

Legislative Council

Wednesday, the 3rd October, 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

On motion by the Hon. R. F. Claughton, leave of absence for 12 consecutive sittings of the House granted to the Hon. R. T. Leeson (South-East) due to parliamentary business overseas as the State's Commonwealth Parliamentary Association representative.

COMPANIES ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney General), and read a first time.

LAND: NATIONAL PARKS

Investigation by Select Committee: Motion

THE HON. A. A. LEWIS (Lower Central) [4.55 p.m.]: I move—

That a Select Committee be appointed to investigate and assess the current position of National Parks within the State in respect of such matters as extent, management and control, and to make such recommendations as are considered desirable.

I would like to outline some of the matters relating to national parks in Western Australia which I feel could be looked into with benefit to the State and to future generations in the State.

I suppose we all understand the need for parks. The needs vary greatly, from large parks such as the South Coast National Park and some of the northern parks, to smaller parks such as those closer to the metropolitan area which are just as valuable.

What are the uses of these parks? Are they required only to preserve the natural environment? Are they required only for grazing by indigenous animals? Are they required for recreation? Are they intended for use by people who want to walk or go fishing, or to provide space for other forms of leisure? Who will use the national parks?

At the present time some parks are totally banned to everybody. They are called wilderness areas and nobody is allowed to cross them in order to go fishing or for any other reason. Under the present system, it is extremely difficult to excise areas of national parks for other park uses such as sporting group or leisure type activities. People who want to use the parks may walk in them, but tourist roads through the parks may be needed to enable naturalists and tourists to see the beauty of our country.

Some of the cliffs in the South Coast National Park will be barred to the general public in the future if the present conditions continue. They will be classified as wilderness areas. I think that would be a great shame.

We must expect tourists to want to use the parks. By "tourists" I do not mean only the people who come from distant places, but also the family groups on a day's outing. Many national parks have catered for family groups by providing barbecues and so on, while still being safeguarded for future generations.

Where do we need national parks? Are we creating too many national parks? Have we really given consideration to the amount of land which is being alienated for national parks? Who manages the parks? Have we sufficient personnel? Where will the personnel be stationed? What will be their duties?

What controls are needed over the total system; over people who wish to enter the wilderness sections of parks; and over the behaviour of people in the parks? You will know, Mr President, that when people visit a national park in New South Wales a ranger stops them, charges them a fee, and gives them a litter bag. They are then allowed to proceed into the park. This may be something we in Western Australia should consider, because one can envisage the cost of national parks to the country if we try to bring them up to the standard of the parks in South Africa, or even some of those in the Eastern States.

Do we need less control; do we have too many controls already? This, depending on to whom one talks, can be quite an entertaining subject. Should national parks be financed by the Government, or should they be self-financing? Governments never have sufficient money for this type of exercise; that is, national parks, cultural affairs, and the other fringe areas which receive only a little money. Should a Select Committee consider a self-financing arrangement for national parks? Has a basic plan been established for the development of parks over a number of years, and

has that plan taken into account financing and the possibility of subletting areas of parks to local authorities?

I know the Minister for Lands has been approached on the latter subject. In my province a local governing authority already subcontracts the job of looking after an area within a national park. Who better to do this than the local authority, because it is composed of local people who know the conditions and know what can happen? In addition, being closer to the situation, they can act faster if something untoward happens. So we must look at the use of local authorities in the total system of parks throughout the State.

It may prove to be an unviable situation; or it may be that local authorities do not want to accept the task; or the committee may decide it should report back on the matter. The point should be considered.

What about private enterprise? Should private enterprise be allowed to sublet parts of national parks and carry out some of the catering, cleaning, and supervising which needs to be done? This is another area which must be considered. Add to these matters things such as forestry management, fire prevention, and flora and fauna management. On the latter subject I point out that in a national park I know well—the South Coast National Park—in days of old when Aborigines were indigenous to the area, land was burnt progressively to produce green feed to encourage larger animals such as kangaroos to the area, to provide food for the tribe.

We have had unfortunate instances of those areas being locked up. It is extremely interesting to visit the South Coast National Park now and compare cattle leases with areas which reverted to national park seven or eight years ago. The latter areas have become a complete wilderness and cannot be entered on foot, on horse, or by any other method. They have not been burnt. Yet the cattle leases, some of which are current until 2015, have beautiful grass on them. They are beautiful parks just as the land was in the days when Aborigines lived alone in that country. We must consider that situation.

We must study also the aspects of exploration and mining. Are the conditions for exploration for minerals within national parks too severe? Are they too lenient? We should consider this matter and see whether more or less controls are needed.

Surely our aim should be to look forward so that future generations will have the opportunity, which in a measure has been granted to us, to know what the country of Australia was like in

the past. We should not have so many regulations that we frighten people away from national parks, or frighten progress away from national parks, which I think may happen if too many controls are exercised, and local government and private enterprise are not permitted into the areas.

We should allow not only national parks, but also the whole community to progress so that we can look to the future and our children and grandchildren will have something of the environment we have enjoyed and which should be kept for them.

THE HON. W. R. WITHERS (North) [5.07 p.m.]: I rise to support the motion. In so doing, I would like to comment about a special committee to which I was appointed in 1969, prior to my entering Parliament. The committee was appointed by the then Minister for Lands, who is now known as Sir Stewart Bovell. He did not have his knighthood at that time. The special committee was made up of senior Government officers and representatives of local government, and it was known as the Reserves Advisory Committee.

The committee was to recommend which reserves should be made by the Government, and also to consider applications for reserves by various local authorities and interested groups. It was a very good committee. Had it continued probably it would not have been necessary for my colleague (the Hon. A. A. Lewis) to move this motion. It was unfortunate that the committee foundered during the term of the Labor Government of 1971-1973.

At the meetings of the committee it became apparent to me that Western Australia is a very large State with a very small amount of expertise in relation to its area. Certainly I pay tribute to the wisdom of Sir Stewart Bovell for appointing the committee, because at that stage he could see something needed to be done. Mr Lewis also has made that observation.

In 1969 I had an experience which made it quite obvious to me that it was necessary to have an organisation or authority which could move quickly to declare national parks and to fund them in some way. My colleague has said this Select Committee, if appointed, will investigate whether national parks should be self-financing, financed from Government funds, or whatever.

In 1969 a policeman came to me and advised me that a local girl had found some skeletons in a very large cave outside my home town of Kununurra. He knew of my interest in Aboriginal affairs and Aboriginal artifacts, and so he asked me if I would like to join the investigating party

and take sketches and photographs, because it appeared the area could be an Aboriginal burial ground. Also, many carvings and paintings had been reported in the cave.

I accompanied the police party with Aboriginal trackers, and when I sighted the cave I realised we had a major discovery in the area. Not only was the cave an old Aboriginal burial ground, complete with skeletons rubbed with red ochre, wrapped in paperbark, and placed on ledges in the cave, but also it contained paintings and carvings going back God knows how many years. The cave was used also for recording time and for producing artifacts such as grinding bowls, flint points, and chert points. Various other implements were found also.

I asked the police party not to disclose the position of the cave to anyone else because I realised it needed protection. At the next meeting of the Reserves Advisory Committee I suggested the cave needed to be protected in a way which would not allow desecrators of such things to visit it. The cave was close to a road, and if any publicity had been given to it the skeletons and artifacts would have disappeared.

No machinery was available for the immediate protection of the site, other than a bureaucratic decision to place a marking on a map to say the area was out of bounds to visitors; which, of course, would immediately declare where the cave was and would allow people to visit it, remove everything, and with spray cans paint "Kilroy was here" over ancient paintings and carvings.

Also in the same year I requested that another area be made either a reserve or a national park. I refer to an area called Hidden Valley within the townsite of Kununurra. In Hidden Valley a natural amphitheatre was found. In fact, this is an incredible amphitheatre. In those days I used to sing, and I visited the amphitheatre with another singer and carried out some acoustic tests. We found the acoustics were so good that one could sing or talk without amplification and be heard over an area which could hold 2 000 to 3 000 people.

That is a pretty marvellous situation to anyone interested in theatre. I thought it would be a good idea to declare the area a national park or a reserve to preserve it for the use of people in the future who may wish to indulge in theatrical work. Because of its unique situation, the amphitheatre would become known throughout the world.

I then found no machinery was available to do that, either. I was told the area was too small for a national park and it could not be made a reserve

because it was within a townsite. Once again we had a situation which could not be protected adequately.

I could go on to relate other experiences, but I think I have said enough in support of my colleague. The motion is well worth consideration by the House, and I hope members support it.

Question put and passed.

Appointment of Select Committee

THE HON. A. A. LEWIS (Lower Central)
[5.15 p.m.]: I move—

That the Hons. N. F. Moore, W. M. Piesse, G. S. Vaughan, F. E. McKenzie and the mover, be appointed to serve on the Committee and that any three members shall form a quorum.

Question put and passed.

THE HON. A. A. LEWIS (Lower Central)
[5.16 p.m.]: I move—

That the Committee have power to call for persons, papers and documents, and to adjourn from place to place; that the Committee may sit on days over which the Council stands adjourned; and that the Committee reports on Tuesday, the 27th November, 1979.

Question put and passed.

EDUCATION ACT

Disallowance of Regulation: Motion

Debate resumed, from the 2nd October, on the following motion by the Hon. R. Hetherington—

That Regulation 134 relating to the conduct of teachers, made under the Education Act, 1928-1977, published in the *Government Gazette* on the 17th August, 1979, and laid on the Table of the House on Wednesday, the 22nd August, 1979, be and is hereby disallowed.

THE HON. N. F. MOORE (Lower North)
[5.17 p.m.]: I should commence by complimenting Mr Hetherington, not only on his perseverance, but also on his remarkably good luck. The report of the Legislative Review and Advisory Committee which was tabled in the House yesterday must have been like manna from heaven, as yesterday it provided the bulk of his remarks in his speech.

At this stage I would like to reiterate some of the remarks I made in the House when we were debating the motion for the disallowance of the original regulations. When the original regulation was first gazetted, the Teachers' Union objected

quite strongly to some of its wording. I must confess that I agreed with some of its arguments.

As a result of the objections, the Minister initiated a series of meetings between the Education Department and the Teachers' Union, with the aim of ironing out the difficulties and the differences between the two parties. As a consequence of these negotiations, a new regulation was drawn up. To my knowledge, and also to the Minister's knowledge, this new regulation was acceptable to the Teachers' Union. This is the regulation which Mr Hetherington seeks to disallow.

Two points should be made quite clearly at this stage. The first point is that the union and the department are in agreement on the principles of the regulation. In other words, in certain circumstances the department must have the means and the power to discipline or dismiss teachers. The second point is that the regulation was drawn up after long and constructive negotiations between the department, the Minister, and the Teachers' Union. The consultation about which Mr Hetherington and the Teachers' Union have long complained took place on this occasion. I ask: what more could the Minister be expected to do other than carry out negotiations with the people most affected by the regulations?

The new regulation was drawn up in good faith. It demonstrates the desire of the Minister to incorporate the point of view of the Teachers' Union on this subject. I repeat: to my knowledge and to the Minister's knowledge the union, which represents most teachers in Government schools throughout Western Australia, is entirely satisfied with the new regulation. In fact, the Minister spoke this afternoon with the president of the Teachers' Union, who reiterated that the Teachers' Union is satisfied totally with the regulation as it exists.

In his speech yesterday Mr Hetherington made several points which I would like to deal with point by point. In regard to regulation 134 (1)(c), which relates to absence without leave, it should be pointed out that this is not a new provision in the regulation. In fact, this wording has been in force since 1949, when it was included in regulation 76. Since 1949 teachers have had no cause to complain about the wording of this part of the regulation. It has been administered in such a way that it has caused no concern. No reason can be seen for changing this at the present time.

The second point made by Mr Hetherington related to the end of subregulation (1), which talks about liability for dismissal. The use of the

passage "and is liable to be dismissed" is the point in question. The Legislative Review and Advisory Committee states that this is a drafting matter, and as such it will be referred to the Crown Law Department.

The third point raised by Mr Hetherington related to inefficiency being an act of misconduct. I am advised that the intention of the department and the Minister is to remove inefficiency as an act of misconduct, by inserting a completely new regulation relating to inefficiency and how the matter will be administered. The proposed amendment is being discussed by the Crown Law Department and the Education Department.

We now come to the criticism levelled by the Legislative Review and Advisory Committee in relation to regulation 134(1)(e). This topic was raised by Mr Hetherington, who used it as the main part of his speech yesterday. It was, and still is, the intention of the Government that a teacher's conduct outside school hours and outside school premises in certain circumstances will be subject to this regulation. For example, teachers are involved in a multitude of activities outside school hours. They relate to the coaching of school teams, visiting parents in their homes to discuss the progress of their children, and so on. Therefore teachers can be involved in all sorts of situations when they carry out their functions related to teaching, but not on the school premises or during school hours. It is because of this that the Government feels there should be a regulation governing the behaviour of teachers under these circumstances.

However, the Minister has advised me that, in view of the report of the Legislative Review and Advisory Committee, he will have another close look at the regulation. It must be borne in mind that the committee was formed by the Parliament to review regulations, and to present its views to the Parliament. In these circumstances, the committee has seen fit to criticise regulation 134 under the Education Act, and in particular it criticises subregulation (1)(e). In view of this criticism, the Minister has a strong obligation to consider the point of view of the committee.

I should reiterate that whilst it is the Minister's intention to give proper regard to the report, it is also the intention that the regulation will still apply to the behaviour of teachers outside school hours and off school premises.

Mr Hetherington has not advanced sufficient argument for us to disallow the regulation that is on the Table of the House, and therefore I ask members to oppose the motion.

THE HON. F. E. McKENZIE (East Metropolitan) [5.24 p.m.]: I had not intended speaking on this matter, but in view of the address given by the Hon. Norman Moore and the remarks he made in respect of the union being in agreement with regulation 134, I thought I had better do so as I wonder whether that is the situation. It often happens that unions are faced with no alternative but to agree to something less than what was proposed originally.

Having spoken to many rank and file members of the Teachers' Union, I am not satisfied in my own mind that that is not the situation; that is, that the union has come to an agreement with the Minister simply because it is the best that it can salvage from a proposal.

The original regulation was opposed completely by the union. If one bowls up something that is not quite as bad, there is an inclination to accept that as the lesser of the two evils.

The Hon. N. F. Moore: The new regulation was drawn up by the union and the department in consultation.

The Hon. F. E. McKENZIE: If the real views of the union are known, it may be that it does not like the regulation at all.

The Hon. N. F. Moore: The views were known. The president said this afternoon that he was happy with the regulation.

The Hon. F. E. McKENZIE: Did he say that without qualification?

The Hon. N. F. Moore: I am advised by the Minister that that is so.

The Hon. F. E. McKENZIE: This is where I am not sure. I think it is far better to disallow the regulation, in view of the document tabled yesterday from the Legislative Review and Advisory Committee. That is a fair body to adjudicate on these things. It feels this is an obnoxious regulation. I understand from rank and file teachers that they consider it is obnoxious in its present form. I have had discussions with teachers.

The Hon. N. F. Moore: So they do not agree with their union?

The Hon. F. E. McKENZIE: As I explained previously to the Hon. Norman Moore, it may well be that if one is faced with a situation of having a regulation of some sort, one is inclined to accept the one that is most satisfactory rather than have none at all. However, they would rather have no regulation at all.

The Hon. N. F. Moore: Who?

The Hon. F. E. McKENZIE: The teachers themselves.

The Hon. N. F. Moore: What absolute nonsense. You suggest there should be no regulation of the behaviour of teachers?

The Hon. F. E. McKENZIE: I do not think there is need for it to be spelt out. The Legislative Review and Advisory Committee said that in its report.

The Hon. N. F. Moore: They did not say that at all. They said a couple of words should be left out.

The Hon. F. E. McKENZIE: As a result of the debate here today, we will find out whether the union, through its members, is satisfied with the current regulation.

The Hon. N. F. Moore: The union president is satisfied.

The Hon. F. E. McKENZIE: The union officials have expressed that view.

The Hon. N. F. Moore: He is speaking on behalf of everyone. He is the spokesman.

The Hon. F. E. McKENZIE: Have they had a meeting of teachers to debate it? Time and time again we have heard that union officials do things without consultation with the rank and file. A number of teachers have said to me that they do not want that type of regulation. They support the attitude of the Legislative Review and Advisory Committee. That makes me doubtful about the whole exercise.

The regulation ought to be cast to one side, and the whole matter should be reconsidered. In view of the decision of the Legislative Review and Advisory Committee, I am predicting that before this week is out there will be some indication from the Teachers' Union that it is dissatisfied with the new regulation.

I urge members to support the motion moved by the Hon. Robert Hetherington.

THE HON. R. J. L. WILLIAMS (Metropolitan) [5.27 p.m.]: I have to support the Hon. N. F. Moore in this, and I have to debunk some of the comments of the Hon. Fred McKenzie. I have been a member of the teaching profession, so I know what I am talking about.

I am perfectly satisfied that the Hon. Norman Moore is an honourable gentleman—

The Hon. D. W. Cooley: We are all honourable gentlemen.

The Hon. R. J. L. WILLIAMS: There are various meanings of the word "honourable", as Mr Cooley would know. I am saying that when the Hon. Norman Moore rose to his feet in this House, he would not mislead the House knowingly by saying that the president of the

union has said to the Minister this very afternoon that the union agrees with the regulation, if it were not true.

The Hon. F. E. McKenzie: I didn't say he did.

The Hon. R. J. L. WILLIAMS: Mr McKenzie implied that this was one of those official white-washes.

The Hon. F. E. McKenzie: I did not say that.

The Hon. R. J. L. WILLIAMS: I suggest that Mr McKenzie read what he said.

The Hon. F. E. McKenzie: You put your own construction on it.

The Hon. R. J. L. WILLIAMS: That is why I am on my feet.

I am saying that, outside their work, the behaviour of teachers needs to be regulated as much as that of anyone else. We are not asking for standards of decency which are excessive. Teachers have a very responsible position and they must not be permitted to behave in a manner which would not be tolerated from any other member of the community.

The Hon. F. E. McKenzie: You are disagreeing with the Legislative Review and Advisory Committee.

The Hon. R. J. L. WILLIAMS: I am not. As indicated by Mr Moore, the Minister has said, there may be a review. I am not disagreeing with the legislative review committee as such. That committee finds two or three words to be obnoxious, not the whole of regulation 134. The committee enumerated two parts of regulation 134 and they are the parts which should be reviewed.

The Hon. F. E. McKenzie: Throw it out and rewrite it.

The Hon. R. J. L. WILLIAMS: In the meantime, the regulation should stay, otherwise we will have no regulation. Members can ask as many teachers as they like in order to discover how many of them do not want regulations.

The Hon. F. E. McKenzie: They do not want this one.

The Hon. R. J. L. WILLIAMS: Mr McKenzie is saying the teachers do not want the whole of the regulation; they just want complete chaos amongst their colleagues. He is saying, "Do what you like, when you like, because you are a teacher."

The Hon. F. E. McKenzie: That is not what I am saying.

The Hon. R. J. L. WILLIAMS: The member is saying, "Do what you like, when you like, because this regulation will not exist." The regulation has

to stay until such time as the report of the legislative review committee and the debate in this House have been reviewed by the Minister.

I support the comments made by the Hon. Norman Moore.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.32 p.m.]: There is no doubt that this House has to defeat this motion.

The Hon. R. Hetherington: There is every doubt.

The Hon. D. J. WORDSWORTH: There is no doubt it must be defeated when one reads the motion as follows—

That Regulation 134 relating to the conduct of teachers, made under the Education Act, 1928-1977, published in the *Government Gazette* on the 17th August, 1979, and laid on the Table of the House on Wednesday, the 22nd August, 1979, be and is hereby disallowed.

When we read the motion, we find there is no doubt that it is intended the entire regulation should be withdrawn. When one looks at the regulation and realises the importance of it, one can see that it should not be removed. Subregulation (1)(a) reads as follows—

A teacher who disobeys or disregards a lawful order made or given by or on behalf of the Director-General;

And paragraph (b) reads—

A teacher who fails to comply with or contravenes any of the provisions of the Act or these regulations;

Such a teacher is "guilty of misconduct and is liable to be dismissed."

How can we allow teachers to continue to teach children when that subregulation is not in force? It is obvious that we cannot accept this motion. There are some matters which need to be reviewed. Indeed, the Legislative Review and Advisory Committee has pointed out that it is necessary to look at a portion of the subregulation and, in particular, at the words "and is liable to be dismissed." It is suggested that these words should be referred to the Crown Law Department.

Of course, we do not disregard the comments made by the committee. The Minister has indicated the Crown Law Department will be consulted and the suggestion will be made that better drafting is necessary.

I am rather surprised at the comparison which has been made between the teaching and legal professions. In my opinion, if a lawyer gives good advice and conducts his business in a professional

manner, he is a good lawyer; but the same situation does not apply in relation to teachers.

A teacher has to conduct himself in a suitable manner both in and out of school hours, because he is setting himself up as an example. I do not believe, and I am sure the parents do not believe, that teachers can conduct themselves properly in the classroom, but improperly out of it. If we withdraw this regulation that could happen.

There is no doubt that this motion should be defeated.

THE HON. R. HETHERINGTON (East Metropolitan) [5.35 p.m.]: In his speech, the Hon. Norman Moore put forward some arguments which could be considered seriously. I do not believe the Minister has added anything.

Firstly, I want to get rid of the notion that, if we disallow the regulation, there will be chaos. I suggest that the Minister and the Hon. John Williams read the first line of the proposed change to the regulation which says that the principal regulation should be revoked and a certain regulation substituted. If we disallow this new regulation, regulation 134 is not revoked. It still exists.

There are difficulties with regulation 134. Perhaps I should point out to the members who may not be aware of the story that this whole business began when an attempt was made by the department to dismiss a teacher for inefficiency. The attempt failed and it was pointed out to the department that it had gone about the matter in the incorrect way. The department was able to take these steps, but it had gone about it in the wrong way. As a result, the department decided that, instead of going about the matter in a different way, it would have a new regulation. I am not objecting to that; but if we are going to have a new regulation, we want to make sure it is a good regulation and until the new regulation is introduced, the old regulation should remain. It was moderately adequate and will do for the time being. This will ensure that chaos does not occur. It is nonsense for the Minister and the Hon. John Williams to say that we cannot disallow the regulation because there will be chaos. Let us forget that matter and return to more important parts of the argument.

I know the Teachers' Union has accepted this regulation. I am aware that during the negotiations the provisions I have talked about were objected to. Finally, according to the information I obtained from people who attended the negotiations, the Teachers' Union said it did not want included in subregulation (1) (e) the words, "whether during or connected with his

employment and functions as a teacher or not". The union wanted to add to the words, "absent from school without leave". As I said yesterday, the union was informed by the department that the provision would be administered in that way.

The other point which has been mentioned is that the Minister intends to examine the provision relating to incompetence and it is proposed that something be done about it. I mentioned this matter yesterday also, and I have not learned anything new today. Yesterday I said that the Minister had told me this by way of an answer to a question in this House. I did not say he had not told me; but it seemed to me that it would be a good idea if we disallowed this regulation. We should leave the old regulation so that chaos is prevented. I can assure the Minister chaos has not occurred since the introduction of regulation 134. We should leave it until we get a better regulation.

I was pleased to hear the Hon. Norman Moore give the assurance that the Minister will look at the matters to which the Legislative Review and Advisory Committee objected. I would not expect the Minister to do anything else. I am not surprised by the statement. Yesterday when the Hon. Norman Moore adjourned the debate I realised that he would seek such an assurance from the Minister. He could not commit the Minister until he had spoken to him. Neither of us was in doubt about what would be said today. We knew the Minister would have a look at it, because he would be irresponsible if he did anything else. Although I sometimes think the Minister has touches of irresponsibility, I do not believe he is that irresponsible and of course he will look at the matter.

I want to deal with the arguments which I felt were worthy of consideration. These are the arguments raised by Mr Moore. It is true that the provision in relation to being absent from school without leave appears in the present regulation. It has been there for a long time and I accept the assurance of the member that it was introduced in 1949. Of course, we do not expect the department to administer it in any other way; but while we are amending regulations, it is a good idea to try to perfect those which exist.

You, Sir, will be the first to realise that a comparatively new member who has not yet been in the House three years, takes a long time to learn everything. I have not read the regulations of the Education Department from the front to the back, although I set out to try to do so at one stage. However, I have not managed to.

When this regulation was introduced, I read it and the then existing regulation. As a result, I realised there was a flaw. I am suggesting the flaw is there and while we are on the job, we should amend the regulation accordingly so that "without reasonable cause", or words to that effect, are written into the regulation in order that there is no doubt that this is the intention of the department and the position of a teacher at law is understood fully. If a teacher is dismissed for being absent without leave when he has reasonable cause, he can go to the tribunal under its new powers and appeal and the appeal is quite clear. This is the intention of the department; therefore, it should be written into the regulation.

Paragraph (e) says, "engages in disgraceful or improper conduct" and I do not object to those words. I do, however, object to the words, "whether during or connected with his employment and functions as a teacher or not". Those words give the impression of 24-hour surveillance. I know, and I am sure the honourable gentleman knows because he will have read the report which I read yesterday, that the words "engages in disgraceful or improper conduct" are sufficient in themselves. It does not say, "disgraceful or improper conduct while he is teaching". It says, "disgraceful or improper conduct". This is sufficient.

I intended objecting to the words "disgraceful or improper conduct". However, I was talked out of doing so and the honourable gentleman will be happy to know I was talked out of it by an official of the Teachers' Union. He said, "We have had a look at it. We accept it. It is in Acts in other States." As was made clear by the report, these words have a specific legal meaning now. Therefore, with some reluctance, because I do not like the sound of the words, I accepted them.

However, I do not accept the words, "whether during or connected with his employment and functions as a teacher or not", because the "Big Brother" feeling is evident. That is the objection of many teachers. I do not believe it is the intention of the department to carry out 24-hour surveillance of teachers; but I believe it is better that the words should be removed. In my opinion, the words "engages in disgraceful or improper conduct" are adequate.

I had intended speaking about these particular words yesterday; but the report of the legislative review committee arrived in my lap and showed that not only were the words redundant, but they should also be objected to positively, because they broadened the subregulation in such a manner that one could decide a teacher's conduct had

been disgraceful or improper in an area which was totally unrelated to the functions of a teacher.

I think what the committee did was not to say teachers were like lawyers, full stop; it said teachers were professional people and that there were cases which covered professional people which illustrated that this was a restricting and unnecessary subregulation. I would indicate to Mr Moore that I have not said that the regulation was not drawn up in good faith.

The Hon. N. F. Moore: I did not say you said that.

The Hon. R. HETHERINGTON: I am making the position quite clear. I have not stated that there is no need to have a regulation to cover the dismissal of teachers. I have not said that I object to the principle behind what the department is trying to do. I think I did say, last year, that I objected to the earlier version of regulation 134, but I did say I accepted the principle. I said I realised there were great difficulties. The difficulties were shown by the last version of the regulation which had to be withdrawn. The present regulation has been substituted in its place.

I still think the regulation, as it stands, is "flawed"—it is severely "flawed". There is a regulation which has served since 1949. Let us therefore disallow this regulation and allow the Minister, in his own good time, to have the Crown Law Department and the departmental officers draw it up again so that we will have a better regulation.

I would say quite seriously to honourable members—the gentlemen who have told me that we are a House of Review—that I said to one of the officials of the Teachers' Union, about this particular clause, "I do not care whether you support it or not". I did not, and I still do not, and I think while this clause remains as it is we should disallow the regulation. That answers an interjection from the Minister late yesterday when he said, "Do you think you should agree with the union all the time?" The answer is, "No, I do not."

If the union is totally satisfied with this regulation as it stands—if the word "totally" were used; it is the kind of word I do not use because totality is something one can rarely achieve—I think it is time the teachers elected new union officials.

The Hon. N. F. Moore: They just did.

The Hon. R. HETHERINGTON: Perhaps they should elect other representatives. They may have made a mistake. However, I know people, when they use the word "total", do not usually

mean it. I think it is always a good idea to qualify statements, otherwise one can make foolish ones.

I reject the argument of the gentleman opposite. We will not bring the whole Education Department into chaos if we disallow the regulation. It will be changed, anyway. Let us do what a House of Review should do when an imperfect regulation is put before it. Let us disallow it so that we can return to the previous imperfect regulation and wait until such time as the Education Department produces a more perfect regulation.

I ask members to support the motion.

Question put and a division taken with the following result—

Ayes 7

Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Claughton
Hon. F. E. McKenzie	(Teller)

Noes 17

Hon. N. E. Baxter	Hon. N. F. Moore
Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. V. J. Ferry	Hon. W. M. Piesse
Hon. H. W. Gayfer	Hon. I. G. Pratt
Hon. T. Knight	Hon. J. C. Tozer
Hon. M. McAleer	Hon. R. J. L. Williams
Hon. N. McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
	Hon. G. E. Masters
	(Teller)

Pairs

Ayes	Noes
Hon. R. T. Leeson	Hon. A. A. Lewis
Hon. Lyla Elliott	Hon. G. C. MacKinnon

Question thus negatived.

Motion defeated.

BILLS (4): THIRD READING

1. Criminal Code Amendment Bill.

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

2. Salaries and Allowances Tribunal Act Amendment Bill.

3. Censorship of Films Act Amendment Bill.

4. Judges' Salaries and Pensions Act Amendment Bill.

Bills read a third time, on motions by the Hon. I. G. Medcalf (Attorney General), and passed.

House adjourned at 5.55 p.m.

QUESTIONS ON NOTICE

TRANSPORT: BUSES

Football Carnival

226. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Transport:

- (1) Is it a fact that for the final day of the State of Origin Football Carnival, Monday, the 8th October, when a crowd of 50 000 to 55 000 is expected, the Metropolitan Transport Trust will be operating only on holiday timetables?
- (2) If not, will the Minister advise what supplementary services will be operating over the period of the carnival?

The Hon. D. J. WORDSWORTH replied:

- (1) No. Although the overall MTT services will operate on a holiday timetable, supplementary services to cater for the football will operate as necessary. The WANFL is budgeting for an attendance of 25 000 to 30 000.
- (2) (a) Saturday, the 6th October—
 - (i) A number of oval-to-oval specials will operate.
 - (ii) Augmented service between Perth and Subiaco and Fremantle and Subiaco before and after games.
 - (iii) Other services will be augmented if and when necessary.
- (b) Sunday, the 7th October—
 - (i) Normal Sunday service.
 - (ii) Standby buses available to augment service where necessary.
 - (iii) After game, special buses will be provided to clear loading between Leederville oval and Perth and augment other services if necessary.
- (c) Monday, the 8th October
 - (i) A number of oval-to-oval specials will operate.
 - (ii) Augmented service between Perth and Subiaco and Fremantle and Subiaco before and after the game.

(iii) Other services will be augmented if and where necessary.

HEALTH: MENTAL.

Graylands and Heathcote Hospitals

227. The Hon. D. K. DANS, to the Minister for Lands representing the Minister for Health:

In relation to—

A. Graylands; and

B. Heathcote Hospitals—

- (1) During the last financial year—
 - (a) what funds were received from Government sources;
 - (b) in what way were these funds allocated; and
 - (c) from what other sources were funds received, and what were the amounts?
- (2) (a) What forms of psychiatric treatments are used; and
- (b) what are the regulations covering use of such treatments?
- (3) (a) How many psychiatrists are employed; and
- (b) what remuneration do they receive?
- (4) Is it considered these two hospitals are overcrowded?
- (5) Are any statistics available relating to the success or otherwise of treatment provided to patients?
- (6) (a) How many deaths have occurred over the last five years;
- (b) what was the cause of these deaths; and
- (c) were any unusual circumstances recorded?

The Hon. D. J. WORDSWORTH replied:

	Graylands	Heathcote
	\$	\$
(1) (a)	6 275 000	2 627 700
(b) Salaries	5 285 300	2 154 200
Contingencies	989 700	473 500
(c) Revenue paid into the Consolidated Revenue Fund—		
maintenance fees	283 200	—
nursing home benefits	—	331 800

- (2) (a) Both hospitals employ a wide range of psychiatric treatments, which are in accord with prevailing practice within the speciality;

- (b) see answer to (2)(a). The honourable member should refer to section 8(2) and 9(2) of the Mental Health Act.
- (3) (a) A Graylands—four, including the psychiatrist superintendent;
B Heathcote—three, including the psychiatrist superintendent;
- (b) remuneration is in accordance with the psychiatrists' salary agreement with the Public Service Board.
- (4) No.
- (5) The main indication of treatment efficiency is contained in figures relating to admission and discharge from hospital.
These are published annually in the report of the Director, Mental Health Services, which is tabled in this House.
- (6) (a) The number of deaths in Graylands and Heathcote hospitals is part of the statistical information included in the annual reports of the Director, Mental Health Services.
For 1978-79 the figures were—
Graylands 5
Heathcote 2;
- (b) the information requested by the honourable member involves a considerable amount of research. The information will be provided in writing when available;
- (c) all sudden or unexpected deaths in hospitals are the subject of inquiry by the Coroner's officers. None of these inquiries in relation to deaths at Graylands and Heathcote over the last five years has led to a Coroner's inquest.

QUESTIONS

Answers: Cost

228. The Hon. A. A. LEWIS, to the Leader of the House representing the Premier:

- (1) Would the Minister obtain from the Premier the estimated cost of answering parliamentary questions, in this session, in each portfolio of the Cabinet, and advise this House of these costs, on a weekly basis?

- (2) Would the Minister also obtain from the Premier the hours spent by the chief executive officer in each of the portfolios in preparing the answers to these questions and advise this House?
- (3) Would the Minister also state whether the answer to the bulk of these questions would be available to members through the process of contacting ministerial offices, and what would be the estimated delay if answers could be obtained in this manner?

The Hon. I. G. Medcalf (for the Hon. G. C. MacKINNON) replied:

- (1) Mention is made that the member asked an identical question in April, 1978 to question 228 on today's notice paper. He will also recall that it required a considerable amount of time and cost to prepare the information he sought. No doubt the same will apply if the required research is to be undertaken again.
However, it can be safely stated that the costs in answering parliamentary questions are forever on the increase. While the average approximate cost to answer a question in 1978 was \$89 it can be reasonably stated that this amount has increased.
Accordingly, unless the member has a particular reason, of which I am unaware, I do not propose to request the necessary research to be undertaken.
- (2) and (3) The position is, for all practical purposes, unchanged from the answer given to the April, 1978 question.

FIRES: BUSH FIRES BOARD

Authority of Officers

229. The Hon. W. M. PIESSE, to the Minister for Lands:

- (1) Has a bushfire brigade officer authority to impose a ban on the movement of vehicles on properties?
- (2) If so, would the Minister advise how such authority is sanctioned?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) Answered by (1). However, if the honourable member is perhaps referring to bushfire control officers, the answer is—
(1) Yes.

- (2) Regulation 39A, made under the Bush Fires Act, 1954.

POLICE

Aboriginal Aides

230. The Hon. J. C. TOZER, to the Leader of the House representing the Minister for Police and Traffic:

Do the conditions of employment of Aboriginal police aides provide for—

- (a) sick pay;
- (b) holiday pay including statutory holidays;
- (c) workers' compensation insurance cover;
- (d) a determined wage for a given number of hours of work, plus overtime at penalty rates;
- (e) weekend penalty rates; and
- (f) all other conditions enjoyed by the ordinary constable who may be stationed at police stations where police aides are employed?

The Hon. I. G. Medcalf (for the Hon. G. C. MacKINNON) replied:

- (a) Yes.
- (b) Yes.
- (c) The same conditions as for other police.
- (d) Yes.
- (e) No. Aboriginal police aides work from Monday to Friday. If required to work on a weekend, they are paid overtime rates for the hours worked.
- (f) Generally "Yes", in relation to privileges and amenities, but operate under a separate promotional system and wage structure.

EDUCATION: SCHOOL BUS

Karratha-Wickham

231. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

Can the Minister advise—

- (a) why an air-conditioned school bus has not yet been provided between Wickham and Karratha; and

- (b) when such a school bus will begin to operate?

The Hon. D. J. WORDSWORTH replied:

- (a) Buses are provided by contractors and new contract rates acceptable to both the Education Department and the contractor are still under consideration.
- (b) I am advised that it is unlikely that air-conditioned buses will operate before first term, 1980, although every effort is being made to expedite arrangements.

HOSPITAL

Roebourne

232. The Hon. J. C. TOZER, to the Minister for Lands representing the Minister for Health:

- (1) Was it proposed to carry out a major repair and renovation programme on the Roebourne Hospital in the 1979-80 financial year?
- (2) As there is no allocation of funds for this work in the General Loan Fund Estimates of Expenditure, can it be concluded that the work is not now considered necessary?
- (3) Why is this so, when inspection does not support such a conclusion?
- (4) Will the Minister advise of plans for the Roebourne Hospital—
 - (a) in the immediate future;
 - (b) in the next decade; and
 - (c) in the long term;
 and outline the hospital's general strategic role in the delivery of medical services to the Dampier-Karratha-Roebourne-Wickham conurbation?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) Funds would have been allocated from revenue sources.
- (3) Refer to question (4).
- (4) The scheduling of requirements for the repair and renovation of Roebourne Hospital has been temporarily suspended awaiting the outcome of a review and rationalisation of the hospital and medical facilities required for the entire Pilbara area.

CULTURAL AFFAIRS

Perth Institute of Film and Television

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

- (1) Has the Minister received a request from the Perth Institute of Film and Television to improve and maintain the premises it occupies at Fremantle?
- (2) Will he advise whether funds will be granted for these purposes to the institute this financial year?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) Yes. I am advised that the matter is being considered by the Public Works Department.

RAILWAYS

Staff

234. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

- (1) What was the total number of staff employed by Westrail at the 30th June, 1979?
- (2) How many were—
 - (a) salaried; and
 - (b) wages staff?

The Hon. D. J. WORDSWORTH replied:

- (1) 9 962.
- (2) (a) 2 155.
(b) 7 807.

EDUCATION: SCHOOL

Wilson Park

235. The Hon. A. A. LEWIS, to the Minister for Lands representing the Minister for Education:

- (1) Is Wilson Park School included in the list for repairs and renovations this financial year?
- (2) If not, when will it be listed?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) Not applicable.

236. *This question was postponed.*

RAILWAYS

Midland Workshops

237. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

How many—

- (a) salaried staff; and
- (b) wages staff;

employees were employed at Westrail's Midland Workshops for each of the years ending the 30th June, 1956, 1966, 1976, 1977, 1978 and 1979?

The Hon. D. J. WORDSWORTH replied:

	(a)	(b)
	Salaried	Wages
1956	199	2 729
1966	195	2 358
1976	211	2 053
1977	215	2 130
1978	208	2 214
1979	209	2 267

EDUCATION: HIGH SCHOOL

Manjimup

238. The Hon. A. A. LEWIS, to the Minister for Lands representing the Minister for Education:

- (1) Has any provision been made in this year's Budget for the building of a gymnasium at Manjimup High School?
- (2) If not, when is it expected to give this facility to this school in the coldest part of the State?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) As yet, there is no definite timetable for a hall at this school.

BIRD

Sulphur Crested Cockatoo

239. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Fisheries and Wildlife:

- (1) Is it a fact that an open season has been declared on the Sulphur Crested Cockatoo?
- (2) If so, on what date was the declaration made?

The Hon. I. G. MEDCALF replied:

- (1) An open season has been declared on acclimatised flocks of eastern subspecies of the sulphur small-crested cockatoo.
- (2) The 16th June, 1978.

QUESTION WITHOUT NOTICE

VEGETABLES

Potato Marketing Board

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

- (1) Is it a fact that the Potato Marketing Board is supervising the disposal of some 1 000 tonnes or more of potatoes from the No. 2 pool other than by marketing?
- (2) When is it anticipated the No. 3 pool will start?

- (3) Are there any more potatoes other than those referred to in (1) left in the No. 2 pool; if so, what are these stocks?
- (4) What is the weekly sale by the board of potatoes?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) The board advises that 400-450 tonnes of potatoes unsuitable for human consumption from the No. 3 pool are being disposed of other than by marketing. The No. 1 pool will open on the 15th October, 1979.
- (3) There are no potatoes left in the No. 2 pool which closed on the 16th March, 1979. However, it is estimated that there are approximately 1 800 tonnes of potatoes other than those referred to above still to be marketed from the No. 3 pool.
- (4) Local sales of potatoes range from 800 to 1 000 tonnes per week.