or not at any given time a medical practitioner shall be included in the panel. He is to decide whether the panel shall comprise a medical practitioner, a child guidance officer, a social worker, or the parents of the child in question.

The provision in the clause states that the panel shall comprise the two persons mentioned. Where a provision suggests that the panel should comprise more than two persons, surely it is conducive to good legislation to be a little more explicit when we are dealing with handicapped children, and include a medical practitioner on the panel as well.

The Minister for Education has apparently put forward the proposition that he alone should determine whether a medical practitioner should be included in the panel, because he says that each and every case should be treated on its merits. At any given time the criterion applicable to one case might not be applicable to another case of a different type. It surprises me the Government should adopt such an attitude. Surely it realises that the children we are seeking to cover have a physical or a mental disability.

Frankly I do not know what other sort of handicapped child could be subject to the legislation.

Mr Grayden: All handicapped children.

Mr SKIDMORE: All handicapped children have some medical or physical handicap. In some circumstances because of a child's mental condition a medical practitioner trained in psychiatry could be required.

As usual the Government is being dogmatic and is digging in its heels.

Mr Grayden: All we want is flexibility. All you are doing is politticking.

Mr SKIDMORE: That is no argument. Whether or not a person is politticking does not mean that a worth-while amendment which will give strength to a Bill should be rejected. If the amendment were accepted some of my objections would be overcome.

I would like to feel that we had a say in this Parliament. Of course I have become disillusioned as the years have gone by. The Government makes no effort to co-operate in the interests of all concerned. Any suggestion from this side of the Chamber is treated with disdain, as has been the case with the amendment before us. The tenor of the debate has been such that I am quite sure the Minister for Education would have been appalled had he heard the debate and witnessed the manner in which the Minister representing him acted.

I support the amendment because it is worth while and will lend strength to the panel involved.

Mr DAVIES: On several occasions the Minister has interjected and stated that the Government wants to retain flexibility. The amendment in no way affects the flexibility. Under the Bill the panel will consist of two or more persons and under the amendment it will comprise four or more persons. If the Government wants a person with any particular type of qualification such a person could be appointed under the "or more" provision. The Minister believes that under the Bill the Government has flexibility, but the same situation applies under the amendment.

I do not believe I need to canvass the reasons for our support of the amendment because they have been canvassed by the member for Ascot. The inclusion of a representative of the medical profession is for obvious reasons. Although we are dealing with a Bill related to education we are still concerned about the condition of the child involved. An educationist will tell us a child's schooling capacity and I agree in many cases an educationist might be able to form an opinion as to how well a child could be educated and how much he could absorb. However, if an educationist could make a decision in all cases, we would hand over to the Education Department the whole of the Mental Deficiency Division of the Mental Health Services. Of course this would not be feasible. We want to ensure that in some cases a medical opinion is guaranteed to be available.

A guidance officer would not necessarily be interested in the state of the child's health. We all know that professional jealousies exist among educationists and the medical profession. Therefore it is not unreasonable that we should demand at least a member of the medical profession on the panel.

If the Government is concerned about the flexibility of the panel, I can only repeat what I said when I commenced to speak; that is, we are not interfering with the flexibility. We merely desire that four people should be on the panel instead of two, with the Government still retaining the right to appoint anyone else it desires.

I am not quite so concerned about the inclusion of a person recommended by the Western Australian Council of Social Service. Such a member would probably be a lay person and I am not always in favour of the efforts of such people because mostly they have not had any particular training.

I want to point out for the last time that we are not interfering with the flexibility of the panel. We want at least a member of the medical profession appointed and, under the amendment, a representative of the WACSS. The Minister is still in a position to appoint any other person he desires.

#### *Progress*

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

### **ADJOURNMENT OF THE HOUSE: SPECIAL**

MR O'NEIL (East Melville—Acting Premier) [5.59 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 5th October, at 4.30 p.m.

Question put and passed.

*House adjourned at 6.00 p.m.*

## **Legislative Council**

Tuesday, the 5th October, 1976

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

### **AUDITOR-GENERAL'S REPORT**

#### *Tabling*

THE PRESIDENT (the Hon. A. F. Griffith): Honourable members, I desire to lay upon the Table of the House the Auditor-General's report for the year ended the 30th June, 1976.

*The report was tabled (see paper No. 362).*

### **QUESTIONS (7): ON NOTICE**

#### **1. TRANSPORT**

##### *Road Vehicle Limits Study*

The Hon. R. Thompson for the Hon. H. W. GAYFER, to the Minister for Health, representing the Minister for Transport:

- (1) Has the study by the National Association of Australian State Road Authorities into the economics of road vehicle limits

throughout Australia, been completed?

- (2) If so, when are the results of this study likely to be released?
- (3) If not, at what stage is the study, and what is the programming for completion?

The Hon. N. E. BAXTER replied:

- (1) Yes.
- (2) The summary of recommendations was released in the Study Team Report R3 of October, 1975, and may be obtained through the Parliamentary Library.
- (3) See answer to (1).

#### **2.**

### **HEALTH**

#### *Hairdressers' Salons*

The Hon. R. F. CLAUGHTON, to the Minister for Health:

- (1) Is an inquiry being conducted into the health aspects of hairdressers' salons?
- (2) Has such a report been finalised?
- (3) If so, is the Minister recommending any changes to legislation or regulations for the industry?

The Hon. N. E. BAXTER replied:

- (1) No.
- (2) Health aspects of hairdressers salons were investigated conjointly with Industry 1971-1972 period. Model Health By-laws were subsequently amended and changed to Hairdressers Establishment Regulations 10th November, 1972.
- (3) Not applicable.

#### **3.**

### **RAILWAYS**

#### *Perishables: Cartage*

The Hon. D. J. WORDSWORTH, to the Minister for Health, representing the Minister for Transport:

- (1) Is the Minister aware that a placard in the main street of Gnowangerup indicated to customers a shortage of certain fruit and vegetables due to the railways mislaying a consignment?
- (2) Do such inconveniences often occur?
- (3) Is any compensation paid in such cases?
- (4) Is the consignee expected to pay the cost of locating lost goods?
- (5) What conditions are laid down concerning the ability of a green-grocer to cart his own fruit and vegetables in regard to—
  - (a) types;
  - (b) weight; and
  - (c) frequency of trips?