

Legislative Council

Thursday, the 26th August, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (5): ON NOTICE.

1. HIGH SCHOOLS

Admission of 11-year-olds

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

In the construction of a new high school, is provision being made for the implementation of the Government's policy of transferring children from primary to secondary school at the end of the year in which a child turns eleven?

The Hon. G. C. MacKINNON replied: Not at this time.

2. BEEF

Exports: Reduced Quotas

The Hon. J. C. TOZER, to the Minister for Justice representing the Minister for Agriculture:

- (1) Has the Minister read the report on page 29 of the *Daily News* of the 24th August, 1976, relative to the cut in Australian beef export quotas to the United States of America?
- (2) If this report reflects the true position, what are the implications for—
 - (a) the throughput of the Kimberley meatworks in the current killing season;
 - (b) the quitting of the stored beef already overloading the refrigerated storage space available; and
 - (c) the beef cattle industry in the Kimberley and Western Australia generally?

The Hon. N. McNEILL replied:

- (1) Yes.
- (2) (a) (b) and (c) I am advised by the Australian Meat Board that the special quota arrangements made earlier this year between the Board and the three northern meatworks are not affected by the change in quota referred to in the newspaper report of August 24. Throughput at these meatworks in the current season will therefore not be affected as a result of this decision.
Because of the amount of beef now in store and the reduction in the U.S. quota there may be less

cattle purchased by exporters until October when shipments under 1977 quota would normally commence.

3. PRE-SCHOOL AND PRE-PRIMARY CENTRES

Attendances and Costs

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

- (1) Will the Minister advise how many new pre-school centres affiliated with the Pre-School Board have been completed in the years—
 - (a) 1975; and
 - (b) 1976?
- (2) (a) What is the estimated number of children of immediate pre-school age, i.e. who are or will be five years of age in 1976;
 - (b) how many children are attending pre-primary centres; and
 - (c) how many children are attending pre-school centres?
- (3) What are the recurrent per capita costs of children attending pre-primary centres?
- (4) What are the recurrent per capita costs of children attending pre-school centres?

The Hon. G. C. MacKINNON replied:

- (1) (a) 15;
- (b) 16 to date.
- (2) (a) Approximately 27 000;
- (b) 4 262 children as at 26th August, 1976;
- (c) 13 172 children who are in their fifth year.
- (3) Pre-primary centres are in their first year of operation. Per capita costs cannot be assessed until a complete year has elapsed.
- (4) The total Commonwealth and State contribution to the operation of pre-school centres has been calculated to be \$222.48 per head. This figure does not include funds raised by local committees.

4. GOVERNMENT CONTRACTS

Eastern States Materials

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

- (1) Is the Government aware of tenderers for Government contracts being able to substantially undercut the prices of other tenderers because materials are being supplied by Eastern States' manufacturers at what amounts to "dump" prices?

(2) If so—

- (a) is the Government taking this practice into consideration when awarding contracts in favour of Western Australian manufacturers; and
- (b) what construction materials are being affected by this practice?

The Hon. N. McNEILL replied:

- (1) Complaints of dumping by Eastern States firms have been lodged by various sectors of local industry. They are viewed with concern.
- (2) (a) It is being investigated and where obvious appropriate consideration is being given to Western Australian manufacturers.
- (b) Among the category of construction materials affected are metal and electronic components and insulation material.

5. PERTH TECHNICAL COLLEGE

Art Courses

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

- (1) Is it a fact that art classes have been cancelled at Perth Technical College?
- (2) If so, would the Minister advise the reasons why this action has been taken?
- (3) When is it planned to carry out alterations to the buildings so that they can be continued to be used for their present purpose?

The Hon. G. C. MacKINNON replied:

- (1) No.
- (2) Not applicable.
- (3) A report from the Public Works Department is awaited.

QUESTION WITHOUT NOTICE:**EDUCATION***Trinity Remedial Clinic*

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

- (1) Is the Minister aware that remedial classes are conducted on Saturday mornings at Trinity College for 156 children and 25 adults?
- (2) Is it a fact that those attending the classes are from Government and private schools?
- (3) Has the Minister been advised that these classes are likely to close within a fortnight due to lack of funds?

- (4) Is it a fact that if this occurs remedial teaching for the students, particularly for the 25 adults, is unlikely to be available from any other source?
- (5) Will the Minister take action to ensure the continuation of these classes?

The Hon. G. C. MacKINNON replied:

- (1) Yes, I am aware that the classes are conducted.
- (2) It is a fact that they come from Government and private schools.
- (3) No, I have not been advised that the classes are likely to close through lack of funds.
- (4) The Education Department has no record of the particular circumstances of each student, so it follows that I do not know whether it is a fact or not.
- (5) The Education Department would support an application if it were made to the State Innovation Committee of the Schools Commission for continuance of the funding of this project.

BILLS (3): THIRD READING

1. Dog Bill.

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney-General), and passed.

2. Medical Act Amendment Bill.

3. Nurses Act Amendment Bill.

Bills read a third time, on motion by the Hon. N. E. Baxter (Minister for Health), and transmitted to the Assembly.

FIREARMS ACT AMENDMENT BILL*Report*

Report of Committee adopted.

TEACHERS' REGISTRATION BILL*Assembly's Amendments*

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

The DEPUTY CHAIRMAN: The amendments made by the Assembly are as follows—

No. 1.

Clause 6, page 4, line 21—Delete the word "Tertiary" and substitute the word "Post-Secondary".

No. 2.

Clause 6, page 4, line 23—Delete the word "Tertiary" and substitute the word "Post-Secondary".

No. 3.

Clause 17, page 12, line 15—Delete the word "certified" and substitute the word "certificated".

The Hon. G. C. MacKINNON: I move—

That the amendments made by the Assembly be agreed to.

As members will recall the Bill was passed in this Chamber during the first part of the session and in another place during this part of the session. In the intervening period we passed a Bill which foreshadowed the establishment of the Western Australian Post-Secondary Education Commission which was recommended under the Partridge report.

As originally drafted the Bill referred to the WA Tertiary Education Commission and the first and second amendments are designed merely to alter the name of the commission.

The third amendment is necessary because of a typographical error. I hasten to add that it was not drawn to the attention of anyone by Mr Medcalf, Mr Bertram, Mr T. D. Evans, or Mr Hartrey. They made no objection but it was felt that some objection would be made by someone if we retained the expression "certified" in respect of legal practitioners instead of the correct word "certificated".

The Hon. R. F. CLAUGHTON: Members on this side recognise that these are merely machinery amendments, and support them.

The Hon. G. C. MacKinnon: Thank you.

Question put and passed; the Assembly's amendments agreed to.

Report

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

INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th August.

THE HON. R. F. CLAUGHTON (North Metropolitan) [2.46 p.m.]: The Bill is designed to tidy up the provisions relating to the legality of guarantees being given by the Treasurer in connection with money lent by the authority. It also provides for the money to be recouped in the event of the Treasurer having to be a guarantor. The Opposition supports the amendment.

The Hon. G. C. MacKinnon: Thank you.

THE HON. V. J. FERRY (South-West) [2.47 p.m.]: This is a measure designed to further assist people in country areas in industry and commerce.

The Hon. D. K. Dans: Stonewall Jackson lives on!

The Hon. V. J. FERRY: I wholeheartedly support the Bill. I do not intend to speak for very long, but I consider that the Bill is of sufficient importance to warrant comment from me.

I speak with the knowledge that this is another measure to assist people in what is described as nonmetropolitan areas, or, in other words, country areas. I refer to the welcome comments of Mr Dans last night when he was referring to people in country situations in times of drought.

The legislation before us is a continuing provision and, despite the weather conditions—whether good or bad—we hope benefits will flow from the Bill. It allows the small businessman in certain circumstances to benefit by assistance for housing for his employees. In addition, there will be avenues to assist the medium and larger-sized businesses in a similar way, but perhaps they will be financed by a different method—maybe through guarantees for finance from sources other than the authority itself.

With those brief remarks, I support the Bill because it is another demonstration of the consideration being shown to people in country areas.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS BILL

Second Reading

Debate resumed from the 19th August.

THE HON. R. T. LEESON (South-East) [2.51 p.m.]: Although members of this House are aware of the amount of knowledge I have on the subject matter of this Bill, I do not intend to make a speech on it this afternoon. We on this side of the House support it.

THE HON. H. W. GAYFER (Central) [2.52 p.m.]: The purposes of the Bill before the House are very clear. First of all, they are to combine the Veterinary Medicines Act and the Feeding Stuffs Act into one Act to be known by the title of the Bill before us. However, in his second reading speech the Minister stated that it also provides for the appointment of inspectors to enforce the requirements of the legislation. Later on in his speech the Minister said the Bill will provide for—

the appointment of a registrar, responsible to the Director of Agriculture, for implementing the detailed requirements of the legislation; the appointment of inspectors; and the setting of standards for packaging, labelling, advertising, and warranty in respect of veterinary preparations and feeding stuffs.

The point I am making is that every time we amalgamate, amend, or bring in laws in connection with the farming industry of today, in particular, we seem to put into them added costs as far as inspectorial appointments, advisory committees, and so on are concerned.

I can see the sense in many of these matters but I do not think any of us who have been on the land and have been using veterinary products for years can claim to have been taken down or to have poisoned great numbers of sheep by using a preparation for injection. I do not think we can lay blame at anybody's door, but here we are again bringing in a Bill which will entail more expense for the end user.

There is no doubt that when we build up these work forces—and that is all they are—and advisory committees to have a look at preparations, labelling, and so on, we create another cost to the industry by appointing inspectors just to have a look at what materially seems to have been all right in the past. I am concerned that every time we see such legislation come before us we are creating greater expense for the end user. We will reach the situation, of course, where the products themselves will be bypassed.

As far as veterinary products are concerned, the increased cost to the industry is borderline in many cases, but I believe this is a matter which should be watched. When these comments are returned to the Minister for Agriculture, or whoever is responsible for appointing the advisory committees, inspectors, and so on, I suggest some heed be taken of the increased costs which added responsibility brings into the industry.

THE HON. D. J. WORDSWORTH (South) [2.56 p.m.]: In rising to support the comments of Mr Gayfer, I regret I was not in the House to hear his opening words; I was called to the telephone by the Premier's Department. However, I informed him I would support him on the general principle of added costs.

I notice committees already exist in connection with the preparation of both feeding stuffs and veterinary medicines. I think it is just a matter of how these are set up as to whether we have a department three times as big or half as big.

I agree with the general sentiments expressed by Mr Gayfer because I feel in so many of these matters we add more and more costs for inspection when most of the chemicals have already had to conform with the requirements of committees of this kind in other States. I am referring particularly to the veterinary preparations. If we had no legislation at all, I am sure the same tests and inspections would be accepted.

THE HON. J. HEITMAN (Upper West) [2.58 p.m.]: It is not often I have to go against Mr Gayfer and Mr Wordsworth,

and perhaps I am on the wrong track, but on many occasions when a new drench has come out I have seen it administered to young lambs in order to deworm them, only to find it has also poisoned them. I know that today a lamb is not worth a cracker on account of the drought.

The Hon. H. W. Gayfer: It would not be overdosing, would it?

The Hon. J. HEITMAN: I am not opposed to the appointment of inspectors to ensure that products which are to be administered to stock are 100 per cent reliable and do not poison the stock.

The Hon. D. J. Wordsworth: Cautions are printed in big type.

The Hon. J. HEITMAN: Sheep are not worth very much today but at times they are valuable. I can support the Bill without any fear that I may be doing the wrong thing, despite the fact that my colleagues in the industry have different opinions. Perhaps because of the drought they have realised the industry is becoming much more expensive to run than it was in the past. The killing charges at the abattoirs, for instance, have risen by 300 or 400 per cent in the last four years.

This also applies to many other costs. I think we should support this legislation in the interests of posterity, to ensure that the new drenches and the new needling materials that are to be used on the animals will in fact do the job they are supposed to do.

THE HON. N. McNEILL (Lower West—Minister for Justice) [3.01 p.m.]: I must confess to a little surprise first at the remarks made by Mr Gayfer and then at the remarks made by Mr Wordsworth. I would certainly agree with the sentiments expressed by Mr Heitman.

The Hon. H. W. Gayfer: That does not surprise me.

The Hon. N. McNEILL: I am sure both Mr Gayfer and Mr Wordsworth will be well aware that under the Veterinary Medicines Act an advisory committee has been appointed and in the case of the Feeding Stuffs Act provision is made for inspectors. I speak with some knowledge of this because a little more than 20 years ago I was attached to the department in which feeding stuffs were administered and under which inspections were carried out; I was personally aware of the duties of inspectors under the Feeding Stuffs Act.

Fears have been expressed about the additional cost. I can see no additional cost over and above what is already available in the two Acts at present—and I refer to the Veterinary Medicines Act and the Feeding Stuffs Act.

Accordingly there will be in fact a continuation of the activities of the advisory committee and a continuation also of the inspectorial service.

I am sure the agricultural members of this House will be well aware that one of the main functions—if not the main function and purpose—of the inspectors in respect of these feeding stuffs—bearing in mind that we are talking about feeding stuffs which will have veterinary preparations contained in them; and we know how sophisticated and complicated these have become—is to protect the farming industry and not to impose any additional burden on it. My recollection of the inspection of feeding stuffs is that it was intended to ensure that the farming community was not taken for a ride—if I might use that expression—when they bought feeding stuffs that were on the open market. It was also to ensure that the farming industry was getting value for its money; to ensure that they were buying what they thought they were buying.

I see no prospect of an additional burden or cost being passed on; that is not to say I do not agree with the general principle that we ought to have regard for additional costs.

I feel sure members appreciate that in these days of greater sophistication in the use of feeding stuffs and more particularly with the greater use of what we have all known as chemicals in veterinary preparations—even the inclusion of such well-known things as penicillin—there is a need to ensure that the users are protected.

Mr Heitman has referred to the effect these preparations could have on livestock. Perhaps I stand here as an example and an illustration of the effect that these things could have on human beings; because I am now able to live with them.

I see no problem in this legislation; nor do I see any danger of the legislation not carrying out its functions. We must bear in mind that really the purpose is to bring up to date these two pieces of legislation, because there is such a great affinity between them; quite apart from the fact that there is so much use made of veterinary medicine and the medicines being used in feeding stuffs.

I am grateful to members for the support they have given the Bill and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [3.12 p.m.]: The Opposition supports the Bill with some reservations in regard to the actual implementation of community service orders. This is a very delicate area. We must be careful that offenders placed on community service orders do not take jobs which otherwise would be carried out by persons seeking a wage. We recognise that the concept of community service orders can be put into practice in a way which will not be offensive to unionists and others who at the moment are unemployed. It is accepted that we will not be employing cheap labour to fill these positions.

With careful implementation, we believe these problems can be avoided. However, we emphasise there must be a great deal of discretion and diplomacy in the implementation of this proposal.

The community service order concept is one which criminologists and people working in the field of social welfare have long seen as being desirable. It represents a way in which we can get away from the archaic, mediaeval attitude generally adopted towards those people who have offended against the laws of our society. They may have been incarcerated in prisons, kept away from the community and treated as pariahs to such a degree that, subsequently, their rehabilitation often becomes extremely expensive for the community.

After all, research indicates that almost one-third of the people who continually offend against the laws of the land and are placed in prison as a result are borderline mental defectives, and it is unreasonable to expect complete rehabilitation when an offender is placed in an atmosphere of that sort, where his daily companions are people who have lost all hope of getting back into the community as responsible, contributing members of our society, or who are close to being mentally defective. Therefore we gladly accept the concept of community service orders; its implementation will be fruitful not only to the offender, but also to society.

The Opposition approves of the provision regarding 17 and 18-year-olds being subject to this type of probation, provided it is carefully handled and is regarded as only an alternative for the magistrate in the Children's Court, rather than an obligation upon him.

It is refreshing to find that women may be appointed to the Parole Board. I should like to see women's potential being used throughout the community. Of course, I do not mean that we should say,

"We must have a woman on this authority." That would not be fair to the society or to the women themselves in their attempts to gain equal rights. The Opposition is pleased that provision has been made to appoint a woman, rather than have the stipulation that only men shall be appointed.

Many people who are not working in voluntary fields may say, "What jobs can we give to offenders which will not jeopardise the employment prospects of wage earners?" Those of us who work in the field of community service, and with voluntary organisations are aware there is a great shortage of voluntary labour throughout the community, and that the lives of many people could be enriched by the issuing of such community service orders.

Also, as the Minister pointed out in his second reading speech, it will open new avenues to these offenders and, hopefully, after they have been released from detention, it may become a habit for them to use their spare time to enrich the society against which they have offended; it may provide an inducement to these people to see themselves as part of the community, rather than apart from it. Of course, this is one of the handicaps facing people who have offended against the law. They begin to think of themselves as a segregated, separate community rather than as a part of the society into which they were born.

The Opposition is hopeful that the implementation of the concept of community service orders will prove beneficial to the offender and to society at large, and we wish the Probation and Parole Office well in its efforts to implement the legislation.

THE HON. D. W. COOLEY (North-East Metropolitan) [3.20 p.m.]: Having regard to the attitude of the Labor Party towards rehabilitation and the proper treatment of persons who are incarcerated in prisons, I think this is a very laudable piece of legislation. Like Mrs Vaughan I must express my concern at the manner in which this Bill has been framed. The people who are now employed or those who are unemployed could be prejudiced if the position is left open in regard to the work that is to be undertaken under community service orders.

The Bill does not define "community service". It gives very sweeping powers to those who are responsible for allocating this work. The work to be performed under community service orders may be the construction of footpaths, attending to parks and gardens, or carrying out roadworks. That is the type of work which could be undertaken through the community service orders. I am sure it is intended that work performed under community service orders will be the type

of work that is carried out by charitable and service organisations from time to time.

We should be careful as to the manner in which the provision relating to community service orders is implemented. We should ensure that the people doing the work will not cause others already employed to lose their employment, or deprive those who are unemployed at the present time of the opportunity of obtaining employment.

As I understand the position, under this legislation a person can do this type of work for 240 hours per year, provided he gives his consent. The term of such orders must not exceed a year, except by special arrangement. In short, it means that an offender may perform this type of work for six working weeks per year at the maximum.

When the six weeks per year is multiplied by the large number of people who will be undertaking work under community service orders, in preference to going to gaol or paying a fine, it will be readily agreed that the impact on those who are employed, or even on those who are unemployed but who desire to obtain employment, will be very great.

I would not like to see arise a situation similar to the one we experienced in 1970 or thereabouts when elderly patients and inmates at Wooroloo Hospital were turned out, and as a consequence those working in that institution lost their employment, just to accommodate prisoners in air-conditioned rooms and under almost luxurious living conditions. For that reason I say our thinking on what should be done by people who undertake work under community service orders should not be confused.

The Bill contains a provision for the establishment of a committee on which a representative of the trade union movement will be appointed. As I understand the position, the person to be appointed to the committee representing the trade union movement will be a minority voice in regard to the allocation of work under community service orders. It is disturbing to learn that under the terms of the Bill the advisory committee may declare as approved work any form of work it thinks fit. In the definition contained in clause 13 "work" is defined as any form of work, service, or activity. This will be unpaid work.

The Hon. N. E. Baxter: Do you mean it is work such as cracking rocks with a sledge hammer?

The Hon. D. W. COOLEY: No, I do not. I think it means the opposite. It means providing these people with some useful form of work. I do not know whether the work that is to be allocated will intrude into the areas of industrial awards and agreements. There would be very strong opposition from the trade

union movement if it did. The principles contained in the Bill are commendable, but we should be careful in our application of them.

In respect of the point raised by Mrs Vaughan on the appointment of women to the parole board, I have no alternative but to agree, in view of the position I occupy in this Chamber. I am seated between two women. My life in this House would be untenable if I disagreed with them on this issue!

THE HON. N. McNEILL (Lower West—Minister for Justice) [3.26 p.m.]: I am glad that the Opposition has expressed its support, if somewhat grudgingly, of the legislation. It was quite incredible to hear the remarks of Mr Cooley, and to some extent those of Mrs Vaughan, in relation to the exercise of care in allocating work under community service orders. I say it is incredible because I am sure they know how the scheme will operate; if they do not then I would point out to them that they have had ample opportunity to undertake research to satisfy themselves on the operation of the scheme.

I am pleased to see the introduction of this scheme—I was associated in initiating it in 1974—coinciding with the arrival in Western Australia of Mr Ivan Vodanovich and his appointment as Chief Probation and Parole Officer. Mr Vodanovich came here from New Zealand where he enjoyed a high reputation in this type of work not only in New Zealand but also internationally. New Zealand is certainly in the forefront of countries of the world in applying community service orders, or whatever those orders may be termed in that country.

At that time the parole board would have been well and truly aware of the preparations that were being made to introduce this scheme through legislation. It will be recalled that one member of the parole board was none other than Mr Coleman whom I, as Minister, was responsible for appointing and retaining on the board. Not only the scheme, but also this legislation, enjoys the support of the Trades and Labor Council; and in fact this has been indicated through one, Mr Peter Cook.

For those reasons I find it very difficult to understand the reservations that have been expressed by the two members opposite this afternoon. They contend that the type of work to be undertaken under the community service orders has not been spelt out in the Bill; and they say that this might be the type of work which is normally undertaken by those already employed, or could be undertaken by those who are unemployed.

It is true that proposed new section 20R, which appears in clause 28 of the Bill, will provide for the representation of the Trades and Labor Council on the advisory committee. In commending that

advisory committee with faint praise, Mr Cooley said that the representation of the trade union movement would be a minority representation.

As Mrs Vaughan has said, this is a great scheme in the eyes of criminologists throughout the world, and it is designed to provide for better treatment of offenders in custodial care; and that is to get away from the degree of custodial care to which we have been accustomed.

Also, of course, there is the responsibility which Governments, on behalf of the people, must show towards the community at large in regard to offenders generally. The Hon. Grace Vaughan said that the offenders because they have been offenders, may feel themselves to be segregated. It may well be that in actual fact they were segregated before they became offenders. That is part of the background to the introduction of a scheme such as that now proposed. It will enable such people to gain an understanding of the community around them and appreciate—if they are the type who have a chip on their shoulders—that they will have an opportunity to find out there are people in the community who may be worse off than they.

This, once again, is another ingredient of the whole complex and construction involved in a scheme of this sort. This is one of the greatest things which has happened in our criminality scene in Western Australia, if not during the whole of our history, then for a very long time. I do not know that it is appropriate to define the system as "archaic". The Hon. Grace Vaughan said that custodial treatment was archaic. Well, if it is archaic I am sure that a greater part of the nations in this world are still employing archaic systems.

If I may just make an observation and repeat what I have had reason to say publicly on other occasions, after having attended the United Nations Crime Congress in Geneva last year it was apparent that Australia was in the van and amongst the forerunners—perhaps amongst the most advanced six or eight nations in the world—in regard to the treatment of prisoners and in the whole approach to criminology and criminality. It was possible to obtain a consensus of the views made at the United Nations Crime Congress and that was the opinion held. The system we propose to introduce is one of the most positive now being employed.

For reasons I find difficult to understand, Mr Cooley referred to the Wooroloo situation. He talked about luxury conditions. I do not know whether or not Mr Cooley has been to Wooroloo.

The Hon. D. W. Cooley: I was deeply involved.

The Hon. N. McNEILL: I think Wooroloo is an illustration of the advances we have made in Western Australia in regard to the treatment of offenders.

The Hon. D. W. Cooley: First-class accommodation has been provided at the expense of sick, old-age people. No wonder it is a success.

The Hon. G. E. Masters: Do you want them to be put in dungeons?

The Hon. N. McNEILL: We are now debating a Bill dealing with probation and parole of offenders. I think Mr Cooley ought to decide on the subject matter he wants to debate; hospital patients or the treatment of offenders and our prison system. Wooroloo has been accepted, certainly from my own personal point of view, as a very successful prison institution. It is a minimum security institution.

If I may be a little facetious for a moment, one of my colleagues recently commented that I should have a look at the signs at the entrance to the institution on Great Eastern Highway. My colleague said that he thought the signs were facing the wrong way, or that something was wrong. On the next occasion I had an opportunity to look at the signs displayed on the property at Wooroloo I observed that besides stating that it was a Department of Corrections institution, the signs which faced the road stated, "Keep Out". I do not know whether that is an instruction to people not to get in, or whether the signs ought to be turned around and repainted to state, "Keep In". It is remarkable just how few inmates leave that institution. It has also to be borne in mind that a community centre is situated in the centre of Wooroloo. The Linley Valley Post Office and hall are still located in the centre of that particular institution. It is quite a wonderful concept.

I am more accustomed, as Chief Secretary, to criticisms that the conditions imposed on prisoners and offenders in gaols are far too harsh, are acahlc, and everything that is terrible and bad; that the prisoners ought to be given better conditions. I think the conditions at Wooroloo are as comfortable as may be expected in that situation, but they should not be described as luxurious. In fact, if they were anything less I could be subject to criticism that they were not made better for offenders.

I must allude to another reference by the Hon. Grace Vaughan to the particular amendment relating to 17-year-olds who may become subject to probation orders under the Chief Secretary's Department. As a matter of fact, probation is the responsibility of the Minister for Justice, and not the Chief Secretary. Probation and parole are part of the justice system and not the corrections system.

Making a further observation, the Hon. Grace Vaughan and the Hon. D. W. Cooley referred to the amendment which will provide for the appointment of women to the Parole Board. If only one member had made the statement I would have thought

it was a slip of the tongue, but as both members mentioned the matter I presume they do not know the situation. I presume they do not know, Mr President, that you yourself were responsible for the appointment of women to the Parole Board a great many years ago. Perhaps I should qualify that, and say just, "many years ago".

The Hon. D. K. Dans: Some years ago!

The Hon. N. McNEILL: Two women have been on the board for some time and they have given wonderful service.

The Hon. Grace Vaughan: They have only been on the board for the purpose of dealing with female prisoners.

The Hon. N. McNEILL: If the Hon. Grace Vaughan is now correcting herself I will accept that explanation. However, inasmuch as what she has said is right, there is already provision for the appointment of women to the Parole Board. Up until now they have been appointed for the purpose of dealing with female offenders and prisoners. The amendment to the Act is simply to provide that instead of male members of the Parole Board dealing with male prisoners, there will now be an opportunity for women to be appointed to that portion of the Parole Board which deals with male offenders. That is quite different from what the Hon. Grace Vaughan and the Hon. D. W. Cooley said.

I return to a point of a more positive nature in regard to the community service orders themselves. I want to give an assurance, not only to those members who have spoken but also to all other people that community services—and this was referred to in my second reading speech—will benefit considerably from the introduction of this system. Offenders will have an opportunity to do work under supervision for charitable bodies and community organisations; work which ordinarily or, in other circumstances, would never be done at all. I am sure all members in this House are aware that many organisations are not in a position to pay anybody to do very much work for them and they rely on voluntary help.

This will present such an opportunity and, in fact, we did refer to organisations which care for underprivileged and handicapped persons.

On several occasions I have spoken to community groups, service clubs, and other gatherings about this scheme. I want to make this point for the general appreciation of the public that the success of the scheme will depend to a great extent on the participation of the community at large. In fact, I believe the community has a responsibility to accept such a scheme. It is not purely the responsibility of a department or of a Government. The treatment of offenders is a society and community responsibility so the success of

the scheme will depend to a large extent on whether the community generally will accept it, and join in and assist with it.

I feel the community will accept this responsibility, but I urge everyone to consider the proposal very carefully. I have been heartened by the response of the public at large.

I thank members for the observations they have made on the legislation, and I feel I ought to acknowledge the work given to its preparation by the Chief Probation Parole Officer (Mr Vodanovich). We are fortunate indeed to have a person of his calibre responsible for this sort of work in Western Australia.

I hope all concerned will benefit greatly from the scheme. I repeat that in my opinion this is one of the foremost steps that has been taken in regard to justice and criminology in Western Australia for a very long time. I commend the Bill to members.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Long title amended—

The Hon. D. W. COOLEY: The long title of the principal Act is to be amended by adding the words "or under Community Service Orders". I rise to speak on this clause because the amendment will completely change the intent of the Act and new section 20A is included for this purpose.

Community service orders were referred to during the debate, and I would like to point out to the Minister that we do not support the Bill grudgingly. We believe this provision should be included—perhaps the Minister is becoming a little over-sensitive about some of the genuine comments made by the Opposition. We simply said that in supporting the inclusion of the words we drew attention to the inherent dangers of some of the provisions.

Before including the words in the long title of the Bill, the Minister should consider this point because like him, industrial relations are sometimes very sensitive by nature, and many problems could be created if the provisions of the Bill are implemented without due care. I believe that the definition of the word "work" could create a great deal of industrial unrest. Simply because two people in the trade union movement have indicated their support for the proposition does not mean that the Bill is perfect. The Government may be above criticism in its own view, but it should not be above accepting advice from people who have some knowledge of the problems involved.

What the Minister has said in regard to our comments on community service orders demonstrates how far out of touch he is with the actual industrial scene, and this attitude is reflected right throughout his entire Government. People in Western Australia would have a better life if we had people in the Ministry with more understanding than the Minister for Justice.

We did not grudgingly support the inclusion of the words. All we were attempting to do was to give some advice in respect of the application of certain parts of this Bill which will no doubt be passed through the Committee and third reading stages and become law. I thought that before we agreed to amend the long title these things should be said.

Clause put and passed.

Clauses 4 to 27 put and passed.

Clause 28: Section 20R added—

The Hon. D. W. COOLEY: I would like some comment from the Minister in respect of subsection (3) of proposed new section 20R. This subsection provides that an advisory committee may declare any work it thinks fit to be approved work for the purposes of this part. We have passed a previous clause which provides that work includes any form of work, service, or activity. My question is this: Has the Government given any consideration to the type of work that might be allocated to these people?

Sitting suspended from 3.51 to 4.06 p.m.

The Hon. D. W. COOLEY: Under proposed new section 20R, the Minister may appoint a number of advisory committees, and it is stated that a representative of the Trades and Labor Council will be a member of an advisory committee. I assume the Trades and Labor Council will be represented on every committee appointed by the Minister.

The Hon. N. McNEILL: Mr Cooley is assuming that incorrectly. On the main advisory committee it is certainly proposed to have a representative of the Trades and Labor Council. That committee will be formed in the usual manner in which recommendations are presented to the Minister in respect of membership.

The general format we have in mind is that it will be based on the New Zealand system, and the committee will meet from time to time in order to get the scheme going. It will determine the type of projects and community service to be involved, and other mechanical matters such as supervision, the type of offender, and so on.

With regard to the smaller committees, we should bear in mind that they will operate in many parts of the State, and will essentially be geared to local needs.

They must be representative of local communities. If matters of contention arise, they will be considered by the main advisory committee. We must bear in mind the need to keep away from the atmosphere of industrial relations. This is community legislation for the treatment of offenders.

The Hon D. W. COOLEY: In proposed new section 20A, "advisory committee" means a community service advisory committee appointed under proposed section 20R. Proposed section 20R says the Minister may appoint one or more community service advisory committees. Then it states that an advisory committee shall consist of three or four persons, one of whom shall be a representative of the Trades and Labor Council. I can see no distinction between an advisory committee and a community service advisory committee, and therefore it appears a representative of the TLC should be on each committee. I appreciate the Minister's comment that these are advisory committees and not industrial committees.

The fears expressed by Mrs Vaughan and myself will be allayed to a great degree if the TLC has representation on all these committees.

The Hon. N. McNEILL: Proposed section 20R (1) gives the Minister power to appoint an advisory committee if the necessity arises, and he may appoint more than one if necessary; that is the community service advisory committee to which I referred. Perhaps I may have confused the issue by referring to local committees. There is no statutory provision for local committees to operate.

Clause put and passed.

Clause 29 put and passed.

Clause 30: Section 21 amended—

The Hon. GRACE VAUGHAN: In his ungracious acceptance of our contribution to the second reading debate the Minister said that apparently we made a slip of the tongue when we talked about the inclusion of women on the Probation and Parole Board. He also said I used a misnomer because I referred to the Chief Secretary instead of the Crown Law Department. That was a slip of the tongue. If the Minister wishes to indulge in petty nit picking, I could find a few things to criticise in his second reading speech. Certainly in respect of the amendment to the constitution of the Probation and Parole Board, there was no slip of the tongue.

While this legislation contains provisions for the inclusion of women on the board as a right, rather than as a concession when only female prisoners are before the board, it is about time our society forgot

this sexist attitude so that when boards are set up they should consist of persons and not necessarily males or females for this or that purpose.

I think it is equally discriminatory that clause 30 specifies that only one man shall be on the board when female prisoners come before it. I think we should set up boards with the most suitable categories of people represented on them, and not discriminate according to sex.

I think the Bill also discriminates by providing that the Director of Corrections shall be on the board. If he is to be on the board, why is not the Chief Probation and Parole Officer on the board? I do not support the idea that legislation should be built around a personality. This is why I said in my contribution to the second reading debate that we must be very careful in the way in which this legislation is implemented, because while it is very worthy legislation if it is implemented without care it can cause the sort of problems in the community to which the Hon. Mr Cooley and I have referred.

My regard for the present Chief Probation and Parole Officer is very high. He is acknowledged not only as a criminologist and social worker of very high standing but also as a man of very great compassion. He is a very progressive man. I am sure that his influence on the Minister—I always give credit to the Minister for sincerity although he does not do the same to me—and his contributions to this State have been great. I acknowledge them in the same way as the Minister acknowledged them. But we cannot depend on personalities to implement legislation forever. We must allow for other personalities to come into the matter.

Whilst I am sure we are fortunate in having the Chief Probation and Parole Officer in at the launching of these community service orders, it is possible that they could be implemented and interpreted in ways which could be offensive to people who are seeking employment. I understand the concept much better than the Minister gives me credit for, and I believe it will be implemented in the spirit in which it was conceived.

However, my remarks on this occasion are directed towards the composition of the board. I think it is a great pity that while this Act was being amended there was not a more progressive approach to the constitution of the membership of the board so that we could have had a board without any sexist connotations whatsoever.

The Hon. N. McNEILL: We just cannot win, can we? This amending provision was put into the Bill in response, as I have publicly acknowledged, to the representations that were made by some of the most reputable women's organisations in Western Australia who desire to

see the representation of women on the portion of the Probation and Parole Board dealing with male offenders.

Quite frankly, I do not know what the Hon. Grace Vaughan means when she said that we should dispense with the sexist approach. It is not a question of a sexist approach at all. That view is contained within the honourable member's own mind and I fail to see why she should be completely preoccupied with it.

If we had brought in a provision which said "Seven people shall be appointed", I have no doubts that one of the first reactions would have been, "We think you ought to have specified that there be women on the board."

Clause put and passed.

Clauses 31 to 38 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

FORESTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.23 p.m.]: This Bill makes a number of alterations to the Forests Act and the Opposition supports them. They include a broadened role for the department to allow it to operate over a number of different activities for which forests are now used. It seems that the new in-phrase is "multiple use" which takes over from the old "in" word "infrastructure".

This Bill indicates that a forest is not just for timber but also for wood chipping, tourism, recreation and so on. It is necessary that the department be able to take an active part in each of these different uses. The Bill provides for changes in funding arrangements but it will remain to be seen how much benefit they will have in respect of the actual income to the department which now will be paid straight into Consolidated Revenue.

There is provision for the department to raise loans itself and a further amendment provides that qualifications of departmental officers may be other than those in forestry. This is a most desirable amendment in view of the complex nature of forest management. We have only to think of the tremendous problems involved with the control of dieback to understand the need to allow other sorts of expertise into the department.

The Labor Party supports these amendments and trusts that they will increase the efficacy of the Forests Department.

Debate adjourned, on motion by the Hon. V. J. Ferry.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.26 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 7th September, 1976.

Question put and passed.

House adjourned at 4.27 p.m.

Legislative Assembly

Thursday, the 26th August, 1976

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

QUESTIONS ON NOTICE

Postponement, and Closing Time

THE SPEAKER (Mr Hutchinson): I have to advise that I propose to take questions at a later stage of the sitting, and that questions on notice for Tuesday, the 7th September, will be accepted until 12.00 noon on Friday, the 3rd September.

BILLS (2): INTRODUCTION AND FIRST READING

1. **Parliamentary Commissioner Act Amendment Bill.**

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

2. **Security Agents Bill.**

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

CRIMINAL CODE AMENDMENT BILL

(No. 2)

Second Reading

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

That the Bill be now read a second time.

An amendment to section 688 of the Criminal Code has been found necessary following a ruling given in a case heard before the Court of Criminal Appeal last April, when it was acknowledged that the right of appeal against sentence given in a superior court, after committal for sentence on complaint from a court of summary jurisdiction, was nonexistent.

It has previously been thought that the right of appeal had always been available, and it now appears that where the Court of Criminal Appeal has dealt with such cases in the past, it has proceeded without jurisdiction. In such cases where it has ordered any variation in the sentence appealed against, its orders were invalid, and of no legal effect.