

# Legislative Assembly

Wednesday, 20 September 1989

THE SPEAKER (Mr Barnett) took the Chair at 2.15 pm; and read prayers.

## ADDRESS-IN-REPLY

### *Presentation to Lieutenant Governor and Administrator - Acknowledgment*

THE SPEAKER: I have to announce that, accompanied by the members for Northern Rivers, Murray, Scarborough and Roe, I attended upon His Excellency the Lieutenant Governor and Administrator and presented the Address-in-Reply to His Excellency the Governor's Speech when opening Parliament. His Excellency has been pleased to reply in the following terms -

Mr Speaker and Members of the Legislative Assembly: I thank you for your expression of loyalty to Her Most Gracious Majesty The Queen and for your Address-in-Reply to the Governor's Speech to Parliament on the occasion of the opening of the First Session of the Thirty-Third Parliament.

Francis Burt  
Lieutenant Governor and Administrator.

## PETITION - DISABILITY SERVICES ACT

### *Adverse Implementation Process - Federal Review*

MR CUNNINGHAM (Marangaroo) [2.17 pm]: I have a petition which reads as follows -

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

We, persons with disabilities, affected by the adverse implementation process of the Disability Services Act, and other concerned persons, request the Premier of W.A. to call on the Federal Minister for Community Services and Health to:

1. Review the ideologic issues present in the implementation process without support from the ACT and contrary to the objective of -
  - a. improved outcomes
  - b. the right of choice (of consumers)
  - c. cost effective service delivery.
2. Confirm that the legislation was not designed to destroy existing efficient service delivery models with consequent impact on services for consumers.
3. Ensure existing services for people with disabilities are objectively examined on an individual basis and any decision made with regard to changes in future Government support for an individual service, be based on outcomes achieved and the views of consumers in the service; and
4. Confirm that service will not be lost to consumers or forced changed direction in consequence of:
  - a. subjective (ideological) decisions based on the size of services, location of services or models of service delivery;
  - b. departmental bias against service types not supported by outcomes actually occurring and supported by consumers.
5. Direct the Department of Community Services and Health to work with consumers and service providers to achieve positive outcomes, more flexible provisions for service delivery and to abandon the prescription of service types currently occurring.

The petition bears 121 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly:

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 44.]

### PETITION TELEPHONES AND ANCILLARY EQUIPMENT

#### *Display and Sale - Sundays and Public Holidays*

MRS EDWARDES (Kingsley) [2.21 pm]: I have a petition in the following terms -

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

We the undersigned request that the display and/or sale of telephones and ancillary equipment be allowed on Sundays and public holidays.

The petition bears 406 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 45.]

### PETITION ALCOHOL ADVERTISING

#### *Television, Radio, Sporting Events - Opposition*

MRS EDWARDES (Kingsley) [2.23 pm]: I have a petition as follows -

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

We, the undersigned, oppose the advertising of alcohol on television, radio and all sporting events.

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

The petition bears 210 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 46.]

### BILLS (5) - INTRODUCTION AND FIRST READING

1. Acts Amendment (Remuneration of Governor) Bill  
Bill introduced, on motion by Mr Peter Dowding (Premier), and read a first time.
2. Acts Amendment (Perth Market Authority) Bill  
Bill introduced, on motion by Mr Bridge (Minister for Agriculture), and read a first time.
3. Commercial Tenancy (Retail Shops) Agreements Amendment Bill  
Bill introduced, on motion by Mrs Henderson (Minister for Consumer Affairs), and read a first time.
4. State Supply Commission Bill  
Bill introduced, on motion by Mrs Henderson (Minister for Works and Services), and read a first time.
5. Land Drainage Repeal Bill  
Bill introduced, on motion by Mr Cowan (Leader of the National Party), and read a first time.

**LOAN BILL***Second Reading*

**MR PARKER** (Fremantle - Treasurer) [2.32 pm]: I move -

That the Bill be now read a second time.

This Bill seeks the necessary authority for the raising of loans required to help finance the State's Capital Works Program as detailed in the General Loan and Capital Works Fund Estimates of Expenditure tabled on 31 August 1989.

Borrowing authority is being sought this year for the raising of loans of \$150 million. The level of borrowing authorisation required is determined after taking into account the unexpired balance of previous authorisations as at 30 June 1989. It is also necessary to have sufficient borrowing authority to enable works in progress to be maintained for a period of up to six months after the close of the financial year pending the passing of a similar measure in 1990.

I have already outlined the highlights of our Capital Works Program in the Budget speech and I do not intend to cover that ground again today. The task of framing our works program for 1989-90 was difficult due to the substantial funding commitments needed for major works in progress and an effective \$75.2 million reduction in our global borrowing allocation after allowing for the special 1988-89 supplementation provided by the Loan Council at its May 1989 meeting. Nevertheless the Government believes the program framed is a responsible one which largely accommodates most of our high priority and urgent works. In particular the planned increase in expenditure on infrastructure services by the Energy Commission and the Water Authority will provide an essential base for the State's continued economic growth.

Mr Speaker, the machinery nature of this Bill is well known. In accordance with clause 4 of the Bill, the proceeds of all loans to be raised under this authority must be paid into the General Loan and Capital Works Fund as required under the provisions of the Financial Administration and Audit Act. Moreover, no funds can be expended from the General Loan and Capital Works Fund without an appropriation under an Act passed by this Parliament.

In addition to seeking to provide the authority for loan raisings, the Bill also permanently appropriates moneys from the Consolidated Revenue Fund to meet principal repayments, interest and other expenses of borrowings under the authority of this Act. I commend the Bill to the House.

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

**ELECTION OF SENATORS AMENDMENT BILL***Second Reading*

Debate resumed from 5 September.

**MR MENSAROS** (Floreat) [2.35 pm]: This fairly simple Bill raises interesting thoughts about historical and constitutional facts. At the turn of the century one of the conditions, which was not negotiable, for the acceptance of the Commonwealth by the then independent States was the fact that the second Chamber of the Commonwealth Parliament, the Senate, would be a State House. The number of senators to be elected would be the same from each State. The original Constitution provided for six, irrespective of the number of inhabitants of the State.

One might digress here and query the position, as we did with regard to Supreme Court judges, and ask why it has been necessary to more than double the number of senators in Australia, when in the United States during the last couple of centuries the number of senators representing each State has remained the same, despite the enormous increase in population. The United States has a population about 15 or 16 times that of Australia.

**Mr Pearce:** Efforts were made to break the nexus. There is no nexus in the United States between Congress and the Senate.

**Mr MENSAROS:** It is simpler to disconnect the nexus, even if the Constitution is amended, than to increase the number of senators. This also needs a constitutional amendment. The

position is the same with Supreme Court judges in the USA, who are the equivalent of those in the High Court.

Mr Pearce: Everyone thinks we have more senators than we need, but in order to keep the number of seats in the House or Representatives reasonable, that number is needed. If the Liberal Party had been prepared to support the referendum proposal to break the nexus we would not have this problem.

Mr MENSAROS: It is not up to us, but in principle I agree it would be better to break the nexus and have fewer senators rather than increase their numbers all the time. The Senate was instituted as a State House, but unfortunately the characteristic of the Senate entirely disappeared a long time ago. The Senate became a party House. Had this been envisaged by the founding fathers at the time of federation, the federation would not have come into being. Had this not happened we would not have the problem of a centralistic Government in Canberra.

This has happened only to a certain extent in other federations. In the United States it happened to some extent, but not to the same extent as it has here, because the United States Senate votes on purely party lines only when office bearers of the Senate are elected. Even then this power is not absolute by any means, because of an unwritten rule of seniority which is adhered to very much.

In Australia, with few exceptions, there is no sign of senators giving preference to the interests of their States over the interests of their party. One will only have to watch the Western Australian Labor Party senators voting on the gold tax for confirmation of this fact. This will be a very interesting indication of what I am stating now.

Yet oddly enough one has the experience - and I am quite sure that the present Ministers have had the same experience as I did in the nine years I was in the Ministry - that when there is a meeting of Ministers it does not matter which party is in Government in Tasmania. During my time the party in Government there was almost always the Labor Party, with the exception of one year, yet it was more likely to side with us. In fact almost invariably the Tasmanian Government sided with the Liberal Government of Western Australia when it was a question of States' interests versus the interests of the central Government. Irrespective of which party was in Government in Canberra, New South Wales or Victoria would side with them. This shows the wise intentions of the original founding fathers when they made provision for the same numbers of senators. Unfortunately it also shows that this has misfired to a great extent.

Coming back to the provisions of the Bill, because the Senate was meant to be a State House, although the qualifications of the senators are governed by the Commonwealth law, which is set down in section 8 of the Constitution of the Commonwealth of Australia, the method of electing the senators and the time and place of such elections, subject to some general rules made by the Commonwealth, are governed by State legislation. That is clearly set out in section 9 of the Constitution Act. The first Senate election followed the rules of electing the "more numerous" - that is the expression of the Constitution - House of every State. However, soon afterwards each State enacted appropriate laws which governed the election of senators. That happened in Western Australia in 1903, and that is when the parent Act which we are proposing to amend by the legislation now before the House originated. The State Acts in every case have, partly by law and partly by custom, complemented the Commonwealth Electoral Act so that the machinery of electing members to the House of Representatives and the Senate should be reasonably the same. This was the custom to such an extent that now probably 95 out of every 100 Australians would not know that when they vote in a Federal election, the rules for the Senate part of the election are laid down by the State and not by the Commonwealth. Hence any amendments to the Commonwealth Electoral Act which have any influence on State rules regarding the election of senators automatically trigger amendments to the State's Act. This has happened twice since the original Act was enacted in this State - in 1912 and 1984.

The Bill contains two provisions for such an alteration. The first is that the 90 day period now available between the issue and return of the writ has been extended to 100 days. When the Minister introduced the Bill he did not explain why this is necessary. I must confess I was not able to ascertain the necessity of this provision. I do not have any opposition to it on the surface, but I wonder why, in these days of high technology and computers, the situation

is not the reverse. One would imagine that a writ could be returned in a shorter period of time now than it could have been nearly 100 years ago. I would appreciate the Minister's explaining to the House, when he rises to speak, the necessity for this amendment to the Commonwealth Electoral Act, which extends that 90 day period to 100 days, and which we are now requested to extend to our State Act. Would the Minister also say - and I am not suggesting there is - whether there is any advantage or disadvantage from Western Australia's point of view if we enact these conditions?

The second provision of the Bill relates to the limitations which apply when alterations to the date of polling - that is, the election day - and the return of the writ are made. That limitation of time has been lifted. At present the limitation is up to 20 days, plus or minus, before polling day. This itself could not be altered later than seven days before the time it was originally set. I again would appreciate the Minister's explaining why this is to happen. Here it is easier to guess because to my best recollection and knowledge there has never been a change to the election day. Perhaps someone came to the conclusion that this was a superfluous provision in the Act. Again the Opposition does not oppose these measures at all. Indeed the Opposition supports them, although we would like an explanation of these items.

Again I emphasise that the Senate was the State House and it is, at least in my view and I think in the view of this side of the House, a great pity that this has changed because of practical considerations.

I have never argued very much, as some people do, against the prevalence of party political considerations in lower Houses of Parliaments. I think that if we accept the Westminster system which gives the Executive the Administration, out of the body of the Legislature this fact has to be accepted. If one does not accept it, one would not have stable Government at all. The necessity of stable Government does not have to be argued because one can see many examples in the world where stable Government does not exist. Personally I do not think that adherence in the lower House to what is called loosely "party discipline" is derogatory. After all, it is just as democratic as anything else that each side of the House decides for itself in a democratic manner. One party has its caucus room and the other has its party room, in which, presumably by a majority decision, the decision is taken. That is not unlike the board of directors of any company, be it large or small, where after thorough discussions a consensus is reached based on the majority - in most cases a reasonably large majority - view. After people have elected members and given the majority to one or other party, that in itself cannot be seriously criticised as long as one accepts the Westminster system.

Of course this is not so in the other House. It would be much more advantageous if the other House, in the case of the Senate, represented the interests of the States from which the senators are elected, or even within a State if the other House represents territorial and other interests and no party politics were to prevail. It is important to observe that even a comparatively short time ago the tendency was less for party lines to be followed even in our second Chamber. Twenty years or so ago sitting there was not along party lines at all. Members of the Legislative Council were treated in a way which was entirely unrelated to their party affiliation, except the Ministers and the Leader of the Opposition there.

It can be argued that you cannot turn the clock back and that may be so, but I suggest that neither should one artificially accelerate some development which is clearly not in the interests of the people parliamentarians represent. The Liberal Party supports the Bill.

**MR WIESE (Wagin) [2.49 pm]:** The National Party has a strong belief in the importance of the Senate as an integral part of our Federal system of Government. As the member for Floreat indicated, this system has been in place since the inauguration of the Federal system of Government. This has played an important role in the development of Australia from that time to the present day. The Senate is the House which was supposed to represent the interests and rights of the States. Although the previous speaker did say that the Senate was moving away to some degree from the role it performed in the past as was intended by the founding fathers of Australia, the Senate still is very strong and a very much needed House in the present system of Government. It is very important for the people of Western Australia to try to safeguard the powers possessed by the Senate.

The justification for the changes in this Bill is that they will bring the State Act into line with the Commonwealth Act regarding the election of Senators. One of the matters with which it

deals is that it extends the time from the issue of writs for election of Senators to their return from the current 90 days to 100 days. That will bring us into line with the new system operating in the Commonwealth Act. I find it difficult to argue with that provision.

The Bill removes the restriction built into the Western Australian Act to allow for the extension of time for holding elections or the returning of writs or the meeting of any difficulties that might otherwise interfere with the due course of an election. That was built into the current Act for a specific purpose. I found it very interesting that the member for Floreat said he did not believe there has been an occasion when that provision was utilised, but I believe it is there for a specific and distinct purpose and needs to remain. The Minister did not justify this change in his second reading speech apart from mentioning the fact that we were coming into line with the Commonwealth Act. That is not sufficient justification. I hope the Minister will attempt in some way to justify the change which will be incorporated into our Western Australian Act.

If we remove this 20 day provision there will be no time limitation whatsoever and this will be left completely open. That is not a good thing and it is not necessary to do that merely to fall into line with the Commonwealth. I would be a little happier with that change if what the Minister stated in his second reading speech had actually been built into the Bill. I draw the attention of members to part of the Minister's second reading speech in which he said -

These limitations have been removed and the flexibility of permitting alterations to the days in specific divisions has been added.

If that had been written into the Bill there could be some justification for removing that 20 day provision, and perhaps some justification for leaving the Bill completely open. As this has not been incorporated into the Bill, I cannot find myself in favour of this clause which will be discussed in more detail when we reach the Committee stage. I hope the Minister will give some attention to this matter and will endeavour to explain why what he said was to be in the Bill is not in the Bill and why this section of the Act will be completely open-ended. I look forward to the Minister's explanation.

**MR PEARCE** (Armadale - Leader of the House) [2.57 pm]: I thank members for their general support of this legislation, although it sounds like we might have a discussion about the second part. What the member for Floreat said was quite right in that the election of Senators was initially a State responsibility and therefore the election of Senators is covered by State legislation. At the same time it is also true that the operation of an election for the Senate is conducted through the Commonwealth Electoral Commission which issues the writs and conducts other procedural matters, and the State plays no effective role in the election of the Senate. There is Commonwealth legislation as well as the State legislation, and Commonwealth legislation which deals with the election of the House of Representatives. When the Commonwealth makes changes to that Act, it makes changes to the Senate legislation at the same time. Nothing would be more ridiculous, or more likely to be detrimental to the conduct of elections which would involve legal wrangles after elections, than having conflicts in these Acts.

The election of members for the House of Representatives and the elections for the Senate generally are conducted on the same day and under the same set of rules. Therefore, when the Commonwealth Parliament seeks to change the Act and the process with regard to the Senate, the Prime Minister orders requests to all the States seeking changes to the State Election of Senators Act; that is what is being done with this Bill. If we were not to agree with the Commonwealth request, two things would follow from that: The first is that all the States have agreed to go along with the changes and the Western Australian provisions would be different from the Commonwealth Act covering this matter, and, second, they would be different from the provisions of the other States. That may not be a huge matter but there seems to be no necessity for that to be the case.

The State Government has given the Commonwealth an undertaking to introduce legislation into the Parliament and see whether the Parliament will accept it. I am happy to discuss the matter during the Committee stage with the member for Wagin, although I see no reason that he advanced for the Government to change its view that the Commonwealth's request is reasonable. These provisions are not huge matters as they deal with the situation outlined in the Commonwealth legislation and this Bill will remove the awkward situation in which Western Australia would be likely to have the potential for some kind of legal conflict.

The losers from that would be the people of Western Australia because I do not think we would want to see a position develop whereby the election of senators from Western Australia was held up and they were not able to take their seats in the Senate because of legal wrangles over procedural matters that followed from a Senate election. Under those circumstances, we would be in exactly the same position as Queensland when the former Bjelke-Petersen Government purported to appoint a Labor replacement for a dead Labor senator in 1975 which resulted in a legal challenge to the appointee's position and kept a Queensland senator out of the Parliament when some very important things were going on. That action was probably worked out in accordance with the wishes of the Queensland Government, but it was not necessarily worked out in accordance with the Queensland people.

Mr Gordon Hill: The Queensland Government and Albert Patrick Field.

Mr PEARCE: He is the senator to whom I have referred. He is one of the few Labor senators with whom I had difficulty in agreeing on almost anything. He was one of the more unusual representatives of the Labor Party.

The National Party foist Albert Patrick Field on the Commonwealth Senate. We do not want the National Party in Western Australia to fiddle with amendments to the Commonwealth electoral legislation for Commonwealth elections which have the same result of not foisting an Albert Patrick Field on the Commonwealth Senate, perhaps preventing -

Mr Wiese: It almost sounds like you are accepting the inevitability of the National Party being in power here soon.

Mr PEARCE: That is not likely. We have a touch of affection for the National Party. We know an agrarian socialist when we see one. That is why we have held the party up with our preferences.

Mr House: In the first place, that is not true. Secondly, you would not recognise an agrarian socialist if you saw one.

Mr PEARCE: If it had not been for the slight touch of affection that we have for the member's party, we would still have Mr Old and Mr Jones sitting in this Parliament.

Mr House: No, you wouldn't.

Mr PEARCE: I think we would. I did the election coverage for the ABC on that occasion and I watched the figures with great interest.

This is a fascinating and interesting discussion; I always enjoy a good afternoon's chat. However, the Government believes it is reasonable for the House to pass this legislation and I seek its support.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chairman of Committees (Mr Ripper) in the Chair; Mr Pearce (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 amended -

Mr MENSAROS: Debate on this Bill should not be prolonged. However, the Minister omitted to reply to my request for an explanation. I understand that the member for Wagin also asked him to explain why it is necessary to extend the time between the issuing and returning of the writ from 90 days to 100 days, at a time when, with increased technology, one would have thought the time allowances would shrink. There is no need for an allowance for more time. We are not opposing the clause; we are asking for an explanation.

The Commonwealth would have had the courtesy, in its request to the Premier seeking these amendments, to give the reasons for the change. I find it difficult to imagine, as do a number of people with whom I have spoken, the reason for the request for an extension of the period.

The Commonwealth Constitution states that ultimately the Commonwealth has the power to legislate in lieu of the States. Section 9 says that the Commonwealth has the power to legislate but it generally leaves the legislation to the States. I suppose that that is another

reason for there not being a conflict. We do not intend that there be a conflict, but we want an indication of why the provision is necessary.

Mr PEARCE: I am sorry I did not respond to that. I thought I put the alternative reasoning of the State Government which was that the Commonwealth asked for the amendment. We saw no reason for the request not being met. This Government thought that the idea of having a different time for the issue and return of the writs in the Commonwealth legislation and the State legislation was not desirable. The fact that the request was made and there was no sound reason for not complying with the request led us to introduce legislation. The letter from the Prime Minister to the Premier outlines the reasons for the Commonwealth's moving in this way. I will read the relevant paragraphs of the Prime Minister's letter. It states -

The two amendments to the Commonwealth Electoral Act, which were recommended by the Joint Select Committee on Electoral Reform, relate to time limits in the federal electoral timetable. Attached is the text of the amendments together with the text of the provisions which have been replaced.

One amendment increases the maximum period between the issue of the writs and the return of the writs from 90 days to 100 days (section 159). This will avoid the need for the Commonwealth Parliament to meet in early February if a federal election were held in mid November as, under the Constitution, Parliament must meet within 30 days of the return of the writs. It could also be a useful precaution against the possibility of a long delay before all Senate vacancies are filled, given the manner in which the Senate scrutiny is now required to be conducted.

That is the reasoning that was adopted by the Joint Select Committee on Electoral Reform, recommended with all party support and adopted by the Commonwealth Parliament. We see no reason why we should not go along with it.

Clause put and passed.

Clause 5: Section 8 amended -

Mr WIESE: I was pleased to hear the Leader of the House tell us that he enjoyed his afternoon chats with us because that is what it was. He did not address any of the matters raised by me in the second reading debate and I would still like to hear his explanation. He read the letter written by our illustrious Prime Minister explaining the reasons for the extension from 90 days to 100 days. I would now like to hear the Prime Minister's request for the deletion of the 20 day period because, contrary to what the Minister said, I do not believe that there will be any problems with the Western Australian situation. In fact, I believe that it puts the Western Australian situation before every other situation in Australia.

Outside of that 20 day period there can be no extension. If that 20 day extension is removed, as proposed in this Bill, the time scale within which the matter can be extended will be completely open. The time could be any period, although I presume it would have to be within 100 days before or after because 100 days is allowed for the writ to be returned. At present a time is laid down to which we must adhere, and I have no problem with that system.

The other matter I raised very specifically, to which the Leader of the House completely failed to reply in his afternoon chat, related to the statement in the second reading speech that these limitations have been removed and the flexibility of permitting alterations to days in specified divisions has been added. I can accept that in specified divisions an occasion may arise when one wishes to go beyond the 20 days. However I cannot understand the reason for opening the whole matter over all Western Australian Senate divisions. I ask the Leader of the House for an explanation as to why the matter referred to in his second reading speech is not included in the Bill.

Mr PEARCE: The comments I made in the first part of my afternoon chat applied to this clause as well. These matters were brought forward by a Joint Select Committee on electoral reform.

Mr Wiese: All wisdom does not reside in Canberra.

Mr PEARCE: That is true, but a lot does not reside in Wagin either.

Mr Wiese: I am in a learning period and I seek an explanation.



Mr PEARCE: I am willing to help the member in that learning period. The Joint Select Committee has sought these amendments so that the same legislative requirements apply to Senate elections across Australia. That seems to be desirable. I ask the member to reflect on the reasons given by the Prime Minister in the letter to which I have referred -

The other amendment removes the 20 day limitation from the provision relating to the extension of time for holding the election and returning the writs (section 286). It was made on the basis that the limitation served no useful purpose. For example, in relation to the Senate writs, it is possible that any problems that might delay the return of the writs would not have emerged within the 20 day period.

If a problem emerged on day 21 and it was desirable to delay the polling date, it would be possible to do that under the amendments proposed in this Bill but not under the current circumstances. For example, if for some reason the date of the polling day had to be changed - that would be extremely rare but perhaps some dire catastrophe could make it necessary - and if Western Australian legislation did not mirror the legislation in other States of Australia, the polling day could be postponed in all other States of Australia but not in Western Australia. It is not very sensible for Western Australia to have a unique polling day which is different from that in all other States. This might appear to be drawing a long bow and I do not want to get into hypothetical discussion of the whys and wherefores. However, the Joint Select Committee of the Federal Parliament has made a recommendation on this matter, which the Federal Parliament has adopted on a bipartisan basis. The Commonwealth has sought the concurrence of other States to make sure all electoral legislation is the same. The letter from the Prime Minister is dated 1 March, and I understand that other States have agreed to enact this legislation and, in some cases, it has been completed. If the Western Australian Parliament does not agree to pass this legislation, this State will be out of line with the rest of the nation.

Perhaps the Government would support a good reason put forward in support of Western Australia adopting a unique position, but so far no member has put forward a good reason. The questioning has been along the lines of why should we do it; it should be done for the sake of uniformity. It is incumbent on the member for Wagin and any other member who thinks he can do better in this regard than a Joint Select Committee of the Federal Parliament - I concede that that is not too high a standard to aim for - to put forward their reasons now so that the Committee can consider them.

Mr WIESE: I do not believe that the Leader of the House addressed the problem. It was a pity he chose the example he did of extending the date on which an election can be held. This Bill does not refer to extending the period by 20 days, but states that within 20 days the dates may be extended. If circumstances arise whereby it is desirable to alter the date of an election, that can still be done within 20 days of the date; it is not extended by 20 days. Nothing the Leader of the House or the Prime Minister has said alters that fact. Such an extension could still be done under the present legislation.

In his second reading speech the Leader of the House referred to flexibility in specified divisions. I query whether any reference is made to specified divisions in the explanation quoted from the Prime Minister. If there is such reference, why is this provision not included in the Bill? Also, why is it included in the second reading speech but not in the Bill?

Mr PEARCE: I am finding it harder and harder to follow this discussion. The member has not done what I asked him to do.

Mr Wiese: That is mutual.

Mr PEARCE: If he is opposed to Western Australia having uniformity with the Commonwealth in regard to this section, he should advance some reason for that. He has failed to do so. There may be some rugged truth in that it would still be possible to change the date of an election if one were postponed by waiting until after the time it had been done elsewhere in Australia. If a decision were made under this arrangement outside the 20 days - say 23 days before an election the Commonwealth decided to postpone the election date for a week - it would be possible for Western Australia to wait until inside the 20 day period to issue a like postponement. The member for Wagin and I may think that is possible; however, if I were a defeated candidate in the election I might take the matter to a Court of Disputed Returns and challenge the arrangement. I might ask that court to decide whether the Western Australian Government was acting contrary to the Act. Such a case would probably drag on

for years, finishing up in the High Court, and two or three years down the track a definitive statement would be made by the court on the legality of that process. There is a possibility of legal action arising in the event of any discrepancy between legislation in this State and in the Commonwealth. That is why the State Government does not want to open up avenues for this sort of legal challenge to take place. That is why we say that unless there is good reason for the other, there ought to be uniformity.

In respect of the other clause, my understanding of the situation is that the reference to "specified division" is in fact in the amended provisions of the Commonwealth Electoral Act because it says quite clearly in the letter from the Prime Minister that -

Notwithstanding any other provision of this Act, before or after the day appointed for any election the person causing the writ to be issued may, by notice published in the *Gazette*, provide for extending the time for holding the election, or for holding the election in a specified division, or for returning the writ, or meeting any difficulty which might otherwise interfere with the due course of the election . . .

So the question which the member raised is covered.

Mr WIESE: That is exactly what I wanted to hear. If it is in the Commonwealth Act, why is that clause not included in our State Bill, and will our State Act open up avenues for challenge by not having that clause in it? The way I read the State Bill, which we are now going to finish up with, is that there is no limitation of it to a specified division.

Mr MENSAROS: May it be far from me to take on the mantle of the Minister, but for the benefit of the member for Wagin may I say the reason which comes to my mind for the words "division" and "specified division" not appearing in our Bill is that we are dealing with the Senate. The Federal Electoral Act deals with the House of Representatives. The legal terminology for a seat in the House of Representatives - for example, the seat of O'Connor, the electorate of Kalgoorlie - is the division of O'Connor, the division of Kalgoorlie, hence the reference in the Prime Minister's letter, which has been taken over by the Minister in his second reading speech, without his having understood it correctly, to the House of Representatives.

Mr PEARCE: I do not like to have aspersions cast on my integrity or my commonsense by people saying that I do not understand things. The Prime Minister's letter says quite clearly that -

The amendment to section 286, insofar as it enables provision to be made on a Divisional basis, applies only to the House of Representatives and is not relevant to State laws.

So I understood it well enough; I was perhaps not expressing it clearly enough for the member for Wagin.

Mr Cowan: You have lost your debating skills.

Mr PEARCE: That may be so; I am getting old and slow. The matter was clear enough to me, which is why I read out section 286 of the Commonwealth Act; but I appreciate the efforts of the member for Floreat to assist in this small communication difficulty.

Clause put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Pearce (Leader of the House), and transmitted to the Council.

### GOVERNMENT RAILWAYS AMENDMENT BILL

#### *Second Reading*

Debate resumed from 5 September.

MR KIERATH (Riverton) [3.26 pm]: The Opposition supports the general thrust of the

Bill, but has a few reservations about it. It was stated in the Minister's second reading speech that one of the aims of the Bill is to improve accounting procedures and the financial and capital base of Westrail. We support that general thrust. It was stated also that the key change involved will allow Westrail to operate one major bank account at Treasury instead of several accounts, as is presently the case. We are not thoroughly convinced, on the information which has been put forward, that this measure alone will achieve savings in the vicinity of \$150 000 to \$300 000 per annum; however, we have no reason to oppose that move.

It was stated in the second reading speech that there are currently complicated accounting procedures and wasteful duplications of effort; but we point out that whether one or multiple bank accounts are used, a record still must be kept of the various categories, and we fail to understand how the anticipated savings can occur.

The Minister said also that Westrail would be given greater responsibility for and control over the management of its cash resources, yet this would not diminish its accountability to Government. We happily go along with the giving of greater responsibility, provided that it has corresponding accountability provisions associated with it. It was stated also that the Under Treasurer and the Director General of Transport had been consulted and have endorsed these proposals. I ask the Minister to provide details of their response. We have only his word for it that they are in favour of these proposals.

It was stated also that this Bill would simplify Westrail's borrowing powers, because Westrail currently is subject to Treasurer's approval of its borrowing powers. The Bill says in respect of offshore accounts that -

If used at all, such accounts would be operated only on a short-term basis . . . and subject to specific Treasury approval.

We would like it to be placed on record that we hope those conditions will apply and that there will be strict controls, because we have a great deal of concern about such offshore accounts.

These measures are expected to result in savings of between \$150 000 and \$300 000 per annum, and we would applaud them if they are implemented with suitable safety precautions. I will be interested in the Government's reaction as to whether the Bill could be effective with the exclusion of proposed section 54(5), (6), and (7), which allows the department to operate overseas bank accounts and to invest such moneys overseas, while ensuring that the funds are used only for authorised accounts. With those reservations, we support the Bill.

**MR COWAN** (Merredin - Leader of the National Party) [3.30 pm]: The National Party does not have any great objection to this Bill but we want to know the reasons for the Government's wanting to give Westrail powers to do certain things. I refer specifically to the capacity for Westrail to borrow funds overseas. I would be very interested to learn precisely why we are giving these powers to Westrail, why Westrail wants to have that power, and whether it thinks it can borrow funds from overseas at a cheaper rate. If it does, that clearly indicates Westrail has very little confidence in the Federal Government's monetary policies.

In relation to the operation of one major account rather than a number, we do not have any objection to that - we see it as a sensible accounting practice. Whether or not the efficiencies claimed in the Minister's second reading speech are in fact achieved will be a matter for the record when the Bill is enacted. It would be very interesting if Westrail, when it does come under the auspices of this legislation, makes some reference to the savings which have been made as a result of this legislative change. It could quite easily do that in its annual report - that is, just give an indication that would in some way justify the changed accounting practices the Government seeks to implement.

I have already said that we are somewhat concerned about the provisions of clause 8, which gives the capacity to Westrail to open accounts overseas and, one would assume, to borrow money. We would like to know precisely the reason for that, and as a result we will require this Bill to go to the Committee stage so that we may debate that matter fully.

Certain other issues about Westrail do cause us some concern. While we can always be reminded that this is a Bill which deals with the accounting procedures of Westrail and some of its internal financial arrangements, it must be recorded that it does not matter how good an

accounting system is, we still need to have a very efficient operating arm of Westrail itself. One of the things that has always intrigued me about Westrail is that in the course of its operations it appears in this day and age to be doing nothing other than reducing the level of its services to the areas which it serves. I refer specifically to the move Westrail has made away from the transport of all but bulk commodities, especially wool. No matter how efficient the Minister makes his accounting practices, or how simple he makes his task in obtaining funds for capital growth or repayment of other debts, or whatever, the whole basis of Westrail is built around the provision of a service. If it continues to withdraw those services at the current rate we will not have to worry very much about the efficiencies that may be claimed as a consequence of this legislation's being enacted. The losses in terms of revenue and customers that will be caused by Westrail's attitude of abandoning all of those areas other than large bulk commodities is, in my view, a practice which should be altered very quickly. Westrail must look at being able to provide a service which is efficient and quite competitive with alternative modes of transport.

The National Party does support this Bill but requires an explanation of some of its provisions, particularly as to Westrail's capacity to seek overseas borrowings.

**MR PEARCE** (Armadale - Minister for Transport) [3.35 pm]: I appreciate the support of members from both Opposition parties for this legislation. The question of putting Westrail on a proper commercial footing has been dear to my heart and to the hearts of my two predecessors in Labor Governments since 1983 - I refer to the current Minister for Labour (Mr Troy) and the current Minister for Economic Development and Trade (Mr Grill) - and the efforts made to simplify and modernise Westrail's very complex and archaic accounting systems have gone on for some time.

The member for Riverton almost proposed that I call the Under Treasurer and other Government officers before the Bar of the House in order to have them say they approve of the current arrangements.

**Mr Kierath**: I did not say that - I asked for an explanation.

**MR PEARCE**: I am telling the member and the House that long discussions have taken place between Treasury and Westrail over how the system might be simplified and put on a more commercial footing, and this Bill is a result of those discussions. One of the difficulties Westrail has is that it is subject to a level of Government and public scrutiny that other transport agencies are not. The trucking operators who compete with Westrail are not subject to the provisions of the Financial Administration and Audit Act, or questions and review in the Parliament; their decisions are not constrained by direction from Ministers or by debates in this Parliament. So Westrail is in a separate and somewhat more difficult position than other transport agencies. People often talk about a level playing field for transport matters, and tend to ignore the fact that constraints are placed on any Government transport agency but particularly on Westrail because of its special nature.

The point raised by the Leader of the National Party underlines that premise four times. Under the old wool arrangement Westrail is losing \$500 000 a year on the carriage of wool. Any private commercial operator losing \$500 000 a year on the carriage of any commodity would either dramatically revise the way it carried that commodity or would cease to carry it altogether. The Leader of the National Party - an agrarian socialist - expects Westrail to carry that loss in order to provide a service to his constituents, and to some extent that is what has been done. Even under the new arrangements with regard to wool it is unlikely that the carriage of wool over the whole operation will reach break even point, but it will be a little more efficient than before.

**Mr Cowan**: It won't be carrying any - only some from Albany to Perth.

**MR PEARCE**: It will be coming from Esperance as well. A Liberal member in the upper House castigated me roundly for forcing Westrail to lower its rate for the carriage of wool from Esperance. The accusation made was that I forced Westrail to lower its rate from a little over \$10 to \$8, and I plead guilty to that allegation - I certainly did.

**Mr Cowan**: So you should.

**MR PEARCE**: Westrail raised the rate from \$6-odd to \$10, which was a dramatic increase.

**Mr Blaikie**: It is a day for confessions. What else are you going to confess?

Mr PEARCE: When the Westrail rate rose from about \$6 to \$10 -

Mr House: He is a former Minister for Transport.

Mr PEARCE: Yes. If I were in the other House I would point out to him that he was the only Minister to be sacked under the Court Government without punching a policeman and pulling the microphone out of his car.

Mr Blaikie: That is disgraceful.

Mr PEARCE: Only two Ministers have got the heave-ho from the Court Government while I have been a member of this House.

Mr MacKinnon: Neither of them deliberately told untruths to this House on a regular basis.

Mr PEARCE: I have a lot of sympathy for the other Minister, who was caught in a difficult set of circumstances. He was sacked but was subsequently put back into the Ministry after serving a period of penance, after what was an unfortunate if somewhat humorous set of circumstances.

Several members interjected.

Mr PEARCE: The person to whom I am referring was briefly the Minister for Transport under the Court Government. When a reshuffle occurred his services were dispensed with; his offer of taking up the services was never taken up again. I understand he was given the opportunity of the ultimate golden handshake - he was offered the position of Agent General in London which he did not take because the Premier refused to pay out his superannuation.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: I am telling the absolute truth. An effort was made to bring pressure to bear on the Parliamentary Superannuation Committee in order to enable a certain level of superannuation to be paid out.

#### *Point of Order*

Mr LEWIS: The Minister is not addressing the subject before the House. Mr Deputy Speaker, I ask you to direct the Minister to make his comments to the Bill before the Parliament.

The DEPUTY SPEAKER: I have done so, but I sensed the Minister was returning to the main thrust of his argument.

#### *Debate Resumed*

Mr PEARCE: Thank you, Mr Deputy Speaker, your guidance is always invaluable; that of the member for Applecross is a little less so.

This was the member about whom the late Killer McIver, when he was Minister for Transport, said that he knew so little about transport that he would not know which way the train was going once the smoke had disappeared. That was taken up by the Premier at the time and that was the reason why he was given the boot. I find it amazing that anyone would be complaining that efforts had been made to lower Westrail's rates with regard to wool.

Several members interjected.

Mr PEARCE: Does the member for Riverton stand with his fellow member in the upper House, or with the National Party in this House, in supporting or opposing the lowering of Westrail rates for the carriage of wool from Esperance?

Mr Kierath: We are supposed to be debating the amendments.

Mr PEARCE: Maybe the member does not want to take a position.

Mr Kierath: The Minister wants to talk about other things.

Mr PEARCE: If I were the member I would be dissociating myself from the foolish comments of that upper House member because in order to have a second look at the whole business of wool carriage by Westrail - this matter was raised by the Leader of the National Party, and I am responding to a point made by him -

Mr Kierath: Try to respond to the issues rather than personalities.

Mr PEARCE: The member is a great person to say that. In his brief time in this place the member has put his foot in it more times than any other new member of this House, in my experience. I include myself in that; I went very close. I have never seen a case where a neophyte shadow Minister has come into the House, made foolish comments about the pilots' dispute, and the next day has moved a motion to the exact opposite intent.

Mr Kierath: The Minister has gone on to the pilots' strike now, instead of debating the issue. I rest my case.

Mr PEARCE: The Deputy Leader of the Opposition has a relative who is very much involved in the pilots' dispute. He is the general manager of Ansett in this State; he does a very good job.

Mr Blaikie: The Minister is abusing the privilege of the House in saying that.

Mr Kierath: My problem is that I am learning from the Minister.

Mr PEARCE: Then the member for Riverton is not learning very well if he cannot see his way clear to involving himself in this debate, and not being able to make a statement on the issue.

#### *Point of Order*

Mr BLAIKIE: Mr Deputy Speaker, I ask you to direct your attention to the Standing Orders which clearly indicate that members must keep to the subject under discussion, and at least afford the House some protection from the tirade of the Minister. The Minister's comments have no relevance to the debate.

The DEPUTY SPEAKER: I have already ruled on a point of order, and in general that is correct. Obviously the debate has strayed off the track of the Bill before the House. I think that results partly from interjections and partly from the normal thrust and parry of debate. However, that normal thrust and parry has gone too far. I ask the Minister to confine his remarks to the Bill.

#### *Debate Resumed*

Mr PEARCE: Mr Deputy Speaker, I was in fact responding to comments made by the Leader of the National Party in talking about Westrail's carriage of wool, and making the point we would not have to be worried about these changes to the accountants' practices if Westrail continued upon the policy directions it has. I assure the Leader of the National Party and the House that Westrail will continue to be a strong, viable transport agency in this State for decades, if not centuries.

Even in the recent Westrail decision about wool there is a review of the policy decisions under way as a result of my instruction to Westrail, a report on which has been finalised in the last couple of days and about which I will be making a decision soon.

My practice has been to allow Westrail management to operate on as commercial a footing as possible; that is, the management will make its own commercial decisions. That is important because with most public transport agencies the management is not allowed to manage in a proper way. That was exemplified to me today when I listened to the opening speech at the Australasian Transport Research Forum at the Langley Plaza Hotel. A person had to be brought in from London Transport in order to straighten out the bus system operating in Sydney. He pointed out that bus systems in Sydney still terminate at the ferry services which were cut out when the Sydney Harbour Bridge was opened. Furthermore, in that city bus routes terminate in what used to be a tram yard, but upon which the Sydney Opera House now stands.

The reason for these kinds of decisions is that once something is in place, irrespective of the logic to it, an interest group wants the preservation of the service and brings political pressure to bear. In the case of a public transport authority very often the political pressure is allowed to override the commercial sense. So I try to give Westrail the capacity to act as its own commercial organisation with as little interference in those decisions as possible. When I have sought a review, as in the case of wool, it is on the basis of asking the organisation itself to review the decisions, and to make suggestions to them how that might be done. In the Esperance case, I gave a specific direction about the level of charges to be adopted.

With regard to the point made by the Leader of the National Party about offshore holdings of

currency, with the tendering process that Westrail undertakes for a range of equipment to do with electrification, and others to do with the normal operations outside the metropolitan area, there is a possibility of purchasing capital items from overseas. Then there is the further possibility that currency fluctuations will have the effect of blowing out the cost of the gear which is ordered. The standing commercial practice for anyone making significant orders overseas is to set up arrangements which often result in a company holding foreign currency to give it a hedge against currency fluctuations. So the position is not reached, for example, where a \$1 million piece of equipment is ordered from overseas and suddenly due to currency fluctuations between the two countries, the value of the order increases.

Mr Wiese: Does the Minister think the value of the dollar is going down?

Mr PEARCE: It varies. What a silly comment. The member for Wagin ought to know that all currencies fluctuate against each other in a relatively volatile way.

Mr Kierath: Because of interference by the Reserve Bank?

Mr PEARCE: It is not to do with any specific thing. Our currency could stay static with regard to the currencies ours is measured against, such as the United States, but we find our currency shifting with regard to a currency of another country.

Mr Lewis: You don't know what you're talking about.

Mr PEARCE: That is not the case. As Minister for Transport I was very involved in the establishment of arrangements whereby we ordered three new State ships to be built in the Kwinana strip. They were the biggest ships ever to be built in Western Australia. Arrangements had to be made under a range of currencies to ensure that the order would hold up, that the components which were ordered from overseas did not blow out. The arrangements were complicated. The odd person - not those interjecting on the other side - would have been involved in that kind of overseas ordering and currency transactions. I see from the wise nods of the member for Scarborough that he knows a little more about this matter than many of his colleagues. That is why this provision is being put into the legislation. It is not anticipated that it is likely to be used much, if at all. Indeed, in my second reading speech I say, "if at all this provision is required."

Mr Lewis: How long will it be before you are removed from this portfolio, like all the rest?

Mr PEARCE: I have had a few portfolios during the course of my seven years in Government; the member for Applecross has not had a single portfolio. Somebody asked me to describe an orang-utan the other day, and I said the member for Applecross with hair.

#### *Withdrawal of Remark*

The DEPUTY SPEAKER: Does the member for Applecross have a point of order?

Mr LEWIS: With due respect to you, Mr Deputy Speaker, I believe it is perfectly obvious what should be said and I should not have to ask.

Mr BLAIE: I find the remarks made by the Leader of the House grossly offensive. I find it strange that you, Mr Deputy Speaker, have not automatically demand a withdrawal and that the Leader of the House, knowing the rules, has not automatically withdrawn it.

The DEPUTY SPEAKER: If a member finds the words of another member offensive, he may then ask for the words to be withdrawn. If members read the Standing Orders they will see that it is not up to the Chair to initiate a withdrawal. In this case offence has been taken and I ask for a withdrawal.

Mr PEARCE: I am quite happy to withdraw.

#### *Debate Resumed*

Mr Blaikie: Well, do not carry on like a clown then.

Mr PEARCE: Let us have some consistency on the other side of the House. I am happy to withdraw my comment, but when I repeated that conversation I had last week it was on the basis that the member for Applecross had made offensive comments about how my portfolios had been mucked up.

Mr Lewis: It is true.

Mr PEARCE: It is not true, and it is offensive. In this sort of place it is necessary to be able

to receive harsh words if one is going to deliver them. Then we have the righteous mass from Vasse leaping up and down to say that calling the member an orang-utan was offensive and he then proceeded to call me a clown. I do not seek a withdrawal for those unparliamentary comments, because I believe that if you give it, you have to learn to take it. Members opposite have a bit of growing up to do before they will reach a more significant level. Neither of those two members is shy of being involved in slinging insults, and in those circumstances they ought to be prepared to take a few.

Getting back to the more sensible contribution made by the Leader of the National Party, the simple answer to the currency question is that it is designed as a hedge for overseas ordering.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chairman of Committees (Dr Gallop) in the Chair; Mr Pearce (Minister for Transport) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Mr COWAN: This clause states that the Act shall come into operation on such day as is fixed by proclamation. That is the standard practice with Bills of this nature, but I notice in the second reading speech the Minister made the claim that this changeover will take place at the commencement of any calendar month as soon as is practicable. Can the Minister give a clear indication when this Bill will send Westrail down that path of new accounting?

Mr PEARCE: The date will be decided on the advice of Westrail. The reason for having it on the first of a month is to simplify the business of shifting from one set of accounts to another. It would not want to be done on the 13th, 14th or 15th of a month as it would be much easier to deal with at the beginning of a month. It is proposed to do so as soon as is practicable with the passage of the Bill through both Houses of Parliament. Given the lateness of this month, it would seem likely at the beginning of November, but that depends on how ready Westrail is and the position of its old accounts. I will be pleased to advise the member in due course.

Clause put and passed.

Clauses 3 to 5 put and passed.

Clause 6: Section 24 amended -

Mr COWAN: This clause needs some explanation of the account which is to be abolished known as the railway servants' benefit fund. Members deserve a better explanation of just who that fund benefited and why we are considering the transfer of those funds to the credit of the account. If those funds were collected as an agreement reached between Westrail and its employees, perhaps that fund would be better placed elsewhere than the general account. It may be that the funds could be put into something that could directly benefit the contributing employees. I have no idea what the railway servants' benefit fund is, and I would like some explanation and some assurance that transferring it to the general account will not deprive people of some benefit that rightfully has accrued to them.

Mr PEARCE: The railway servants' benefit fund is one of the anachronisms of which there are many at Westrail. It is a fund into which fines were paid if a Westrail employee was fined for misconduct.

Mr Cowan: And it is called a benefit fund!

Mr PEARCE: The disbenefit fund - if the member likes - is paid out at the approval of the Governor for the benefit of the servants of Westrail. The money is now not paid out in those circumstances and fines are not frequently used as a disciplinary measure. It is not a large sum of money and is not used today for the purposes originally intended. The Governor should not be involved in these events anyway, and it is proposed to transfer the residue of the fund to a new single account and to make sure that fines for disciplinary matters are paid into the general account.

Clause put and passed.



**Clauses 7 to 11 put and passed.**

**Clause 12: Sections 54F, 54G, 54H, 54J, 54K, 54L and 54M repealed and sections 54EA and 54EB substituted -**

**Mr COWAN:** I am sure all members on this side of the House have some interest in this clause because it deals with the provision of guarantees. I do not raise this issue facetiously, Mr Deputy Chairman, but a direct question is being raised in the community about whether the Government has the capacity to supply guarantees and whether the Parliament is being notified that those guarantees are being put in place. The community wishes to know how much money would be involved if such a guarantee were exercised. It would not be difficult for Westrail, through the medium of its annual report or a ministerial statement, to announce the number of guarantees which have been issued by the Treasury to Westrail for the purchase of plant, or for any other reason. Through the basis of the annual report the public would know the extent of the guarantee which may be issued by the Treasurer under this provision.

**Mr PEARCE:** The Leader of the National Party is basically saying that he is prepared to accept the issue of guarantees, but he would like to know what they are. I have no difficulty with that. I will discuss with the Commissioner for Railways the possibility of listing them in the annual report; the commissioner is responsible for the annual report, and I will be happy to discuss with him the feasibility of doing so. I see no reason not to bring these matters out into public. If the Leader of the National Party or any other member wants to seek further information about the existing guarantees they only have to put their questions on notice.

**Mr WIESE:** I refer to the requirement that any profit made by Westrail shall be paid into the Consolidated Revenue Fund. I note that only a percentage of the profit, as determined by the Minister and the commission, is involved. I seek an assurance that if and when Westrail makes a profit - if it continues down the track it is going at present and it continues to receive the help and encouragement it has been receiving, it will make a profit from its rural operations - it will be ploughed back into Westrail for the benefit of its major users, especially the rural industry, by way of improved facilities and new wagons. After all, those people in the rural industry are contributing in a major way to those profits.

**Mr PEARCE:** I appreciate the point the member has made. The situation is that Westrail is operating in the black on the operation of its rural network generally. The member is looking at its operation in a narrow way. If one takes into account the running costs of Westrail and the income it generates he will find that Westrail is slightly in the black. If one takes the liabilities, other than the State operational cost; that is, if one amortises the capital cost in running the rural network, the accrued superannuation liabilities or the other costs not included in the narrow equation, there is nothing like a profit for Westrail in the short, medium or long term. The difficulty with a single account and determining whether Westrail has been profitable is that a large proportion of its income comes from Transperth. Westrail operates the metropolitan rail service on behalf of Transperth for which Transperth pays it a contract price.

**Mr Wiese:** It is \$7 million.

**Mr PEARCE:** The whole of the Transperth metropolitan operations run at a loss. The \$7 million is not income from the railway only; it is from the railway and from a large proportion of Government money which is paid to Transperth and is then handed to Westrail.

If it reached a point that Westrail was returning such an operating profit the point made by the member would be valid. As a result of the way in which the Westrail books are set up any profit is illusory and is going back into the pocket from where it came in the first place.

**Clause put and passed.**

**Clause 13: Section 59 amended -**

**Mr COWAN:** For some specific reason the Government has decided to retain the quarterly railway working account, which to me appears to be a contradiction. Perhaps the Minister will advise the reason that the account is being retained separately and is not placed into the general account.

**Mr PEARCE:** This clause simply renumbers three paragraphs in section 59 of the Act.

Mr Cowan: The existing Act deals with the quarterly account.

Mr PEARCE: If the Leader of the National Party is asking why it is being retained I advise him that I do not know; I will find out and advise him accordingly.

Clause put and passed.

Clauses 14 and 15 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Pearce (Minister for Transport), and transmitted to the Council.

## TRANSPORT CO-ORDINATION AMENDMENT BILL

### *Second Reading*

Debate resumed from 5 September.

MR KIERATH (Riverton) [4.08 pm]: The Opposition supports the general thrust of this Bill, but it does have some reservations.

Firstly, the Government has claimed it has approached industry with the proposed changes contained in this Bill and that the industry supports them. I acknowledge that as a result of this legislation some sections of industry will be better off financially even though the new rates for annual permits are not too high. Should these rates increase too quickly any gain obtained from annual licences will be lost. Evidence is available to indicate that while the Government did approach industry representatives and explained the Bill to them it was very selective about the information it passed on. In fact, the Government did not tell the truth about the changes involved to some sections of the industry.

On contacting some of the industry groups the Opposition received adverse comments regarding the proposed changes. This occurred when we pointed out that there would be a change in the rates for licences by regulation. It was considered that, without sufficient prior warning, it would open the floodgate for changes over shorter periods and would have the potential of having an adverse effect on the economics of the industry. The mechanics dealing with regulations allow only for disallowance and not for a reduction or any other form of modification within this Parliament. A regulation, once gazetted, results in extra revenue regardless of whether this House subsequently votes the disallowance. Some sections of the industry are opposed to this change in setting the rates.

The question of whether permits are necessary is also a moot point, particularly as we hear so much about the transport industry's cargo which has supposedly become deregulated already. We wonder whether this is not reversing that trend. We believe the changes to licence plate issue are necessary internal, housekeeping ones which do not appear to have any adverse effects. The rise in the cost of the plates seems to make sense; it does not seem to be exorbitant and should be acceptable to those involved. Changes to the accounting method in proposed section 62(3)(e) will allow more effective accounting and flexibility in handling available funds but without requiring the Consolidated Revenue Fund to meet the total needs of the department. The amount of money available in this fund is, by the department's own admission, currently quite small. Proposals to allow changes to rates by regulation will increase potential revenue available through this fund, but not to a great degree. This change is sought merely to facilitate access to existing revenue.

As I have said previously, if we are opposed to anything in this Bill it is the concept of government by regulation. This Bill will further entrench the doctrine of government by the unelected bureaucracy who are able to change, regulate and order our lives through the vehicle of regulations rather than through changes to the Statutes in Parliament. This may be more expedient and while regulations must come before the House they do not enjoy the same high profile and potential for debate that changes to legislation attract.

The tendency towards government by regulation, combined with the emerging trend in the Government to deny responsibility for answers given in the House when those answers are provided by a Minister in the other House, reduces the potential for truly accountable Government and allows the Government to hide behind a faceless bureaucracy. We support the general thrust of the Bill, but do so with some reservation.

**MR COWAN** (Merredin - Leader of the National Party) [4.12 pm]: The National Party shares the reservations about government by regulation mentioned by the member for Riverton. We have always made it clear that where possible we should avoid regulations, although there is perhaps one advantage in the matter of regulatory provisions and that is, of course, that if one wants to disallow a regulation one can disallow it by the actions of one House rather than a combination of the actions of both Houses. In that case it is possible for the Parliament as it is presently constructed to have some impact on some of the regulations the Government might seek to introduce from time to time.

The Transport Co-ordination Act has been one of the few Acts in which the licences or permits which are generally granted have not been set in total by regulation. Although we have some objection to government by regulation we recognise the fact that licences and permits are perhaps more appropriately placed in the regulatory provisions attached to any Bill. I think in his second reading speech the Minister was quite right when he said that policy is generally written into the Act and the details of implementation of that policy, particularly in relation to licences or permits, are placed in the regulations.

We do not have any argument with the provisions in this Bill which deal with buses; in fact, some of our members would claim that that is really not in the province of the National Party. However, we are particularly concerned about the other provisions in this Bill: Firstly, the capacity to, by regulation, change or alter the licence and permit fees granted through the Department of Transport. Secondly, when one acknowledges that the Government has a facility to make those changes, if one ties them into the other provisions of the Bill which relate to the ability to place revenue gained from those permits and licence fees directly into the main roads trust fund, very clearly the major thrust of this legislation is to facilitate the capacity of the Government to maintain - because it was already in place - an under recovery tax for road transport. That is something the National Party objects to strenuously. We strongly believe that the claim that heavy haulage in Western Australia does not pay its way on the roads is fallacious. The truth of the matter is that there is ample collection of funds, or levies, particularly in the form of fuel taxes, excise, or even the State fuel levy, which ensure that heavy haulage meets its share of the cost of maintaining, and indeed even providing, the construction costs of roads in Western Australia.

A good example of this will arise at another time in relation to the State fuel levy where the Government has been seeking to increase that levy by 1.5¢ a litre.

One of the things that we will not accept is that the Government of the day can apply a licence fee or increase a licence or permit fee and then use that as the basis for collecting further taxes from the road transport system. Very clearly, that is what this legislation sets out to do; it provides for the Government to set its charges by regulation and, having set those charges, it can then determine whether the revenue gained from that will be transferred directly to the Main Roads Department trust fund and it will be very clearly labelled a form of under recovery tax placed on road transport. The petroleum industry in Western Australia, which has been deregulated to a limited extent, has had to suffer the imposition of this tax. At present a licence is granted to transporters of bulk fuel. In addition to that licence there is a requirement that they pay a permit fee based on the volume of product transported. Although that is a nominal figure, it does bring in revenue. Clearly what will happen in the future under the provisions of this Bill is that what applies to the transportation of petroleum products will also apply to other products transported by road.

Although we have a vested interest in the protection of the road system in Western Australia it is clear to me that the direction Governments should be taking is not one of finding ways of drawing more revenue from road users, particularly heavy hauliers, but in fact of being more equitable in their distribution of the revenue that they already receive. That is where there is a substantial difference between the philosophy of the National Party and the Government - and I am sure my Liberal colleagues will support us in this - that is, that the Minister's second reading speech makes some mention of the fact that the Bill is really designed to

facilitate the ability of the Government to establish this form of taxation and deposit the revenue so gained into the special Main Roads Department trust fund and then through that apply a further impost upon heavy road hauliers in Western Australia. I make clear to the Government that this is not on. It is our view that, if the Government wants to introduce an under recovery tax, it should introduce a Bill which says that and which does that; it should not seek to do it through this mechanism.

We recognise the need for licensing provisions in the transport system in Western Australia. In many areas of Western Australia, if there were no licensing provisions or franchises, clearly the transport system in open competition operations would fail. Unless transport operators can be protected through the granting of licences, there would be no transport service at all. However, we do not accept the need for a further impost on the road transport system as it operates in this State, and that will be one of the consequences of this Bill if it is accepted by this Parliament. It will facilitate the application of an under recovery tax on the heavy haulage system in Western Australia, and we are not prepared to accept that. Where the Government is attempting to amend the Act to ensure that in future it can set its licence and permit fees by regulation, we intend to seek to remove that provision which allows the Government to set a fee for granting a licence for road transport. In other words, what applies in the metropolitan area will apply throughout the whole of Western Australia in relation to the setting of fees.

The other provision which concerns us somewhat is that which allows the Government to transfer funds to the main roads trust fund. We have no great objection to that, but if the Government wants to be honest about an under recovery tax, it needs to introduce legislation to deal with that, and let everyone know precisely what is happening. The Government must let transport operators in this State know precisely the increased level of taxation they will be expected to pay. I am sure every one of those operators would object strongly, and there is a very simple reason for that. Anyone who has driven around Western Australia will have seen the signs put up by some local government authorities reading "\$6.5 billion has been collected from fuel excise and \$1.2 billion has been returned to roads." This has impacted upon the State Government, which has as a consequence lost several million dollars from its allocation of Commonwealth grants for road making purposes. Successive State Governments have been forced to increase their fuel franchise levies. In 1978, I think it was, when that levy was first introduced, it raised something like \$18 million. Now, 10 or 11 years down the track, it raises \$120 million. While the Government has collected \$120 million from the State fuel levy, it has applied only \$83 million to road making purposes; the balance is syphoned off and directed to other transport related purposes. We do not begrudge the people of Perth their Northern suburbs rail link. We do not begrudge other transport related organisations receiving funds. What we do begrudge is those funds being taken from the pockets of motorists; they should come from the general revenue areas which the State has available to it, not from this specific section.

In the Committee stage of this Bill the National Party will support all those measures outlined, with the exception of those which allow this Government to impose a licence or permit fee upon road transport operators. We will object very strongly to that and indicate very clearly our opposition to using this mechanism to establish an under recovery tax, particularly on heavy transport.

I suggest to the Minister it is time for the whole permit and licence system operated by the Department of Transport to be placed under review. We would like the Minister to understand that we are serious about the extent of the impost Government places upon transport operators which they in turn must pass on to their consumers. Inevitably the consumers are people who happen to live in the rural areas of Western Australia. We pay for the products we produce to be sent to the metropolitan area for processing or consumption, and we also pay for those consumables to come back to us, so we pay twice. It is time permit and licence fees were reviewed and something was done about addressing the matter. We are not prepared to support legislation which allows the Government to establish an under recovery tax. We will seek to amend the Bill in the Committee stage to prevent the Government from raising licence or permit fees, or even applying them to commercial goods vehicles in Western Australia. The operators can be given a licence, but that fee should not be used as some new taxing bonanza which the Government can call an under recovery tax and say it is justifiable because these people damage the road system.

Motorists - and I include heavy hauliers - pay enough already. It is time that the Department of Transport looked at ways of easing the pain for these transporters by reducing some of their costs so that they can pass on the reductions to people living in the rural areas of Western Australia. It is important that we have no part in supporting legislation which allows an under recovery tax to be provided to bolster the revenue of the Department of Transport. If the Minister wants to raise an under recovery tax, he should bring before this Parliament legislation which does that; legislation which increases the State fuel levy - and I shall oppose it, but at least the Minister will be honest about it - for those trucks or operators with a capacity of more than 14 tonnes. That would be a more honest way of doing this.

With those reservations we support the main thrust of the legislation. During the Committee stage we shall seek to prevent the Government from applying licence and permit fees on all commercial goods vehicles in Western Australia.

Debate adjourned, on motion by Mr House.

## GRIEVANCE - SECURITY DEVICES

### *Door to Door Sales - Complaints*

MR DONOVAN (Morley) [4.30 pm]: I direct my grievance to the Minister for Consumer Affairs. It concerns a matter which in general terms has been raised before in this House on a number of occasions. My grievance relates to different companies, different products and practices, but it concerns the practice of door to door selling. The matter I raise this afternoon specifically concerns the practice of selling home security devices on a door to door basis. I have received a number of complaints through my electorate office in relation to these practices. Specifically the major concerns relate firstly to the installation of security devices the day after an order has been made, and secondly to payments being accepted by those companies within the 10 day cooling off period which otherwise would apply. To illustrate my point, apart from the complaints received through my electorate office - both from individuals and from community groups - I was recently out door knocking in my electorate and I knocked on one door in Eden Hill. The elderly lady of the house opened the door and greeted me with the comment, "No thanks, they have tried once today."

Mr Trenorden: I can understand that.

Mr DONOVAN: The member for Avon has not heard it all; he should let me finish. I never get that reception when I door knock, but on this occasion I did. The lady said, "I am not buying"; to which I replied, "That is okay, madam, because it is not election time and I am not selling." I introduced myself and she said, "Well, that is a great relief, Mr Donovan, because I have had several calls this week from young men." I might add that she said, "Not all of them looked as respectable as you do." She then told me that they had wanted to sell her a range of security products for her home which she could not possibly afford.

On the surface I suppose people are entitled to do that sort of thing. However, I will outline for the House and for the Minister some of the principal and common features which have arisen in my experience of these complaints. The first feature, which I find quite disturbing, is a statement by people who present themselves at the door that the company they represent has "police endorsement to help them fight crime in the area by promoting the company's products". The second feature is that pressure selling tactics are used. By that I mean that the people who come to the door produce newspaper cuttings about burglaries and sexual assaults in the home. The third feature is that consumers have been told of non-existent increases in local crime and are warned about attacks by "drug crazies" who are desperate for money. Another feature popularly used is where the person calling at the house offers helpful hints on how to respond when one finds a prowler in one's house at night. Those sorts of hints are being offered to people who waver in their decision to buy these products.

Another suggestion which comes from some organisations in my electorate is that at least one company may be targeting areas subject to Neighbourhood Watch initiatives. I find this particularly disturbing. I have a lot to do with Neighbourhood Watch and as I have said in this House before I am open in my congratulations to the Police Department and the Neighbourhood Watch organisations throughout the suburbs, which, in my view, are doing an excellent job in preventing crime and encouraging community involvement. It galls me that private entrepreneurs should be exploiting the initiative of Neighbourhood Watch for the

simple and sole purpose of selling expensive commodities to people who very often cannot afford them.

That relates to the final aspect which has come to my attention about these sorts of approaches; that is, the complaints come mainly from disadvantaged consumers which suggests that some of those companies are targeting higher crime and lower income areas. Let me qualify that: It may well be that this claim is coming from financial counsellors who are concerned about helping constituents of mine in dealing with debt problems on meagre incomes; but nonetheless it gives a fairly powerful psychological advantage to the people selling these products. I have two major concerns about this. Quite apart from the perhaps questionable legality of this sort of approach, the first is that my electorate - and I am sure other members of this House have the same sort of problem - has a large population of aged people who live alone. Certainly this occurs in some of our older suburbs, and these people often find themselves living in streets which are not perhaps well lit and in areas where they do not feel secure. It seems to me that it is a morally questionable practice to exploit the vulnerability of our senior citizens simply for the purposes of this kind of high level selling. My second concern will not affect all members, although I am sure there are members who have populations in their areas which are similar to mine. My concern relates to the activities of these sorts of companies in areas which have high numbers of single supporting parents, very often women who feel quite vulnerable in their homes particularly at times when the media give graphic illustrations of isolated attacks on women in their homes.

I support security; I support Neighbourhood Watch. I have some concerns about the questionable practice of selling some of the products which are on the market today in areas like that, to people who are vulnerable to risk and who are at an income level where they cannot really afford those sorts of devices.

I would like to draw the Minister's attention to this matter and ask her to investigate it for us.

**MRS HENDERSON (Thornlie - Minister for Consumer Affairs) [4.37 pm]:** I thank the member for drawing this matter to my attention. At the outset I must say I am disturbed by his comments. Members may well remember that some months ago the Commissioner of Corporate Affairs took the unusual action of naming a particular company which was selling security devices in the Geraldton area and which was engaging in the sort of behaviour described by the member in his grievance.

It has come to the attention of the Ministry of Consumer Affairs that this company has commenced operations in Perth, and has targeted specific sections of the metropolitan area using the sort of tactics which have just been described to the House. I am very concerned about the people who are described as living alone - and who in many cases are elderly people or single parents - because they are very vulnerable when someone turns up on their doorstep and describes to them all the reasons their home is a security risk. Their tactics have been to point out the features of the house which make it a grave risk and then to pull out numerous newspaper articles showing that that particular area has had a great surge in crime, particularly of breaking and entering and assaults. They then quickly try to sign up the person for a contract for a very expensive package of security devices. Often these packages cost in the vicinity of \$1 000 or more. In some cases there is also evidence that these companies have sought to sign up people for credit at the same time as they sell the package of security devices. As a result concerns have been expressed to the Ministry of Consumer Affairs and to me, as the Minister for Consumer Affairs, about the company named by the commissioner. In addition, I asked the Ministry of Consumer Affairs to do a survey of what is a reasonable cost for a basic security device for a three bedroom house.

They did that and this was publicised two weeks ago in *The West Australian* in quite a comprehensive two page advertisement which showed clearly that people can secure a normal family home for between \$500 and \$600; this includes deadlocks for the front and back doors, locks for all the windows, security screens for the front and back, external lighting and a peephole to provide some vision at the front door. All these items can be bought at hardware stores at a reasonable price - these were quoted in the advertisement. There was not a huge range in the prices asked, and it became quite evident that the kind of package offered by the company in question was far in excess of the prices that were being offered at the average hardware store. People were told that they needed to instal their own sophisticated electrical security systems, yet it has been shown by the police to be no more

useful than the most basic of recommended security measures. The member mentioned that this company has advertised telling consumers that it has police endorsement, which is inaccurate because the police do not endorse security companies; the police will offer advice to consumers free of charge as to how best to secure their home, and by following this advice the consumer will receive a cheaper package than the one offered by this company.

Another point raised by the member was that this company has salespersons who get people to sign a contract and instal the security equipment in the next few days. Under State legislation there is a 10 day cooling-off period and, if that is breached, it is an offence under the Act. This could lead to the prosecution of the company. Similarly, if the door-to-door salesperson tries to sign up a person for a credit contract without a cooling-off period, that is also a breach of the law and could result in a prosecution.

The member also mentioned the very high pressure sales tactics used. Of course, the Act cannot describe in detail the sort of persuasion that can be used by a door-to-door salesperson, but it does describe in specific terms what time of day people can roll up at the front door. There has been some evidence that the security firm has been operating outside those hours; if it is a clear breach of the Act, appropriate action can be taken. I assure the member that it gives me no pleasure to say that we are aware of the company, Sentron Security, and that the Commissioner for Consumer Affairs has given the matter some publicity. I believe the company was operating in Geraldton but in recent times it seems to be targeting the metropolitan area. I am appalled, as is the member, that the company appears to follow meetings of concerned citizens at Neighbourhood Watch schemes. This is a scandalous way of using concerned residents by following the Neighbourhood Watch schemes and doorknocking these areas and in that way trying to secure sales. I advise consumers to obtain a copy of the pamphlet prepared by the Department of Consumer Affairs and to obtain advice from the police through which they can purchase good quality security products from hardware stores at a very reasonable price.

## GRIEVANCE - MOSQUITOES

### *Ross River Virus - Government Funding*

MR BLAIKIE (Vasse) [4.44 pm]: I take this opportunity to raise the question of the Ross River virus, the epidemic that has now taken hold in Western Australia. This has been recognised by the Government as it has allocated \$500 000 towards control in the Bunbury region and the Manjimup region. My grievance is directed to the Government in that it is funding those areas on a one-off basis, but it is not funding areas which are equally susceptible to the virus. I am representing the case of the Shire of Busselton, which has written to the Government and to the South West Development Authority requesting support and assistance as part of the general program the Government has undertaken. I am not only sympathetic with the Shire of Busselton, I also understand the debilitating effects of the virus as I have it. The symptoms - according to the Health Department, and I agree - include muscle and joint pain, rash, fever, headache, swelling of the joints, tiredness, the inability to concentrate and an aversion to bright lights - any one or a multiple of those things. As far as the Shire of Busselton is concerned, in 1986 there was one reported case, in 1987 there were two reported cases, in 1988 eight cases and by September of this year 70 cases were reported.

As the method of diagnosis improves and local doctors become more familiar with what to look for and more and more people are blood tested - as that is the ultimate way the virus is detected - more people in the community will be detected with the virus. It is important to understand that in December last year a Health Department report indicated that three to four hundred cases had been identified in the Bunbury-Mandurah area. The Government rightly set about a program of assisting those areas, but in the Busselton area there are the Vasse and Broadwater estuaries and the Toby Inlet, which are areas that have acute mosquito problems, and this shire was left out of the program.

Earlier this year the Minister was asked a question as to what methods of mosquito control were being used in the program. The Minister replied that one of the first actions was to issue a public warning to people in the south west as to how to avoid being bitten by mosquitoes. He also said that the logical solution was not to go outside. However, it is not sufficient to tell people in the Busselton and Bunbury area that that is the solution; those people need assistance. The Government began a fogging program and used helicopters in

the Peel Inlet and Leschenault Inlet areas. This was done during the political campaign and my concern is that the Government took control of the mosquito control program in those areas because it was politically desirable to do so and ignored the areas of Busselton and Dunsborough and other areas of the State.

Mr D.L. Smith: I do not think there was any representation at that time from Busselton.

Mr BLAIKIE: I am saying that the Government chose those areas to advantage itself.

Mr D.L. Smith: They were chosen because of the incidence of the virus.

Mr BLAIKIE: On 9 March this year, the Shire of Busselton wrote to the Executive Director of the Health Department of Western Australia requesting assistance in a mosquito control program. The present program consists of fogging in the summer months. The letter states that it is evident that the program needs to be expanded to include larvaecide treatment of breeding areas. It went on to say that, to date, 25 notifications of Ross River virus have been reported from within the municipality and asked, as the Health Department had been involved in assisting other local authorities in the south west with their mosquito abatement programs, whether the same assistance could be made available to the Shire of Busselton.

The next day, a further letter was sent to the Director of the South West Development Authority in identical terms. The authority wrote back stating that it had assisted in the Leschenault area through the Harvey Shire with the provision of an ultra-low volume fogger. It said that the shire was acting as the custodian of the fogger and suggested the Busselton Shire could borrow it. The South West Development Authority bought that fogger with Government funds to assist the Shire of Harvey. I am not decrying that.

Mr D.L. Smith: Not to assist just the Shire of Harvey. That fogger is available for use by the Shire of Dardanup and the Shire of Bunbury. The Shire of Busselton can borrow it also.

Mr BLAIKIE: The Shire of Busselton inquired about borrowing it. It wrote to the Director of the South West Development Authority and said that, at its meeting of 26 April, the council considered the authority's letter and resolved that it was impractical to borrow the ULV fogger from the Shire of Harvey. It said that, if an effective fogging program was to be implemented, extended borrowing of the fogger would create an unsatisfactory situation for Harvey residents as well. The Health Department wrote in due course and said that the mosquito program was a one off program, that it would cost \$500 000 and that as it was for the control of larvaecide at Mandurah and Bunbury, the Busselton Shire did not qualify. I have the letter for the Minister to read; he can have it. The Government has been inconsistent in how it treats people. The Shire of Busselton should be treated more fairly. Graham Emmerson, the district governor of Apex, also wrote to the department suggesting what he thought should happen with a mosquito control program involving all the south west shires. He supports the establishment of a south west shires mosquito control group.

The virus affects all people, although the Government apparently believes that it affects only people living in Labor electorates, because it is spraying only in Mandurah and Bunbury. However, I assure the Government that if 50 per cent of people in the Vasse electorate are Labor supporters and the mosquitoes will not be selective about whom they bite. Ross River virus will have an effect on the tourist industry. The virus is debilitating and the problem needs to be rectified. Steps to control the virus have already been taken on the Gold Coast in Queensland. I request that similar assistance be extended to the Shire of Busselton. Assistance should be provided on a much fairer basis than it is being provided at the moment. All areas involved should be assisted. The Government needs to treat all people fairly in relation to control of the Ross River virus and the people of Busselton have not received fair treatment from their Government.

MR WILSON (Dianella - Minister for Health) [4.55 pm]: No-one can blame any member in this House for advocating strongly on behalf of his or her electorate. Every member is charged with doing that. In a sense, that is what the member for Vasse has done in making his speech this afternoon. However, some of his implications were not correct. In order to put the record straight, I remind him and others who may be interested about the way in which this problem has developed over a number of years. Let us not be in any doubt about it. This is not a new phenomenon and it is not a recently exacerbated epidemic which is restricted to the south west of Western Australia. Unfortunately, it is a problem which is of increasing concern throughout Australia.



Mr Blaikie: Do you agree that you would have acted earlier if more people had been affected by it?

Mr WILSON: I am trying to answer the member. If he wishes to interject, so be it; I will answer his interjections and not provide him with the answers he requested.

Mr MacKinnon: Can't you take any interjections?

Mr WILSON: The member put his case and I am attempting to answer him.

Mr Clarko: It is important; you know that.

Mr WILSON: I know it is important. When the member is finished I will answer him.

Mr MacKinnon interjected.

Mr WILSON: The Leader of the Opposition interjects continually. The member for Vasse has sought information and I am seeking to give him that information.

The SPEAKER: Order! I ask the members of the Opposition not to prejudice the case of the member for Vasse. Their interjections may cause him not to receive an answer and that would not be right.

Mr WILSON: From time to time on Friday evenings the member for Vasse may watch the Australian Broadcasting Corporation program "Countrywide". He may have seen a recent program which I saw which indicated that as a result of recent heavy rains Ross River virus is now a problem in New South Wales. For the same reason it has become an increasing problem in Victoria. The problem has increased in the northern parts of Western Australia, also as a result of unseasonal rains. The problem in the south west, though, is not a result of heavy or unusual rains; it is the result of unusual tidal conditions affecting the coastal areas, particularly of the south west. That has been one of the problems that we have had to come to terms with in trying to find a solution to the problem.

During 1984, 71 residents in the Mandurah and Bunbury region were diagnosed as suffering from Ross River virus infection. At that time, concern was expressed publicly about the matter. Largely as a result of action by the member for Mitchell, the Health Department was able to divert some of the extensive Commonwealth funding then available for Commonwealth employment projects for a research and destroy program to more relevant studies of Ross River virus vector mosquitoes in the Bunbury and Mandurah region. One problem that has occurred in the interim is that the Commonwealth has ceased to fund research programs in this area and has placed the onus wholly on the States. We are currently contesting that with the Commonwealth because we believe this problem is now of national proportions. It is a problem that affects only Australia and some of the Pacific islands. We need to conduct research on a national basis and, along with other State Governments, we are re-contesting the issue of Commonwealth funding, particularly for research programs in this area. In spite of that, as a result of unusual tidal conditions, the situation in the south west became intensified so that during the summer and early autumn of 1989 the epidemic of the virus infection occurred throughout Western Australia and particularly in the south west. The statistics indicate - and this had nothing to do with party politics or the election - that the epidemic outbreaks were most manifest in the Bunbury, Murray and Mandurah areas in the first place. The predominant number of cases were reported and identified in those areas. That is why that area was targeted for original assistance. However, the whole of the program was not designated for that purpose at all. A new research program was established in Western Australia as part of that funding.

Mr Blaikie: Is it not a serious problem in the north as well, in the Kimberley?

Mr WILSON: I think the member is referring to another virus which leads to encephalitis.

Mr Blaikie: The former member for Wellington was the first person to tip the scales in the debate and to bring this matter to the attention of the people in Western Australia.

Mr WILSON: That may be so; it is the member for Vasse's opinion and not mine. The research program is now well and truly under way. The Minister for South-West and I recently visited the University of Western Australia microbiology department where this research is carried out. We were able to inspect the arbovirus laboratory where the research is carried out on mosquito-borne viruses. We are able to report that the current state of affairs is that the monitoring and surveillance program has included the processing of field

samples gathered and stored during the virus outbreak from throughout the south west of Western Australia - not just the area to which the member referred - and the setting up and carrying out of a systematic monitoring and forecasting procedure for Ross River virus activity in the whole of the south west, specific monitoring which entails likely mosquito vectors, breeding sites, tidal influences, Ross River virus levels in the environment, rainfall, human cases and mosquito control activities. The research program is investigating reports of Ross River virus ecology in the region including mosquito vector species, environmental influences, human cases of the virus and inter-epidemic cases of the virus.

Mr Blaikie: Will you extend that to testing of animals?

Mr WILSON: I referred to mosquito vector species which relates to research on animals which are vectors of the virus. In addition, it is entailing rapid, sensitive and most cost-effective surveillance and diagnostic procedures. The Government is well aware that since that time the problems have become more widespread, but the area mentioned by the member for Vasse was much more recently reported than the Murray and Bunbury areas. There is no doubt that we need to come to grips with other areas in this State. The Government is giving consideration to additional funding which will be needed to assist local government authorities in other parts of the State and the metropolitan area to meet the expected further epidemic during the coming summer months. It will be considered by the Government in the near future.

### GRIEVANCE - LAKE YANGETUP

#### *Environment Concern - Jandakot Wool Scouring Co Pty Ltd*

MR MARLBOROUGH (Peel) [5.05 pm]: I rise to speak of my concerns about Lake Yangebup, a very important lake in my electorate which will be an extremely important part of the Beelya Wetlands proposal which the Government will shortly announce. I am particularly concerned about the condition of Lake Yangebup and the effects upon it of industry and residential dwellings in the vicinity. A number of environmental issues surround the lake, not least of which has been the high water level this winter as a result of urbanisation and an inadequate drainage system in the area, pollution of the lake by discharge from the operations of Jandakot Wool Scouring Co Pty Ltd - which has been in place since 1934, the breeding of a large number of midges because of the inability of surrounding vegetation to withstand this type of environmental impact, severe algae blooms, and degradation of the lake surrounds by the grazing of horses. I want to concentrate on the role of the Jandakot wool scouring operation because I believe it is time the Government took a very close look at the benefits of this industry in its present location. In my opinion the quicker that industry is relocated, the better.

Mr Trenorden: You have had a great change of mind; I can remember the big noise you made about biotechnical industries and so on.

Mr MARLBOROUGH: The member for Avon has obviously just entered the Chamber; I said that Jandakot Wool Scouring Co Pty Ltd had been in that location since 1934, and unfortunately much of its technology is still of that era. It is a major problem which has continued to grow, rather than dissipate. With regard to the history of the Coojee area, the Government held discussions with the three major wool scourers in the area and attempted to convince them that it would be in their best interests to relocate their operations.

Mr Trenorden: Where to?

Mr MARLBOROUGH: A number of areas were suggested.

Mr Trenorden: What about the biotechnical park?

Mr MARLBOROUGH: That was one of the suggestions. The Government was partially successful. The two largest companies, Elders and Humes, have agreed to relocate. However, Jandakot Wool Scouring has not agreed to relocate even though its operations have the most serious environmental impact of the three wool scouring companies. I refer to some of the substances it has produced and their effect on Lake Yangebup since contaminants were first recorded in 1975.

Mr Kierath: What is killing the vegetation? It is water from South Lake; anyone can see that with their own eyes.

Mr MARLBOROUGH: It is not the major part of the problem; it is only a very small part of the problem.

Several members interjected.

Mr MARLBOROUGH: When one considers the total impact of the environment within Lake Yangebup, one realises the lake has far more important problems than the runoff from South Lake.

Several members interjected.

Mr MARLBOROUGH: The member for Riverton is trying to get his own back on me. He was at a social gathering the other night, and told Councillor Helen Cheesman from Kwinana that the member for Peel was always interjecting on him; so today it is called, "getting your own back". I will just have to put up with it. The member for Riverton, during his short time in this Parliament, has created a new industry in the Parliament; he has been responsible for using more paper - which contain messages, usually from his leader, telling him to shut up - than any other new member I have ever seen. The Opposition has a pony express which operates between the Leader of the Opposition, the shadow Whip, and the member for Riverton, telling him to shut up.

Mr Kierath: I have never received an instruction from my leader telling me to shut up.

The DEPUTY SPEAKER: Order! There may soon be a very polite order from the Chair for members to shut up, unless these interjections decrease in volume. The member for Peel is probably pretty good at soliciting interjections, but we are addressing grievances, and I ask him, in the interests of decorum in the House, to address his remarks to the Chair. I ask Opposition members also to cease interjections of that volume and level, whatever the motive.

Mr MARLBOROUGH: We should all be concerned when we look at the pollutants coming from the Jandakot wool scouring operation, because although - as the member for Riverton correctly says - the high water level which has been brought about by an inadequate drainage system from South Lake is a problem, the pollutants are the major core of the problem. These pollutants, which have caused a plume situation under Lake Yangebup, include arsenic, chromium, and lead, and have been well documented in the Murdoch study, which was commissioned last year by the local council, and by other groups. It is a matter of particular concern that there is a plume of arsenic under Lake Yangebup, which has been recognised since 1975, but there does not seem to be any way of safely and adequately removing it. The major problem is that because it is in the ground water aquifer it is starting to impact on nearby residential development. The Murdoch study indicated that there are readings of over .18 per cent per million of arsenic in the commercial wells of the Jandakot wool scouring operation, which are only 150 metres from the lake. There is evidence also that arsenic levels well above the safe limits have been found in domestic wells within the close vicinity of the wool scouring operation.

We now know that with the upgrading of technology and the relocation of such operations, many of these problems can be overcome. There are no difficulties with the wool scouring industry. The difficulty is that it is not in this instance a new industry; it is a dated industry, which suffers from all the problems which flow from such a dated industry. As late as last year we saw the situation develop where there was an overflow at the holding pond at the Jandakot wool scouring operation, which contained a number of contaminants which are still impacting on the lake.

I believe that in 1989 it is time for the Government to take strong action with the Jandakot operation. The Melville operation has agreed to relocate. Members will know that it is very difficult in a democratic society to convince people that they ought to do something voluntarily. The Jandakot operation is the only company which has not agreed to relocate.

[The member's time expired.]

MR GRILL (Eyre - Minister for Economic Development and Trade) [5.15 pm]: I rise to reply as best I can to the grievance outlined by the member for Peel. The Government shares his concern in respect of the environment surrounding Lake Yangebup; in fact, the Government has considerable concern for the whole of the environment of the lake system extending south from that area. This is an important subject, which should be raised in

debate in this place. I fear, however, that it is not a subject upon which one Minister can give a full and comprehensive reply. It covers a range of areas of concern. It is a cross-portfolio issue, which involves a number of Ministers.

In respect of the environment, the member has directed his comments at the Jandakot wool scouring operation. It is true that in the past the Environmental Protection Authority has expressed concern about the environmental impact of that operation, being placed as it is on the Jandakot mound, and allowing its effluent to, in many cases, seep into Lake Yangebup. There is also a concern on the part of another arm of Government - namely, the area which comes under my jurisdiction - that we should have in this State a healthy wool scouring industry. I would in fact like to see a textile industry. We do have a fledgling textile industry, which has been able to get off the ground with the Government's help; I refer to the Canning Vale weaving mills, which produce some of the highest quality cotton towelling products that can be found in this State and Australia.

Mr MacKinnon: Because of the quality of the local member!

Mr GRILL: The Leader of the Opposition can bask in the glory, but it was the Government's money which got it off the ground.

An Opposition member interjected.

Mr GRILL: No, it did not lose any money, and we hope it will not, but from time to time risks are taken with Government projects. This project is a winner, and is now starting to dominate the high quality towelling market in Australia. This is a result of the efficiency and productivity we on this side of Australia have, which is something we should all be very proud of.

Mr Omodei: What about some funds for wool research?

Mr GRILL: We are also doing something in that area. Australian Wool Processors - which is potentially one of the largest wool scourers in the State, and which will have the least impact on the environment - was able to get off the ground with Government help, and involves a completely new process, a Belgian process, which is not only non-polluting but also takes the pollutants and turns them into a high grade product.

Once again, that has been a success. Once again some Government money was risked, but it was risked in a good cause and it is starting to pay off. Not only are Australian Wool Processors Pty Ltd setting up this new process which will scour a large percentage of wool, by Western Australian standards, within our State, but also that company has induced a French company, Chargeurs S.A., to enter the top making business in Western Australia. Chargeurs, the biggest top makers in the world, are setting up a top making factory right next to Australian Wool Processors' processing plant in the member's electorate, and with his help, and we are for the first time in at least three decades seeing the prospect of top making in this State. Things can go on from there and I hope the Government will continue to play a role. However, we do not want to play a role in a way which detrimentally affects the environment.

I cannot give the member a comprehensive answer this afternoon. That answer must be put together across portfolios. The matter is being addressed. A study is under way and we have made offers to Jandakot Wool Scouring Co Pty Ltd to relocate, but to date those offers have not been acceptable. We do not want to dragoon that company into an area where it does not think it will be viable, but we would like to see it relocate and I hope we can give it incentives shortly to enable it to do so in a way which is acceptable to that company. I assure the member that his grievance is taken seriously by the Government. A comprehensive answer must be put together across portfolios; that will be done and it will be forwarded to him.

Mr Wiese: Before you sit down, it is important that you assure the House and the people in the area that Jandakot Wool Scouring is not putting out any arsenic pollutants into the environment. There is no arsenic in any of the wool coming into any of the factories at the moment.

Mr GRILL: I did not say there was, did I?

Mr Wiese: The insinuation was there.

Mr GRILL: The member said there were problems with arsenic in the area. He did not say they came from Jandakot Wool Scouring; I did not say that either, and I will not.

Mr Kierath: There is a problem, and it has been made worse by the higher water levels.

Mr GRILL: I am not a technician. I am making no allegations whatsoever that the arsenic came from Jandakot Wool Scouring, because I do not know. However, we will not press-gang that company into relocating, although we would like it to do so and to accept one of the offers being put to it.

## GRIEVANCE - DUAL USE

### *Safety - Speeding Cyclist Dangers*

MR GRAYDEN (South Perth) [5.22 pm]: My grievance relates to safety on the network of dual use paths which now exists in the metropolitan area, and the widespread concern among those who use the paths as a result of the danger posed by speeding cyclists. This danger is evidenced by the number of accidents and near misses which occur on these dual use paths.

Dual use paths have been established principally over the last decade and now, of course, there is a network of them in the metropolitan area and also networks in the regional centres. They have added considerably to the quality of life wherever they have been installed. They are widely used, and increasingly so, by cyclists and also by joggers and pedestrians. Cyclists use them on the way to and from work and for recreational cycling or simply exercising on their bikes. Joggers use them for the same similar purposes, and of course pedestrians use them for recreational purposes too. On weekends we have an increasing number of family groups using these dual use paths, either walking or cycling.

There is absolutely no reason why dual use paths cannot be used safely by all groups, but unfortunately all is not well on those paths because a minority of cyclists who consider the paths their exclusive domain become abusive and in some cases even aggressive when they are impeded by pedestrians, especially on weekends. I will give an example of this. Relatively recently an accident occurred at the eastern end of the dual use path on the South Perth foreshore. A large number of pedestrians were present at the time - there were three groups of them, with several people in each group. A cyclist came through the three groups at speed and hit a child, who was thrown into the air and landed on its face and head, sustaining facial lacerations, chipped teeth, and a punctured upper lip. The child was semi-conscious and a skull fracture was suspected. An ambulance was called, and shortly afterwards one of the ambulance officers was very nearly knocked down by another speeding cyclist. The child was taken to Princess Margaret Hospital where it was found not to have a fractured skull; nevertheless, the child was very sick for a week or so.

No report was made of that accident, and indeed, there is no means of checking the incidence of accidents. I asked the Minister a question on 6 September about whether accidents on the network of dual use paths in the Perth metropolitan area were recorded separately from those taking place on other carriageways, and he said they were not. Much of the trouble stems from the rules governing the use of these dual use pathways. Regulation No 1306 under the Road Traffic Code 1975 reads -

A person shall not on any road or place to which the public is permitted, whether on payment of a fee or otherwise, to have access -

(b) drive or ride an animal or bicycle recklessly or without due care and attention.

That is probably the main regulation governing the use of these paths. Regulation 701A of the regulations under the Road Traffic Act is also an important one. It reads -

A bicyclist who is on a dual use path shall give way to a pedestrian who is on, or is crossing, the dual use path.

Regulation 702 (1) is important as well. It reads -

A pedestrian shall keep to the left side, when on a footway, marked cross-walk or pedestrian crossing.

However, there is no regulation in respect of speeding. As a consequence we have high speeds on these dual use paths. Recently the squad set up by the Police Department to

endeavour to police the dual use paths was called out to a situation where a professional bicycle club was practising on the dual use paths. There were 20 or 30 people involved and they were travelling at speeds of up to 45 kilometres an hour. That was just one incident. As I mentioned earlier, the cyclists feel these paths are their exclusive domain.

Mr Peter Dowding: Are you saying they really are dual use paths and the cyclists must respect that?

Mr GRAYDEN: Yes, they are strictly for dual use and signs to that effect appear on all of them. Those signs depict a cyclist and also a person holding the hand of a small child. It is unfortunate that there are no other signs, although that could be rectified relatively easily. If we had signs on those dual use paths recounting the regulations that are in force, without question people would obey them because the penalties they could incur as a consequence of reckless driving and causing bodily injury to a person on a dual use path are very high. Failing to report an accident causing bodily harm carries a penalty of several hundred dollars and up to three months' gaol. Of course, civil action can be taken for damages, which could prove to be extremely high.

A police squad has been set up to endeavour to control the use of dual pathways; that squad consists of only half a dozen people who are mainly tied up with paperwork and go out on the road only in the summer months or if a complaint is made. Therefore, it is imperative that the Minister for Police and Emergency Services give consideration to the introduction of regulations to set a speed limit on the dual pathways. This speed could be, say, five miles per hour in the proximity of pedestrians. Secondly, I suggest that signs be put up to point out the obligations of cyclists, in particular, and to outline the penalties for any breach of the regulations. This would overcome the problem where cyclists demand that pedestrians move out of the way. If these steps are not taken, a serious accident will occur. I emphasise again that I often receive reports of accidents in South Perth where dual paths follow the foreshore. People want to be able to go out on the weekends and to be able to relax while using the dual pathways; at the moment this is not possible due to the actions of a minority of cyclists who engage in speeding. I ask the Minister to consider these matters.

[Continued on page 2435.]

## FINANCIAL ADMINISTRATION AND AUDIT ACT

### *Report Tabling - Extension of Time*

THE SPEAKER (Mr Barnett): I have been informed of the following ministerial approval for an extension of time for the presentation of annual reports in accordance with the Financial Administration and Audit Act 1985 -

The Minister for Agriculture -

Western Australian Potato Marketing Authority Annual Report 1988-89

I table the relevant correspondence.

[See paper No 428.]

## PARLIAMENT HOUSE - VISITORS

*Allmich, Miss Helen, Sergeant at Arms Northern Territory - Work Exchange Program*

THE SPEAKER (Mr Barnett): Members may have noted a stranger on the floor of the House of late. I advise members that the person is Miss Helen Allmich, the Sergeant at Arms of the Northern Territory Legislature, who is here under an exchange program and will be working in this place for the balance of the week.

[Applause.]

## QUESTIONS - PROCEDURES

### *Asking and Answering - Additional Guidance*

THE SPEAKER (Mr Barnett): During question time yesterday I made some comments in respect of the rules governing the asking of questions. At that time I referred members to page 46 of our Standing Orders. However, I feel it is timely for me to add to yesterday's statement and to offer some more particular guidance regarding the asking and answering of questions.

Again I refer members to Standing Orders Nos 106 to 111 and to the numerous precedents relating to them. These have been published for the convenience of members, on pages 44 to 46 of Standing Orders.

There are some key features about the asking of questions which some members, perhaps inadvertently, are tending to overlook. For instance questions must relate to matters for which a Minister is administratively responsible. This means that Ministers should not be asked questions concerning a statutory or other authority, unless the Minister has a clear and definable responsibility or power relating to the authority.

From time to time questions are being framed in such a way as to require a mass of detailed statistical information in reply. A ruling was given by Speaker Johnson in 1938 to the effect that such information must be requested by way of motion. I am inclined to support that view.

The extremely valuable procedure of parliamentary questions should not be used to elicit information available through other, more appropriate research avenues, for instance the Parliamentary Library.

As a general rule members will find that a very long question with very complicated parts is an ineffective way of gaining information. And if the question was not asked for the purpose of gaining information it was not a proper question. While the correctness of each question must be judged on an individual basis I tender this advice to members: Avoid long and complicated questions as a general rule.

I turn now to replies. There is a particular form of reply that has been occurring over recent years and which is giving me some concern. I have referred the matter to the Standing Orders Committee and am satisfied from discussions with those people that my misgivings are appropriate. I refer to the reply which says, in effect, "The reply will be forwarded in writing to the member." My difficulties with this type of reply are that there is no public reply to a publicly asked question, there is no certainty that the reply is privileged in the hands of its recipient, and Parliament has no knowledge of when or if the question was answered. I freely acknowledge that Ministers are not bound to answer questions. In future I shall regard such an answer as not being a reply to the question; and I have directed the Clerks to continue to list the questions as unanswered.

Further, I am concerned that at times Ministers' replies to questions without notice are rather lengthy. It is my view that in the time presently provided for questions without notice the House would expect a minimum of 12 questions to be asked and answered. When this is not the case it is usually because individual Minister's replies have been too lengthy.

I therefore request Ministers to maintain a desirable brevity in their replies and so avoid my having to take much harsher steps to curtail the length of replies.

[Questions without notice taken.]

*Sitting suspended from 6.00 to 7.30 pm*

## GRIEVANCE - DUAL USE

### *Safety - Speeding Cyclist Dangers*

Resumed from an earlier stage of the sitting.

MR TAYLOR (Kalgoorlie - Minister Police and Emergency Services) [7.30 pm]: I thank the member for South Perth for giving me some notice of the matter he wanted to raise. It is always important, in order to give a reasonable reply in a grievance debate, or a reply which the member might regard as reasonable, to have advance notice. The member has hit on a very important issue, that of safety on dual path cycleways. This is an issue which is important to many Western Australians, including the older people who use those paths as pedestrians, and also cyclists. The legislation requires, even though the paths are used by both pedestrians and cyclists, that pedestrians have right of way, and that people keep to the left.

Some people are a little less than caring in their attitude to others, and that means that often these dual use paths can be dangerous for both pedestrians and cyclists. I am told by some of my colleagues on this side of the House that cyclists use the South Perth foreshore paths for

training in a professional sense. They ride at high speeds, and that could be not only dangerous but fatal for people who may be hit by cyclists, as the member said, doing up to 45 miles an hour.

This issue was raised by the member for Victoria Park when he was appointed by the Government to look into the question of safety for senior citizens. A recommendation was made that the Government look at the issue of dual use paths and how they could have an impact in terms of safety. I refer to a newspaper article in *Southern Gazette* dated 29 August. It says -

Growing concern of senior citizens about cyclists on dual-use paths and footpaths has led to a tripartite working party being formed.

Victoria Park MLA Dr Geoff Gallop said Local Government Minister Kay Hallahan had set up a working party involving police, Bikewest and local government.

That working party was set up in about November last year, after the Minister for Local Government and I had discussed the matter, to look at the very issue being raised by the member for South Perth. The article continues -

Dr Gallop said the problem was the subject of submissions to the Safety for Seniors Task Force he chaired earlier this year.

"The problem is one of ignorance among young cyclists of the traffic laws, which themselves were designed for motorists and pedestrians but not cyclists," Dr Gallop said.

That is another point raised by the member for South Perth. The article goes on -

"The aim of the working party will be to amend the Road Traffic Code to make laws relating to cycling on paths much more appropriate to actual cyclist-pedestrian needs and safe practice, and more readily enforceable."

The sort of measures to be considered by the committee include:

Speed limits for cyclists on dual-use paths.

Centre-line marking on dual use.

A courtesy campaign for path users focusing on the use of warning devices, such as bells, by cyclists.

In relation to the question of the group set up by the police to look at safety on our cycleways, it was quite innovative of the police in Western Australia to police these cycleways. Four officers are now policing them. Even though the member for South Perth said he believed a lot of their time was taken up with paperwork, the results prove otherwise. In the year ended 30 June 1989 the police bicycle safety section had made contact with 7 228 cyclists, including 1 190 on dual use cycleways, and those contacts included nearly 3 000 lectures on bicycle safety, the issuing of 326 infringement notices, and 66 prosecutions for reckless riding, as it is called. They also inspected 810 bicycles and answered more than 1 000 phone queries.

In the early stages the staff was only two, but since it has been increased to four, contacts with the cyclists have obviously increased. In the last month alone the section issued 698 cautions, 342 lectures, 47 infringements and 21 prosecutions. That shows that the staff of this bicycle safety section, though few in number, are going about their job in a determined way. The section is seeking not so much to set about the prosecution of people not doing the right thing, but it is rather trying to get the message through to people that there are safe ways to ride and to care for people on these sorts of paths. What we want is an education program rather than one which goes out there in a tough way saying, "We believe you are breaking the law; we will take you to court and that is the end of it."

I am told there are some 650 000 bicycles in Western Australia, and that number is increasing by 80 000 to 100 000 a year. It would seem profitable to set up in business selling bikes! Cyclists also represent something like 12.7 per cent of all vehicle accident injuries resulting in hospitalisation. The Government has addressed this problem quite forcibly in setting up the cycle rebate program. I am told that some 58 500 schoolchildren in Western Australia have taken the opportunity to pick up the rebate of \$10 per helmet sold, and that has been a real plus as far as cycle safety in Western Australia is concerned.



The critical issue addressed by the member this afternoon was that of safety on these dual use paths. The Minister for Local Government and I set up that working party to examine the issue raised by the member for South Perth. The member is very genuine in the matter he has raised, and I would be more than happy to arrange for him to make a submission to the working party, or, in view of his care and concern in this area, I would be happy, if he is agreeable, to ask the working party if they would care to coopt him onto that working party to address some of these issues. They are important issues.

One of the things we can look at in Perth and in some of our regional centres is the growth of these cycleways. They have been a very important recreational asset for Western Australia in trying to get people off the roads and onto the footpaths. However, there is no doubt that some people in the community are abusing the use of dual use paths, and there has been a clash between pedestrians and cyclists.

I think the police bicycle safety section is trying to address that issue, and the Government is trying to address it through the working party it has set up. I expect the working party to report to me and to the Minister for Local Government in the next couple of months or so. Hopefully that will have the result of enabling us to bring forward legislation to this House which will make certain that people know exactly what rules they must follow when using these footpaths.

The SPEAKER: Grievances noted.

## FREEDOM OF INFORMATION BILL

### *Second Reading*

MR HASSELL (Cottesloe) [7.41 pm]: I move -

That the Bill be now read a second time.

The basic purpose of this legislation, in common with other freedom of information legislation in Australia, is to give the citizens of this State the right to access to documents and electronically stored records held by Governments. It is legislation to which both the Labor Party and the Liberal Party are committed, and it is legislation which in a real sense is overdue in Western Australia.

As to the Labor Party's commitment to the legislation, I refer members to the platform resolutions and rules approved by the party's thirty-seventh National Conference in Hobart in 1986. Clause 42 of the Labor Party's constitutional and legal section reads as follows -

Ensure effective freedom of information legislation granting the public full entitlement to the disclosure of government and administrative decision making, subject only to strictly limited requirements of essential security and individual privacy, and that the legislation is administered in keeping with its spirit and its objectives.

Clause 43 reads as follows -

Regular tabling in parliament of full information on the operation of government and semi-government agencies. Records resolutions and recommendations of conferences of Australian, State and Territory ministers and officials to be tabled in their respective parliaments.

I wonder when that last occurred in this Parliament? Certainly it has not occurred under this Government. If one asks any questions about the Ministerial Council on which the Attorney General sits, he will give one his usual answer, which is that nothing can ever be disclosed. Clause 44 of the Labor Party's platform reads as follows -

The introduction of legislation facilitating a right of access by individuals to documents relating to themselves in the possession of the private sector.

I will come back to that one because it relates to action the Opposition took in this Parliament last year in respect of legislation dealing with documents in the private sector. In the 1983 election there was a clear commitment from the Labor Party to freedom of information legislation, but that did not materialise in the first term of the Burke Government; nor did it materialise in the second term of the Burke Government. In 1985,

*The West Australian* newspaper carried an article on 12 January 1985 which was entitled, "Delays to WA information Bill attacked". The article reads as follows -

The State Government is unnecessarily and purposely holding back on its promised freedom-of-information legislation, according to a former WA fighter for civil liberties, Mr Bruce Bell.

Mr Bell, currently head of the New South Wales freedom-of-information committee, has returned to Perth to investigate the progress of the legislation in Western Australia.

After discussions at the office of the Attorney General, Mr Berinson, yesterday, he is not happy with that progress.

The article concluded in this way -

A spokesman for Mr Berinson said that the Government was not deliberately delaying the introduction of the legislation.

The Government was keen to investigate the Victorian legislation and the proposed South Australian legislation to iron out the loopholes.

Mr MacKinnon: When was this?

Mr HASSELL: In 1985.

Mr Kierath: That was four years ago.

Mr HASSELL: Yes, this is a 1985 commitment from the spokesman for Mr Berinson. We know that the Attorney General seldom comes out and says anything he can avoid saying in public but on this occasion the spokesman said clearly on his behalf - and this is the concluding paragraph of the article -

The Government's commitment to introducing the legislation would be honoured.

Of course that is the State Government; it was only the following year that Labor Party members trooped off to Hobart and reaffirmed their commitment to freedom of information legislation in the Labor Party's national platform. The Liberal Party in this State has been somewhat slower than the Labor Party in committing itself to freedom of information legislation; that is an historical fact. However, the Liberal Party, under the Fraser Government, was responsible for introducing, under Senator Durack, a Western Australian Senator, the Freedom of Information Act. That Commonwealth Act was attacked at the time by the Labor Party; in fact the Labor Party derided the Act because it said the Act was inadequate and insufficient.

Mr Kierath: Better than nothing.

Mr HASSELL: It is not only better than nothing. In the six and a half years the Labor Party has had to fill in all the details which it said at the time were not there, it has made no such move. The Victorian Labor Government, true to its promise, did introduce freedom of information legislation, which is now operating. The Bill which I now introduce is based in part on the Victorian Labor Government legislation, in part on the Commonwealth Liberal Government legislation and in part on the precedent set by the United States' regulatory process involving freedom of information. I would like to acknowledge anonymously, because the person would prefer not to be named, that in the preparation of this legislation I have had a sizeable proportion of work done through the private sector in Perth by a busy lawyer. My sincere thanks have gone to him for the work he put into the drafting of the legislation.

Freedom of information legislation is an instrument of democracy and accountability because the fundamental aim of the legislation is to increase the rights of citizens at the expense of the Executive and of the Government's claim to secrecy and its further claim to the right to secrecy. Freedom of information legislation is directed to enhancing and increasing the powers of the individual as against the State in the battle for openness and accountability in Government.

This legislation is complementary to the Data Protection Bill that I introduced last year on behalf of the Parliamentary Liberal Party. The Government refused to debate that legislation because it refused a Message for the legislation which sought to protect the rights of

individuals in relation to the electronic data stored by the private and public sector. The Bill before the House also aims to give citizens rights to obtain documentary evidence, documentary records and electronically stored records from the Government for any purpose at all.

The instruments of accountability under the Westminster system include question time in Parliament, the existence of Parliament itself, parliamentary control of the Executive - ultimately exercised through the control of the budget and the allocation of moneys -

Mr Thompson: They are three conditions that do not apply here.

Mr HASSELL: That is why we need new instruments through freedom of information legislation to supplement what is happening.

To continue the list of instruments of accountability, there is the Ombudsman, an instrument administering accountability which is grafted onto the Westminster system; although its origins are Scandinavian and not the British system; the office of the Auditor General, who is an officer of the Parliament and not the Government and reports directly to the Parliament; also, there is the parliamentary committee. I am sure the member for Darling Range will say that they have not worked well either. For one reason or another most of these instruments of protection have failed in so far as they relate to the parliamentary process itself and the public has been let down.

The Executive arm of Government has become excessively powerful. There is a need for the operation of Parliament itself to be reformed. Only today the Opposition moved a motion looking for the support of the House in changing the nature of question time, changing the time it is held and changing the way it is run. Question time in this House does not resemble parliamentary question time in the House of Commons, or question time of the House of Representatives - as bad as that is - or question time in other Parliaments. It has become a fixed ritual in this House which does not work towards the objective of accountability of Government. We are sure that this Freedom of Information Bill - as with our motion relating to question time - will have the support of the Premier who so recently and so frequently has announced his new found love of accountability and a determination that there should be effective accountability through the parliamentary system.

Parliamentary control of the Executive has almost totally failed, except in as far as there is a hostile majority in the Legislative Council. The Parliament does not really control the Executive. That is because of the rigid party system - and the Opposition is as much to blame as our opponents in that respect. The unfortunate fact is that there is no occasion on which members of Parliament are prepared to exercise control of the Executive except in the secrecy of the Caucus or party meeting, and there is a limited control exercised there. I admit that I do not know about Caucus, but in our party room - in Government and in Opposition - there is no lack of control of Executive by ordinary members. But this is not exercised by Parliament in an open way, as these meetings are not part of the formal Parliament.

The Ombudsman system works well and the Auditor General operates in a very important area. The parliamentary committee in this Parliament has unfortunately failed to be very effective except on some occasions. That is a matter about which we should all be concerned. The parliamentary committee should be much more active in cross examining the administrative arm of Government. I do not know why we cannot get used to the idea of having parliamentary committees call public servants before them and examine them as a matter of course, as they do in Canberra without terrifying consequences for the Government of the day. I have always wondered why the Executive was so fearful of the Parliament operating effectively in dealing with bureaucracies. There is no chance of Ministers, no matter how strong, completely controlling a bureaucracy. If a Government were strong in what it was doing, it would not be afraid of having the support of the Parliament - even with opponents trying to make political mileage as they naturally will - in trying to administer some measure of control.

Mr Thompson: The reason is that it could not be done because of a lack of maturity which has been in existence for a long time over several changes of Government.

Mr HASSELL: I am saying that these issues affect both sides of the House; I am not saying that the Government is all bad, and the Opposition is all good. It is not a lack of maturity as

much as it relates to the size of the Parliament and an excess of rigidity. I am very much in favour of the party system because it means that people will understand what they are voting for -

Dr Watson: How can you be in favour of the party system as well as the citizens' initiated referendum?

Mr HASSELL: I am happy to debate the CIR with the member for Kenwick on another occasion, but not tonight.

There is a need for the operations of a Parliament to be reformed and new instruments of accountability introduced. The freedom of information legislation is one new instrument of accountability. It may be argued that we also need citizens' initiated referendum and data protection legislation and privacy legislation, as well as a strengthened Constitution to prohibit financial recklessness of the kind we have seen over the Rothwells and the petrochemical project and other business dealings. Our Constitution needs to be amended to make it absolutely clear that without the approval of Parliament in specific legislation, no guarantee such as that given in the Rothwells case could ever be given again, because that was the ultimate travesty in terms of a responsible Parliament. We need to look at the constitutional provisions of this State to strengthen the hand of Parliament in protecting us from Governments that are soft touches to the business community and which are out of control with their business mates.

The freedom of information legislation is then placed in the context of a system that needs new instruments of accountability, a system that needs to be reformed. It needs to be recognised at the end of the day that there is a struggle for power in politics and that struggle for power often overlooks the rights and interests of the individual citizens.

The present political situation in this State is very simply summarised in this way. -

The present Government was elected because its dealings were kept secret: had these dealings been known at the time, the Government would never have been re-elected.

It is a Government based on fraud and deceit.

*Withdrawal of Remark*

The SPEAKER: Order! That remark is not acceptable in the format of this debate. I ask the member to withdraw it and then continue.

Mr HASSELL: I withdraw, Mr Speaker.

*Debate Resumed*

Mr HASSELL: It is a Government the election of which is based on the dishonest withholding of information from the public.

*Point of Order*

Mr D.L. SMITH: I also ask that that remark be withdrawn.

Mr Hassell: There was nothing out of order in that remark.

Mr MacKinnon: Are you trying to gag the debate?

The SPEAKER: There is a point of order. Would the member please take his seat. I will listen to the point of order without interjection.

Mr D.L. SMITH: The member for Cottesloe said that the election had been won on the basis of dishonest withholding of information. That dishonest withholding of information could only have been by the Government, which is represented by the members on this side.

Mr MacKinnon: That is absolutely true.

Mr D.L. SMITH: It is not true and it is unparliamentary.

Mr HASSELL: It is not the role of Mr Speaker or of Parliament to stop members saying unpleasant things about their opponents. I readily withdrew the former remark because, Mr Speaker, you have established some rules, the ambit of which I am not quite sure I understand.

Mr D.L. Smith: It has to do with parliamentary conduct.

Mr HASSELL: I did not want to delay the House or debate, but I do not see any basis upon which the latter remark can be challenged.

The SPEAKER: Standing Order No. 132 says that all imputations of improper conduct made against members should be considered highly disorderly. I am having a bit of difficulty with this one. Clearly, the comments made before and which were directed to Government members in general were unparliamentary and improper in the format of this debate. It is my view that there are a number of opportunities open to members to make those sorts of charges and assertions in a proper way, one of which is by moving a substantive motion to that effect. That course of action has been taken on at least one occasion during this session of Parliament. A number of members took the opportunity to say some very distasteful things about members of either side. That is the proper format to use to make those sorts of assertions. This freedom of information legislation is a difficult debate because it almost borders on an opportunity for those sorts of assertions to be made. I prefer that those sorts of assertions are not made in this debate, but are reserved for the proper place, and that is with a substantive motion.

*Debate Resumed*

Mr D.L. Smith: We are treating this issue quite seriously on this side of the House and we wish to debate it seriously.

The SPEAKER: Order! Order! The member for Cottesloe.

Mr HASSELL: I am glad to hear that the Government wants to debate it seriously; that is a welcome change.

Mr Peter Dowding: You can't help going over the top; that's your practice.

The SPEAKER: Order! The member for Cottesloe.

Mr MacKinnon: You are having a whinge again. You may as well stay outside and prepare your next defence.

Mr HASSELL: The plain fact is that the hallmark of this Government has been the suppression of information.

Mr Peter Dowding: Nonsense.

Mr D.L. Smith: That is just not true. If you want to take that line in this debate we won't take it seriously.

Mr HASSELL: Let me tell members what happened this week in relation to information and its freedom. I asked the Premier a series of questions about the enormous payout to Mr John Horgan; reportedly \$800 000 was paid out.

Mr MacKinnon: Following a signing up fee paid about 18 months ago.

Mr HASSELL: After he was paid millions of dollars signing up fees 18 months ago which this Premier, when it suited his political convenience, allowed to be reported as being something he did not quite approve of, but he was locked in by what his predecessor had done. Those were the reports. I asked the Premier a follow-up question to one asked by the Leader of the Opposition as to the payout to Mr Horgan. I discovered that, not only had the Premier personally approved the payout to Mr Horgan in writing, but in connection with that payout an agreement had been made that it would be kept secret of which the Premier was aware and of which he necessarily approved.

Mr Peter Dowding: That is not true at all.

Mr HASSELL: That it would be kept secret.

Mr Peter Dowding: You establish that. You can't help going over the top, can you?

Mr HASSELL: The Premier knows full well that if he had said to the Western Australian Development Corporation that he would not approve the payout except on the basis that it became public, it would have become public. The Premier was entitled to say that Mr Horgan was receiving an improper payment in its amount; a payment which is totally indefensible. Now the Premier seeks to cover it up by refusing to answer questions in this House. Let us not have any mumbojumbo with this little Minister jumping to his feet because something offensive has been said.

Mr D.L. Smith: These are afflictions of your mind.

Several members interjected.

The SPEAKER: Order! Order!

Mr HASSELL: This Government not only suppressed information to which the public was entitled but continues to do so.

Mr D.L. Smith: You don't want this debated seriously.

Mr HASSELL: Let me return to the simple facts upon which -

Mr D.L. Smith: It's another run at the leadership.

Mr MacKinnon: Why don't you ring up the *South West Times*.

The SPEAKER: Order! Order! The member for Cottesloe will resume his seat. I sometimes must pause after jumping to my feet to make sure I do not say something I will regret later. Perhaps members interjecting when I call order might take that same advice.

Mr HASSELL: The present situation is very simple. We have a Government that was elected because the public did not know what it had been up to. The freedom of information legislation is but a small instrument that could increase the proper accountability of Government in Western Australia.

Mr D.L. Smith: For four years as a Minister you did nothing about it.

Mr Minson: It wasn't needed in those days. It is only now that we need it.

Mr D.L. Smith: Those are the double standards we are used to on this side.

Mr MacKinnon: Why don't you read the *South West Times*.

The SPEAKER: Order! Order! The member for Cottesloe is trying to get a word in.

Mr HASSELL: I wonder if the Minister for Community Services would like to tell us why the Labor Party has walked away from its commitment to freedom of information legislation.

Mr D.L. Smith: I have already told you, we want to debate this seriously. We have been listening for a serious debate. All you are doing is using it as a stage for a leadership bid.

Mr HASSELL: Why does the Minister not tell us whether the Labor Party stands by its 1983, 1985 and 1986 commitments? Yes, or no, does the Labor Party stand by its commitments?

Mr D.L. Smith: We are prepared to look seriously at the issue. There is no seriousness on that side because all you want to do is use it as a stage for a leadership challenge.

Mr HASSELL: Let me ask the Minister for Community Services whether the Labor Party stands by its public commitment, both Federal and State.

Mr D.L. Smith: The answer is that we are prepared to seriously consider this matter and we are -

Several members interjected.

Mr D.L. Smith: Do you call this a second reading speech? It is two pages of notes.

Mr HASSELL: Can the Minister who has been so voluble with his interjections manage a simple word such as yes or no? Can this Labor Party be honest for once?

Mr D.L. Smith: If you were serious about it, why did you not do it in the nine years you were in office?

Mr HASSELL: I will remind the Minister of one point before I give him another chance to answer my question. The Liberal Party did not ever promise freedom of information legislation, but this Labor Government did. It promised freedom of information; does it stand by that promise? No, the Minister is struggling.

Mr D.L. Smith: The Minister is not struggling, he is trying to make a serious point.

Mr HASSELL: The Minister is struggling. He cannot answer a simple question about where the Labor Party stands on its own policy commitment. I am not asking about the Liberal Party policy, the past or the future, but just whether the Labor Party stands by the commitment it made to the people.

Mr D.L. Smith: Give me an opportunity to answer the question you have put.

Mr HASSELL: The Minister is a bit of a joke.

Mr D.L. Smith: Do you want an answer or not?

Mr HASSELL: The Minister is embarrassing the Premier, who will have to apologise for him tomorrow. A special question will be asked in question time tomorrow to give the Premier an opportunity to apologise for the Minister for Community Services.

Mr D.L. Smith: Do you want the answer?

Mr HASSELL: Yes or no?

Mr D.L. Smith: The answer on this subject is that we have a party platform that we were elected to legislate for, and the timing of that legislation is a matter for the Government. We happen to believe as a party in freedom of information but we want to cover the matter seriously and not use it as a platform for -

Several members interjected.

The SPEAKER: Order! I think it would be better for everybody in this place if the member for Cottesloe proceeded with his speech.

Mr HASSELL: I wish to respond to a comment made by the Minister for Community Services when he had a shot at me because the speech notes on the second reading are brief. I remind the Minister, who I do not think has sat in Opposition in this House, that members on this side have one secretary each. They have no research facilities whatsoever and no backup. The Minister can fire his cheap shot, but the Opposition does not have the unlimited staff that are available to him. The Opposition does not have political advisers.

Mr Peter Dowding: You do so. What about the defeated Liberal Party candidates?

Several members interjected.

The SPEAKER: Order! I ask the member for Cottesloe to sit down and I will try to get some decorum in this place. I understand when statements are made in this House by one side, members on the other side become upset, and vice versa. That is what this place is about and all members have a chance to express their point of view. When the member for Cottesloe sits down someone on the Government side will have an opportunity to speak and that is the time he should express his opinion. The debate should not consist of three words from one side of the House and 10 from the other. The member for Cottesloe has an opportunity to put his point of view and later everyone else will have that same opportunity.

Mr HASSELL: I would like to put my point of view about the freedom of information legislation. This legislation is very cautious in the way it has been presented. As I mentioned, the Opposition does not have access to the Parliamentary Counsel through Crown Law Department. The Bill has been drafted by a volunteer who has put many hours of work into it and I have greatly valued his assistance. Nevertheless, I am responsible for the Bill. I know that the Bill applies principles of openness and accountability through the right of access to information. If the Bill becomes law it will apply to Liberal and National Party Governments in the future as well as to Labor Party Governments. It is not a Bill just for the present Government. We know that in the fullness of time the Bill will apply to a Liberal Party Government. It has been introduced on that basis.

I have already said that the Opposition was later than the Labor Party in giving a commitment to this legislation. We are concerned about increasing accountability and the effectiveness of the system. It is a very cautious Bill and it is entirely possible that it will be criticised for being too cautious. It may be said with some glee by the Government that the exceptions and exemptions provided for in the Bill will allow the Government to escape scrutiny of some of the things it has done. I am aware of that in presenting the Bill, but the objective is to get the principle accepted and the law established. It may be that it will be necessary to extend and adjust the Bill later. The Government is currently adjusting some of the legislation it introduced last year, so it is not without precedent that legislation should need adjustment after it has been introduced. The Opposition sought to make it comprehensive but I can see from reading it at this stage that in some areas it should go further. I have resisted the temptation to go further at this stage because I want to give the Government the opportunity to say that it is practical legislation as it stands, it can be put

through, it can work, and if it needs amendment, that can be done later. The Bill provides these things.

Its fundamental provision is a statutory right, legally enforceable, for every person to have access to Government documents as set forth in clause 14. It is important to read that clause although I do not intend to read many clauses in the Bill; that is for the Committee debate. Clause 14 is at the heart of the Bill and states that subject to this Act every person has a legally enforceable right to obtain access in accordance with this Act to a document of an agency other than an exempt document, or an official document of a Minister other than an exempt document.

The Bill contains many exemptions and it could be argued that too many are included. If the Government feels that the Opposition has included too many exemptions, it can move an amendment to remove some. The Opposition has no argument with the proposition that Cabinet documents and Ministers' private documents should be exempt, that privacy should be protected, and that individuals' documents on Government files should not be exposed. Nor does it have any argument with the proposition that a number of areas of genuine commercial confidentiality involving private parties should be exempt from discovery under this Bill. We do believe, though, that the system should work, and some of the difficulties that have been experienced with the Commonwealth law were its slowness, and the unwillingness of the bureaucrats to comply with it. We have sought in this legislation to avoid those difficulties. Clause 22 provides a time limit for compliance with a request. That time limit gives a reasonable opportunity for the bureaucrats to do their job, and at the same time emphasises the statutory right of the individual to obtain the information. The Bill says that the agency or Minister shall, within 21 days of receiving a request for a document, decide whether to give access, and notify the applicant in writing of the decision. If they fail to give access, they are deemed to have refused to give access, and the appeal provisions then come into operation. It has been suggested to me by one of my colleagues that there ought to be a provision that where they fail to give access within the permitted time, charges should be applied - as a sort of another string to the bow - to encourage departments to comply. However, I do not think that will be much of an incentive because the departments are not dealing with their own money.

The Bill provides, thirdly, a reasonable charge for documents, but not according to a user-pays principle. One of the difficulties of the legislation now in existence is that the charges can be easily jacked up to become so excessive that they provide a barrier to the proper use of this law. There should be some charge made, because I believe in the principle that people should pay something, even if it is only a small amount, for the services they receive. The principle of paying something acts as an automatic economic disincentive to misuse, overuse or abuse. The Bill provides for charges to be raised on a reasonable basis. It provides also for various reductions; there will be no charge to the poor, or to the media. The Bill does not specify the media; it says where documents are being used for legitimate public purposes or in the public interest.

The Bill provides in part IV a definition of exempt documents; that is, documents which cannot be discovered. The categories are Cabinet documents, Executive Council documents, internal working documents, law enforcement documents, documents affected by statutory prohibitions against disclosure, documents affecting the economic interests of the State, documents containing matters communicated by the Commonwealth or another State, documents concerning certain operations of agencies, documents subject to solicitor-client privilege, documents affecting personal privacy, documents containing material obtained in evidence, documents relating to business affairs, documents the disclosure of which would be a contempt of Parliament, and certain documents arising out of the companies and securities legislation.

It is possible that the Government may say there are too many exemptions; there are too many errors which are protected from discovery. However, if the Government were to say that I would be interested to see what its proposals are to extend the operations of the Bill. I am not averse to looking at that, because some of the people who have looked at this Bill for me are of the view that it is too cautious in dealing with this issue. I can imagine the Premier's pouncing gleefully on some parts of it and saying, "Look, your own Bill protects certain commercial confidentiality." It does, but that does not mean it is necessarily the final statement on this subject.



Part V of the Bill sets out a right of correction of inaccurate personal records. That provision was included also in our data protection legislation. There is then outlined an appeal procedure, which can be the subject of different points of view as to how it should operate. Our proposed appeal procedure provides that for cheapness and simplicity, the initial appeal is to take the form of an internal investigation. This was previously the case with the taxation appeal system, where the Taxation Department had a statutory obligation at the highest level to review a decision that had been made down the line. Here, if a person does not like the determination made by the department, the right of appeal is then to go to the District Court. Some people regarded the taxation review system as being very inadequate, and said it was a waste of time to go to the Commissioner of Taxation. I understand that argument, and I believe it could apply in this case also, but at the same time it does provide an opportunity for people not to have to plunge themselves into an appeal in court as a first step, which is in itself a great barrier to people exercising their undoubted rights, because legal proceedings are very costly, and may be intimidating to many people.

It has been suggested to me that a preferable system would be for a division of the Ombudsman's office to deal with these issues. That would be a new departure for the Ombudsman's office, and is an idea that is worthy of consideration. It certainly would simplify the procedure from the point of view of the public. The Bill provides a clear path of appeal to have the issue determined if access is refused. There is also provision in clause 59 for the Ombudsman to intervene in an appeal, and in effect to move on behalf of the citizen. I have said already that a potential criticism of the Bill may be that it is too soft and does not go far enough. However, what I and my colleagues now think is important is to establish the principle that we should have freedom of information legislation which binds successive Governments and the Opposition, and that by being cautious we can perhaps persuade the Government to accept the Bill. We say clearly in now introducing this Bill that we do not see this legislation as solving all the problems of accountability in Western Australia, or as being the be all and end all of freedom of information rights. This Bill will need to be extended in time and in the light of some experience. That experience may be quite short term, but we believe that what we are here presenting is a worthwhile and principled measure, which goes some way along the path to better Government. It is on that basis that I commend the Bill to the House.

Opposition members: Hear, hear!

#### *Speaker's Ruling*

The SPEAKER: In accordance with section 46 of the Constitution Acts Amendment Act, it is my belief that this Bill will require a Message, and it is my intention to rule that it go to the bottom of the Notice Paper and stay there until such time as I am convinced that it does not need a Message or, alternatively, a Message arrives.

### FARM PRACTICES AND AGRICULTURAL OPERATIONS BILL

#### *Second Reading*

MR HOUSE (Stirling) [8.30 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to establish the right to farm. Members will be aware that there is growing potential for disputes over land use. Particular problems can arise where people not earning their livelihood from farming live alongside farmers. The non-farm people may object to noise, smells, dust or other consequences of genuine farming practice. In North America many of these disputes end up in the courts and farmers are forced to spend enormous amounts of money on legal fees merely to defend their livelihood. It is not a situation that should be allowed to develop in Western Australia. The alternative to resolving such disputes in the courts is to have ad hoc political intervention. That is even worse and, again, is something that we should ensure does not develop in Western Australia.

This Bill seeks to establish the principle that a farmer who follows generally accepted practices and who acts within the land use regulations of the local government cannot be stopped from carrying on farming operations on the grounds of causing a nuisance. The Bill seeks to extend the protection of the right to farm even where there is a change in land use regulations, where the farm is sold to another farmer or, most importantly, where there is a

change in the classification of land adjacent to the farm. Finally, the Bill places the onus of proof on the complainant to establish that the farm is being operated outside generally accepted practices.

If this legislation is supported by the Parliament, it is likely that a code of farm practice will need to be drawn up. This would become the standard against which claims could be judged. Mr Speaker, as this Bill is of such significance to the farming community, and as it would be in everybody's interests to have the issues involved become the subject of wide and public debate, I am most willing for the Bill to be referred to a Select Committee and for that committee to report back to the House in the autumn session.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce (Leader of the House).

The SPEAKER: My attention was distracted. I did intend to look at that Bill during the second reading speech to determine whether my ruling in respect of the last Bill applied to this one. I have not had that opportunity because the member for Stirling sat down far more quickly than I thought he might.

Mr Pearce: I do not believe it does, Mr Speaker.

The SPEAKER: We will let things lie and I will make that determination a little later.

#### *Point of Order*

Mr HASSELL: On a point of order, Mr Speaker, could I ask if you would, tomorrow - if not tonight - give some statement from the Chair as to why the Bill that I presented needs a Message? It was my clear understanding that it did not.

Mr Pearce: There is a huge cost to Government involved - you know that.

Mr HASSELL: I ask that you do that at some stage, Mr Speaker, so that we can examine the issue.

The SPEAKER: I think it is perfectly clear, or it is to me, anyway; but in any event I undertake to give that ruling as quickly as possible.

### DAYLIGHT SAVING BILL

#### *Council's Message*

Message from the Council received and read notifying that it had declined to read the Bill a second time.

### MOTION - EDUCATION CRISIS

#### *Government Failure*

MRS EDWARDES (Kingsley) (8.34 pm): I move -

That this House unconditionally condemns this Government and its successive Ministers for Education for the current crisis in education in Western Australia; its failure to adequately address serious educational and industrial issues important to teachers, students and the wider community; and its uncompromising attitudes which have led to a serious decline in teacher morale, student and community confidence in the system.

In speaking to this motion I want to refer to the question without notice asked by the member for Wanneroo of the Minister for Education earlier this evening. I thank the Minister for her answer because it saved me requesting the Speaker's permission to make a personal explanation.

However, I want to further refer to the Minister's comments about the survey as being a pseudo survey. By referring to the survey in that way the Minister is attacking the P & C associations' credibility. I remind the House that there was a 41 per cent response by the P & C associations to the survey. Perhaps the Minister is treating those P & C associations and the problems they are suffering in the same fashion in which she is treating her Education portfolio - that is, in a pseudo fashion. The Minister, in her comments and her attitudes in respect of the survey, is being arrogant and irresponsible and I intend sending a copy of her comments to all of the P & C associations.

Mr Pearce: I hope you put in the figures, and how much greater the expenditure has been on their schools.

Mrs EDWARDES: I point out that the nickname "silver tongue" did not come from me but from several of the P & C associations. When I visit schools and knock on doors I listen to people - I do not just talk - and teachers and P & C associations are telling me that education has gone off the rails and that there is a crisis in education. Teachers are saying, "No more! Stop! We cannot teach any more in a day. No more kits; no more of these lessons that keep coming up - the extras in education." The extras in education in the name of educational reform are enormous. There is the Stranger Danger lesson, the road safety lesson, daily fitness programs, self esteem classes -

Mr Pearce: Which ones would you like to cut out - the Stranger Danger ones?

Mrs EDWARDES: Perhaps the Leader of the House will have an opportunity to address this question later. The teachers are saying "Stop!"

Several members interjected.

The ACTING SPEAKER (Dr Gallop): Order!

Mrs EDWARDES: Thank you, Mr Acting Speaker. Teachers are saying they have had enough. They cannot teach any more in a day. They want the focus of education narrowed. Every time a new social ill crops up it results in something else for teachers to teach. When one rings up one of the departments to find out some information and ask someone to come out to the schools to speak to the students, someone comes out and wants to teach the teachers so that the teachers can teach the students. This is what the teachers and the P & C associations are saying.

The teachers also say that when the superintendency was dismantled it was not replaced, either directly or indirectly, with a conduit from the Ministry of Education. There was a breakdown in communication. This was no more evident than when the telephone calls were made by the Ministry of Education to teachers only in the last few weeks to find out what were the problems with the education system. They asked what the dispute was all about. Does that mean that the Ministry of Education is so out of touch with what is going on in the classroom that its officers have to make telephone calls to find out what the problems are?

The teachers just want to be treated as professionals. They want the pay increases that have been promised. They are totally disillusioned with the Government and with the management of Government. Better Schools is now being renamed "Bitter Schools". The first general strike for 69 years was more of a protest about the way education is going. It was a protest that came out of the total frustration about where education is going; the pay was the focus of that frustration.

In July 1988 an agreement was reached between the Minister for Education, the Western Australian Ministry of Education, and the State School Teachers Union. I quote the following -

At the invitation of the Minister for Education, Dr Carmen Lawrence, representatives of the Ministry of Education and the Teachers Union met over the weekend, 15th to 17th July, 1988, to consider the very important matter of improving industrial relations and conditions in schools.

The outcomes from the weekend have the potential to be an historic landmark in the evolution of the Teachers' Union. . .

It goes on -

This agreement is significant for a number of reasons.

A process has been determined which will allow a larger number of industrial matters that have been important to the Union for many years to be immediately addressed.

What happened to that agreement? Committees were set up between the Ministry and the union, but did anything come out of that?

Dr Lawrence: A great deal, and I will inform you later.

Mrs EDWARDES: We have had the first general strike in 69 years. The Minister said on radio that perhaps there was some slowness in response.

Dr Lawrence: There was.

Mrs EDWARDES: Perhaps the Minister ought to have attended more often and had a more substantive input.

Several members interjected.

The ACTING SPEAKER (Dr Gallop): Order! The member is a new member in this Chamber, but I think he should be aware of the rule that there shall be no interjections from a member who is not in his or her seat.

Mrs EDWARDES: What is education all about? What do we expect from education? Education should be a steady, constant beacon lighting the way for humankind. There is no justification for some of the gratuitous cruelty and denigration practised in the past on some members of the education profession, on the students and on the parents, in the name of educational reform or reorganisation - or was it an exercise in ego building? Changes ought to come by evolution rather than revolution; they should come from within not from above.

Teachers and principals are saying that the focus of education ought to be narrowed. In the past, every time there was a social ill there was something more for teachers to do. If we expect education in this world to be everything - and I believe it is - it has to do a better job of teaching the basic skills. Some reforms talk about life skills. What life skills are children being taught? I have employed a 16 year old who cannot take a simple telephone message. What life skills are being taught when a 16 year old received a glowing report but cannot take a simple telephone message?

Mr Pearce: What a criticism. The member says that teachers are writing glowing reports on children who cannot take a telephone message. She is supposed to be the teachers' friend.

Mrs EDWARDES: The Minister will have his turn in a moment.

Whether students go on to tertiary education, or work in a shop, in a bank, or in the Public Service, they need the same basic literacy and numeracy skills. If we are to equip our children to handle the challenges of the 1990s we must discard the notion that we have to teach everything in our schools that they would ever need in this life. The children need to be taught how to learn; the form of education ought to be narrowed. Some wonderful ideas have been suggested, and LOTE is an example. Do we have the teachers?

Mr Pearce: Are you proposing to cut languages out of schools?

Mrs EDWARDES: I am not proposing anything.

Several members interjected.

Mrs EDWARDES: I am talking about what is happening in the Ministry of Education. Not only do those people lack planning skills and curriculum skills, together with industrial relations skills, but also they do not know what is happening in the teaching field. An announcement is made that languages other than English will be taught; then on 19 June incentives are considered for student teachers to encourage them to study languages. This is because not enough teachers are taking languages to fulfil the LOTE program. Before those programs were announced, was it not known? I would have thought the Ministry of Education would have known those sorts of things.

I turn to the industrial relations area. It appears there is a lack of senior industrial relations expertise in the Ministry of Education. An example of that was earlier this year during the relief teachers' situation.

Mr Kierath: The Minister is trying her own brand of industrial relations.

Mrs EDWARDES: The Minister is incapable of understanding. If we talk about the relief teacher situation, I should refer to the inequities in the system which I mentioned in this place on 5 April. In July, when the State relief teachers won the wages battle, the commissioner said he regarded it as a sorry state of affairs and he said it was inequitable and illogical at that stage to impose a flat rate. What sort of advice was the Ministry of Education giving? Certainly not proper industrial relations advice. If a person belonged to the State Energy Commission, which is obviously more important than being a teacher, that person would get the best independent industrial relations legal advice in Western Australia. That is what SECWA does, but not the Ministry of Education for the teachers, because of the

obvious poor advice that the Ministry is giving to the Minister in respect of this - or perhaps she is ignoring the advice or does not understand it. In respect of a special case, the Minister said on 14 July that "it would be difficult for the union to claim it should be a special case unless its members were uniquely underpaid."

That is absolute rubbish because it is totally against the principles of the wage fixation guidelines. One thing which is clearly contrary to those principles is the comparative wage justice or maintenance of relativity. I heard the Minister on radio last week talking about comparative wage justice, about the Queensland decision, and speaking to the Queensland Minister - pointing out the problems in relation to what the Queensland Government is doing. Again, that is contrary to the wage fixation guidelines. Is that the sort of advice the Minister is receiving? It is totally misleading.

The Premier obviously received the same advice from the Ministry of Education or perhaps from the Office of Industrial Relations. On 6 July the Premier said that past decisions of industrial tribunals indicated there were no grounds for the union to be considered a special case industrially. That is absolute rubbish. There have been so few cases. The two in Western Australia, SECWA and the hospitals disputes, have been supported by the Government. If any decision widened claims for special cases, the SECWA decision widened them. The teachers could well have fitted within those claims.

Mr Marlborough: Can I ask you a question? You are going on about a special case. Are you aware -

Mrs EDWARDES: Let me go on. What has the Minister been doing all of this time? The executive officer of the Ministry has taken control of the Press statements with the Minister appearing every now and then, but deliberately keeping a fairly low profile. That is amazing, especially when we are talking about the first general strike by teachers in 69 years.

It is a similar case to the Minister's visit to the Swan Brewery last week after months of wrangling over the development of the brewery site. All of a sudden, last week, the Minister discovered the brewery problem. The *Daily News* of 14 September stated the Minister for Education, Carmen Lawrence, believes there is more than a pay demand behind the long-running teachers' dispute. She said that teacher bashing is rife in the community and teachers no longer feel they have the respect of the public. That is enlightening stuff, especially when, for months, people have been writing letters to the editor and speaking on radio about the teachers. Not once have those teachers or principals heard any support from their employer, the Minister. Some time ago, when police bashing was rife, the Minister for Police and Emergency Services defended the police. However, it took the Minister for Education until 14 September to accept that "perhaps teacher bashing is rife in the community and they no longer feel they have the respect of the public". I think the teachers have a right to expect a bit more from their employer. That is one of the reasons that this industrial dispute has been going on for so long.

There have been many opportunities for the dispute to be settled. On the Friday before the strike, the Minister said there would be no eleventh hour decision to try to avert it. However, Ministers found time on a previous weekend to meet to help Rothwells.

I am concerned for the students of Western Australia.

Mrs Watkins: Do you think the teachers deserve a 21 per cent increase?

Mrs EDWARDES: They deserve an increase.

Mrs Watkins: Do you think they deserve 21 per cent?

Mrs EDWARDES: They should go to the commission. Before the election, the Government promised that they would be a special case and, until 7 June this year, the Government supported that special case. The teachers want only that.

Mrs Watkins: I am going to enjoy distributing your speech in my electorate. The electors will love it.

The ACTING SPEAKER (Dr Gallop): Order! The level of interjections is becoming a little strong. I would like silence so that the member for Kingsley can continue her speech.

Mrs EDWARDES: Thank you, Mr Acting Speaker. I think the House was happy to hear the member for Wanneroo say something. Apparently she has not said much in the years she has been here.

I believe the Minister has backed away from her ministerial responsibility in relation to this dispute. She has maintained a very low profile and that is not good enough.

I understand that the Ministry of Education and the Minister believed that the dispute would involve only a militant few and that the union was behind it. How many turned up on the steps of Parliament House? Certainly not a militant few. People who have never considered taking industrial action in the past marched to Parliament House. Teachers in their late fifties went to school until 11 o'clock, knocked off and marched and then went back to school. More than 10 000 teachers marched on that day. Those of us on the steps of Parliament House could not ignore the anger and frustration felt by all of those teachers. As I said this was the first general strike in 69 years and the first time that teachers' claims were supported by their principals. The Primary School Principals Association passed a motion that it would actively support the State School Teachers Union of Western Australia in its attempt to gain special case status for teachers before the Industrial Relations Commission so that significant and just salary increases for all sections of the teaching service could be pursued.

The last meeting attended by Ministry officials was on 7 June. They were reported as saying that they would support teachers' claims for special case status. Until three weeks ago, that was what the negotiations were all about.

Radio and Press statements have been released by the Government, some of which have been quite provocative. They certainly were not the sorts of things that would encourage parties to get together around the table to negotiate. One advertisement talked about the 15 per cent claim lodged by the Teachers Union. What chance have the teachers got? "Absolutely out of the question", says Premier Mr Dowding. On the morning that the parties were to go to the Industrial Relations Commission to discuss the dispute the Government inserted an advertisement in *The West Australian* quoting Commissioner Gavan Fielding as saying that the 15 per cent claim was a wild dream. It was a provocative action on the part of the Government. Is that the step one takes to get people around the negotiating table, and to listen? I do not believe so. All it did was to further entrench the position of the Teachers Union, the teachers and the principals; it further polarised the parties involved in the dispute.

What has happened since? There have been two weeks of negotiations. A survey of jobs was sent to all teachers requesting information on work values to discover whether teachers were worth the pay claims which the Government had promised them, but which was obviously a clever pre-election ploy to keep the teachers quiet.

It was reported in *The West Australian* on 18 May that the Ministry of Education would hold a mass census to investigate claims that teachers' workloads had increased due to educational reform. It was to be carried out by University of Western Australia researchers. We heard no more about that, and yet in August a report was published but not by researchers from the University of Western Australia. On 6 August it was reported in the *Sunday Times* that a Monash University research paper stated that striking teachers were justified in demanding pay increases and greater career opportunities.

Dr Lawrence: It is a different report.

Mrs EDWARDES: I have stated that. The article states that financial incentives to become a teacher were poor and it further states there is lack of evidence that bad pay is turning talented people away from teaching or making them leave the profession. What is responsible for that? They are leaving the profession in droves. They are looking for ways out; they are becoming postmen, bus drivers, Amway distributors and the like. The students and the community will be the losers when those experienced teachers are lost to the profession. That is why the teachers are protesting and why the wages are the focus for it. We are talking about why the teachers are concerned and why they believe they are underpaid. I advise the Minister that they have no doubt about her offer. It is interesting to note the selective reporting that they were turning down \$10 000. I refer to the changes that have been implemented in the education system: The so-called educational reforms, the extra workload and pressures on teachers in respect of student discipline, new technology, pastoral care, drug and alcohol awareness programs, AIDS education and all the extra requirements under the Occupational Health, Safety and Welfare Act. Although it will be said that this applies to all other departments, additional duties are imposed on teachers taking into account their contact with students.

School principals are saying that their job description has expanded dramatically as a result of the Beazley and McGaw reports, the abolition of corporal punishment, school based decision making groups, school development plans, increased financial responsibility, school based professional development, performance appraisal of temporary and permanent on probation teachers, district committee structure, the integration of handicapped students, promotion by merit, introduction of computers, new requisition procedures and unit curriculum. The worst thing is that they were led to believe an assurance had been given, especially when unit curriculum was implemented, that to compensate them for all these extra duties they would be granted substantial pay rises.

When I travel around schools in the south west, country areas, the north and the metropolitan area, I sense a feeling of relief in the teachers at present. Do members know why? It is because they are back teaching and doing what they are paid to do. They have stopped being involved in the school based decision making bodies, the school development plans, the school professional plans and financial committees. They are having lunches at lunch time instead of sitting on committees as they have been in the past. That is what this dispute is about. When the Government talks about the offer that has been made, the teachers' salary proposals and the additional items, the major aims of the ministry in the award restructuring, and the rest of the agenda for discussions about future, past and present restructuring, it is talking about a document which lacks specifics. It is like signing a document of generalities in that if they accept the pay increases they accept the rest of the restructuring. I do not think that any principal, let alone teacher, will accept that. They do not know what else is involved in the restructuring, what additional workload is involved or what the performance appraisals will be. They are not opposed to performance appraisals but they do not yet know what is involved.

In case members have any doubt about the Minister's offer, I will tell the House what one group of principals has commented on it. They said that there is gross injustice because not all senior 1A principals are in the critical new GT600 category. The initial attainment of band 7 status seems to be a matter of luck, and they are concerned at the number of real anomalies identified by individuals at the meeting which have far reaching implications. They refer also to superannuation and the legality of the implementation of the banding proposals. They know what is involved and they have no doubt about the offer.

One of the other letters I received again points to one of the frustrations felt by teachers and principals, and relates to the fact that they were present at conferences attended by the Minister and Dr Loudon who expressed the view that teachers were due for substantial salary increases as compensation for the sharp increase in workload over the past few years. It was further indicated to those present that this would be forthcoming in the near future. That is why they are disillusioned and totally frustrated about what is happening and why they have no doubt about the package that has been offered with few details. They are not sure what the restructuring will involve, and whether or not there will be further reward with respect to any of those aspects.

I will tell members why the Opposition supports the teachers' claim for a pay rise and why it supported the teachers prior to the election. It is for the cause of education in the community. In 10 years' time we may look at our education system and say it is a good one. However, at the rate it is going at the moment and after what a principal described as a decade of damage, it is likely that the education system will be only half as good as it now is. If that is what the community wants, that is how it should be represented to the community. If the community wants half as good an education system in 10 years time, that is fine. However, I do not believe that is the case.

I believe that students, our future citizens, have the right to expect the best education, and we expect our students to receive the best education possible. It is happening in England already. In some parts of London it is slowly dawning on parents that they can ensure a proper full time education for their children only by paying fees. Teachers' salaries, which have fallen far behind those in comparable professional groups in the past 14 years, are the key to the problem. If we do not retain experienced teachers in and attract top graduates to the profession, what kind of education will our children receive? What kind of education is provided when the teachers of maths, science, economics and accountancy read the books to enable them to teach those subjects only a week beforehand? I do not think it is a particularly good education.

Unit curriculum has been implemented at a very fast rate and many problems arose in the early stages. I have been advised that those problems have been corrected, yet in this present term, not last year or at the beginning of this year, there are still students who are unable to do maths. If one asks maths teachers whether that is a good thing, they cry in horror. When they get that student next term they know that they will have to go over the same work again. A parent can tell the principal that it is not good enough; courses on food for toddlers, or surfing, for example, are lovely activities but the parents want the child to do maths because it is far more important in the long run. They have a right to make that request, but because of the number requirements the principal is unable to put the child into a maths area. Unit curriculum is still not working effectively and that also concerns the teachers. They care for the students. They put in a lot of time, work and effort, not only into teaching the students but also into the schools. One of the questions asked at the moment is who determined the six and a half hour day when the teachers went on strike, and said they were the hours they worked. What a load of nonsense. They do not work just six and a half hours a day. Who takes the children on camps, after school sporting activities, or makes appointments to see the kids or parents after school? Who goes to the balls with the children? Who goes to the concerts with them? Who organises things for them? Who puts in all that extra work? Concerts do not just happen. We have wonderful music and drama specialists, and physical education specialists and not all that time, work and effort is put in during the day, during that six and a half hours; that is done in after school time. That is exactly what the teachers are saying. They want to be remunerated for all their extra work and effort. They want to be thought of as professionals. They want to be treated as professionals. They have one of the most important jobs in our community and if we do not do something to support the teachers to ensure that they remain the professionals they are and get back the self esteem and confidence that they deserve it is our children who will suffer, and they are the ones I am concerned about.

This has perhaps been brought home a little more closely to me than to a lot of people because I have a three year old who has the option of starting school next year. Whether he takes up that option is a question I still have to decide, but he has that option. I look at what sort of education will be available in the Government school sector in 10 years' time. I have been one of the greatest proponents of the Government school sector in the many years that I attended school and as an employee saw the students passing through, but I am concerned because I find that teachers are enrolling their children in private schools. That does not show a lot of confidence in the system.

Mrs Beggs: What if they have a religious conviction?

Mrs EDWARDES: The Minister who interjected will have a go in a minute; Mrs 1.7 per cent! When we talk about political will it is interesting to recall that pre-election we heard promises of a special case for teachers. After the election we heard more words about a special case. It is interesting that when the political will is there, as it is in Queensland, they go out and do something. I am not so stupid as to talk about comparative wage justice because I know what the wage fixation guidelines say; I have read the guidelines.

Mrs Beggs: What do they say?

Mrs EDWARDES: I know what they say, I can read. Let me tell the House what it says about special cases, just to remind members, because I have heard it said that special cases are outside the wage fixation guidelines. That is the absolute rubbish I hear coming from the Minister and the Ministry of Education. It is incredible! On 7 August 1989 the wage fixation guidelines and the other previous agreements handed down referred to special cases. It is clear that special cases were contemplated in the wage fixation guidelines. I refer the House to the special case under the agreement, which states -

Any claim for increases in wages and salaries or improvements in conditions which exceed the maximum increases allowable under the National Wage Case decision of 7 August 1989 will be processed as a special case before a Full Bench of the Commission. Such cases should be considered in accordance with the structural efficiency and other relevant principles.

Those are words the Minister loves to use - "structural efficiency" - but it is in the context of "special case". The document also says that increases beyond those generally available for structural efficiency may be approved in special cases, but it is generally considered that



special cases will be heard at the same time as the application on the structural efficiency principle. That is what a "special case" is all about. It is not outside wage fixation guidelines. It talks about it in the same context. It talks about "structural efficiency". It talks about "work value". That is what the teachers are on about, work value. It is contemplated that teachers can be considered for a special case. When I refer to what the Queensland Government has done it is interesting to note that the problems we are obviously experiencing are the same problems that they have been experiencing because the reason they have come out with a new and improved career structure with compensating wage increases is that they believe that if the need to increase the skills and qualifications of the Queensland work force are to be met the teaching force in State schools must comprise highly competent, expert and motivated teachers. They say that teaching must be seen as a profession critical to Queensland's economic, cultural and social wellbeing.

What happens in Western Australia? Are we not interested in the same sorts of things? Do we not want to recognise the strategic importance of the teaching profession in our community? Do we not want to encourage teachers to remain in the classroom, which is where they wish to be? Do we not wish to encourage experienced teachers with particular expertise? Do we not want to create a variety of career paths? That is what this is all about.

It is really interesting that we have gone through all of this. We have been talking about this agreement since July of 1988 when there was this wonderful agreement. Do you know what the Government came up with, Mr Deputy Speaker, to improve the image of the Ministry? Tee-shirts! Hooray, tee-shirts! That is what is going on to help our education system. They are probably going to give one to every child. That is the sort of education system we are on about. I think education is in crisis. There are too many experienced teachers leaving our schools for other careers. Teaching has become a low priority in student career choices. The entry standards for student teachers are declining. Educational facilities are under financed. Teachers have few incentives to improve their skills and qualification and there are few promotional opportunities existing for teachers.

In closing I will say a couple of things about what I suggest the Minister should do. I note that there is a meeting between the Minister and the union tomorrow. I wish the Minister all the very best, and she knows why - because I want to see the end of this dispute.

This is what I would do: First, I would give the teachers salary increases in addition to the 3 per cent plus 3 per cent based on a special case.

Several members interjected.

Mrs EDWARDES: Secondly, I would limit the restructuring proposals -

Several members interjected.

Mrs EDWARDES: Excuse me, Mr Deputy Speaker!

The DEPUTY SPEAKER: Order!

Mrs EDWARDES: I would limit the restructuring proposals and carefully quantify those which will be implemented. Thirdly, I would ensure accurate public presentation of the situation so as not to antagonise the participants, as some of this provocative and selective reporting of information has done. Fourthly, I would seek the involvement of some school based people in the negotiations. If the Ministry of Education has to resort to telephone calls and questionnaires, let us involve someone who knows what is going on. Fifthly, I would get an independent person to assist with the negotiations. The teachers and the principals have lost confidence in the ability of the Ministry to deal with this dispute. Education is too important to our future. Those kids represent our future community.

I want to quote from a letter sent to me by a principal. This is a principal who has given his life to education and spent some 20 odd years in the field, and he is disturbed about what is going on. He says that in a time when teachers are angry and disillusioned at their evident incapacity to maintain status in terms of salary and image, and where they have increasingly lost control of their destiny to the whims of politicians, social engineers, educational innovators and professional managers, industrial action has had one interesting and positive side effect. Short lived though it may be, a significant number of teachers have rediscovered some of the joys of the classroom. The reason is that they have been able to get in there and teach. Interruptions for in-school and out-of-school meetings in the cause of implementing

change are off the agenda. Teachers are doing what they should be doing - teaching children - and that is what we ought to be encouraging our teachers to do.

**MR STRICKLAND** (Scarborough) [9.22 pm]: I find myself in the position of having spent 27 years practising as a teacher, and it is as a result of necessity that I second the motion. I shall take a different line from that adopted by most parts of the media, which have been focusing on the issue of salaries. The Ministry is facing a very complex problem which has been building up for some time. It is very easy to talk about salaries, because people seem to understand money, but how do we make them understand a complex problem like this?

The problem is deep seated, it is ongoing, and it is far reaching. One of the great dangers in solving problems is jumping in and solving the surface problem. It is fundamental to look more deeply into a problem and discover the full extent of it before latching on to superficial solutions. Disillusionment with enforced work practices and dislocation created as a result of the rapidity of change has resulted in a completely disenchanted work force. I have been told that, when statements are read to teachers at schools and at stop work meetings, there is a sniggering and a complete disbelief at the statements attributed to the Ministry. This is a very sad state of affairs. The focus on salary negotiations cannot provide a total solution to the problem. Even if the 15 per cent could be granted, there would still remain disillusionment, dislocation and disenchantment. The end product has simply surfaced as a salary demand.

Teaching today involves entirely different work practices from those members in this House witnessed as students. After 27 years of service, I have experienced at first hand the pressures of the last two or three years.

The Ministry is having a credibility crisis. Let me explain. I quote an article printed in the Principals' Association magazine of July 1987 entitled "Better Schools". It was written by Dr Max Angus, an executive director of the schools division. He said, in part, under the heading of "The Comfort Zone" -

Significant change is usually disturbing. Uncertainty is difficult to deal with. . . We have been through a period of considerable educational reform. A lot of us look forward to a return to 'normalcy' but if we allow the effort to wind down too soon, the elusive essence of the reforms may vanish. People will need to feel self-critical, even uncomfortable, for much longer if the changes are to grip and sink in.

These statements were made in 1987. In the conclusion to that article is this -

The *Better Schools* changes must become deep rooted: they must tap into the value systems of individuals if they are to work. The dual thrusts of devolution and accountability will alter the relationships between principals and staff and between Ministry officers and principals. It will take some time to work out the relationships. Some of the critical changes will be quite subtle. None of us wants to jeopardize the mutual respect in which teachers, principals and Education Department staff hold each other. Hence, the exploration of the new roles and responsibilities will need to be undertaken sensitively and professionally.

This 1987 evidence highlights the fact that significant changes to teachers' work practices have been and are still occurring. Management has a very fundamental responsibility which relates to the implementation of change, and this has been one of the failures of the Ministry. Decisions are one thing, but to be effective, commitment to the decision is paramount.

We are witnessing what happens when changes are imposed from above with little consultation involving the classroom teacher. Teachers of mathematics, for instance, have had changes made to what they teach, how they teach it and how they assess it. That has resulted in a complete change in the teaching climate. At the end of the year schools produce reports for the Ministry. There are probably hundreds of departmental reports, but are they read? Is the message heard? Does any analysis occur which may result in some modification, some feedback or some consultation with classroom teachers? Unfortunately I think not.

I want to refer to a report I wrote as senior master of mathematics at my last school, Hampton Senior High School, in 1988. The report was the consensus of the maths staff at that school. The supply of maths development unit information from the Ministry was

however always after the unit had been taught, but better late than never. In other words, the teachers went through a process of teaching by flying blind. As a staff, teachers are well aware of the danger of over assessment on the teachers' work load and student time; despite strong rationalisation the feeling that there is over assessment persists with the requirement to use a variety of assessment tools within the 10 week framework of a unit - a unit is a 40 hour unit - with the need for the assessment to be completed before the end of a term; hence, the testing of objectives before the units are completed places constraints on the teachers. In other words there is a pressure cooker situation in the short time frame of a unit. Teachers have had a change in the nature of their jobs. A lot more preparation is required. Worksheets, investigations, project materials and extra administrative tasks through producing four sets of grades a year compared with the old two semester approach are now required. Hence there is plenty of evidence for more preparation and more reporting. There is more expense for photocopying, which has to be passed on to parents and the lack of suitable texts in 1988 caused more time to be spent waiting at the photocopier. That is a real problem for teachers who are at the blackboard and who have to front up to students without text books.

We went through a phase when text books were out; teachers were expected to write their own. That of course takes time. The textbooks which were printed are now out of date because they simply do not cover the material required for the lessons. That was another reason teachers have to prepare their own. Students found that across the subject areas there were high concentrations of demands for assessment tasks near the end of units. Demands for assessment are a great cause of concern for students because at the end of the term all the units come to an end and the students have to go through their assessments. All the assessments happen at once which puts an unrealistic load onto the students. It is a great cause of concern to the teachers as well. Every attempt is made to try to spread the assessment, but that is very difficult because in a 10 week time frame - if it is run over a term or even over a 20 week time frame, with a two unit situation - there are still many assessment tasks, which I will speak on shortly, to go through.

I believe the ministry is proceeding with its agenda to change come hell or high water. It has exhibited poor management practices; its work force has become disillusioned, dislocated and is now becoming disenchanted. In October 1988 the supplement to *The Western Teacher* contained the 1988 conference decisions. I quote as follows from the report on unit curriculum -

"Several major concerns were highlighted by the pilot school reviews, but the Ministry saw fit not to act on some of the major issues, eg. curriculum production. In areas where attempts are now being made to overcome problems facing schools, eg. timetabling, it is largely a case of too little, too late.

To date there has been no genuine attempt to address the increased workloads that teachers are now experiencing. The Ministry is sitting on its hands hoping the problem will go away."

What does that mean? It means that teachers in schools were asked to prepare certain units. They were given limited time to do that, and every school had teachers' meetings after school and during lunchtimes, for teachers to prepare unit curriculums for the coming year. Goodness only knows why it was not coordinated at the top so that we did not have a lot of people running around reinventing the wheel.

The issues which have been raised through the union include a large list. I would like to quickly go through that list and try to bring to the notice of the House practical examples of some of the problems teachers face. One has to bear in mind that teachers today are doing entirely different work practices to those of yesteryear. The issues include class sizes. Some of those class sizes fluctuated greatly, but one of the problems is that students are encouraged to enrol in units. What happens when 20 decide to enrol in a unit or when 40 decide to enrol in a unit, but the class size is locked into 32? The class size often gets locked in to 32, 31 or 30 because of staffing formulas which limit the numbers of teachers at schools and their availability in respect of other workloads and so on. So there are difficulties with the formulas. There is insufficient time to plan for implementation. I have mentioned before that the textbooks used a few years ago are now entirely inappropriate. They do not cover the material required and of course the whole emphasis now is on changed goals and

objectives of a practical nature which are not included in many of those texts. One cannot just dole those things out. Someone has to sit down, write the worksheets, get the copies prepared and ready for class. Another concern is that there is an inadequacy of units to cater for a range of abilities. We have come from the situation where students were graded on ability to where the full range of ability is now doing the unit. That tends to produce some problems for teachers because sometimes one gets students who have difficulties in understanding and handling a test which has to be set at a level for other members of the class. There is a lack of curriculum resources. The biggest lack is probably the lack of photocopying machines because these days teachers have to prepare their own textbooks in the form of worksheets and activity sheets. I can tell the House that at my school something like 250 000 sheets of photocopying paper went through the photocopier in a year; that was just in one department in one high school.

**The DEPUTY SPEAKER:** Order! For the benefit of the member for Scarborough and that of other future speakers I would point out that the clock is playing up again. The member in fact has 14 minutes, not four. If there is any doubt about the situation I hope future speakers will ask, so that we will avoid the confusion we had yesterday.

**Mr STRICKLAND:** Another issue was that of the problem of providing adequate counselling. Since the time of Unit Curriculum students are presented with a unit atlas which is a fairly thick book containing a list of hundreds of units the school runs. Even though there are numbers next to the units along with brief descriptions, students and parents are confused. Members who enrolled in a tertiary institution can remember when they received their handbook. It was difficult to go through the enrolment procedure then, and students at high schools today have to go through a similar set of procedures. Obviously they do so with teacher help, which is just an additional load on the teacher who must become familiar with the range of units offered. For some time one of the other issues - and I do not know whether it has yet been resolved - was the process of dealing with failed students.

What happens? Presumably at the end of their course they could go right through to a different mathematics unit, get a fail in each and end up with nothing next to mathematics; that is a professional concern of teachers. Another problem is teachers working out of their area of training. I had a teacher last year who had to teach technical drawing even though he was a mathematics teacher. When one is teaching within one's area of familiarity one has the background, which is a great assistance.

**Dr Lawrence:** Was that his minor area; was it a district high school and what were the circumstances?

**Mr STRICKLAND:** It was a senior high school and he had been a surveyor, but was completely unfamiliar with the technical drawing course. He found preparation time for that unit was more than the time he was putting into many familiar units. These things cause some dislocation, and while I cannot say they have not occurred before, it is occurring more frequently these days. I have not experienced the teaching of more than one unit in a single classroom at schools I have been at; it is mind boggling - trying to teach Chinese and Italian in the one room just could not work.

Another item is the matter of increased disruption with the student behaviour program, which includes a time out room and staff supervision for which there is a small staffing allowance. It is not the direct staffing that is causing the problems. It is the fact that teachers themselves are supposed to go back and talk to the wayward student. If teachers are having to do these things, it takes them away from the main purposes of their job; that is to get on with preparation and marking and so on.

I have covered the matter of increases in expected cases and counselling. All teachers are supposed to develop some sort of an overview and they are asked by students how they pick the units they should study. That has created a small amount of extra work and increased the complexity in timetabling. At our school last year a special committee was formed which met weekly for about an hour for a period of two terms, and that additional work proved very fruitful. The situation at the school this year will be much better as the timetabling situation will be improved and schools will know what they can offer. While things improved in the end, it did result in a great amount of work for six, seven or eight teachers in reaching that stage.

Curriculum development has produced ongoing problems that teachers face because teachers are expected to build up units and work from scratch and have meetings to get their ideas together and produce the materials. In effect, they have to write a book of lessons to cover the unit. That was not on and just added to their workload. Over the last couple of years there has been a radical overhaul of assessment and reporting procedures. These days teachers have to give consideration to a whole series of things. One example is that they have to test the knowledge objective process objectives and the effective objective; they use a range of devices to test these developments such as projects, investigations, normal tests and so on. In effect, many teachers believe that it has added about four or five extra hurdles in the teachers' path to assessment, which makes the job that much more difficult and onerous.

I have already covered the matter of more frequent reporting. If there are to be a lot more units, there must be reports at the end of the units. One of the problems that teachers face is with the 10 week, 40 hour unit. A teacher needs to work before the assessment can start. In the 10 week term there are nine effective weeks, as at least a week is spent gearing up with the children; so assessment can start in week three. At the other end of the unit the reports have to be written and issued, as students may have to repeat a unit or change course. Therefore, it all has to be wrapped up by week 10. This creates difficulties in that teachers need time to mark, so they need to start concluding their assessment by week eight. Therefore, there is a very small time frame to put together a whole series of new assessment tasks. That leads to pressure on teachers and pressure on students.

Teachers are professional people and I am sure that they will do their best to try to spread the load, but it is an onerous task that they now face. The whole nature of assessment has changed in that there are now criteria reference procedures. These are new for many teachers who are having to be familiar with looking at work, analysing it and giving an assessment grade as opposed to the system they have come from in which a paper is marked and the marks are put in order; then a decision is made on the cut off point.

I quote from the report of the Teachers Union conference held in 1989 -

The hurried and unresourced and ad hoc way that unit curriculum has been implemented causes vast and serious doubts about the educational benefits. The union has major concerns with its impact on the WA secondary student.

That quote reflects the union opinion.

We all realise that teachers are professional people who do not work to the clock. Their job requires preparation before class and assessment after class. Time has always been the enemy of teachers; even before unit curriculum a great amount of non contact time was spent on marking and assessment tasks, but today there is a new objective and non contact time is taken up nearly entirely with preparation. People tend to spend all their time getting ready for class. When teachers have activities and experiments to prepare, and the teacher has to write the worksheet and print and photocopy it and get the resources, it is a different type of teaching from yesteryear. Investigation may make for a better lesson, but it has created a pressured and stressed situation for teachers. It is important that we all remember that quality lessons require quality preparation. Therefore, if teachers are pressed for time and the preparation does not get done or is limited, the quality of education of the students is affected.

Golden handshakes have led to a massive drain of expertise. With the departure of subject superintendents there has been a complete fall away in in-service and professional development. I wonder whose responsibility this will be now?

Deep concerns are emerging about ongoing teacher quality. I am told that at one school 66 per cent of the staff from the maths department have applied for alternative jobs next year. Even if they are not successful unhappy teachers will remain. Happy teachers enthuse and produce happy students. I am told that students with TEE aggregates as low as 245 have been accepted into teacher training. Results like a 245 aggregate out of a maximum of 510 do not leave me with a lot of confidence in the quality of teachers in the future.

Several members interjected.

Mr STRICKLAND: That could be so, but the fact that an aggregate of 245 is sufficient to enter teacher training -

Several members interjected.

Mr STRICKLAND: I am not saying that there is an easy solution, but the solution to the education crisis must incorporate mechanisms to remove the disillusionment, the dislocation and disenchantment in the education system. The issue is about a management problem for which the ministry must carry the responsibility. We should not focus only on the money, we should focus on management.

DR LAWRENCE (Glendalough - Minister for Education) [9.52 pm]: Not surprisingly I oppose the motion moved by the Opposition for a number of reasons.

On assuming office in 1983 the Government set about responding to persistent and widespread calls for reforms to the education system. When we came into Government critics across the board - parents, WA State School Teachers Union members -

Several members interjected.

The DEPUTY SPEAKER: Order!

Dr LAWRENCE: On coming to Government it was evident that there were many critics of the education system and many of them described the system as under resourced, rigid, unresponsive and providing a curriculum which was too often irrelevant.

I listened to the member for Scarborough and it interested me that he outlined a number of significant changes in education in terms of the increase that has made on teachers' workload. I acknowledge that many of the things he said were genuine. However, it was interesting that he did not comment on the impact that those changes may or may not have had on the quality of education. The reforms since 1983 have addressed the key areas of quality in and relevance to education in Western Australia. For those members opposite who have forgotten, I suggest they look through the Press at the time the Government of the day established the McGaw and the Beazley committees which comprised educators and prominent community representatives.

In New South Wales, the Minister for Education, who in some respects is a very fine man, decided the best way to reform education in that State was to commission two reports. One report was from an ex-politician, Mr Carrick, who had a very small group with which to work and the other report was from a management consultant who compiled the Scott report which is now producing havoc in New South Wales. At least this Government did sit down and consult with a broad representative group of people. It also called for submissions from community members, parents, educators, teachers and teacher union groups generally.

The Beazley committee report contains some 272 recommendations for changes and improvements to the education system. Many of those changes and improvements have been implemented, some have been modified and some have been abandoned. It is important to remind people that in 1983 the Government inherited a system which was badly in need of change. If members go through the motions moved at the Teachers Union conferences year after year they will find that the union was loudest of all in calling for change, particularly in the secondary schools. Six years later many of the Beazley recommendations have been implemented.

Members opposite would want us to believe that parents in the community are dissatisfied with our education system as the result of those changes. They would want us to believe the system is in crisis. That sort of alarmist talk probably contributes towards a perception among some people that that is so, but if we are really going to be purveyors of the truth we should examine the evidence. Parent attitude surveys, admittedly carried out before the recent dispute involving the Government, the ministry and the Teachers Union, examined general attitudes to Government school education and community views about some specific educational issues. Some 1 200 adults, some with children and some without and some with children in Government schools and some in non-Government schools were surveyed. The results were very interesting. The majority of adults expressed satisfaction with Government schools in Western Australia. The same firm which undertook the research commented that Western Australia was well ahead of New South Wales, Victoria and South Australia. Queensland and South Australia have not been surveyed. The education system in Western Australia, out of all the States in Australia, had the greatest confidence of the community.

Mr Omodei: When was that?

Dr LAWRENCE: It was before the dispute.

Those parents with children at school were most likely to approve of Government schools, their school in particular and their child or their children's teachers. The views expressed generally showed a high preference towards Government schools over non-Government schools. I do not make that as an invidious comparison, but simply to point out that the majority of people in our community not only send their children to Government schools, but also they prefer to send them there. The reasons they gave were the high standards, low costs and a non-elitist education environment.

The majority of those surveyed also expressed satisfaction with Government school teachers - I am disappointed that part of the union's campaign, obviously supported by the member for Kingsley, is to reinforce the view that teachers generally have declining standards in their entrance qualifications and in their capacity to teach children. Although I am currently locked into a dispute with the Teachers Union I do not regard myself as being in dispute with teachers. I am committed to improving their circumstances. I believe they have exactly the dedication and interest in children that other members in the community clearly indicated in this survey. I might add that parents with children at non-Government schools also expressed great satisfaction with the system.

The talk of a crisis in education is to ignore the fact that a great number of people in the community clearly support Government schools, are satisfied with them and believe we have a high standard of education. They also believe that the teachers are hardworking, dedicated and excellent. I mentioned earlier that the system this Government inherited did not have that sort of confidence either of the teachers or the community generally. The Beazley committee recommendations were necessary to begin the process of educational reform in this State which the Liberal Government had denied the State for many years.

I was the first to admit, I have admitted it in this House, that the pace of change, in retrospect, has been too fast. In some areas the observations made by the member for Scarborough are correct and in others we have been able to make a move which, in the long term, will correct what is an inevitable dislocation of any change. If any human being or any system is subjected to change there will be no occasion where there is not dissatisfaction. The extent of it is regrettable and the member for Scarborough is quite right in suggesting that for many people the pay claim is not an issue.

With reference to the pace of change I draw members' attention to a letter writing campaign which the union encouraged its members to undertake in 1985. The letter is addressed to Mr Pearce and I have many copies available if members would care to read them. The letter reads -

This is to express my concern at your unwillingness to give due attention to the implementation of the Beazley committee recommendations. As a union member I am aware of the union support and participation of efforts to further improve the quality of education in this State.

The Beazley recommendations represent a comprehensive approach to a process which should ensure a high quality offering for students in our schools. Unfortunately the Government's commitment appears selective.

The union reinforced that view at a special union conference in 1984 which dealt with the major recommendations of the Beazley report. That letter, together with other information on file, clearly indicates that the union was, at the time, much more enthusiastic, not about slowing up the pace of change, but about accelerating it.

Mr Fred Tubby: The last line of the letter is the main point.

Dr LAWRENCE: Over time it has not been selective.

Mr Fred Tubby: The Government was going to do the things that would not cost money. That is where the problem started.

Dr LAWRENCE: Not at all, and I will come to that. One of the major changes implemented as a result of the Beazley committee findings was the unit curriculum and changes to the year 11 and 12 courses. They are now largely in place. Parents are strongly backing the unit curriculum because it covers basic education skills. Surveys both this year and last year to identify those areas of misinformation or misunderstanding in parent communities clearly

indicate a high level of support. Parents point to such things as the fact that the unit curriculum gives children a better understanding of what children are supposed to be learning in a classroom; what, if you like, the learning objectives are and allows them - this is the parents' view - to study at their most appropriate level. Teacher support for unit curriculum I believe is strengthening and is not one of the issues that is raised with me.

The question of whether unit curriculum itself is desirable is frequently debated and more often than not teachers will tell us that despite the extra workload, despite the change of syllabus which I found difficult to accommodate in my teaching day, the basic thrust of unit curriculum is a vast improvement over the old achievement certificate where children were graded as basic, intermediate and advanced and some children, although they stayed in the classroom, did not progress because they were improperly placed. At the end of it only some two per cent of them failed to complete a unit, suggesting they were simply coasting along and not in fact being identified as failing or needing assistance. I could go into the unit curriculum itself with a little more detail, but one of my colleagues is going to discuss that further. I acknowledge that it has required further effort on the part of teachers, but might I say that any change in curriculum is going to require teachers at any level, preprimary, primary, secondary, TAFE and tertiary to change, not only their work habit, but also the material they use in preparation. As a university lecturer when given a new course to teach, for that period when I was becoming familiar both with the course objectives and contents and familiarising myself with the classroom dynamics, it was much more demanding. I think that teachers will find that curriculum material made available to them improves as the timetabling improves - and we have administration computers in schools now - and as they become more familiar with the process of unit curriculum and the content, although the work load will be considerable as it is now, it will not be so demanding.

The other thing I think is very important - I notice the member for Kingsley apparently has scant respect for parent participation because one of the major recommendations of the Beazley committee, one of the things that the Teachers Union is now most opposed to - although it was not at the time - one of the things most clearly supported by WACSSO as the peak body is the greater involvement of parents in schools; the notion that schools should become more responsive to their communities. The Teachers Union is now choosing to portray that as some sinister plot by the Government to turn Government schools into private schools; to hire and fire staff at the school level; to cut funds to schools by some surreptitious means. That is an extraordinary statement and one that would never be supported by this Government.

Mr Kierath: That is why they are worried about it because you are abrogating responsibility.

Dr LAWRENCE: I am pleased the member put it on record in Parliament, as I have in many meetings of the Teachers Union, that it is not the intention of this Government nor my intention as Minister to allow the hiring and firing of teaching staff at school level. It will continue to be done centrally. This is essential in order that we can staff our country schools and that we can equitably provide a high quality teaching staff throughout the State. I will send that to the union executive at some future time in capital letters and underlined. There has never been any question since the very early days when it was put forward as a suggestion that that would not follow. It will not happen as long as I am Minister, nor in the life of this Government. As for cutting funds to schools under the guise of greater autonomy, people should recognise it would be very clear if the Government were pulling back from its commitment to education. There is a Budget which comes into this House every year, and the per capita expenditure on education both in current terms and capital terms would be easily identified. If the Government were attempting by some means to take funds away from the schools, believe me, members of Parliament would be the first to know and I am sure would not allow us to forget it. Far from being an attempt to make schools raise more of their own funds it is an attempt to give them greater flexibility in the use of their funds. Members who have been teachers or parents committed to them will know that sometimes the supplies purchased and material made available to schools ends up sitting in the backs of cupboards because it is not what they wanted. The resources are provided to the school, but are not the resources needed at the time. So the Better Schools reform will provide -

Mr Lewis: Is education going well at the moment - are you pleased with it?

Mr Court: All you have done in this speech is tell us how bad things are in education.



**Dr LAWRENCE:** The Better Schools program will provide for greater flexibility at the school level. I remind members of the Auditor General's report to this Parliament last week, that schools in this State, as far as he could estimate, administered some \$50 million in 1987-88. Seventeen per cent of that funding came directly from central office. The remainder of it came from P & C fund raising, school canteens and from amenities fees and charges. In other words the schools are already managing a very substantial level of funding and are clearly quite capable of doing that. Proposals to increase the money at school level, if managed carefully and slowly and at the instigation of the school, give those schools much greater effort and assistance in providing their local needs.

**Mr Lewis:** Are you talking a lot of nonsense because it is a waste of time?

**Dr LAWRENCE:** Mr Deputy Speaker, I am not interested in responding to the interjections from the member for Applecross, so if you will forgive me I will continue over the top of him.

**The DEPUTY SPEAKER:** To clarify the situation with interjections, the Minister has clearly indicated that she is not going to respond to those sorts of interjections. I believe in that situation it is disorderly and there is absolutely no point in continuing in that vein.

**Dr LAWRENCE:** Thank you, Mr Deputy Speaker. So the Better Schools reforms proposal, far from being some draconian attempt to cut schools loose without funding and without proper staffing, is designed to do precisely the opposite; and an important principle too, to involve parents in schools in a way that some of them have certainly been in the past but in a way that some have not been to date; in other words, not simply to be involved in providing assistance for school facilities and buildings, etc, but to become involved in the education of their children. If as a community we are really to improve the quality of education we cannot say to teachers "It is your role alone." We cannot say to teachers, "We give you the task and nobody else should have any responsibility." We must be saying to teachers we believe they have a critical role in the education of our children, but we think it is important that children have the commitment of their parents in the community in determining educational goals and outcomes. It is not a ploy to insist that parents control the professional processes in the classroom, tell the principal how to behave or the teacher how to teach. Professionals will not brook that kind of interference. However, parents should have a real say in the way their children's schools are run and parents generally I think accept that responsibility and want to embrace it.

Another important reform that came from the Beazley report is that students can now seek to attend the Government school of their choice. Instead of having strict zoning where places are available, children can vote with their -

**Mr Lewis:** That's not true.

**Dr LAWRENCE:** I beg the member's pardon. The first responsibility of a school is to the children in its catchment area. If there are available places they can take children from other areas.

**Mr Lewis:** That is not true.

**Dr LAWRENCE:** It is absolutely true and restructuring along similar lines is occurring in Australian State school systems elsewhere. In New South Wales, one of the recommendations - and I feel for Dr Metherell at times - was to dezone New South Wales schools. That has caused the most unholy row in New South Wales, but I think in fact it is a very progressive move. Obviously it will take some time for the system to shift from operating on a highly centralised and bureaucratised basis. It is difficult for people -

**Mr Kierath:** Is that speech your maiden speech or are you reading bits of it?

**Dr LAWRENCE:** I am not reading my speech, I am reading little bits of it. Having heard what I heard a little while ago, that is the contribution, not so much of the member for Scarborough, but of the member for Kingsley, I think it is probably necessary. The important thing here is that the bureaucracy which previously supported schools and which teachers certainly found convenient and comfortable is being changed. The infrastructure must be in place before the system can work.

**Mr Kierath:** Talk to us rather than read.

Dr LAWRENCE: I am not reading.

Mr Tubby: If you are reading it, the speech may not have been written by you; it might have been written by one of your minders.

Dr LAWRENCE: The member for Roleystone will soon be categorised in this House. Some time ago when his colleague, the member for Kingsley was speaking and when, I think the member for Wanneroo was interjecting in a very derogatory way, and at that moment I was not interjecting - the member said, in a very derogatory way that when there were two women speaking in this House it sounded like a hen house. I do not think that the member should comment on other people's behaviour. The important thing to comment on here is that midway through the process that I have described - the implementation of unit curriculum, the involvement of parents in schools, and greater responsibility and autonomy at school level - we will find stresses and strains. However, the need for those changes is now even more evident than it has been in the past.

I remind members opposite that however inadequate they may think the system is, however poor they may think I am as Minister, however much in crisis they may believe the system to be, very similar changes are being attempted to be introduced in New South Wales, but far from taking the six years that it has taken this Government to implement them, Dr Metherell in New South Wales is doing it in 12 months. He has sacked 2 000 teachers; he has dezoned all the schools; he changed the Higher School Certificate qualifications in advance, and halfway through the year 12 program; and he is now saying that he will take infants into schools - the zero to five year olds. He has had a most significant strike take place in that State. I have been embarrassed by the large number of teachers in this State who have gone out on strike, but I can tell members that in New South Wales Dr Metherell had a real mother and father of a strike. He had all the teachers at school level, all the TAFE teachers, and all the parents' organisations join together for the first time that anyone can remember in the educational history of New South Wales. The teachers' unions and the parent bodies linked arms, and many students joined them on that day.

The member for Kingsley devoted most of her time to the industrial question, although she stated she wanted to talk about a more general crisis in education. It is important that we do not lose sight of a lot of the other changes which have taken place in our system, some of which may certainly have an impact on teachers' workloads, but many of which point to significant improvements in our system.

When the Labor Party came into Government in 1983, there was an appalling retention rate in our upper secondary schools, and low participation in higher education. In 1983, only 38 per cent of year 8 students completed year 12. That is an appalling statistic for a developed country, and is very low even by national standards. By 1988, some six years later, over 53 per cent of year 12 students completed year 12, and the indications for 1989 are that we will get very close to 60 per cent; and it is likely to increase even further next year, based on our year 11 enrolments. So there has been a significant change in our school system. This has placed additional demands on teachers. Many of those students are not the same academically oriented and able ones which existed in the system in the past. They place more demands on the system, and a big challenge to this Government and any other would be to ensure that those year 11 and 12 students staying on at school have proper programs, have articulation to TAFE courses, and graduate from our high schools with a certificate which really does give them credit for the work they have done.

It has been possible in higher education, because of those increasing retention rates, to improve the uptake of students into all our institutions, including TAFE and the tertiary sector. There are necessary changes I have mentioned in curriculum offerings because of this increase in the number of students at schools, and because of some concerns about the breadth and rigour of the courses being undertaken by students as part of the TEE curriculum. Since I have been the Minister for Education, Professor David Andrich has reported on the question of TEE entrants and made a recommendation that we should at least move to four and five subject aggregates. He has also recommended that we slow down the progress of students through the system. We have not heard any comment from the Opposition on that, let alone the other recommendations in his report. However, that is not a proposal which this Government intends to inflict on teachers out of the blue. The report is still being considered, and it will be gradually implemented. The major changes will in any

case reflect on the number of subjects which students can choose. At the same time, a great deal of work is going into developing assistance for schools and teachers in providing post compulsory programs for those year 11 and 12 students who are not academically oriented or bound for higher education.

Another area in which there has been significant improvement during the time of this Government is in teacher-pupil ratios. When we came into Government, the teacher-pupil ratios and class sizes were the largest in Australia, particularly in the primary sector, and were second only to Queensland in the secondary sector. One of the major recommendations in the Beazley report, which was strongly supported by the Teachers Union, was to lower the teacher-pupil ratios to at least the six-State or national average. Six years later, all States have continued to fall in the teacher-pupil ratios. This State has gone from 20.85 in primary and 13.42 in secondary to 19.5 in primary and 12.8 in secondary. Those figures are still marginally higher than the six-State average, but very marginally in comparison with what was the case in 1983.

Mr Fred Tubby: What about class sizes?

Dr LAWRENCE: It is the same with class sizes, although it is obviously more difficult. Average class size does not make a lot of sense, because that is exactly what a teacher-pupil ratio is; it is the number of students to the number of teachers.

Mr Fred Tubby: What is the number of children in a primary school classroom?

Dr LAWRENCE: It varies from two in some cases, up to 32.

Mrs Edwardes: Thirty two?

Dr LAWRENCE: It is possible, by agreement with the Teachers Union, to have higher numbers than that, but that is the staffing formula number. In addition to the teachers in the classroom, there has been a great increase in support staff, and we now have youth education officers to assist in schools, guidance officers in increasing numbers, social workers, nurses, and, in some cases, police officers, to assist particularly in classroom care programs. So far from what was being said by the member for Scarborough, it is not as if teachers have been left to their own devices entirely in doing this. Class sizes have continued to decline, although they are not as low as I think some parents would like. There has been a special commitment in this year's Budget to reduce class sizes in year 1 and 2 to 25 and 28 respectively. It is clear also in a number of other areas that there have been significant improvements in the education system.

Mr Lewis: Are the teachers happy?

Dr LAWRENCE: Members opposite are talking about a crisis in education. I am happy to talk about a dispute at the moment which is bringing our system to a halt, a dispute which I do not for one moment step away from. I believe that the dispute can be resolved without the further damage to morale which members such as the member for Kingsley would be quite happy to produce. It seems from her statement that -

Mr Lewis: Talk to the 17 year old TEE students!

Dr LAWRENCE: I have one of my own. It seems from the statements made by the members opposite that they are gleefully watching while teachers go on strike, institute bans, and carry on in a way - in some cases - that is designed quite deliberately by the union executive to inflict as much damage as possible on the system.

I am saying that there are substantial changes in the system, some of them external, and some of them by way of policy change, but it is important for members opposite to recognise that all this talk about crisis is just the sort of talk which has always been inimical to progress in education. People are always poking their fingers at the education system and saying that things are bad, and teachers are rotten. The member for Kingsley talked earlier about the senior educators in the Ministry of Education. She talked about incompetence in administration, curriculum development, and industrial relations. Where does she think those people came from? They are people who came through our school system and who have been promoted. The people whom the member is insulting are principally teachers.

Several members interjected.

Mrs Edwardes: What about your sister and your brother-in-law?

Several members interjected.

The DEPUTY SPEAKER: Order! If we are to have interjections, they should be made one at a time.

Dr LAWRENCE: Mr Deputy Speaker, I just heard an interjection from the member for Kingsley to which I feel I must respond. I am not sure what she is referring to, but before I became the Minister for Education, both my sister and my brother-in-law worked in the Ministry of Education, and my younger sister works in a Government high school. Is the member suggesting that I engineered their placement? What is the implication of her comment? It is an extraordinary comment. Those people are in the same position now as they were when I got there. I do not deal with them from day to day because they are not senior officers in the ministry, and any implication on the member's part that I involve myself in their day to day affairs, or in their promotion, or lack of it, or in any other matter, is something at which I take extremely serious offence.

Mr Pearce: It is unparliamentary, and the member should withdraw.

Several members interjected.

Dr LAWRENCE: I am just telling the member opposite that if she wants to engage in that sort of -

Mr Pearce: She is a real sleaze.

Several members interjected.

#### *Point of Order*

Mr LEWIS: Mr Deputy Speaker, I take exception to the Leader of the House's calling the Minister a real sleaze, and I think you should ask him to withdraw.

The DEPUTY SPEAKER: Order! I do not think there is any point of order.

#### *Debate Resumed*

Dr LAWRENCE: I heard the interjection, Mr Deputy Speaker, and I thought it needed responding to because there are people out there, obviously including the member for Kingsley, who are quite happy, when the opportunity arises, to cast aspersions on the integrity, not only of me, might I say - as a member of Parliament I can cop that - but also of members of my family.

Mr Court: I think it was rough that the Premier had a go at your brother tonight.

Dr LAWRENCE: The Premier simply said that he lacked judgment. That is a judgment that he can make should he wish; but the implication of what the member for Kingsley said was quite other than that, and if when members opposite move outside this House they ask her what she was intending to imply, they will find it was something rather less attractive than a lack of judgment, although I think that by saying it the member for Kingsley shows that she lacks judgment in an extreme degree.

The areas in which there has been substantial improvement have already been referred to in other debates and comments in this House - the very substantial increase in per capita funding, 35 per cent since the Government came to power; similarly with per capita funding for capital works. I would not want to suggest, unlike members opposite from time to time, that funding per se simply indicates an improvement in the education system. Obviously we must have goals, we must have vision, and we must take the trouble. What the member for Kingsley and the member for Scarborough have said is that if a whole lot of complaints about the system are put together, that constitutes a crisis. That brings me to some discussion of the current dispute with the WA State School Teachers Union.

It is important for members to recognise that I do not for one minute feel happy about the fact that those teachers are on strike. The member for Kingsley stood on the front steps of Parliament House and made a speech to the union and to the union members. I did not take any comfort from the fact that I stood there and had them put banners in front of me and shout angrily at me. There is no comfort in that - there is no way anyone would want to repeat that experience. However, I must say I was disappointed to hear the member for Kingsley give comfort to the view that the teachers could expect to obtain the very substantial pay rises that the union had led them to believe they might.