

Legislative Council

Wednesday, the 8th August, 1979

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

LEAVE OF ABSENCE

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.47 p.m.]: I move—

That leave of absence be granted to the Hon. Grace Vaughan for 12 consecutive sittings of the House due to private business overseas.

I advise the House that the Hon. Grace Vaughan, being the national president of the social workers' association, is currently in Ireland as the Australian representative. That is the reason she requires leave.

I would also comment on the return to this House of the Hon. Claude Stubbs who has been away from his duties for some time. We trust he has recovered sufficiently to remain with us for the rest of his term.

Question put and passed.

EDUCATION ACT

Disallowance of Regulation: Motion

THE HON. R. HETHERINGTON (East Metropolitan) [4.48 p.m.]: I move—

That Regulation 134 relating to the conduct of teachers, made under the Education Act, 1928-1977, published in the *Government Gazette* on the 4th May, 1979, and laid on the Table of the House on Tuesday, the 8th May, 1979, be and is hereby disallowed.

I have copies of the regulation which I am prepared to make available to members.

New regulations 40 and 134, tabled in this House on the 8th May, replaced the previous ones. It is regulation 134 with which I wish to deal and which I am moving to disallow. The regulation deals with the subject of discipline and misconduct of teachers. The key portion of the old regulation reads—

134. (1) For the purpose of securing and enforcing the discipline of teachers in the Department, the Director-General may for misconduct, which expression includes breach of any departmental order lawfully

given and absence from school without leave, or for breach of these regulations, or gross inefficiency—

And so the regulation continues, and some punishments are set out. One of the problems, I gather, is that the department is finding difficulty in defining gross inefficiency in sufficiently precise terms.

I gather there has been some problem in deciding whether an inefficient teacher is inefficient or grossly inefficient, and where inefficiency cuts out and gross inefficiency begins. So the attempt was made to introduce greater precision and that, I gather, is the purpose of the regulation before us today. However, I believe the people who drew up the regulation have made some very grave errors, and I hope these errors were not made with malicious intent, but were merely a mistake.

New regulation 134(1) sets out seven reasons for which a teacher may be guilty of misconduct. I want to mention in particular four of these reasons, and I may mention five.

One reason is if a teacher is absent from work without leave. This provision was contained in the old regulation, and I presume that no teacher would be punished or dismissed unless he had been absent for some considerable time. However, it does seem to be a rather wide provision.

That is not the main cause for my concern, however. I am worried mainly about clause (1)(d) which says that a teacher is guilty of misconduct, if, whether during his employment as a teacher or not, he becomes involved in or advocates any conduct or practice which is contrary to accepted community standards of decency.

This standard verbiage has been used in a number of attempts to institute censorship of books, and its operation seems to founder on the imprecision of the words. Not only are the words imprecise, not only do they involve subjective judgments, but also, as the provision stands, they are an attack on free speech, and this should not be. How are we to know what is conduct or practice which is contrary to accepted community standards of decency? Accepted community standards of decency vary, and certainly such verbiage calls for a subjective judgment on the part of the beholder.

What some people in the community accept as a standard of decency other people do not, and quite often when this sort of verbiage is used, people in authority—that is, older or more conservative people in the community—hold views that are different from those held by others in the community. So I do not know at any given

moment just what is an accepted standard of decency.

I presume the only way we could find out is through a series of common law court cases to determine what are the current accepted standards of decency. However, as far as I can see, no provision is made for appeal to a common law court, although there is provision for an appeal to the teachers' tribunal. Whether the learned gentlemen sitting as the teachers' tribunal, or the Minister for Education and the Director General of Education, are people fit and able to judge what at present is an accepted standard of decency I do not know.

I believe this provision stands condemned on the very grounds I have outlined. However, it becomes iniquitous—and I use that term advisedly—when it states, “advocates any conduct or practice which is contrary to accepted community standards of decency.”

In the 1930s Bertrand Russell was not permitted to enter the United States of America where at a university he intended to lecture in mathematics because he advocated something that was contrary to the accepted community standards of decency; he advocated trial marriage. I do not know today whether trial marriage is contrary to the accepted community standards of decency, but if it is, it must be one of the most accepted exceptions to the accepted standards because in some circles it seems more the norm than the exception.

Had this provision read, “during his employment as a teacher”, I might well have understood it, although even then I would find it unacceptable because it needs to be more precise. I would not approve of a teacher advocating certain opinions to primary school children, and indeed, it would be quite improper for a teacher to advocate certain opinions, including those concerning some actions that are part of our accepted standards of decency. In other words, a teacher must use some sort of discretion and common sense.

But let us now consider the situation of a teacher who, outside his employment, advocates something that is against the generally accepted standards of decency. A teacher who believes that there should be reform of the law would come under the provisions of this clause.

For instance, is homosexual activity a part of our accepted standard of decency today? Certainly, homosexual acts between consenting adults are against the law, although I gather that this law is observed more in the breach than the observance. In other words, people tend not to be

prosecuted these days for such offences, although they are still illegal.

I remember when I first started teaching at the University of Adelaide in 1957 homosexuality was regarded, by a great number of people, as being beyond the accepted standards of decency. In my tutorials I held discussions on whether or not the law was proper, and I believe such discussions were quite correct in a first-year politics class. I advocated that the law should be changed; in other words, I was advocating something which was probably against the community standards of decency.

Today there is a whole range of actions that may or may not be regarded as against the accepted community standards of decency. Almost without exception any reform begins by people advocating something against the accepted standards of decency or morality. After all, if one is attempting to reform something, one is challenging accepted standards, and one is saying that what is accepted by the law is wrong in one's opinion and it should be changed.

I would have thought that we would sometimes expect our teachers, outside their employment, to belong to various reform associations for all sorts of issues. I would have thought we would not be surprised to find some teachers advocating something which is not in accord with the conventional wisdom of our society. To say, therefore, that a teacher, because he happens to be a teacher, loses the right to advocate something that is not part of our conventional wisdom, not part of our accepted standards—even if we can find out what the accepted standards are—is a denial of a teacher's right of free speech. Surely that would accord with the thinking of John Stuart Mill who, after all, was a great Liberal philosopher, and one whose views, I would have thought, would appeal to the honourable gentlemen opposite, with the possible exception of the Minister for Lands and Forests who had not heard of Alfred Deakin, and therefore, may not have heard of John Stuart Mill. However, I would have thought that the philosophy of John Stuart Mill would appeal to members opposite because he was, in one sense, the real founder of liberalism. Mr Pike may challenge my statement and wish to grant Charles James Fox that honour.

The Hon. R. G. Pike: No, I go along with that. He had some very good ideas on an upper House, too.

The Hon. R. J. L. Williams: I will go along with Alfred the Great, if you like.

The Hon. R. HETHERINGTON: Mill was not always right, but his principles were not bad as

far as free speech was concerned. He believed we should allow people to challenge conventional morality because sometimes views will change as a result of the challenge. Some people have argued that the essential thing in a liberal society is the right to be wrong. However, I would say that the essential thing in a liberal society is the right to say that one's views are in fact right and the conventional views are in fact wrong. Even if one is wrong, one has a right to say that. Quite often, the quarrel is not about whether one is asserting the right to be wrong or different but about whether one's morality is better than the accepted and conventional morality.

There is a whole range of things in regard to which we would now accept that views which were held once have changed—particularly in the realm of sexual morality, with contraception as an example—and now are generally accepted in the community; and, they are accepted because many people were prepared to challenge the law and established opinion.

However, I certainly would not have thought that in the 20th century in Australia we would be talking about people possibly being able to be dismissed from their employment because outside that employment they advocated something which was not generally accepted, and which was generally regarded as contrary to accepted community standards of decency. Therefore on the very grounds of this one paragraph I think this regulation should be rethought; we should put up with the old regulation for a bit longer until the Minister's advisers can advise him to produce something better.

I appeal to members opposite to think about this seriously. As far as I am concerned, this is a matter of high principle, a matter where the principles of liberal democracy are at stake. We all claim in this House to stand for liberal representation, if not for democracy. We may differ between ourselves as to whether one or another of us really follows that belief in practice, but most of us accept the principle, particularly the principle of free speech. I suggest this regulation cuts across that principle and for that reason is quite undesirable.

Paragraph (e) suggests that a teacher is guilty of misconduct if he commits an offence against any other Act for which a sentence of imprisonment can be imposed. I presume that if the sentence of imprisonment is three months, the offending teacher can be dismissed. I am hoping he would not necessarily be dismissed, and I suppose he would not. However, I think the principle is a bad one, particularly when the Government quite properly is about to amend the

law to allow judicial officers in courts to caution people. So, theoretically it is possible under this regulation for a school teacher convicted of an offence for which he receives a caution to be dismissed by the Education Department. I believe this, too, is unacceptable.

In order to get away from the thick end of the wedge, the regulation goes too far to the other extreme. A school teacher can be fined, transferred, reprimanded, reduced in grade, transferred from one position to another carrying a lower salary, or possibly dismissed if he is negligent or careless in the discharge of his duties.

I suppose this would get most of us most times if we had such a regulation in this place. After all, it was suggested to me by the Leader of the House when I moved an amendment last session that I had been negligent or careless in the manner in which the amendment was put forward in this place. I admit I was careless. However, the Leader of the House did not suggest I should be dismissed.

The Hon. G. C. MacKinnon: If I thought it would have worked I would have done so, quick and lively!

The Hon. R. HETHERINGTON: The Leader of the House would realise that quite apart from any other considerations the good sense of the electors would not allow him to get away with that.

The Hon. G. C. MacKinnon: You have given me an idea.

The Hon. R. HETHERINGTON: I am sorry about that, because the Minister's fertile brain provides him with enough ideas without his worrying about any more at present.

On the same page as that regulation is a change in regulation 40, which now states as follows—

40. (1) A principal or teacher shall compile, furnish and maintain such returns and registers as he is required to compile, furnish or maintain according to any instructions relating to returns and registers published in the *Education Circular* from time to time.

(2) A principal or teacher shall not make a false entry in a return or register.

(3) A principal or teacher shall promptly and properly reply to any correspondence connected with his employment and functions as a teacher that is addressed to him.

I am not challenging regulation 40; it seems fair enough to me. However, under this new regulation, if a teacher is negligent or careless in carrying out this function, he may suffer very

grievous penalties. He might well be a very good teacher. However, I know of people in education departments—I hope it does not apply to the Western Australian Education Department—who become so obsessed with the filling out of forms that they are not really concerned with much more than teachers filling out their forms literally; they believe this is a sign of an efficient teacher.

It seems to me the new regulation spreads the net a little too widely. Regulation 134(1)(g) states as follows—

is inefficient or incompetent and such inefficiency or incompetency appears to arise from causes within his own control.

But how inefficient? It is very difficult to decide how inefficient is inefficient. If the department is finding it difficult to work out what “gross inefficiency” is, when is it going to decide that undeniable inefficiency is bad enough to cause the imposition of these punishments? If any of this happens, a teacher is guilty of misconduct and is liable to be dismissed.

It seems to me that this is a very badly drawn up regulation. It casts the net far too widely. It attacks free speech. It is a threat to teachers because most teachers—even the best of them—are guilty of some of these offences at some time. In my opinion, it gives the department far too much power, if it wanted to use it. I am not accusing the present Director General of Education or the present Minister of desiring to dismiss people wholesale. However, I believe it is possible that the day might come when that occurs. There have been people like that in other situations, in other countries at other times. Certainly, this regulation will give the department power to do all sorts of things to teachers who do not conform.

At one stage it was suggested in another place by a gentleman who, one of these days, might be in a Cabinet, that now there were plenty of teachers available, we might tidy up the ones we had. There are some people who regard long hair, jeans, and general sloppiness of dress—as they see it—as marks of inefficiency. I do not necessarily agree with this because I have seen people whose dress I do not approve of who seem to be very good teachers. I am a little sensitive on the subject of people who do not conform in appearance. At least for the time being I have Mr Withers here who also departs from the established norm regarding hirsute appendages of the face.

The Hon. R. J. L. Williams: And *Hansard* reporters!

The Hon. R. HETHERINGTON: Quite often there is a tendency, particularly when there is some kind of backlash against teachers and when there is a great deal of criticism of education departments—which seems to be the case in the community today—to accuse people of being inefficient for all the wrong reasons. Very often, the criticism is not based on good grounds.

I believe this regulation should be returned and redrafted. I hope it is disallowed and whether or not it is disallowed, I hope it is redrafted, because I think it is a bad regulation. Certainly, the Teachers' Union has protested about it. I gather its representatives have seen the Minister about it.

As a matter of fact, I wanted to give notice last session that I would move to disallow the regulations, but I was persuaded not to go ahead with my motion because it was suggested to me that the less I said about the matter, the better. It was thought I may offend people and turn the matter into a political issue. So, I promised I would not raise the matter until Parliament resumed and that if nothing had happened by then, I would move for disallowance. As nothing has happened about which I have heard, I am doing just that.

The other thing which worries me is the manner and form the dismissal of teachers may take. Regulation 134(2) states—

where it appears to the Director-General that a teacher is guilty of misconduct—

A complaint does not have to be made; it has only to “appear” to the Director General of Education. The regulation continues—

—the Director-General—

(a) may instruct a Superintendent to investigate and report upon the matter;

Or he may not. The regulation continues—

—and

(b) shall request—

I applaud that one; I think it is proper, and I do not object to it. The regulation continues—

—the teacher to submit an explanation upon the matter within the time specified in the request.

However, there may not be an investigation. The teacher may or may not send in an explanation. If the teacher does send in an explanation, the Director General of Education may then decide—apparently on his own initiative; there is nothing else in the regulation—that the teacher concerned is guilty. He can then impose one of the following penalties—

- (a) a reprimand;
- (b) a fine not exceeding two hundred dollars;—

That is not a light fine, even in these times of inflation. The list of punishments continues—

- (c) transfer the teacher at his own expense;
- (d) reduce the teacher's salary grade; or
- (e) reduce the teacher from one position to another carrying a lower salary or remuneration.

If the Director General of Education in his wisdom decides something worse than that is warranted, he again "may" instruct a superintendent to investigate—but he may not—and he shall ask the teacher for a written explanation. Then he may report to the Minister that the person concerned should be dismissed, and the Minister may dismiss him or her, because the Director General of Education and the Minister think that person should be dismissed.

It is true that there is provision for an appeal—I presume there is an appeal. Section 37A(f) of the Education Act allows teachers who are fined—not reprimanded—to appeal against the penalties listed there. There is mention of gross inefficiency. Perhaps there needs to be tidier drafting here. The Act indicates there is an appeal to the Teachers' Tribunal, so this is a safeguard. I am glad there is this safeguard, because it is required. I still think that the safeguard is not sufficient; that the regulation is too broad and gives too much power; and that it does not set out an adequate investigative procedure. It should be redrafted.

I do not want to speak at great length on this and I hope that what I have said is self-evident to all members of the House. I am not accusing the Government of malice or of malicious intent. I am sympathetic with what the Government is trying to do, but I think it is not being achieved adequately under this regulation. I hope all members of the House will agree with me so that we may disallow the regulation to enable the Minister and his department to have another look at it and come up with a better one.

THE HON. N. F. MOORE (Lower North) [5.18 p.m.]: Mr Hetherington mentioned that he was persuaded at the end of the last session not to move the disallowance of this regulation in order that he would not politicise the issue. However, I suggest that that is what he is doing now. I further suggest that in his capacity as Opposition spokesman on education matters he might well know a little more about what has happened since that time than he is letting on. I shall explain to Mr Hetherington and the House what has

occurred since the regulations were laid on the Table of the House.

It is necessary to get the whole situation in its clear and proper perspective. There is one principle we must accept to begin with; that is, that the Education Department and the Minister must have the power to dismiss teachers under certain circumstances. As Mr Hetherington mentioned, in the past the Teachers' Tribunal has been unable to adjudge teachers considered to be grossly inefficient, and the regulations required that a teacher be adjudged as being grossly inefficient before being dismissed.

One example is where a teacher was found to be incompetent, inefficient, and almost totally incapable of carrying out his duties, yet the tribunal could not adjudge him to be grossly inefficient. As a result of several of these situations, the Education Department decided to change the regulations under powers provided in the Education Act to enable it to dismiss teachers who are inefficient, incompetent, or whose behaviour on moral grounds is unacceptable for a person in such a position.

The regulations were gazetted and they are what Mr Hetherington is talking about. I must confess that I agree with a lot of what Mr Hetherington said; I did not and do not like the wording myself. I am pleased to see that since this issue was first brought to the attention of the Minister there has been constant and continual communication, discussion, and negotiation between the union, the Minister, and the Education Department. In the main, these discussions have been most fruitful, and from what I can gather the union is very happy with the progress that has been made.

At the present time, the amendments now being written to the actual regulations on the Table of the House are at the Crown Law Department for final drafting. They will be discussed with the union prior to their being gazetted during the next few weeks. During the discussions between the Ministers and the union there has been agreement on the basic principle we are trying to achieve, which is that the department must have the power to dismiss teachers in certain situations. I think Mr Hetherington would accept that. The department must have the power to dismiss teachers in certain circumstances.

The discussions that have taken place have not varied from this principle. The discussions have been on the actual wording of the amendments. I accept the principle, but I do not accept the present wording. The union put alternative wording to the Minister who has agreed to rewrite

regulations 40 and 134 to accommodate the union's point of view and ideas on the matter. So whilst the wording will be altered, the basic principles will remain so that the Ministers and the department may dismiss teachers under certain conditions.

I believe the union is quite happy with the position as it now stands. This situation does not match with the criticism of the past few months when the Minister has been accused of not consulting with the union. Over the last few months there has been constant consultation. To my knowledge the union has no complaints concerning the Minister's actions over the last couple of months.

I suggest that the union would be rather disappointed with Mr Hetherington's moves of yesterday and today. He has tried to introduce a conflict or to politicise the situation. In my opinion he will achieve nothing. Fortunately the Minister has given an assurance that actions taken by Mr Hetherington and the ALP will not jeopardise the present negotiations.

Debate adjourned, on motion by the Hon. G. E. Masters.

BILLS (3): INTRODUCTION AND FIRST READING

1. Valuation of Land Act Amendment Bill.
Bill introduced, on motion by the Hon. G. C. MacKinnon (Leader of the House), and read a first time.

2. Solicitor-General Act Amendment Bill.
Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney General), and read a first time.
3. Liquor Act Amendment Bill.
Bill introduced, on motion by the Hon. R. G. Pike, and read a first time.

ACTS AMENDMENT (MASTER, SUPREME COURT) BILL

Third Reading

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

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.25 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 14th August.

On behalf of all members I wish Mr Stubbs well on his return to the Parliament. He has had a very difficult time recently. We all wished him a quick recovery and our wishes have come true. We are all delighted to see him back looking so chirpy and I welcome him back to his friends and colleagues in this Chamber. We are delighted to see him.

Members: Hear, hear!

Question put and passed.

House adjourned at 5.26 p.m.

QUESTIONS ON NOTICE

CULTURAL AFFAIRS: ART GALLERY

Employees

113. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

Adverting to my question 264 on the 6th September, 1978, referring to employees of the Art Gallery of Western Australia, will the Minister advise—

- (a) what increases in staff have occurred since that time;
- (b) what are the duties of any new appointment since the 6th September, 1978;
- (c) how many security officers are employed by the Art Gallery; and
- (d) (i) were the positions vacant on the 6th September, 1978, subsequently filled; and
(ii) if not, why not?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (a) (i) Gallery assistant to the registrar.
- (ii) Gallery assistant to the exhibitions officer.
- (iii) Clerk-typist to the registrar.
- (iv) Attendant cleaner.

In addition, replacements to long-standing vacancies have been completed in the positions of senior education officer and clerk-typist, education section. The grading of assistant curator has been increased to provide a fully trained officer.

- (b) The gallery assistant to the registrar undertakes documentation of the collections' arrangements for their inward receipt or travel and related duties.

The gallery assistant to the exhibitions officer assists in the presentation of exhibitions, both from the permanent collection and travelling exhibitions. The clerk-typist to the registrar assists with the documents in that section.

The additional attendant cleaner has been engaged for preliminary maintenance of the new Art Gallery building.

- (c) Eleven attendant cleaners are employed by the Art Gallery. This number will be increased to accommodate the needs of the new building.
- (d) The new positions were provided within the budget for 1978-79 and thereby became available upon implementation of that financial programme.

PERTH RACECOURSE

Location

114. The Hon. N. E. BAXTER, to the Minister for Lands:

Would the Minister please advise, if an area of approximately 48 hectares marked and distinguished in maps and books of the Survey Office as No. 823 Perth Racecourse bounded on the south-west by about forty-three chains eighty links of the north-east boundary of Swan Location 33 extending south-east from left bank of Swan River through centre of a certain blue gum tree marked on its river side and on its land side about seventy-five links south-east from said bank through a squared and pointed post and terminating at centre of a similar post about seven chains eighty links farther south-east on the south-east by a line about twenty-two chains ninety-four links in length extending north fifty-four degrees east from post last aforesaid to another squared and pointed post and then by a line of about five chains fifty-six links in length extending north fifty-nine degrees thirty-six minutes east to another similar post on the east by a line about eighteen chains twenty links in length extending north twenty-two degrees ten minutes west to left bank of the Swan River through centre of a squared and pointed post about one chain ninety links south-east from said bank and on the north by left bank aforesaid between north end of the east and south-west boundaries all bearings and boundaries being true or thereabouts, is the location of the present—

- (a) Ascot Racecourse;
- (b) Belmont Racecourse; or
- (c) once Goodwood Racecourse, now a parking area and reserve?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

The land described forms portion of Ascot Racecourse.

EDUCATION: TECHNICAL COLLEGE

Rockingham

115. The Hon. I. G. PRATT, to the Minister for Lands representing the Minister for Education:

- (1) Is construction of the Rockingham Technical School proceeding on schedule?
- (2) What is the anticipated completion date of the first stage?
- (3) (a) Have any staff appointments been made to this date;
(b) if not, when will appointments be commenced?
- (4) What are the anticipated staff numbers for 1980?
- (5) What is the anticipated student enrolment for 1980?
- (6) What subjects will be available in 1980?
- (7) What are the anticipated subject enrolments for 1980?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (1) Yes.
- (2) The 16th November, 1979.
- (3) (a) Yes—the principal has been appointed.
(b) Not applicable.
- (4) Eleven full-time education staff.
Eight full-time support staff.
- (5) Approximately 800.
- (6) Apprentice courses in electrical trades, instrument fitting, metal construction
Post apprenticeship courses in the above areas.
Technician courses according to demand
Business and Commercial Studies subjects
Maritime Units
Art subjects
Builders' Registration
Tertiary Admissions Examinations subjects
Adult Education Classes
- (7) Approximately 1 000.

MEAT

Lamb Marketing Board

116. The Hon. Neil McNeill for the Hon. A. A. LEWIS, to the Minister for Lands representing the Minister for Agriculture:

- (1) What—
(a) weight; and
(b) number of lambs;
have been handled by the Lamb Marketing Board in the last 18 months?
- (2) What increases in staff have occurred in the last 18 months?
- (3) What stock has been purchased interstate in the last 18 months?
- (4) (a) Would the Minister list the months when the purchases were made; and
(b) the average price paid for those purchases?
- (5) What has been the monthly cost of running the Lamb Marketing Board in each of the 18 months?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

I refer the honourable member to the board's annual report for the year 1977-78 tabled in the House on the 7th August. Page 1 of the report provides the information required for that period in regard to the board's operating costs and the covering letter by the board's chairman gives further information.

Answers in further detail are—

- (1) (a) 1977-78 average weight 13.72 kg
1978-79 average weight 14.6 kg
(b) 1977-78 1 423 497
1978-79 1 328 404.
- (2) None. In fact the number of permanent staff actually decreased by one during this period.
- (3) The board does not purchase livestock interstate. All interstate purchases are based on carcasses bought on an f.o.b. price. The tonnage purchased during the year 1977-78 was approximately 1 700 and in 1978-79 1 300, of which 500 tonnes was for air freighting.
- (4) The board must maintain f.o.b. price confidentiality in the normal course of competitive trading. Details of f.o.b. prices are not therefore available for publication.

- (5) The board administration and overhead costs for 1977-78 as shown in the annual report amounted to 3.28 cents per kilo. Accounts for 1978-79 have not yet been finalised but an estimate of 3.76 cents is expected to be close to the final result. }

CULTURAL AFFAIRS: ART GALLERY

Collection

117. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

In reference to the Minister's statement in *The West Australian* of the 6th August, 1979—"Mr Claughton implies that the gallery's own collections will not be displayed. About 200 Australian oils and tapestries, and 50 or more prints and drawings, will be displayed alongside the international collection"—will the Minister advise how many of—

- (a) the about 200 Australian oils and tapestries; and
(b) the 50 or more Australian prints and drawings;

are from the Art Gallery's own collection?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (a) and (b) The Australian paintings, drawings, tapestries, and prints to be displayed when the new Art Gallery opens in October will be drawn from the Art Gallery collections. These collections have recently been supplemented by 101 works by famous Australian artists which have been received from an international cultural foundation.

The collection has been made available to the Art Gallery as a non-terminating loan in accordance with the constitution of the donor foundation.

Details of this acquisition will be released as part of the opening programme for the new Art Gallery. The presentation from the foundation includes a variety of art works of exceptionally high quality which have been received by the Art Gallery during the past year as a consequence of international interest and its development.

118. *This question was postponed.*

TOWN PLANNING: HERDSMAN LAKE

Regional Open Space Management Committee

119. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Town Planning:

- (1) What priority does the Regional Open Space Management Committee accord the implementation of the concept plan for Herdsman Lake?

- (2) (a) What is the budget of the above committee for 1979-80; and
(b) how is the budget to be allocated?

The Hon. I. G. MEDCALF replied:

- (1) Herdsman Lake is one of four major areas within the terms of reference of the Region Open Space Committee; each is dealt with on an equal basis.

- (2) (a) The budget is in the process of preparation.
(b) See (a).

TOWN PLANNING: HERDSMAN LAKE

Ecological and Planning Advice

120. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Town Planning:

- (1) What ecological and planning advice was considered by the Metropolitan Region Planning Authority in allowing the development by Katanning Holdings on the south-west of Herdsman Lake?

- (2) Would the Minister table documents containing the ecological advice?

- (3) Would the Minister table documents containing the planning advice?

- (4) (a) Was the ecological advice submitted to any other authority or department;
(b) if so, to whom; and

- (c) if not, why was it not submitted?

- (5) When will an updated map showing all rezonings of the lake be publicly available?

The Hon. I. G. MEDCALF replied:

- (1) The Metropolitan Region Planning Authority Herdsman Lake report of October 1976 contains planning and ecological considerations which, together with interdepartmental consultation, provided sufficient information for the authority to allow the present development to proceed, subject to stringent conditions.
- (2) The Herdsman Lake report is a public document available at the offices of the Town Planning Department.
- (3) No.
- (4) (a) Yes.
(b) Department of Conservation and Environment, with whom liaison has been maintained.
(c) Not applicable.
- (5) The current metropolitan region town planning scheme and amendment plans show all rezonings. A consolidated plan will be provided when staff resources are available.

TOWN PLANNING: HERSDMAN LAKE

Land Acquisition and Zoning

121. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Town Planning:

- (1) How much land has the Metropolitan Region Planning Authority acquired at Herdsman Lake that was—
(a) private land; and
(b) Crown land?
- (2) When was this land acquired?
- (3) What land zoned for parks and recreation has been transferred to urban under amendment No. 256/15 of the metropolitan region town planning scheme?
- (4) How much land on the lake now zoned for parks and recreation, is held in private ownership?

- (5) How much land on the lake is held in crown ownership other than by the Metropolitan Region Planning Authority?
- (6) What is the total area of the lake now zoned for parks and recreation?

The Hon. I. G. MEDCALF replied:

- (1) (a) 45.87 hectares
(b) Nil.
- (2) Between 1970 and 1979.
- (3) 5.72 ha.
- (4) 80.25 ha.
- (5) 200.17 ha.
- (6) 326.29 ha.

HOUSING: STATE HOUSING COMMISSION

Land: Star Swamp

122. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Housing:

- (1) Will the Minister advise whether the State Housing Commission has received a formal request from the City of Stirling to sell or exchange land held by the commission in the area known as Star Swamp?
- (2) If so, what decision has been made on this request?

The Hon. I. G. MEDCALF replied:

- (1) Correspondence has been received from the City of Stirling to the effect that council supports the preservation of land in principle and the exchange of land.
- (2) The commission is now in the process of asking council for details of the land it proposes to offer in exchange.

