Legislative Assembly

Thursday, the 14th September, 1978

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

BETTING CONTROL ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Chief Secretary) [2.19 p.m.]: I move—

That the Bill be now read a second time.

It has been a well-established and well-known practice for registered bookmakers to utilise the facilities at Tattersalls Club, Perth, for the purpose not only of settling bets but also "calling the card" in respect of race meetings, in addition to making bets in relation to those meetings.

Strictly speaking the provisions of the Betting Control Act do not permit of such a practice. Section 5 of the Act indicates that wagering or gaming on races should take place on a racecourse during the holding of a race meeting or at or in registered premises.

This Bill proposes to regularise the procedures which have been accepted currently.

The proposal has the support of both the Betting Control Board and the Commissioner of Police.

The Bill provides specifically that the premises known as Tattersalls Club in Perth will be a place where bets under the Betting Control Act may be settled and that "calling of the card" and making bets shall be lawful.

In addition it provides that such activities may be lawful in other places as prescribed subject to the Betting Control Board, after consultation with the Commissioner of State Taxation, being satisfied that adequate provision is made concerning supervision and the correct accounting of all bets that are made.

The opportunity is taken in this small Bill to make some minor corrective amendments to the parent Act.

I commend the Bill to the House.

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

PUBLIC SERVICE BILL

In Committee

Resumed from the 12th September. The Deputy Chairman of Committees (Mr Watt) in the Chair; Sir Charles Court (Premier) in charge of the Bill.

Clause 35: Appeals against recommendations for promotions—

The DEPUTY CHAIRMAN: Progress was reported after the Premier had moved the following amendment—

Page 19, lines 1 to 7—Delete subclause (3) with a view to inserting other subclauses.

Amendment put and passed.

Sir CHARLES COURT: I move an amendment—

Page 19, line 1—Substitute the following for the subclause deleted—

(3) Where in respect of the vacant office there is a relevant union, a permanent officer applicant has the right of appeal under this section—

(a) if he was, at the time he made his application for promotion to the vacancy, a member of the relevant union;

(b) if he was not, at that time, a member of the relevant union but is employed in the Department in which the vacancy occurs and all the other applicants for promotion to the vacancy were not, at that time, members of the relevant union; or

(c) if, at that time, he was not a member of the relevant union but held a certificate of exemption issued under the provisions of section 61B of the Industrial Arbitration Act, 1912,

and not otherwise, unless the Minister declares upon special grounds that this subsection does not apply in respect of the vacancy.

(4) For the purposes of and in relation to an appeal under this Division—

"union" means an industrial union of workers within the meaning of the Industrial Arbitration Act, 1912; and

"relevant union" means a union that is party to an award or industrial agreement under the Industrial Arbitration Act, 1912 or the Public Service Arbitration Act, 1966 whereby the terms and conditions of employment appertaining to the

vacant office are or will be regulated.

Mr HARMAN: We are happy with the amendment. Obviously the original subclause (3) was not acceptable, and the Premier has seen fit to bring an amendment to the Committee. We accept it. I did want further to amend subclause (2), but as we have passed it I will endeavour to arrange for the matter to be debated in another place.

Amendment put and passed.

Mr HARMAN: I move an amendment—

Page 19—Add after subclause (4) the following new subclauses—

(5) Every appeal shall be in writing, shall clearly and concisely set forth the grounds upon which the appeal is made, shall be despatched or delivered to the Secretary of the Board within the prescribed time, and subject to this Act shall be heard by the Board as early as practicable after the date when the appeal is received by the Secretary. A copy of the appeal shall also be served on the recommending authority concerned within the prescribed time aforesaid.

(6) (6) An appeal may be made on the ground of:

(a) Superior efficiency to that of the employee promoted, or

(b) Equal efficiency and seniority to the employee promoted.

(7) For the purposes of sub-section (2) of this section, "efficiency" means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit, diligence and good conduct, but in considering efficiency the recommending authority and the Board shall disregard service in such office in an acting capacity by applicants for the office to be filled. Provided that in assessing the efficiency of an employee the recommending authority and the Board shall have regard to any service in an acting capacity by that employee in the office to be filled if—

(a) that service was had prior to the occurring of the vacancy then being filled, and

(b) the terms and conditions of employment appertaining to the vacancy then being filled are regulated by the provisions of an award or industrial agreement in force under the Industrial Arbitration Act, 1912 or the Public Service Arbitration Act, 1966, to which the relevant union is a party.

Provided that, in the case of an employee who is a returned soldier, the term shall include such efficiency as in the opinion of the Permanent Head of Department concerned or the Board, as the case may be, the employee would have attained but for his absence on war service as such soldier.

"Seniority" means by longer period of continuous permanent service after attaining the age of eighteen years.

Members will notice I have renumbered the proposed new subclauses (5), (6), and (7) on the notice paper as a result of the amendment we have just passed. Also, the passage "Civil Service Association of Western Australia, Incorporated" in lines 11 to 13 of paragraph (b) of subclause (7) has been deleted and replaced by the words "relevant union".

I believe it is necessary that the appeal board should have some criteria which must be regarded as important to ensure that when officers are recommended for promotion there is some basis upon which the recommending officer or department, the Public Service Board, or the Public Service Appeal Board may place some reliance. My amendment will provide that.

Clause 35 says that "A permanent officer who was an applicant for a vacant office and who considers he has a better claim to promotion to the vacancy than the officer recommended for promotion may.....appeal against such recommendation." He simply has to feel he has a better claim. My amendment ensures that the grounds for his appeal will be superior efficiency to the employee recommended, or equal efficiency and seniority to the recommended employee. This would mean that in an appeal situation if two persons were of equal efficiency the appeal board could use seniority as its criterion. The concept of

seniority would be used as a tie breaker, and I think it is important to retain it in the legislation.

This could be done by regulation, and the matter could be argued in the Parliament when regulations are brought here. However, I would not like to see this matter left to a Public Service instruction, because we would have no opportunity to discuss the matter in the Parliament. I think it is far better to write these criteria into the legislation so that everyone knows where he stands and what are the ground rules.

Sir CHARLES COURT: I oppose the amendment. I remind members that the main purpose of the member for Maylands is to retain within the legislation a reference to seniority. We heard a fairly impassioned explanation the other night by the Opposition on the matter of seniority which members opposite said has no particular relevance. A number of cases were cited in which under the present legislation appointments had been made of comparatively young men who, presumably, had not been in the Public Service for very long but were appointed to senior positions. This argument was advanced as an explanation for the Government's not breaking new ground with the deletion of seniority; yet he wants to retain the position as it is.

I want to remind members of the phrase used by the member for Maylands when he referred to "better claim". If members look at page 18 of the Bill, clause 35(1) reads—

> A permanent officer .... who considers he has a better claim to promotion ....

When he puts in his appeal and gives his reasons for appealing he will state not only his efficiency in the job, his experience and competence in the job, but also the fact that he is senior. The whole of the framework of the legislation is such that the appeal authority can take into account seniority, together with any other factors.

If we accepted the amendment, it might appear that, all things being equal, by legislative direction seniority would be the determining factor. I suggest that the only people who could make a determination as to when all things are equal would be the people hearing the case. They would have evidence before them from the appellant; they would hear evidence from those who were resisting the appeal; and they would make up their minds about factors such as efficiency, suitability for the job, and so on. If the appeal authority reached the point where it was either Tweedledum or Tweedledee in relation to competence, experience, and so on, the appeal authority would then have available to it this other factor.

We do not believe seniority should be written into the Statute because the moment it appears in the Statute it will become the dominant matter. It will be something taken by the appeal authority as a direction from the Parliament because the word "seniority" appears in the Statute.

I sensed from what was said the other night that members opposite and the Civil Service Association had accepted that this statutory reference to seniority no longer had currency and therefore could be deleted.

The reference is to a permanent officer having a better claim to promotion. When he or she puts in his or her application and contests the appeal, I have no doubt that a very important part of his or her application would be the fact that he or she has seniority, either in greater or lesser degree. That would be one of the factors on which the authority would have to make up its mind. If all things were equal, as a matter of natural inclination the authority would then decide that the senior applicant should have the job.

In the light of that, the Government cannot accept this amendment directed at the question of seniority.

Mr HARMAN: I think the Premier has missed the point again. If Parliament cannot give the board some basic ground rules, the board would be inclined to find other criteria on which to make a decision in an appeal case. This is quite sensible. If there are two persons in an appeal situation and they are both of equal efficiency, the Premier assumes that the board would probably find in favour of the person who has been in the Public Service for the longer period. It might be only a three-month period; but that gives the board a ground for its decision.

We are not telling the board what the criterion should be. The amendment indicates that an appeal may be made on that ground. That indicates we are not telling the board what its job should be. We are not putting any restriction on its decision-making processes. We are saying that the Parliament suggests that this question of superior efficiency, or equal efficiency where there are two officers on the same level, is a ground rule which could be adopted.

This is a matter which public servants would like to see written into legislation, not into a Public Service instruction or into a regulation. The very least we can do for our public servants is to demonstrate the concern that Parliament has for their career service and for their rights in the question of appeals against other officers being promoted. This is not very much to ask.

We acknowledge that in many cases persons

are promoted to positions against which there is no appeal. I mentioned the other night the appointments of Mr Kidson and Mr Shimmon as heads of departments at the ages of 34 and 44 respectively. There is no right of appeal in those cases. They were appointments made by the Governor and by Cabinet, on the recommendation of the board. There is no right of appeal available to any other officer in the service. Possibly there are some officers in the service who feel that they have equal efficiency to Mr Kidson and Mr Shimmon, and that they should have been considered for the positions. Now that the appointments have been made, other officers have no opportunity to appeal and to demonstrate to the appeal board that they have greater efficiency.

We are not asking too much in seeking this amendment. We are indicating what the Parliament feels should be the ground rules which may be used. If Parliament is not going to indicate how it feels on this matter, the board will have no legal guidelines under which it can act.

On this basis, I strongly urge members to support this amendment.

Mr WILLIAMS: The member for Maylands is missing the point. What the Premier has tried to say to the member for Maylands and to all members on the other side is that it is the Government's desire to let the board exercise its own rights of promotion. I believe that this is the right and proper way for the board to conduct its affairs, and I do not believe the Government should interfere.

In the past, when public servants have been applying for promotions or appealing, there have been the concepts of efficiency and seniority. I believe we should get away from that situation. We want the board to promote on merit and on merit alone. When all is said and done, the board is the authority and we should rely on the ability of board members to promote in the proper manner. Therefore, I do not support the amendment.

Mr Jamieson: I knew he was going to be an expert on something sooner or later. Now we know.

Sir CHARLES COURT: I should like to invite the attention of the member for Maylands to what would become the new subclause (6) if we adopted the amendment he has moved. It reads—

> An appeal may be made on the ground of:
>
> (a) Superior efficiency to that of the employee promoted, or
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> (b) Equal efficiency and seniority to the employee promoted.

The mere fact that that is made a ground for appeal enshrines in the legislation, virtually as a direction to the board, that this will be a determining factor. I know the member is working on the assumption that there is a situation where equal efficiency has been established and there are cases where that has in fact occurred and a traumatic decision has to be made to choose one of the two applicants.

Mr Davies: How do you decide?

Sir CHARLES COURT: But, in my opinion, the board, being completely free and independent in the matter and bearing in mind that the person at the head of the board would also have a great deal of experience of the inside workings of the Public Service, would then give credence to greater seniority if in fact a situation arose where the board members were of the mind that the applicants had equal efficiency.

I move to what would be the new subclause (7) and invite the attention of the member to the verbiage which has been used to define "efficiency" and factors that must be taken into account. The very thread of the verbiage in that subclause defeats the argument of the member, because it virtually weighs very heavily on the length of service. In fact it excludes certain service. I know it could be argued and it could be argued logically that in using that reference to length of service in that case, it assumes that because a person has longer service, he would, therefore, have more experience and would be more efficient. We know that is not true. We know in practice some people are very quick on the uptake and within a matter of weeks they have adapted completely to a particular appointment. They have that happy knack. On the other hand, other people take longer to grasp a new appointment and frequently they may be more efficient ultimately, because they have obtained a greater depth of understanding and their knowledge is not as superficial as the knowledge of those who might be quicker off the mark.

I remind members that proposed new subclause (6) would virtually enshrine an implied direction from Parliament to the board and proposed new subclause (7) would further give the impression that Parliament intended a considerable weighting to be given in respect of seniority when in fact we have accepted a piece of legislation on the basis that the old statutory references are abandoned and we now leave the appeal authority sitting as an independent board, bearing in mind that it has employee representation, to consider this matter completely free of fetters imposed by the Statute.

I come back to my earlier point that all of us sitting on such an authority would, if confronted with a situation of proved equal efficiency, come down in favour of the appellant with the greater seniority.

Mr DAVIES: I favour the advantage being given to seniority where all else is equal. I do not imagine the Premier has had the advantage of appearing as a appellant before the appeal board as it is proposed to be set up now, because no-one has appeared before it yet; but the old Government Employees (Promotions Appeal Board) Act set up a board which caused a great deal of heartburning at the time, but over the years it has been working very efficiently.

I notice that written into proposed subclause (6) are the matters which have worried the board over the years and which have demanded certain amendments to the Act. For instance, the words "merit, diligence, and good conduct" have been there for a long time and set out clearly the meaning of "efficiency". The definition is very wide. If the board wants to give the job to you, Mr Deputy Chairman (Mr Watt), if you are the recommended appellant, within that framework the board can direct itself towards its goal with considerable ease. Some of the problems have arisen because the description is very broad.

One of the other matters which is mentioned here is that the board shall disregard acting capacity. You would not know, Mr Deputy Chairman, but one of the old tricks of the department—and I am not particularly referring to the Civil Service, but I am referring to the railways—was to appoint a man to a position for six months, 12 months, or for a lesser time. It would then be said, "This fellow has had experience in the job, so obviously he is the most efficient." Words have now been written into the Act after a great deal of argument to ensure the board disregards acting time. I appeared as an appellant in a great number of cases where the decision of the board was made on the basis that, "We feel this man has superior efficiency, because he has acted in the job." That was hardly fair, because in some cases we were quite certain the staff movements were organised to ensure the man the department wanted to have the job, worked for a period in an acting capacity.

The proposed subclause containing the description of "efficiency" has been drawn up after a great deal of thought; but the overriding demand at all times was that in cases of equal efficiency the person with the greater seniority had the advantage. That is only proper. The remarks made by the member for Maylands are not particularly relevant in this situation. We acknowledge what has been happening and we support it to a degree; but we have now reached the stage where we are discussing two people who may be of equal efficiency. The board cannot decide whether one is more efficient than the other; therefore, having decided the men have equal efficiency, seniority must be the overriding factor. That is only just, reasonable, and fair.

As I have mentioned, if the department wants to ensure a particular man obtains the job, the description of "efficiency" is so wide that it can easily organise such a situation and probably a two-to-one majority will be obtained. That is not unusual. I have seen such decisions on more than one occasion.

I believe the amendment moved by the member for Maylands is a very fair and proper one, and one which should be understood by the department. It will certainly be understood by the people concerned. It should be remembered the Promotions Appeal Board was set up initially because a great deal of heartburning had been experienced over appointments which were made from time to time. We seem to have reached the situation where everyone can be satisfied, but unless the overriding factor in a situation of equal efficiency is seniority, I believe we will return to the position where some appointments are entirely unacceptable. This will cause unhappiness in the work place.

Mr HARMAN: I ought to make the point that for some time the myth that the Public Service is some sort of musty, rigid organisation where people receive promotion only on the grounds of length of service has been encouraged by the media, by some politicians and other people in public life. It is a myth. It is not true in Western Australia, because if members look at the appointments which have been made over the years, they will see that most of the appointments have been made on the grounds of efficiency, and not on the grounds of seniority.

I hope the Premier does not think that in the Public Service of Western Australia promotion is based on seniority, because it is not. There is plenty of evidence to show that is not the case. We are arguing about the situation where one person appeals against another because the other has received a recommendation for appointment.

I agree that if we carry this clause we will indicate to the board what Parliament feels about this question of breaking a tie when two people of equal efficiency apply for a position and the board has to make a decision. All we are asking Parliament to do is to accept that proposition.

Sir CHARLES COURT: I am sorry I cannot

go along with the proposition put forward by the honourable member. Whether he likes it or not, or whether he believes it or not, I still believe the cold, hard facts are that if these words are put into the legislation they will enshrine the impression from the Parliament that seniority still rides.

Mr Harman: It is already there.

Sir CHARLES COURT: The honourable member would not like us to accept that seniority has no significance at the moment. It has plenty of significance and I think most people within the Public Service—particularly the younger brigade—would be glad to see it out. It will get away from this misunderstanding to which the honourable member referred, and leave the matter where it should be: with the board.

I remind members that subclause (2) of clause 41 refers to the fact that the Promotions Appeal Board, in hearing and determining appeals, shall act according to equity, good conscience, and the substantial merits of the case without regard for technicalities or legal forms, and shall not be bound by any laws or rules of evidence, but may inform its mind on the matter in such a way as it thinks fit.

In my experience the promotions appeal machinery has worked with a great deal of independence. In fact, my own experience was rather unique. It concerned an officer subject to appeal who I believed to be the most efficient in terms of work knowledge and performance, even to the classic point where the permanent head was also strongly supporting the person appealed against on the grounds of straightout obvious competence. The board still decided against the person who had been promoted, and in favour of the appellant. By no stretch of the imagination could that be regarded as equal efficiency with greater seniority.

I believe the time has come to face up to this issue and create the situation which the honourable member claims exists. I believe the Public Service would be happier with that, if public servants felt that from now on there was no direction by Statute, or implied direction. If a person is able to argue a case and demonstrate his equal efficiency, and greater seniority, then I believe we can leave it to the good sense of the Promotions Appeal Board operating within the provisions of clause 41—particularly subclause (2)—to use its discretion if it is necessary to break a "tie". The members of the board would have something to help them in their judgment, not in their direction, to decide in favour of the appellant with the greater service.

Amendment put and negatived.

Clause, as amended, put and passed.

Clause 36: Promotions Appeal Board—

Mr HARMAN: I have been in this place for approximately 10 years, and while in Opposition I have moved many motions, and amendments to Bills, but I have never had one carried as yet.

Mr Skidmore: Keep on trying.

Mr HARMAN: I think on this occasion there is an opportunity for a break through.

Mr Davies: It is London to a brick on that you do not make it.

Mr HARMAN: Clause 36 (1) (a) reads—

> 36. (1) An appeal lodged pursuant to section 35 shall be heard by a Promotions Appeal Board which shall consist of three members and shall comprise the following persons—
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> (a) the person for the time being holding the office of Public Service Arbitrator under the Public Service Arbitration Act, 1966, who shall be the Chairman;

All I seek to do by means of my amendment is to make the provisions of paragraph (a) less restrictive, by stating that the person who will be chairman shall be appointed by the Governor.

At present the clause provides for the Public Service Arbitrator to be appointed as Chairman of the Promotions Appeal Board. My proposed amendment will allow any person to be appointed as chairman of the board, and the appointment will not be restricted, as it is set out in the paragraph, to the Public Service Arbitrator.

I believe that is quite reasonable; it leaves the position open for the Government, if it wishes, to appoint the Public Service Arbitrator but there will be no direction by Parliament. We heard the Premier argue that Parliament should not direct the Promotions Appeal Board, and that we should not enshrine in legislation how the board will make decisions. To use that argument in my case, it can be said that Parliament should not be telling the Government who the Chairman of the Promotions Appeal Board should be. I move an amendment—

> Page 19—Delete paragraph (a) and substitute the following—
>
> (a) "a person appointed by the Governor who shall be Chairman".

Sir CHARLES COURT: I am sorry to disappoint the honourable member who has been very co-operative, but I think on reflection he will appreciate the reason we oppose the amendment.

The honourable member really has not advanced any reason that the Civil Service Association, or the Opposition, feels strongly on this question.

All of a sudden, the honourable member wants to trust the Government of the day with the appointment of the Chairman of the Promotions Appeal Board. The appointment will be very important in the good working and the general harmony of the Public Service. I would have thought the honourable member would be happier with the fact that the appointment of a man with experience in the Public Service would be a much safer bet than the appointment of somebody who comes from any walk of life at all, which is the arrangement proposed. The Government of the day could appoint anybody, and it could, in fact, select the Public Service Arbitrator. On the other hand, that would not need to be the case.

My guess is that the fact that the board will be left to its own devices means it will look to the Public Service Arbitrator. The legislation spells out very clearly that the chairman of the board will be the Public Service Arbitrator. I refer to the fact that this has been successful to date. I know of no complaint about the appointee, or that the person holding this position—the Public Service Arbitrator—has been inappropriate. On the contrary, it has been represented very strongly to me that his very experience as the Public Service Arbitrator gives him not only a sound working knowledge of the legal aspects of the Public Service, and Public Service legislation, but also it gives him a very practical insight into the anatomy of the Public Service.

We must bear in mind that he is operating in this atmosphere all the time. Over a period of weeks, months, and years, he would develop a technical competence and at the same time a greater competence to make judgments in this area, and often these judgments are vital to the person being appealed against or to the appellant. Therefore, I hope the Committee will accept the provision as it is and settle for what I believe to be the safer course so that in the future the Public Service Arbitrator automatically will be the chairman of this committee.

I invite the attention of members also to the fact that the duties of presiding over a Public Service Promotions Appeal Board are carried out in much the same atmosphere and have the same reasons behind them as arbitrating on conditions of service. It seems to me to be a logical extension to use the man who has all that experience in the industrial atmosphere of the Public Service to be also the chairman of the Promotions Appeal Board. For these reasons I have to oppose the amendment.

Amendment put and negatived.

Sir CHARLES COURT: I move an amendment—

Page 19—Delete paragraph (c) and substitute the following—

(c) an officer nominated—

(i) by the relevant union, if the appellant was a member thereof at the time he made his application for promotion to the vacancy; or

(ii) by the appellant, if there is no relevant union, or if there is one and the appellant was not a member thereof at the time he made his application for promotion to the vacancy or the relevant union fails to nominate an officer at the latest fourteen days before the date of hearing of the appeal,

and each nomination under this subsection shall be in writing duly signed on behalf of the Public Service Board or the relevant union or by the appellant, as the case requires, and delivered to the Secretary to the Promotions Appeal Board.

Amendment put and passed.

Mr DAVIES: I would like to say a few words about subparagraph (ii) of paragraph (c). This subparagraph provides that the appellant may appoint the employee's representative to the board if there is no relevant union involved, or if the appellant was not a member of the union at the time his application was made. That provision assumes there will ever be only one appellant in a particular case, and you would know, I am sure, Mr Deputy Chairman (Mr Watt), that quite often there is more than one appellant. A situation may arise where some of the appellants are members of a union, probably the Civil Service Association, and some of the appellants are not. What will the situation be in a case like that?

Let us consider the situation where there are three appellants and two of these appellants belong to a union. Will the representative to the board be the nominee of the union, or the nominee of the non-unionist? It has always been implied in the composition of the board that there shall be a representative of the union on it. I have in my hand a copy of the Government Employees (Promotions Appeal Board) Act, and it very rarely happens that there is a classification where

a union is not involved. If a position is not a classified one, there would probably be no grounds for appeal in relation to a promotion.

It is a long time since I have dealt with this legislation, and I do not remember all its provisions exactly. However, generally promotions are either from an unclassified to a classified position or from one classified position to another, and in a case of a classified position under the Public Service Act, certainly a union or the Civil Service Association would cover the employees involved.

It has been agreed always that the board shall consist of an independent person, a magistrate, a departmental representative, and a union representative. The only time that a union representative was not a member of the board was when the union failed to appoint a representative 14 days before a case was to be heard. That did happen sometimes and for various reasons. Sometimes a person who was a member of a union would elect to take the option open to him and appoint his own representative. Sometimes this course has been chosen deliberately. Generally the right of the representative of the employee's association to sit on the board has been guarded jealously.

All the reasons the Premier gave when he suggested that the Public Service Arbitrator should be the chairman of the board apply equally to the fact that the association or the union representative should sit on the board. Because these people work in this field and have specialist knowledge, they can establish a certain rapport between the parties.

I cannot see that a person who elects not to join a union and who obtains a certificate of exemption should take unto himself the right to appoint a member to the board. Unless the union surrenders it voluntarily, I do not think at any time we should take away the right of the union to have a representative on the board. We must maintain the proper balance with the employer association, the employee association, and the independent chairman. In this case it looks as though it may be two to one anyway from the start, but we need to ensure that the organisation under which the job is classified should be the body to appoint a representative to the board.

My original question was: What is the position where there is more than one appellant and all the appellants do not fit into the one category? Who will then elect a representative to the board?

Sir CHARLES COURT: First of all, where there is a reference to the singular and the plural could apply, the Interpretation Act takes over. That applies to all Statutes, so that for the word "appellant" we would read "appellants". Sometimes there are two, three, or four people involved.

Mr Davies: It happens regularly.

Sir CHARLES COURT: This does happen from time to time. Let us consider for the purpose of this discussion that one of those appellants would come within the scope of the relevant union, then as I understand it, the matter would be resolved automatically.

The case the honourable member is hinting at is where there are two people who do not come within the provisions of the relevant union. It would be a most exceptional case, but let us assume it occurs. Then, I presume, the honourable member is asking, "Which of those two persons makes the appointment, and how do we resolve that situation?"

In that unlikely event, I can see there may be some difficulty, but I cannot imagine in practice that it would arise. However, I do have regard for the fact that if we have more than one appellant, and only one of those falls within the second provision, the first person automatically would be the one responsible for the relevant union making the nomination—if it wanted to.

What the Leader of the Opposition said has occurred, where a union by arrangement or for other reasons has stood out from nominating a person because it wanted the appellant to make a nomination. That would be by mutual agreement and would not be inconsistent with what I propose.

However, so that there is no doubt about the matter, I will undertake to have the legal implications of multiple people, having the same situation of not being covered by a relevant union, clarified by the Crown Law Department and when we consider the Committee's report, I can report back to the Chamber on the interpretation placed by the legal people on the complexities of this rather unusual situation.

Of course, I agree it is our duty where we see such a situation arising—although it would be extremely unusual—to correct it now and ensure that it does not create difficulties.

Mr Davies: Can you get them also to have a look at the situation where there are a number of appellants and only one or two of the appellants are members of a union, to make sure the union has the overriding right to appoint a representative to the board?

Sir CHARLES COURT: As I understand it,

that would be automatic, but I will obtain an interpretation of that matter, as well.

Therefore, I will be referring two possible situations to the Crown Law Department for interpretation. One is where we get a person who is covered by the relevant union and an appellant who is not, and the other is a case where we have two appellants, neither of whom is covered by a relevant union.

I move an amendment—

Page 19, lines 27 to 35—Delete subclause (3) and substitute the following—

(3) A nomination under subsection (1) by the Public Service Board or a relevant union may be in respect of an appeal or appeals, but the Public Service Board or a relevant union, as the case requires, may nominate another officer as the deputy of an officer nominated under subsection (1) to act in his place for any reason to hear an appeal or appeals, and the deputy, while so acting, has in relation to the appeal or appeals all the powers, functions, and duties of the officer nominated under subsection (1).

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 37 and 38 put and passed.

Clause 39: Jurisdiction—

Mr HARMAN: I move an amendment—

Page 20, after line 22—Add the following new subclause to stand as subclause (2)—

(2) Notwithstanding the above where a member disagrees with the majority he may, if he elects, give reasons for his disagreement and they shall be published as dissenting reasons in the Public Service Notices.

I refer members to the wording of clause 39, which provides that the decision of the majority of members of the Promotions Appeal Board shall prevail. I believe my amendment to be perfectly reasonable. We often see judgments brought down in courts of appeal in which, perhaps, three judges might be in favour, with one judge having a different point of view, and that judge giving his views in what is called a dissenting explanation.

So it could be with the Promotions Appeal Board. However, members will note the phrase "if he elects"; in other words, a dissenting member of the board would not be required to give a dissenting explanation.

Sir CHARLES COURT: I hope the member for Maylands will reflect on the possible outcome of his amendment if it were adopted. I know it has been the desire of the association for some time to make it a statutory obligation for such a report to be brought down. However, to date it has been resisted and I think it still should be resisted.

I know the member for Maylands does not seek to write in a mandatory provision for a member of the board to issue a dissenting explanation. However, as the Bill stands, it still is quite competent for the board to bring down its finding and give its reasons. Clause 39 simply provides that where there is a disagreement within the board, the majority decision shall prevail.

I think it will be found that in the past, the Promotions Appeal Board has given reasons for its decisions, particularly where it has been dealing with a class of appeals. We often get an appeal which affects a particular class of appointments, and therefore it does not have the same pointed reference to a particular person, and we do not have the danger of a person's career being affected in any way by those reasons being promulgated.

I think members will appreciate the significance of this. If the board brings down a decision and gives its reasons for that decision where a particular person is involved, I can see a situation where disadvantage could be caused to that person in a permanent way. Therefore, I would prefer to leave the matter with the board as it is proposed in clause 39, and not write into the legislation the amendment moved by the member for Maylands.

I think good sense will prevail; I imagine we will have people on the board with enough sense to realise that, sometimes, having made their decision, silence is golden as to the reasons.

It is not like a case in the law courts where most matters of law are going to be argued. The provisions of clause 41 are quite explicit in that the Promotions Appeal Board can make its decision based on the substantial merits of the case without regard for technicalities or legal forms, and shall not be bound by any laws or rules of evidence.

Mr Skidmore: I have heard that before, too.

Sir CHARLES COURT: Yes, it is in many Statutes, and there is a good reason for it being there. Clause 41 provides that the board may inform its mind on the matter in such a way as it thinks fit. Therefore it is not analogous with a decision made in the Supreme or District Court where one has to be precise about the interpretation of the law instead of general facts as presented.

Mr JAMIESON: Despite what the Premier said I think this is a desirable feature to be written into the Bill, partly because of the previous clause and particularly subclause (2) which requires the Promotions Appeal Board to keep a record of its proceedings and decisions. If the board is required to do this surely part of the record of proceedings is to show why there was a difference of opinion.

Clause 38(2) ends with the following words—

> ... which shall be available for future reference by any party associated with an appeal.

If it sets out that such records shall be kept, surely it is not unreasonable to allow a minority opinion to be recorded if that opinion is strong enough. As the Premier admits, the amendment proposed by the member for Maylands is not saying it has to be recorded. However, if it is desired by that board member to have that opinion recorded I think it should be part of the record and be available for use in future cases. It might be that future cases are bound up with the opinions associated with the minority opinion.

I cannot see anything wrong with that and I think the Premier is overstating the case against it when there is already approval in clause 38(2). It does not say that such a minority opinion shall not be part of the record. It is quite possible that the board in its wisdom could record the reasons for a decision being brought down, but this is made much clearer if the amendment proposed by the member for Maylands is agreed to.

Mr WILLIAMS: I could not disagree more with the members for Welshpool and Maylands. I believe the Premier explained our opposition to the amendment admirably and politely, in as much as he did not spell out our objections in the gruff terms I might have used.

If one member of the board decided in his wisdom that he did not want me to receive a promotion and said it in very bold terms, terms which were to be publicly announced, as the appellant I could be very dissatisfied with the remarks.

Mr Jamieson: It does not say they cannot be recorded.

Mr WILLIAMS: The clause provides that a board member in his wisdom can record his opinions. To agree to this amendment would be to infringe on a person's rights.

Sir CHARLES COURT: I invite members to refer back to clause 38 subclause (2) referred to by the member for Welshpool. It reads—

> The Promotions Appeal Board shall keep a record of its proceedings and decisions, which shall be available for future reference by any party associated with an appeal.

That is a big difference from the reasons that they made their decision. It is competent for them to record that in their records as part of their proceedings and decisions and it is competent for them to give their reasons. It would be part of the record and it would be available in any future case. However, it would be done with great restraint and caution by the board.

If we write into the legislation what the member for Maylands proposes we would not only give a member of the board—bearing in mind it could be the chairman or either one of the two appointees who are the nominated members—the right to give a dissenting view and to give reasons why that view was held—I am not suggesting in normal circumstances there would be any malice in this—but we would go even further. The amendment goes on to say, "give reasons for his disagreement and they shall be published"—once he has made the decision there is nothing optional about it. It continues with these words, "as dissenting reasons in the Public Services Notices".

If the board were dealing with a class of people the publishing of the reasons would have no damaging effect on an individual, but if the board were dealing with a specific person this could have permanent damage. We are not dealing with a case of law where a precise matter of law is involved. Something entirely different is involved under the terms of clause 41. I think the implications of what the honourable member seeks to do, while they appear logical on the surface, would go much further than he expects. We should leave the Bill as it is because clause 39 would permit the board—and the member for Welshpool is quite correct—to incorporate its reasons, including a dissenting reason.

Amendment put and negatived.

Clause put and passed.

Clauses 40 and 41 put and passed.

Clause 42: Full enquiry and decision is final—

Mr HARMAN: I move an amendment—

> Page 21, after line 25—Add after subclause (2) the following subclause to stand as subclause (3)—
>
> (3) The decision and reasons for decision of the Promotions Appeal Board shall be in writing and shall be published in the Public Service Notices.

Surely it would be difficult for the Premier to argue that this should not occur. This is a body

appointed by Parliament under the Act which will be making a decision in accordance with the Act in respect of all appeals that come before it. The board is required by clause 38 to keep a record of its proceedings and decisions which shall be available for future reference by any party associated with an appeal.

All I am asking is that the decisions and the reasons for those decisions shall be in writing and published in the Public Service notices. This makes for good communication between the board and the Public Service. I think it would improve the operations of the board if this amendment were agreed to.

Sir CHARLES COURT: What the honourable member seeks to do is only a variant and extension of the amendment we have just defeated. My reasons for opposing it are the same as those I have already given in opposition to the previous amendment.

Again I refer to clause 38 because, as the member for Welshpool has commented, the board in its records can record all these things, including its reasons, which will be available to anyone associated with an appeal. So there is no secrecy about it.

Mr Harman: Not the reasons.

Sir CHARLES COURT: The member for Welshpool has made the point, and I agree, that in the course of its proceedings and decisions the board can record the reasons, and that is entirely up to the board.

Again, the honourable member seeks to have these reasons promulgated in the Public Service notices and therefore they become public property. I can only emphasise again that if the board were dealing with a class of people it would not matter much, but when it is dealing with an individual it could be damaging to that person's future career, bearing in mind he might have occasion in later months or even years to appeal again, and that particular reason would be quoted against him by others. It might be that he seeks promotion and this particular reason would be held against him unfairly. The appeal should stand on its own.

Amendment put and negatived.

Clause put and passed.

Clauses 43 and 44 put and passed.

Clause 45: Powers re offences—

Sir CHARLES COURT: I move an amendment—

> Page 22, line 32—Insert before the word "fine" the words "reprimand him or".

I understand this was drawn to the attention of the board by the association and is a fair enough request because if we do not insert the words we find there is no alternative but a fine and giving the alternative rather than providing only a mandatory fine makes good sense.

Amendment put and passed.

The clause was further amended, on motions by Sir Charles Court, as follows—

> Page 23, line 1—Insert before the word "fine" the words "reprimand or".
>
> Page 23, line 2—Insert before the word "fine" the words "reprimand or".
>
> Page 23, line 4—Insert before the word "fine" the words "reprimand or".

Clause, as amended, put and passed.

Clauses 46 to 51 put and passed.

Clause 52: Conviction for indictable offence—

Sir CHARLES COURT: I move an amendment—

> Page 26, lines 19 and 20—Delete the passage commencing with the word "of" down to and including the word "thereof" and substitute the passage—
>
> > of section 44 except the penalties referred to in paragraphs (d), (e), and (f) thereof.

The reason for the amendment is that the clause as it stands enables the board to take action against an officer convicted of a serious offence by a court. The CSA has requested that the penalties available to the board in such cases under section 44 for general purposes be amended to include reduction in salary and reduction in classification. The board would still retain the authority to reprimand, transfer, require an officer to resign, or dismiss an offender. The amendment proposed meets the request of the CSA.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 53 and 54 put and passed.

Clause 55: Restriction on communications by members of Parliament—

Sir CHARLES COURT: I move an amendment—

> Page 27, line 23—Delete the word "applicant" and substitute the word "person".

The association has requested this amendment to cover any person because it is considered that the reference to any applicant is too restrictive and not in keeping with the intention of the clause. It

is agreed that the wider coverage given by the proposed amendment is appropriate.

Mr HARMAN: I accept the amendment. However, I think members should study the clause because probably the majority of members would be seeing it for the first time. I am sure they did not know it was possible for a member of Parliament to interview or communicate with the Public Service Board in respect of the appointment of a person to the Public Service.

It is a bit of a slur on a member of Parliament and probably on the PSB. I am not sure of the origin of the clause, but no doubt it was placed in the original legislation in 1904 when there was some suggestion of nepotism because in those days Ministers were in charge of staff and there was a tendency for them to appoint a person on the recommendation of other people. In this day and age I do not think we really need this provision in the legislation. I do not want to vote against it, but perhaps the Premier will have the matter reconsidered when the Bill is dealt with in another place.

Sir CHARLES COURT: I think the member for Maylands has done the Chamber a service in bringing the clause to notice, as it is one which might otherwise be glossed over. However, I hope the clause will remain as a guide to members of Parliament.

The honourable member has been a member of Parliament for quite a while and he has also been a Minister. It would be extraordinary if in the course of his duties he had not been approached by constituents and others asking that he use his good offices to get Mary, Johnnie, or someone else of a mature age an appointment in the Public Service. I am not suggesting that when people approach members of Parliament they do so with any malice. They simply think a member of Parliament has some influence, which happily he does not have in this regard. It is very embarrassing having to try to explain to people that one has no authority to intervene because of the danger of a suggestion that one is using influence in the matter. All a member of Parliament can do is direct the person through the proper procedures.

It also helps the board and the board's staff if they can point to a Statute and say, "Members of Parliament are not permitted to make these representations, and there it is—not by the direction or practice of the board but by the direction of Parliament." It is very comforting to be able to say, "That is the Statute and that is the provision, and I am sorry I cannot make any representations on your behalf."

Mr Harman: You will notice that a member of Parliament does not commit an offence in doing it.

Sir CHARLES COURT: No, but it is a very salutary warning and it will save the board and its staff a great deal of embarrassment. I believe it can also be used very effectively by members of Parliament.

A similar procedure applies under many partnership agreements. It is provided in the agreement that no partner, while he is a partner, can guarantee another party without breaching the partnership agreement. It is a very convenient clause because when asked to guarantee personal debts one can tell people one is not permitted to do so. The clause protects the partners against one of their number incurring debts which make him an undesirable partner. I merely mention that as being a similar case.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 56 to 58 put and passed.

Clause 59: Long Service Leave, Recreation Leave, and Public Service Holidays—

Mr HARMAN: I am sure the Premier would be happy if I moved the whole of the amendment I have on the notice paper, because it contains a mistake. Subclause (5) reads—

> (5) Each officer is entitled to four weeks of recreation leave on full pay for each year of service.

Of course, some people in the Public Service get five weeks' annual leave, and if this provision were passed quite a few officers would lose a week's leave..

However, the proposed new clause contains some important principles. In effect I am asking the Committee to delete the whole of clause 59 by voting against it, so that I may move a new clause 59. If the Committee accepts my proposition, I would then have to move for the deletion of subclause (5) and its substitution by subclause (4) of clause 59 as it appears in the Bill, which would cover the situation where some public servants have five weeks' leave.

The essential point of the amendment is to write into the legislation provisions regarding long service leave. The new clause I propose reads—

> 59. (1) Each officer who has completed a period of seven years of continuous service shall be entitled to three months of long service leave on full pay.

(2) Each officer is entitled to an additional three months of long service leave on full pay for each subsequent period of seven years of continuous service completed by him.

Sitting suspended from 3.45 to 4.04 p.m.

Mr HARMAN: I ask the Committee to vote against this clause so that subsequently I can move for the insertion of the new clause standing in my name on the notice paper. I point out that subclause (5) of that proposed new clause which deals with four weeks' recreation leave will be removed and replaced by the subclause which concerns annual leave in the present clause 59.

When members read all the new provisions I hope to add to the Bill, they will see that reference has been made to long service leave. It is intended that an officer will commence to accrue long service leave from the time he commences his employment with the Public Service and not from the time he reaches the age of 18 years. The new clause also contains provision for an additional three months of long service leave on full pay for each subsequent period of seven years after the first period has expired. It contains provision for lump sum payments on a pro rata basis for accruing or accrued long service leave in the circumstances set out. It also contains provision for public holidays, annual leave, and so on.

I ask the Committee to vote against clause 59.

Sir CHARLES COURT: The intention of the member for Maylands is well understood. He seeks to defeat this clause so that at the appropriate time he may insert another clause. I have to tell him that we are opposed to what he seeks to do for some very good reasons.

Mr Harman: My last amendment, and you are opposed to it!

Sir CHARLES COURT: In the parlance of this place it is a simple amendment; that is, to defeat a clause and to put another in its place; but what a clause the new one is!

Mr Harman: Public servants would be quite happy with it.

Sir CHARLES COURT: I remind the member for Maylands that the clause in the Bill preserves the existing situation in respect of long service leave, with the exception that all temporary service after an employee has attained the age of 18 years is counted together with permanent service when calculating leave entitlement. The amendment requested by the association is in fact one of the points I mentioned earlier in respect of which there has been a polarisation of the views of the board as against those of the association. The association is seeking, firstly, to allow the accrual of long service leave prior to the age of 18 years.

I do not think anyone would seriously want to allow that situation to develop. Good heavens! A fellow would not have a chance to get married before he trotted off on long service leave, if we followed this to its conclusion.

Mr Skidmore: Is that bad?

Sir CHARLES COURT: We have to be honest with ourselves. Some people who get their first entitlement of long service leave in the Public Service hardly know what to do with their time because they are at an age in life when they do not need leave for health and physical reasons.

Mr Harman: What a paternalistic attitude!

Sir CHARLES COURT: We already have a provision that enables leave to be accrued after the age of 18 years, and to allow it to accrue before the age of 18 is something which certainly the public would not wear. I cannot imagine that the average public servant would want that to apply.

The second objective of the association is to put temporary officers on the same basis as permanent officers; that is, so that they have three months' long service after seven years of service, instead of after 10 years of service as is presently the case with temporary officers. I think the present entitlements are generous and I do not know why anyone would want to extend them to enable temporary officers to have the same entitlement as permanent officers.

Mr Jamieson: What will happen under the new set-up if a person has five years of temporary service and then becomes permanent? What will happen after seven years? Will he get his leave then?

Sir CHARLES COURT: If he becomes a permanent officer—

Mr Jamieson: Will his service as a temporary officer apply under your Bill?

Sir CHARLES COURT: The first qualifying period for a temporary officer is 10 years, and for a permanent officer it is seven years.

Mr Jamieson: Could a person remain temporary for 10 years now?

Sir CHARLES COURT: One argument is that he cannot, but in point of fact a provision in the Bill foreshadows circumstances in which a temporary officer could become due for long service leave.

The other objectives of the association are as follows—

> To allow the accrual of long service leave during the period officers are on long service leave.
>
> To permit pro rata long service leave to accrue and provide for lump-sum payment therefor for officers who resign after completing not less than three years' service.
>
> To provide for lum-sum payments on a pro rata basis for accruing or accrued long service leave in certain circumstances.

I should advise the Committee that lump-sum payments, on the existing basis, will be prescribed in the regulations; and the association has been so advised. I believe that matter has been dealt with by administrative action as a result of an understanding between the board and the association and, therefore, it is not at issue in respect of this amendment.

The board cannot agree to the improved conditions of long service leave sought by the association in the modern industrial and economic climate. These things, of course, are always subject to negotiation from time to time and for that reason the Government opposes the proposition.

I have noted the qualification made by the member for Maylands in respect of subclause (5) of his proposed new clause. The standard period of entitlement for leave is something that is very well established now. We are not seeking to interfere with that because there are people who get other entitlements for reasons of location, and so on. However, that is not at issue now because the honourable member has altered his proposed new clause accordingly.

I draw the attention of members to the provision of clause 59 (2) which states that where an officer has continuous service in both a temporary and a permanent capacity the date on which he becomes entitled to long service leave shall be determined by taking into account on a proportional basis the periods of temporary and permanent service. Therefore, the situation of a person who commences his service as a temporary officer and then becomes a permanent officer and becomes entitled to long service leave is adequately provided for.

I oppose the proposition of the member for Maylands to vote against the clause.

Mr HARMAN: I am sorry the Government cannot accept my proposition. This indicates how consistent this Assembly is on the matter of long service leave, because in the early days of this Parliament at the turn of the century when the original Public Service Act was debated a conflict occurred between the Legislative Council and the Legislative Assembly. In those days public servants were granted three months' long service leave on full pay or six months' leave on half pay. That gave them sufficient time to voyage home to England on a ship, have a holiday, and return.

When the original Public Service Act was debated it was proposed in this Chamber that public servants should have three months' long service leave after 10 years' service. When the Bill went to the Council, that Chamber in its wisdom decided the period of 10 years was too long, and reduced it to seven years, which is the period which has existed to the present day.

I only hope that when this Bill reaches the Legislative Council, that Chamber will act in accordance with its record and do something about this provision.

Clause put and passed.

Clauses 60 to 62 put and passed.

Clause 63: Continuation—

Sir CHARLES COURT: I move an amendment—

> Page 31, line 15—Insert after the word "officers" the passage ", temporary employees".

If that amendment is not inserted it could be unfair to the temporary employees.

Amendment put and passed.

The clause was further amended, on motion by Sir Charles Court, as follows—

> Page 31, line 19—Delete the words "in those capacities" and substitute the passage "as permanent officers, temporary officers, trainees, or cadets".

Clause, as amended, put and passed.

Clauses 64 to 66 put and passed.

Title put and passed.

Bill reported with amendments.

ACTS AMENDMENT (PUBLIC SERVICE) BILL

Second Reading

Debate resumed from the 7th September.

MR HARMAN (Maylands) [4.19 p.m.]: This is a Bill for an Act to amend the Government Employees (Promotions Appeal Board) Act and the Public Service Arbitration Act, which is consequential upon the passing of the Public Service Bill.

The Opposition does not raise any objection to the passage of this particular Bill.

I would like to inform the Premier that there is a problem with clause 15 of the Bill in respect of paragraph (j). I am not suggesting that that be dealt with here, but perhaps when the Bill goes to another place there might be some explanation given for the new paragraph (j)—

(j) an appeal by any Government officer that he has jurisdiction to hear and determine under the Public Service Act, 1978.

I alert the Premier that some explanation may be necessary for that.

SIR CHARLES COURT (Nedlands—Premier) [4.20 p.m.]: I appreciate the co-operation of the Opposition in respect of both this measure and the previous one.

I assure the honourable member that the point he has made in respect of clause 15 of the Bill on page 5 has been noted. I will have the clause researched. Perhaps he could indicate to me privately the main points of concern so that I will be researching the right aspects of it.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Watt) in the Chair; Sir Charles Court (Premier) in charge of the Bill.

Clauses 1 to 14 put and passed.

Clause 15: Section 11 amended—

Sir CHARLES COURT: The member for Maylands raised the question of clause 15, and in particular the proposed new paragraph (j) which referred to an appeal by any Government officer that he has jurisdiction to hear and determine under the Public Service Act.

The explanation given to me when the Bill was presented was that proposed new subclause 15(a), which is the part that contains (j), clarifies the jurisdiction of the arbitrator to enable him to determine any appeal granted in accordance with the proposed new Public Service legislation relating to the salary and allowances of a person who is an employee of a Government organisation which becomes part of the Public Service. Subclause 15(b) substitutes the new terminology of permanent or temporary officers for the old terminology of permanent officers or temporary employees contained in the 1904 Act.

If the honourable member has any problems beyond that aspect, I suggest he advise me and I will have the matter researched. It seems logical that we should clarify the jurisdiction in this Bill, otherwise we would have it challenged immediately on legal grounds.

Clause put and passed.

Clauses 16 to 18 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

QUESTIONS

Questions were taken at this stage.

BILLS (2): RETURNED

1. State Energy Commission Act Amendment Bill.
2. State Energy Commission (Validation) Bill.

Bills returned from the Council without amendment.

ROAD TRAFFIC ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Police and Traffic) [5.00 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Road Traffic Act, 1974-1977, to remove anomalies indicated by decisions and recommendations of courts and to give effect to suggestions made by members of this House, the Parliamentary Commissioner for Administrative Investigations, the National Safety Council, the National Association of Australian State Road Authorities, and by officers of the Road Traffic Authority concerned with the enforcement of traffic laws, and the licensing of drivers and vehicles.

All of these proposals have been considered and recommended by the Road Traffic Authority.

A number of the amendments are of a minor procedural nature but some are of considerable importance and in this regard I refer to amendments—

To remove anomalies in sentencing procedures for offences of dangerous driving causing death or grievous bodily harm;

To provide a lesser offence of dangerous driving causing bodily harm;

To exclude the provisions of the Offenders Probation and Parole Act and the Child Welfare Act where minimum penalties irreducible in mitigation are provided in the Road Traffic Act;

To deem a person who receives an infringement notice convicted of the offence where he does not pay the prescribed penalty or does not elect to have the matter heard and determined by a court; and

To amend the penalty provisions of the Act relating to the over-loading of vehicles which will enable a scale of fines to be prescribed differentiating between—

Unwitting overloads of a lesser nature due to improper positioning or misjudgment of the nature of the load; and

Blatant overloads where the vehicle is overloaded well in excess of the limits.

Eighteen sections of the Act are involved in the proposed amendments as well as two schedules, and I will refer to the proposed amendments to the Act in the order in which they are contained in the Bill rather than in their order of importance.

To give effect to amendments which I will mention at a later stage, it is necessary to include definitions of "moped" and "cattle" and to amend the definition of "owner".

It is proposed to remove from the Act the requirement of the Road Traffic Authority to issue a vehicle licence without the payment of a licence fee where the vehicle is owned and used by a minister of religion.

In recent years it has become evident that a number of lay members of the clergy have been ordained as ministers of some denominations and registered with the Registrar General apparently to qualify for the concession. In fact, many of the laity in this category are in full-time employment elsewhere, and it is apparent that some review of concessions of this nature should be made.

The amendment does not mean that all ministers of religion will have their free licence withdrawn or that free licences will not be granted to ministers of religion in the future, but subject to the approval of the Minister they will be issued under subsection (4) of section 19 of the Road Traffic Act.

The Road Traffic Authority is faced with the problem of unauthorised removal of stickers affixed to the windscreens of unroadworthy vehicles. Unless a person is caught in the act of removing a sticker or confesses to removing it, it is very difficult to sustain a prosecution and this offence has become prevalent among less responsible members of the motoring public.

To reinforce procedures designed to remove unroadworthy vehicles from the road, it is desirable for the authority to have power to cancel a licence where the owner—or user—of an unroadworthy vehicle or one suspected of being unroadworthy does not present his vehicle for reinspection when ordered to do so.

Where a licence is cancelled in these circumstances, the owner would be entitled to apply for a refund of the unexpired portion of the fee.

Section 29 of the Road Traffic Act was inserted some years ago to provide for the compulsory annual inspection of motor vehicles. This proposal has not been proceeded with, nor is it intended to do so as it is considered, in view of the relatively low number of vehicle accidents which could be attributed to defects of the type found during an annual inspection, the cost to the motoring public would not be warranted.

A detailed study has been made, and a pilot scheme is at present being evaluated with a view to commencing, on a restricted basis, the appointment of authorised garages and vehicle testers. The proposals follow that of a similar scheme operating in New South Wales and it is proposed to issue certificates of inspection—or rejection—instead of certificates of roadworthiness.

During the pilot scheme the costs of inspections are being met by the authority, but if a full scheme is adopted it is considered the owner or user of the vehicle should pay for the service whether it is carried out at an authorised garage or a departmental testing station. It is emphasised that this proposal has nothing to do with any scheme of compulsory annual inspection but simply relates to easing the work load on branches and agencies and to provide inspection facilities in country towns which would not warrant the cost of providing full inspection facilities and staff.

At present section 42 of the Road Traffic Act requires that an applicant for a driver's licence shall have attained the minimum age of 17 years.

In the case of mopeds, consideration was given to removing the requirement for licensing of these vehicles, but after due consideration it has been decided that because of the possibility of injury to other persons the requirement to license mopeds should be retained and riders should continue to demonstrate their ability to control them and be tested on their knowledge of road rules.

The amendment proposes that the present age of 17 years required for a motor driver's licence should, in the case of mopeds only, be reduced to 16 years.

The Road Traffic Authority, in conjunction with the National Safety Council, has

investigated the possibility of giving motorcyclists a special pre-licence training course prior to undergoing a road test for a motor cycle licence, but this was found to have many inherent problems.

Subsequently, after further investigation, the Road Traffic Authority endorsed the advice of the Traffic Safety Research Advisory Committee "That it should be compulsory for all persons who obtain a motorcycle driver's licence in the Perth statistical division to complete a crash avoidance course of one day's duration within six months of obtaining that licence: failure to complete the course to result in the withdrawal of a motorcycle driver's licence: and that the Road Safety Division of the National Safety Council of Western Australia, Inc., should be the only organisation permitted to instruct motorcyclists for the purpose of the crash avoidance course."

The proposed amendment is for the purpose of giving effect to the principle contained in these recommendations. Members who wish to understand how this is to be achieved should read the relevant provision in the Bill.

The death of, and serious injury to, riders of high-powered motor cycles is a matter of increasing concern. The Road Traffic Authority has carried out research into the problem and has recommended that licences should not be issued for machines of more than 250cc—that is, 0.25 of a litre—until the applicant has a minimum of 12 months' experience of riding machines with a cubic capacity of less than 250cc.

Mr Skidmore: That will be costly.

Mr O'NEIL: The amendment to section 43 of the Road Traffic Act proposes to confer power to prescribe such a regulation.

The amendment concerning drivers' licences issued on probation is related to another amendment to section 52 of the Act which seeks to permit the authority to refund a fair proportion on the issue or renewal of a driver's licence.

The majority of licences issued for the first time are issued on probation only. At the discretion of the applicant, the licences are issued for a period of one year or three years, but are on probation for the first year. Probationary licences are subject to cancellation if the holder commits prescribed offences, and in view of the proposal to refund the unexpired portion of the fee in the event of cancellation, it is considered that a probationary licence should be issued only for the period of probation; that is, for one year. The renewal notice forwarded to the holder prior to the expiry of the probationary period would include the option of renewal for one year or three years.

Under section 44 of the Road Traffic Act, the Road Traffic Authority may issue a driver's licence to persons who have not attained the minimum age of 17 years and where in the opinion of the authority the denial of a driver's licence would occasion undue hardship or inconvenience. On occasions the authority recognises the degree of undue hardship and inconvenience and agrees to the issue of a conditional licence subject to the applicant passing the necessary tests. There is an anomaly in that, although it may approve of the issue of a conditional licence, it does not have the authority to approve of the issue of a learner's permit to enable the applicant to receive the necessary tuition. This has been brought to my attention on several occasions and the purpose of this amendment is to remove the anomaly.

In making amendments of this nature, it is necessary to ensure that the effective minimum age of drivers is not lowered without the approval of Parliament and the amendment has been drafted to ensure that this does not occur.

The Road Traffic Act provides for the refund of a fair proportion of a vehicle licence fee in circumstances which, in the opinion of the authority, render it just and convenient that a refund should be made. There has been no similar power in the Act to provide for a refund in respect of drivers' licences.

When the currency of the licence was restricted to one year and fees were fairly low, it was considered that the cost of making the refund would be in excess of the value of the refund received. Now that the fee is $7 a year and the currency of the licence may be for a period of three years, there is some justification in making provision for refunds. Several members have made approaches to me on behalf of constituents and the Parliamentary Commissioner for Administrative Investigations has drawn attention to this matter also.

A refund may not be justified where the holder of a probationary licence has it cancelled in the first year. Rather than making an exception and refusing a refund in the case of probationary drivers, this has been dealt with under a previous amendment to which I have referred restricting the currency of the first issue of a probationary driver's licence to one year.

Section 59 of the Road Traffic Act deals with the offence of dangerous driving causing death or grievous bodily harm and provides for the person charged to elect to be dealt with summarily and

thus receive a lesser penalty than if he was convicted on indictment and was the subject of comment in a judgment delivered by the Court of Criminal Appeal. The matter has been considered by the Attorney General, in consultation with the Crown Counsel and the Crown Prosecutor, and the amendments propose—

> To allow a court of summary jurisdiction to refer the case to a higher court where it considers that the matter should be dealt with on indictment; and
>
> Where the court is of the opinion that the penalty is inadequate when convicted by a court of summary jurisdiction, the court may commit the convicted person for sentence;

as well as providing for a lesser offence of causing bodily harm.

The penalties proposed for the offence of causing bodily harm fall between the penalties provided under section 59 of the Act for the offence of dangerous driving causing death or grievous bodily harm and the penalties provided under section 60 of the Act for the offence of reckless driving.

While the courts have the power to impose cumulative terms of imprisonment, the Chief Justice has handed down a decision that there is no power in the Road Traffic Act to impose cumulative periods of suspension or to extend the date on which a period of suspension shall commence.

In effect, this means that if a person under suspension commits an offence and incurs a period of suspension, the second period of suspension commences from the date of that conviction and not at the end of the first suspension.

Cumulative periods of suspension have been imposed for many years and, subject to the approval of Parliament, there is very good reason they be imposed in the future. The courts have general powers of disqualification where a motor vehicle is used in the commission of an offence, and I see no good reason to withhold the authority of the courts to impose cumulative sentences.

The previous Traffic Act contained provisions authorising a police officer to drive the vehicle of a person apprehended on charges of driving under the influence to a police station, but there is no such authority in the present Act. For safe custody, it is far better to drive the vehicle of a person who has been apprehended or arrested to a police station or other place of safe custody than leave it in a place where it may be stolen or damaged.

Rather than confine this authority to drink driving offences, it is considered that this should be extended to all cases where there is reason to believe a vehicle has been used in connection with an offence or a person has been charged with an offence an element of which is the use or driving of a vehicle. It may be appreciated that a person apprehended or arrested may not be co-operative at the time, but where he cannot make alternative arrangements it would be in his own interests for the vehicle to be removed to a place of safe custody rather than left where it stands at the mercy of thieves or vandals.

At present, a person who received an infringement notice has the option of being dealt with by paying the modified penalty or doing nothing and subsequently being dealt with in the normal way by the court.

Approximately 80 per cent of 125 000 drivers receiving infringement notices for traffic offences each year elect to be dealt with by payment of a modified penalty: 25 000 do not respond and are dealt with by the courts. Of the 25 000, more than 22 500 plead guilty by endorsement or do not enter a plea or appear in court, leaving less than 2 500 who actually appear in court.

The present procedure is to convert an unpaid infringement notice into a complaint and issue a summons and the complaint is heard in court as is the right of the person charged. This procedure has worked quite well for a number of years and will be continued to enable any person, who so nominates, to exercise his right to defend the charge.

Attention was first drawn to the problem by a magistrate who was concerned with the waste of everybody's time sitting in court and deal with traffic summonses where the person had not responded to an infringement notice but had entered a plea of guilty. The amendments which have been drafted not only deal with this problem but also the problem of a person who does not respond to the infringement notice or a summons.

There is no doubt that the proposals will reduce costs to the community as a whole and the problem was to draw up a system and draft legislation which would achieve this without jeopardising the rights of the individual. Sometimes I think we are more concerned with considering the rights of the individual rather than the community as a whole, but nevertheless this aspect has received the special consideration of the Attorney General and Crown Counsel and I believe the amendments now before members will achieve the objectives which have been set.

The proposals are that a person receiving an infringement notice has three choices—

He can elect to be dealt with by payment of the modified penalty;

he can elect to have the complaint of the alleged offence heard and determined by a court by serving notice on a prescribed form; or,

he may do nothing at all.

If he opts for the first choice and pays the modified penalty no further action is taken other than to record demerit points against him should these apply.

If he opts for the second choice and gives notice that he wishes to have the complaint of the alleged offence heard and determined by a court, the deeming provisions proposed in this amendment do not apply. The infringement is converted into a complaint, a summons is served and witnesses called.

Should he elect to appear in court and, in fact, does not appear, the case may be heard and dealt with by the court in his absence in accordance with existing law.

If he does nothing at all—that is, does not pay the prescribed penalty for the infringement notice or does not elect to be dealt with by the court—he will be deemed to have been convicted of the offence and to have elected to pay the penalty prescribed for the offence. If, having been deemed to be convicted, the prescribed penalty is not paid within 28 days after the payment date, a warrant may be issued against him.

Where an infringement notice is left on a vehicle in such cases as standing or parking offences, there is provision for the personal service of a copy of the notice before the deeming provisions of this section can apply.

Provision also has been made for corrective action to be taken should an error in procedure occur.

A further amendment to section 102 is proposed to increase the amount which can be dealt with by infringement notice from $50 to $200 and this is related to a proposal to deal with minor overloading offences under the provisions of this section to which I will further refer when dealing with penalty provisions for overloading.

Section 103 of the Road Traffic Act provides disqualification—because of accumulation of demerit points—shall take effect when notice thereof has been served personally on the person and no sooner.

A problem frequently arises where a person who has accumulated 12 demerit points is facing another charge involving mandatory suspension or where there is a probability of the court suspending his licence.

By avoiding service of the notice of demerit points suspension until his latest charge comes before the court, he is able to manipulate the periods of suspension so that they run concurrently.

A similar situation arises where a person faces charges occurring on separate occasions, one of which will involve the accumulation of 12 demerit points and the other mandatory suspension. By obtaining adjournment of the cases to ensure that they are heard on or about the same date, the person is able to serve two periods of suspension concurrently.

The suspension of driver's licence for an accumulation of points or for serious offences is a strong deterrent to drivers who are not influenced by monetary penalties.

The amendment proposed in this Bill is aimed at removing the practice of seeking adjournments of hearings solely for the purpose of ensuring periods of suspension are served concurrently and to make quite clear to the courts the serious view which is held concerning offences which result in periods of cancellation or suspension from driving.

While the driver of an overloaded vehicle may be charged, it has been the policy to charge the owner of the vehicle. Where a body corporate is convicted of an offence of this nature, a problem of execution arises where the company has no assets free of hire purchase or other encumbrances.

It is proposed to include a new section 104A in the Act to define a director of a body corporate and make each director liable as owner of the vehicle. A similar provision is already included in the Road Maintenance (Contribution) Act.

Section 106 of the Road Traffic Act provides that where a minimum penalty is provided for, that penalty shall be irreducible in mitigation notwithstanding any provisions of the Justices Act or the Criminal Code.

The minimum penalties are for the more serious offences where it is considered the monetary deterrent should not be less than the benefit derived from a breach of the law.

Generally magistrates recognise what I believe is the clear intention of Parliament but there has been a number of cases where provisions of the Offenders Probation and Parole Act have been

invoked to impose penalties less than the minimum provided by the Statute.

For example, a person was charged on two counts of unauthorised use of a motor vehicle in connection with two charges of breaking and entering. The penalties for unauthorised use of a motor vehicle are—

> For a first offence, a fine of not less than $200 or more than $1 000 or imprisonment for not less than one month or more than 12 months; and,
>
> for a second or subsequent offence, imprisonment for not less than three months or more than two years.

Under section 74 there is also a general power of disqualification where driving a motor vehicle is an element of the offence or a motor vehicle was used in the commission of an offence.

In the case referred to, the person was a holder of a probationary driver's licence and on conviction would have incurred 9 demerit points on each charge if he was not suspended by the court.

Pleas of guilty were entered but instead of a term of imprisonment or a fine being imposed, he was placed on probation for a period of three years under the provisions of the Offenders Probation and Parole Act. Notwithstanding the seriousness of these charges, the offender received no monetary penalty, was not disqualified by the court, and demerit points were not recorded against him.

The same problem exists with juvenile offenders who are able to escape suspension for offences imposing mandatory suspensions and they are not debited with points.

The proposed amendment will not interfere with the prerogative of the courts to consider circumstances in mitigation when imposing penalties but it will remove any doubt that, where minimum penalties are provided in the case of more serious charges, the offenders will be dealt with in accordance with the penalties set by Parliament.

The provisions of the Offenders Probation and Parole Act and the Child Welfare Act will be excluded from the operation of the Road Traffic Act in the same way as the Justices Act and the Criminal Code are now excluded.

Regulation 1702(1) of the Road Traffic Code requires that the owner or the person for the time being in charge of an animal shall not allow it to—

> Stray into or along a road;
>
> be unattended on a road; or,
>
> obstruct any portion of a road.

A charge under this regulation has been dismissed on the grounds that the Road Traffic Act did not give the authority to make this regulation. While there are provisions in the Police Act and the Local Government Act to deal with this type of offence, it is considered to be an offence of a minor nature which should properly be dealt with under the Road Traffic Code.

It is proposed to amend section 111 of the Road Traffic Act to empower the making of regulations dealing with unattended animals on roads.

In recent years representations have been made by various sectors of the Australian road transport industry for increases in vehicle dimensions and loading with a view to reducing costs by the use of larger units.

The National Association of Australian State Road Authorities—NAASRA—initiated a nationwide study of the economics of road vehicle limits under the direction of a steering committee. A study team was appointed and work commenced in 1973.

The recommendations resulting were studied by a review committee comprising officers of the Main Roads Department and the Road Traffic Authority and new regulations replacing the vehicle standards and vehicle weights regulations have been drawn up.

The review committee discussed the proposals with representatives of the transport industry of this State on several occasions and as increases in mass limits were recommended the proposals were well supported.

The NAASRA study also recommended—

> That the scale of fines for overloading be related to the amount of the overload;
>
> that the level of fines be at least comparable with current levels in South Australia; and,
>
> that the level of fines be reviewed every five years to ensure sufficient deterrent.

The study also recommended the compulsory off-loading of overloaded vehicles and means of ensuring such off-load occurs; and to provide greater emphasis on the policy of licensed gross vehicle and combination mass.

The matter of penalties was also discussed with representatives of the transport industry who were advised of a proposal to deal with low penalties for small overloads by infringement notice up to $200 and for high penalties for blatant overloads well in excess of the limits. Industry advised that they had no wish to overload their vehicles provided their operations were not prejudiced by a

relatively small number in the industry who deliberately overloaded their vehicles to make a quick profit irrespective of the damage done to the roads, and they supported the proposals.

The penalties to be prescribed by regulation provide for minimum penalties and maximum penalties related to the percentage by which the mass limits are exceeded and vary from $10 for a tyre or single axle overload of not more than 5 per cent, to a minimum penalty of $1 500 and a maximum penalty of $3 000 for overloads in the region of 200 per cent.

I believe most members have received a copy of the Road Traffic Authority booklet on road vehicle limits and further copies are available from the Clerk to any member who requires them.

The amendments to the first and second schedules of the Act provide for the definition of a converter dolly trailer which has come into increasing use in recent years particularly in the cartage of freight to the north. No alteration of fees is involved.

An additional schedule has been added providing the form of warrants to be used in connection with section 102 of the Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

ACTS AMENDMENT (QUALIFYING AGES ALTERATION) BILL

Second Reading

Debate resumed from the 7th September.

MR HARMAN (Maylands) [5.28 p.m.]: This Bill seeks to permit the registration of persons who have graduated in the field of chiropody, optometry, and physiotherapy, and who are under the age of 21. Having become registered, they will then be able to practice their profession. At present, registration applies only to those people who have turned 21 years of age. There are people in the community who are trained, and who are qualified to practice their profession but, because they have not yet attained the age of 21, they are not permitted to become registered. This amending Bill will overcome that problem in the three relevant Acts.

The Opposition supports the Bill.

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

Leave granted to proceed forthwith to the third reading.

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

SMALL CLAIMS TRIBUNALS ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 7th September.

MR TONKIN (Morley) [5.31 p.m.]: This is a small technical Bill and the Opposition has no objection to it.

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

Leave granted to proceed forthwith to the third reading.

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [5.32 p.m.]: I move—

That the Bill be now read a third time.

MR TONKIN (Morley) [5.33 p.m.]: I was struck by the ineptness of the Chairman's comments when he said the Committee had considered the Bill. Really, the Committee did not consider the Bill at all.

The SPEAKER: The Committee had the opportunity to consider the Bill.

Question put and passed.

Bill read a third time and transmitted to the Council.

ADJOURNMENT OF THE HOUSE: SPECIAL

SIR CHARLES COURT (Nedlands—Premier) [5.34 p.m.]: I move—

That the House at its rising adjourn until 4.00 p.m. on Tuesday, the 19th September.

Question put and passed.

House adjourned at 5.35 p.m.

QUESTIONS ON NOTICE

HEALTH: CHIROPRACTIC

Chiropractors: "Doctor" Prefix

1599. Mr HODGE, to the Minister for Health:

(1) Is it a fact that rule 10C (1) (a) of the Chiropractors Registration Board Rules prohibits the use of the title "doctor" by registered chiropractors?

(2) Is it a fact that a number of registered chiropractors, including some members of the Registration Board, regularly breach the rule by describing themselves as "doctor" or "doctor of chiropractic"?

(3) Is it a fact that in a recent newspaper advertisement for Parrys Department Store a television actor Mr Gus Mercurio was featured and described as a graduate doctor of chiropractic and that members of the public were invited to discuss their back ailments with him?

(4) Is Mr Mercurio a licensed medical practitioner or registered chiropractor?

(5) If answer to (4) is "No" what action is the Government taking to prohibit this type of advertising?

Mr YOUNG replied:

(1) Yes.

(2) It has been noted that the media sometimes refers to chiropractors by the title "Doctor", but it is not known whether this can be construed as a breach of the rules by the chiropractor himself.

(3) Yes.

(4) Not in Western Australia.

(5) The Chiropractors Registration Board is examining the advertisement to determine whether the law has been breached, and if so, what action may be taken.

LOCAL GOVERNMENT ACT

Large and Heavy Vehicles: Control

1600. Mr HODGE, to the Minister for Local Government:

(1) Further to question 1562 of 1978, part (3) (b) what is the nature of the decision made?

(2) On what date was the approach made to the Government by the Local Government Association on this matter?

Mrs CRAIG replied:

(1) The decision in August, 1976, was not to proceed with an amendment to the Local Government Act to impose a load limit on vehicles with respect to certain streets.

(2) 28th November, 1977.

HEALTH: CHIROPRACTIC

Chiropractors: "Doctor" Prefix

1601. Mr HODGE, to the Minister for Health:

(1) Is the Government planning to take any action against newspaper companies or chiropractors who cause newspaper articles to be printed in which chiropractors are unlawfully described as "doctors"?

(2) Is the Government going to take any action over the article appearing in the *Daily News* of Monday, 11th September, in which Gerald Ivory, a registered chiropractor , was unlawfully described as "Dr Gerald Ivory"?

Mr YOUNG replied:

(1) No. It is an offence for a chiropractor to use the title "Doctor", but there would appear to be no offence committed by a newspaper if it attaches this title to a reference to a chiropractor.

(2) The Chiropractors Registration Board will be asked to examine the article.

COMMUNITY WELFARE

East Timorese Community Centre

1602. Mr WILSON, to the Minister for Housing:

Can he say when I may expect a reply to my letter of 19th June, 1978, to his predecessor, concerning a site for a community centre for the East Timorese community of Western Australia?

Mr RIDGE replied:

A decision in respect to provision of sites for such purposes has now been reached. A detailed reply can be expected within a few days.

LAND

Reserve 29753

1603. Mr WILSON, to the Minister representing the Minister for Lands:

(1) With reference to the answer given to question 889 of 1978, can the Minister say what stage has been reached in the consideration being given to the moral issues involved in acceding to the City of Stirling's request for a portion of reserve No. 29753 to be used for an autumn centre?

(2) If no decision has yet been made, can the Minister say when one may be expected?

Mrs CRAIG replied:

(1) Cabinet recently decided that Crown land set aside under section 20A of the Town Planning and Development Act for public recreation should be retained for that purpose.

(2) Crown Law Department has expressed the opinion that the autumn centre proposal was not consistent with the reserve purpose "public recreation".

EDUCATION

Handicapped Children

1604. Mr WILSON, to the Minister for Education:

(1) Is it a fact that many intellectually handicapped children attending regional special schools have long distances to travel to and from school each day?

(2) In view of the possibly detrimental effects of the long school day that such travelling entails for these children, what is the Government's policy on helping to alleviate this situation?

Mr P. V. JONES replied:

(1) Yes.

(2) The possible detrimental effects of travel to regional schools for the intellectually handicapped are under constant scrutiny by the teachers concerned. School bus routes are regularly reviewed and shortened where possible.

HEALTH

Mental Health Act: Amendment

1605. Mr WILSON, to the Minister for Health:

Adverting to the answer given to question 1416 of 1978, can he say what specific considerations were involved in the department's decision not to go ahead with a more extensive redrafting of the Mental Health Act?

Mr YOUNG replied:

Further extensive examination by departmental officers has led to the view that with fewer amendments than earlier believed necessary, the Mental Health Act can be improved in accord with modern thinking in this field.

HEALTH: INFANT MORTALITY RATE

Aborigines and Europeans

1606. Mr WILSON, to the Minister for Community Welfare:

(1) What are the latest figures available on the infant mortality rate for Aboriginal children in Western Australia?

(2) How do these compare with infant mortality rate for European children?

(3) What special programmes are being operated to improve the situation for Aboriginal children?

Mr YOUNG replied:

(1) Accurate infant mortality figures for Aboriginal children are difficult to obtain because there is no separate information on race on birth notification forms. However, a rough figure for the Kimberley region 1976, as calculated by community and child health services, was 57 per thousand. It must be stressed that this figure is based on small numbers in one region in this State and a high figure is a reflection of environmental conditions and distance from medical care which may not be applicable in other regions.

(2) The overall mortality for the total population in Western Australia is approximately 12 to 13 per thousand. This again varies from region to region depending on the same factors as applies to the original population.

(3) The following special programmes operate—

(a) family spacing services to prevent unwanted pregnancies particularly in the very young and older mothers where the infant mortality figures are known to be high;

(b) improved antenatal care based on hospitals and stimulated by the community and child health nurses in the field;

(c) increase in hospital deliveries, stimulated by the work of community and child health personnel. Today there are very few babies born outside of hospital;

(d) nutritional programmes providing supplementary diets during pregnancy and in the first year of life;

(e) attempts to influence higher standards of nutrition, hygiene and living conditions, so decreasing the incidence of gastro-enteritis and respiratory diseases in the older infant group; i.e. between the ages of 1 and 12 months;

(f) provision of early diagnostic and treatment services in the community for the infant age group. This is provided by community and child health services medical officers, field nurses, health assistants and camp nurses.

CONSUMER PROTECTION

Lambs' Brains

1607. Mr WILSON, to the Minister for Consumer Affairs:

(1) Is there a variation amongst butchers' methods of selling lambs' brains by portion or by weight?

(2) Is it regarded as acceptable practice to price such items by piece rather than by weight?

(3) If "Yes" to (2), what means are available to the consumer to ensure that value is obtained for money and that a fair comparison may be made between items advertised or marked in such varying ways?

Mr O'CONNOR replied:

(1) and (2) Yes.

(3) If pre-packed the article is required by law to be marked with a statement of weight and a price per unit weight must be exhibited. If not pre-packed, the consumer is required to exercise his/her own judgment as to whether the article is at a fair price.

PENSIONERS: RATES

Local Government: Rebates

1608. Mr WILSON, to the Treasurer:

(1) Is it a fact that some pensioners are having the amount of rebate on their local government rates to which they are entitled for 1978-79, recorded as arrears to their accounts?

(2) Is it a fact that pensioners in this position are being advised by the City of Stirling that the reason for this situation is that the rebate amounts have not been made available by the State Government?

(3) If "Yes" to (1) and (2), can he give the reason for the apparent delay in the rebate amounts being forwarded, particularly in view of the possible anxiety that the practice of recording these amounts as arrears is causing to some pensioners?

Sir CHARLES COURT replied:

(1) and (2) I am aware that the 1978-79 rate notices of some pensioners in the City of Stirling are showing as arrears the amount of rate rebate to which they were entitled in 1977-78, where the amount of the rebate is still to be recouped by the Government. However, I am also aware that the City of Stirling has advised pensioners concerned that, although the amount of the rebate is shown on their account as arrears, they would be given the credit for the amount in due course.

(3) There should be no reason for anxiety on the part of the pensioners concerned, as the Act under which the rebates are granted provides that once an eligible pensioner pays 75 per cent of his rates, his liability in respect of the balance is completely discharged. The fact that some rate notices show the 25 per cent rebate for 1977-78 as arrears simply reflects the particular accounting procedure adopted by the City of Stirling, and in no way results from tardiness of payment by the Government.

I would point out that, for obvious administrative reasons, councils only submit rebate claims to the Government in bulk, on a periodic basis. These claims are dealt with speedily and there is no undue delay in recouping councils. In the case of the City of Stirling that council claimed towards the end of last financial year in respect of pensioners who had paid their rates by April. The claim was promptly paid by the Government. Rebates granted to pensioners who paid their 1977-78 rates after April were the subject of a separate and later claim, which is currently being processed.

The council has chosen to show the amounts still to be recouped as arrears on the 1978-79 rate notice but, of course, eligible pensioners do not have to pay this amount as the advice with the rate notice should make clear. My own view is that the council could well adopt an alternative accounting procedure which would avoid confusing pensioners.

TRAFFIC

Accidents: Midland and Guildford

1609. Mr SKIDMORE, to the Minister for Transport:

Would he list the number and type of accidents that have taken place at the following intersections for the years 1976, 1977 and 1978:

Intersections of—

Great Eastern Highway, Helena Street and Johnson Street, Guildford;

Great Eastern Highway and Beverley Terrace, South Guildford;

Great Eastern Highway and Koojan Avenue, South Guildford;

Great Eastern Highway and Kingsley Drive, South Guildford;

Great Eastern Highway and Hyne Road, South Guildford;

Great Eastern Highway and Riverview Avenue, South Guildford;

Great Eastern Highway and Kalamunda Road, South Guildford;

Great Eastern Highway and Kidman Avenue, South Guildford;

Great Eastern Highway and Bridge Street, South Guildford;

Great Eastern Highway and Queens Road, South Guildford;

James Street and Johnson Street, Guildford;

James Street and Bank Street, Guildford;

James Street and Meadow Street, Guildford;

James Street and Olive Street, Guildford;

James Street and Hubert Street, Guildford;

James Street and Scott Street, Guildford;

James Street and Wellman Street, Guildford;

James Street and Attfield Street, Guildford;

James Street and Fauntleroy Road, Guildford;

James Street and East Street, Guildford;

Swan Street and East Street, Guildford;

Great Eastern Highway and Amherst Road, West Midland;

Great Eastern Highway and First Avenue, West Midland;

Great Eastern Highway and Second Avenue, West Midland;

Great Eastern Highway and Third Avenue, West Midland;

Great Eastern Highway and Harper Street, West Midland;

Great Eastern Highway and Archer Street, West Midland;

Great Eastern Highway and Morrison Road, West Midland;

Great Eastern Highway and Victoria Street, Midland;

Great Eastern Highway and William Street, Midland;

Great Eastern Highway and Helena Street, Midland;

Great Eastern Highway and Viveash Road, Midland;

Great Eastern Highway and Padbury Terrace, Midland;

Great Eastern Highway and Sayer Street, Midland;

Great Eastern Highway and Brockman Road, Midland;

Great Eastern Highway and Lloyd Street, Midland;

Great Eastern Highway and Loton Avenue, Midland;

Great Eastern Highway and Cope Street, Midvale;

Great Eastern Highway and Mathoura Street, Midvale;

Great Eastern Highway and Ferguson Street, Midvale;

Great Eastern Highway and Wellaton Street, Midvale;

Great Eastern Highway and Ewart Street, Midvale;

Great Eastern Highway and Bushby Street, Midvale;

Great Eastern Highway and Victoria Parade, Midvale;

Great Eastern Highway and Robinson Road, Midvale;

Great Eastern Highway and Bellevue Road, Midvale;

Great Eastern Highway and Norman Street, Midvale;

Great Eastern Highway and Stanhope Gardens, Midvale?

Mr RUSHTON replied:

This information is not available without incurring considerable man hours in extraction of the data.

I would be pleased to discuss the matter with the member in an endeavour to provide the information he requires in the most economical way.

CONSERVATION AND THE ENVIRONMENT

Waste Disposal

1610. Mr SKIDMORE, to the Minister for Health:

How far advanced are the Government's plans on waste disposal that would allow the present landfill disposal methods to be phased out and thus prevent possible pollution of our waterways, drinking water resources and our environment?

Mr YOUNG replied:

There is no proposal to ban sanitary landfill for the present. The waste disposal advisory commmittee and its technical committee and a number of local authorities are examining improvements to the method of sanitary landfill and the introduction of new techniques to minimise nuisance and possible ground water pollution.

VEGETABLES: POTATOES

Sprays

1611. Mr SKIDMORE, to the Minister for Agriculture:

(1) What sprays are used to disinfect either potatoes or sacks of potatoes?

(2) (a) Do any of those sprays have a DDT content;
(b) if so, how much?

Mr P. V. Jones (for Mr OLD) replied:

(1) and (2) Growing crops may be sprayed with 0.1 per cent DDT; and harvested tubers dusted with 2 per cent DDT or derris dust.

Dichlorvos may be used as a fumigant to treat insect infested stocks of bagged tubers in store.

Bags which have been used for delivery of potatoes to the metropolitan region are heat treated as a precaution against the spread of bacterial wilt and other disorders before being returned to potato growers.

VEGETABLES: POTATOES

Sprays

1612. Mr SKIDMORE, to the Minister for Health:

(1) Has any complaint been made to the Public Health Department regarding disinfectant sprays adhering to bags of potatoes that were either held in store or sold to customers by the WA Potato Board?

(2) (a) If "Yes" did any of the sprays or dusts used have any content of DDT; and
(b) if so, what was the percentage level of same?

(3) In view of the fact that DDT has been banned in America and other countries, would he give an assurance that no sprays that contain DDT in any form will be used on products to be used for human consumption?

Mr YOUNG replied:

(1) Yes.

(2) (a) Yes;
(b) 2 per cent.

(3) It is not intended to register any preparation containing DDT for this purpose.

HEALTH

Herbicide 2, 4-D: Regulations

1613. Mr CARR, to the Minister for Agriculture:

(1) What sprays are used on crops in the Geraldton region?

(2) What regulations are in force concerning the use of crop sprays, and in particular, 2, 4-D?

(3) What complaints have been received by his department concerning damage to tomato gardens in and around Geraldton?

(4) What damage has been done to tomato gardens?

(5) What action is being taken by his department in response to complaints received?

(6) What action is proposed for next season to ensure that the damage of this year is not repeated?

(7) What action is available to tomato growers to gain compensation or other assistance in the present situation?

Mr V. P. Jones (for Mr OLD) replied:

(1) Herbicidal, insecticidal and fungicidal sprays.

(2) Regulations under the Aerial Spraying Control Act. Noxious Weeds (Restricted Spraying Areas) Regulations under the Agriculture and Related Resources Protection Act. Pesticide Regulations under the Health Act.

(3) and (4) Grower organisations and growers have complained concerning damage to tomatoes from herbicidal spraying.

(5) All complaints are investigated as to cause in relation to infringement of the above regulations.

(6) Alternative methods of weed control are being investigated.

(7) Compensation is available where damage has been shown to have been caused by aerial spraying operations. Civil action against a person alleged to have caused damage is available in all cases of spray damage.

STATE GOVERNMENT INSURANCE OFFICE

Accredited Insurance Brokers

1614. Mr CARR, to the Minister for Labour and Industry:

(1) How many insurance or assurance brokers have been accredited by the State Government Insurance Office?

(2) How many of the above are in non-metropolitan areas?

(3) Will he please advise the location of accredited non-metropolitan brokers?

Mr O'CONNOR replied:

(1) to (3) As there is no compulsion on the State Government Insurance Office's competitors to give this type of information, I consider that the State Government Insurance Office should not be disadvantaged by having to answer the question.

ABROLHOS ISLANDS

Aquatic Reserves

1615. Mr CARR, to the Minister for Fisheries and Wildlife:

With reference to proposals for aquatic reserves at the Abrolhos Islands:

(1) What consultation has taken place leading to the proposals?

(2) With whom did the consultation take place?

Mr O'CONNOR replied:

(1) and (2) None.

TRAFFIC

Motorcycle Racing: Beachlands

1616. Mr CARR, to the Minister for Police and Traffic:

(1) Who, and under what authority, gave permission for motorcycle racing in the streets of the Geraldton suburb of Beachlands during the recent sunshine festival?

(2) Why was a built-up area approved for motorcycle racing?

(3) Was there any consultation with the residents of Beachlands?

(4) If "Yes" to (3), will he please detail the consultation?

(5) What exactly were the insurance arrangements to cover damage to property and injury to the public?

Mr O'NEIL replied:

(1) The Main Roads Department under regulation 307 of the Road Traffic Code, and the Minister for Police and Traffic under section 83(1) of the Road Traffic Act, 1974, with the consent of the Geraldton Town Council.

(2) The area used was considered more suitable, less built up and safer than that used in previous years.

(3) and (4) It is not known if the town council had consultation with residents. There is no record of any objection to the event.

(5) A one million dollar public risk liability policy was taken out and in force during the sunshine festival and included the conduct of motorcycle racing.

TRAFFIC

Motor Vehicles: Exhaust Emission

1617. Mr WILSON, to the Minister for Conservation and the Environment:

(1) Is it a fact that vehicle exhaust emissions in the centre of Perth have on occasions exceeded the recommended maximum safe levels set by the World Health Organisation?

(2) Are Australian design rules 26, 27 and 27A governing vehicle exhaust emission being enforced in Western Australia?

(3) If "Yes" to (2), which authority is responsible for the enforcement of these regulations?

(4) How many officers are engaged in policing these regulations?

(5) How many prosecutions for breaches of these regulations have been recorded in each year of their operation?

(6) What official testing facilities are currently available?

(7) Has the Government any plans to construct a vehicle exhaust emission testing station along the lines of that established by the Victorian Government?

(8) Has the department made any attempt to inquire about the extent of existing emission analysis facilities such as CO2 emission analysers in workshops, auto tuning specialists and vehicle dealer service centres and how such existing facilities might be used to provide testing services to achieve better emission control?

Mr O'CONNOR replied:

(1) No. Carbon monoxide levels in some areas of the business district have occassionally exceeded the long term air quality goals of the World Health Organisation.

(2) All passenger cars and derivatives must be certified by the Australian Motor Vehicle Certification Board to comply with ADR 26 and ADR 27A before first registration in Western Australia. No facilities exist in Western Australia to undertake the complex testing procedures required to ensure continuing compliance of individual vehicles to ADR 27A.

(3) The Road Traffic Authority.

(4) and (5) The situation is not one of policing but rather as to whether or not a vehicle will be accepted for registration.
(6) None.
(7) No.
(8) No. Such a system has proved unworkable in the United States. When and if a need is seen for ongoing monitoring of motor vehicle emissions the appropriate facilities will be provided by the Government. However, the long term aim is for manufacturers to develop motor vehicles which are incapable of exceeding the emission standards.

WORKERS' COMPENSATION

Report

1618. Mr DAVIES, to the Minister for Labour and Industry:

(1) Will he table the report by Mr G. D. Clarkson into aspects of worker's compensation?
(2) If not, why not?

Mr O'CONNOR replied:

(1) No.
(2) The report was confidential to the Government.

SESQUICENTENNIAL CELEBRATIONS

Expenditure and Advertisements

1619. Mr DAVIES, to the Minister representing the Minister for Tourism:

With reference to the 150th Anniversary celebrations:

(1) How much is being spent on—
  (a) a 12 page advertisement for Western Australia in the Pacific edition of *Time* magazine;
  (b) Reproduction of 100 000 copies of the advertisement with a simulated *Time* cover?
(2) How much is being spent on the project by—
  (a) the Department of Industrial Development;
  (b) the Department of Tourism?
(3) How will the simulated *Time* magazine be distributed worldwide?
(4) Who is handling the advertising layouts for the 12 page advertisement?
(5) Has he, or any other Minister, held discussions with *Time* executives?
(6) If "Yes" to (5), which Ministers have held discussions, and when?
(7) From the which part of which division of Consolidated Revenue are contributions coming from—
  (a) the Department of Industrial Development;
  (b) the Department of Tourism?

Mr O'CONNOR replied:

(1) (a) (i) The Department of Tourism and the Department of Industrial Development are participating in an eight page paid supplement in the following selected editions *of Time*—

South Pacific (Australia/New Zealand),

Philippines,

Japan,

Malsinhong (Malaysia,

Singapore, Hong Kong);

(ii) In addition to the eight page editorial orientated supplement each department is taking one page of advertising space;
(iii) The eight page supplement will cost approximately $76 350;
(iv) The cost of the Department of Tourism advertisement will be approximately $10 350.
(v) The cost of the Department of Industrial Development advertisement will be approximately $9 800.

(b) The reproduction cost of 100 000 copies of the eight page supplement, the two pages of advertising and the simulated *Time* cover printed by The WA Government Printing Office is anticipated to be $16 000.

(2) (a) $55 947;
(b) $56 525.

(3) Through the offices of the Australian Tourist Commission, Trade, Consular and Embassy Offices of the Australian Government, Agent General Offices of the Western Australian Government, on overseas promotions undertaken by the Department of Tourism, through the offices of Qantas and other international airlines, the agencies of the Department of Tourism's and the Department of Industrial Development's normal distribution facilities.

(4) The Department of Industrial Development's advertising agency Parkes-Clemenger were appointed co-ordinating agency for the *Time* project. The Western Australian Department of Tourism advertising agency Jackson Hunt and Company, were briefed to produce a one page advertisement for the Western Australian Department of Tourism.

(5) Yes.

(6) This subject was one of a number of matters mentioned during a general discussion on development of Western Australia at a lunch on 3rd February, 1978, arranged by *Time* representatives at which the Minister for Tourism and the Premier were invited guests.

(7) (a) Industries Division, Item 12(2) Marketing and Publicity;
(b) Division 34, Department of Tourism, Item 4 Advertising and Promotions.

LOCAL GOVERNMENT

Local Disaster Committees and Volunteer Emergency Services

1620. Mr DAVIES, to the Treasurer:

Will he give consideration to providing funds to metropolitan local authorities to enable them to set up local disaster committees and volunteer emergency services to supplement the State emergency service?

Sir CHARLES COURT replied:

In addition to the State emergency service headquarters in Belmont, a metropolitan regional office with a full-time area co-ordinator has been established north of the river.

Volunteer emergency groups are an integral part of the whole State emergency service. These are normally sponsored by local authorities as their contribution to the overall system. Certain equipment is made available to these groups through the State Emergency Service.

The member's attention is also drawn to question 1015 of 8th August, 1978, and question 1248 of 22nd August, 1978, asked by the Member for Dianella.

ELECTORAL

Rolls: North-west and State

1621. Mr DAVIES, to the Chief Secretary:

(1) How many persons have been sent letters challenging their right to be on the roll for—
(a) Pilbara;
(b) Murchison-Eyre;
(c) Gascoyne;
(d) Nedlands,
since December 1977?

(2) How many ppople have been sent letters challenging their right to be on the roll since 17th December, 1977, for the entire State?

Mr O'NEIL replied:

(1) (a) 829;
(b) 89;
(c) 178;
(d) 558.

(2) 16 965.

ELECTORAL

Roll: Kimberley

1622. Mr DAVIES, to the Chief Secretary:

(1) How many people were enrolled for Kimberly at—

(a) 17th December, 1977;

(b) now?

(2) How many people have been added to the roll since December 1977?

Mr O'NEIL replied:

(1) (a) As at 12th December, 1977 (being the computer statistic immediately prior to 17th December, 1977), 5 229;

(b) As at 11th September, 1978 (being the most recent computer statistic), 4 941.

(2) As at 11th September, 1978, 974.

HOUSING

Cranbrook

1623. Mr DAVIES, to the Minister for Housing:

(1) Is there a severe housing shortage at Cranbrook which is forcing people with good employment prospects in the town to seek work elsewhere because there is no accomodation for them?

(2) If so, what action does he propose to take?

Mr RIDGE replied:

(1) and (2) No. As at today, there is only one outstanding application by an Aboriginal for assistance from the Housing Commission.

BOATS

Carnarvon Slipway

1624. Mr DAVIES, to the Minister representing the Minister for Works:

(1) Will the Government provide a transverse way for the small boat slipway at Carnarvon?

(2) If "No" will the Government allow the Carnarvon Shire Council to utilise its loan funds to raise the necessary capital to construct a slipway, conditional upon the State Government meeting the loan repayments?

Mr O'CONNOR replied:

(1) and (2) Yes. Planning for this facility is proceeding and, subject to availability of finance, will be constructed in 1979-80.

IMMIGRATION

Ethnic Community Councils

1625. Mr DAVIES, to the Minister for Immigration:

(1) Further to my question 1528 of 1978, can he advise when the Government intends to make a decision in respect of the Galbally report?

(2) Will he advise me of that decision when it is reached?

(3) In view of his Government's refusal to approach the Prime Minister to seek the full implementation of the Galbally report, and thus his Government's implicit support for the Prime Minister's action in not accepting the full recommendations of the Galbally report, why has he stated that no decision relating to any aspect of the report has yet been made by the State Government?

Mr O'CONNOR replied:

(1) The Galbally Report is still being considered and no decisions relating to this matter have yet been made by the State Government.

(2) No decision has been made in this regard.

(3) The fact that the State Government has not as yet made a decision on this report should not be interpreted to mean that it does or does not support the views of the Commonwealth Government.
It is considered that the matters covered in this report are of great importance.
The State Government will not therefore make a final submission to the Commonwealth Government before all aspects of the report have been thoroughly examined.

WORKER PARTICIPATION

Government Policy

1626. Mr DAVIES, to the Premier:

(1) Further to my question 1533 of 1978, is he able to advise when the Government intends to make a decision on the Commonwealth Government's policy on employee participation?

(2) Will he advise me of the Government's decision when it is reached?

Sir CHARLES COURT replied:

(1) and (2) The Commonwealth Government policy on employee participation does not require a decision by the Western Australian Government. It is a policy designed for implementation in Commonwealth jurisdictions.

ELECTORAL

Rolls: North-west

1627. Mr DAVIES, to the Chief Secretary:

How many people have been struck off the roll since 17th December, 1977, for the reasons outlined in answer to part (3) of my question 1531 of 1978 in the electorates of Pilbara, Murchison-Eyre, Gascoyne and Nedlands?

Mr O'NEIL replied:

	Pilbara	Murchison Eyre	Gascoyne	Nedlands
Enrolled in a new electorate	729	173	189	716
Deleted under section 48	615	80	136	374
Obvious error or removal of duplicate name	16	1	2	7
Elector's request	35	1	1	25
Marriage	81	4	13	102
Death	23	10	14	166
Unsound mind (section 57)	—	—	—	1
Conviction (section 59)	2	—	—	—
Failure to reply to notices regarding non-voting at an election (section 156)	—	—	—	—
Change of address within the electorate	388	22	56	344

DAY LABOUR CONSTRUCTION FORCE AND GOVERNMENT PROJECTS

Government Policy

1628. Mr JAMIESON, to the Premier:

(1) What is the future policy of the Government on its day labour construction force?

(2) What guarantees is the Government prepared to give that there will be no early retrenchments of day labour personnel?

(3) Now that the plumbing dispute is over on the Queen Elizabeth II Medical Centre, has any decision been made by the Government to proceed with the three projects:

(a) 2nd stage of Wanneroo Hospital;
(b) Canning Vale Gaol; and
(c) the technical education centre,

all of which the Government had deferred pending the dispute being settled?

Sir CHARLES COURT replied:

(1) The Government has not contemplated a change to its present policy that a day labour construction force be retained.

(2) The numerical strength of day labour personnel is dependent on available finance.

(3) The decisions in respect of these projects will be known when the Budget is introduced next week.

FISHERIES

Sams Creek Boat Facilities

1629. Mr JAMIESON, to the Minister representing the Minister for Works:

(1) Is it a fact that about 30 fishing vessels are, when possible, making use of Sams Creek near Point Samson as a base for their fishing activities?

(2) Is there any plan at present to dredge out a channel suitable for fishing boats to be able to make better use of this facility?

(3) Is there a plan for dredging a turning and anchoring basin near the processing factory at Sams Creek?

(4) What alternative proposals are in mind to cater for vessels fishing Nicol Bay and thereabouts?

(5) Where are the nearest alternative jetties and safe anchorage for discharge of catch to Sams Creek?

Mr O'CONNOR replied:

(1) There are about 15 fishing vessels making use of Sams Creek near Point Samson as a base for their fishing activities.

(2) and (3) No.

(4) A site at Johns Creek east of Point Samson jetty is being investigated to provide a safe anchorage for discharge of catch from fishing vessels.

(5) The nearest alternative jetty is Point Samson jetty which can be used in reasonable weather, and the nearest safe anchorages are at Dampier and Cossack.

EDUCATION

High School: Wickham

1630. Mr JAMIESON, to the Minister for Education:

(1) When is it proposed that the building of a high school for Wickham will commence?

(2) When is it anticipated that the first intake of pupils will occur?

(3) Is it not a fact that the former Minister for Education, the Hon. Mr MacKinnon, promised the people of Wickham that a high school would be in operation by 1978?

Mr P. V. JONES replied:

(1) and (2) Secondary pupil numbers at Wickham are insufficient for a high school.

(3) Any statement about the provision of school facilities is related to predictions of pupil numbers. There is no record of an unqualified promise made by a former Minister for Education.

SHIPPING

SSS: Wickham-Karratha Area

1631. Mr JAMIESON, to the Minister for Transport:

(1) Will there be adequate facilities for the proposed larger State ships to service the Wickham-Karratha area?

(2) Will these ships be able to give service to this area and so make available a cheaper alternative freight service for goods for the citizens of this region?

(3) As the State ships now rarely call at this region, will he investigate the possibility of re-establishing a service in an endeavour to help lower the cost of goods to local residents?

Mr RUSHTON replied:

(1) Yes.

(2) and (3) Port Walcott and Dampier were deleted from regular scheduled calls by the vessels due to lack of support. Ships now call at these ports when there is sufficient inducement to warrant the costs involved.

The new vessel will service this area on the same basis as the present vessels unless future demands indicate otherwise.

STATE GOVERNMENT INSURANCE OFFICE

Vehicle Insurance in North

1632. Mr JAMIESON, to the Minister for Labour and Industry:

(1) Why is it still necessary for the State Government Insurance Office to have a loading on vehicle insurance north of the 26th parallel?

(2) As this loading does not apply to many remote centres in the areas south of the 26th parallel which have no repair facilities readily available, would the State Government Insurance Office give early consideration to correcting this anomaly?

(3) What overall percentage increase is it estimated would be needed in rates to cover the whole State on a uniform rate of motor vehicle insurance?

Mr O'CONNOR replied:

(1) to (3) As there is no compulsion on the State Government Insurance Office's competitors to give this type of information, I consider that the State Government Insurance Office should not be disadvantaged by having to answer the question.

MINING: GOLD

Fimiston Mines

1633. Mr GRILL, to the Minister for Mines:

(1) When was the Kalgoorlie Mining Associates feasibility study on the reopening of the Fimiston goldmines received by the Government?

(2) For what purpose or reason was the feasibility study forwarded to the Government?

(3) Why has not the feasibility study been made public?

(4) When is it likely that the feasibility study will be made public?

(5) Is any assistance being sought by Kalgoorlie Mining Associates in respect of the reopening of the leases, and if so, what assistance is being sought?

(6) If "Yes" to (5), when is it likely that a decision will be made by the Government?

(7) What is the Government's policy on the reopening?

Mr MENSAROS replied:

(1) The 4th August, 1978.

(2) To inform the Government of the present situation.

(3) The document is an in-house feasibility study that contains ore reserve and costing information given on a confidential basis to the Government. The Government cannot breach confidence by making it public. If the company considers to publicise the whole or any part of the report that is up to them.

(4) The Government has no intention to make public the the report.

(5) and (6) No.

(7) The Government is using every endeavour to see Fimiston reopened on a commercially viable basis.

WATER SUPPLIES

Goldfields Pipeline

1634. Mr GRILL, to the Minister representing the Minister for Water Supplies:

(1) Is it proposed to automate all pumping stations on the Goldfields water pipeline between Mundaring and Kalgoorlie?

(2) What is the proposed cost of automation?

(3) What is the number of persons employed in the stations at the present time?

(4) What is the anticipated number to be employed after automation?

(5) What is the total fortnightly wages bill paid to employees in the various pumping stations at the present time?

(6) What is the anticipated cost of effecting automation?

(7) When was the decision made to implement automation of the pumping stations?

(8) When is it expected that automation will be completed?

Mr O'CONNOR replied:

(1) (a) Pumping stations between Mundaring and Nulla Nulla summit tank will be remote controlled from Cunderdin.

(b) Pumping stations between Southern Cross booster and Kalgoorlie will remain manually operated.

(2) Approximately $1 300 000.

(3) 30 at the stations to be remote controlled, including Cunderdin.

(4) Ten.

(5) $9 778 to wages staff and $2 350 to salary staff in the stations affected.

(6) See answer to (2) above.

(7) Automation of aspects of pumping station operation has been implemented progressively since 1966.

(8) Late 1979 or early 1980.

1635. *This question was postponed.*

ASSISTANCE AND SECURITY CORPORATION

Flour Millers' Dispute

1636. Mr DAVIES, to the Minister for Labour and Industry:

(1) Is it correct that the Assistance and Security Corporation was asked to give assistance during the flour millers' dispute last year?

(2) If so, by whom and when?

(3) Why was the Assistance and Security Corporation chosen as the body to provide assistance during the flour millers' dispute?

Mr O'CONNOR replied:

(1) and (2) No.

(3) The office of the Minister for Labour and Industry did not approach Assistance and Security Corporation. An approach was made to a transport source who confirmed that transport would be available to meet the Government's objective—that of providing flour to the community, as distinct from "strike breaking".

ASSISTANCE AND SECURITY CORPORATION

Ministerial Condemnation

1637. Mr HODGE, to the Premier:

Can he explain why the former Minister for Labour and Industry was publicly condemning the Assistance and Security Corporation and saying the Government would not encourage such a group when the body concerned had already been sent a cheque, had lost it and been sent another one?

Sir CHARLES COURT replied:

My recollection is that the former Minister made these comments as a result of the 18th May *Daily News* story which outline the objectives of the Assistance and Security Corporation.

At the time the first, and then replacement cheques were posted, the *Daily News* story was still some months into the future.

Therefore, there is nothing inconsistent in what the Minister said.

I remind the member that the Government's action in seeking to acquire and transport existing flour stocks to bakeries was to give those bakeries—and, through them, the community—access to a vital basic foodstuff.

That objective was met, and the Government makes no apology for that.

ASSISTANCE AND SECURITY CORPORATION

Government Payment

1638. Mr TONKIN, to the Minister for Labour and Industry:

In view of his statement of 13th September that a payment of $1 815 was made to Assistance and Security Corporation in November 1977, even though the Government did not become aware of the corporation's existence till May this year, can he advise why payments were made to a body which the Government knows nothing about?

Mr O'CONNOR replied:

I refer the member to my Press statement of 13th September. When the account was received from Assistance and Security Corporation, and as the Government's original transport source was arranged on a confidential basis, it was taken for granted that the account in Assistance and Security Corporation's name was issued in order to preserve the confidentiality of the source with whom transport was originally arranged. This was why I referred in my statement to an "accommodation name". The end result of the Government's arrangements was, as is now well known, that a community starved of flour was able to get the required flour supplies.

ASSISTANCE AND SECURITY CORPORATION

Government Assistance

1639. Mr TONKIN, to the Minister for Labour and Industry:

(1) Why has the Government funded the Assistance and Security Corporation's continued existence and thus possibly fostered the corporation's aims and profits, whilst it claims it is seeking to reduce industrial unrest?

(2) Will he give a firm undertaking that no further assistance will be given to the Assistance and Security Corporation?

Mr O'CONNOR replied:

(1) and (2) The Government has not "funded" and will not fund or assist the Assistance and Security Corporation. The word "funded" implies Government grants being made. In this case, the Government paid for services rendered in its efforts to get existing stocks of flour to bakeries in order to allow people to get bread supplies.

ASSISTANCE AND SECURITY CORPORATION

Government's Awareness of Existence

1640. Mr HODGE, to the Minister for Labour and Industry:

How did the Government first become aware of the existence of the Assistance and Security Corporation?

Mr O'CONNOR replied:

The Government first became aware of its existence—as distinct from its stated objectives—when it authorised payment of a cheque which was despatched in December 1977.

The Government first became aware of the Assistance and Security Corporation's objectives in May, 1978, as a result of a *Daily News* story.

ASSISTANCE AND SECURITY CORPORATION

Truth of 6KY Radio News Statement

1641. Mr TONKIN, to the Minister for Labour and Industry:

Was he correctly reported on 6KY radio news on 13th September that no money was ever paid to the Assistance and Security Corporation?

Mr O'CONNOR replied:

I do not know the news report to which the member refers.

However, it is likely that the member is referring to my statement that we have never provided "financial assistance" to Assistance and Security Corporation. Financial assistance implies "help" or "aid". It even implies that "grants" have been paid. That is not the case and has never been the case.

The Government, as already stated, did pay for services rendered—those services being the transport means by which a community, deprived of flour, was once again able to get flour.

1642. *This question was postponed.*

SEARCH WARRANTS

Legislation

1643. Mr BERTRAM, to the Minister representing the Attorney General:

(1) Did the Minister some time ago give an assurance to legislate on the matter of search warrants being issued to police empowering them to search and seize the confidential files of clients then in the possession of their solicitors?

(2) If "Yes" when will this legislation be introduced, and what is the reason for the delay?

Mr O'NEIL replied:

(1) and (2) No. The statement made by the Attorney General at the time indicated that the Government would take whatever action was considered appropriate to clarify the issue. The matter is the subject of current discussions with interested parties.

STATE FINANCE: CAPITAL WORKS

Nedlands Electorate

1644. Mr BERTRAM, to the Premier:

(1) In respect to his electorate of Nedlands, will he state the total sum of money paid out and contracted to be paid out for capital purposes for the period since the 1974 General Election to date?

(2) (a) Will he state the dates on which each capital item was supplied;
(b) its description; and
(c) the name of the body to whom it was supplied?

(3) (a) Has all of the capital expenditure referred to above been paid from loan funds;
(b) if not, where have the funds come from?

Sir CHARLES COURT replied:

(1) to (3) I have been informed by the Treasury that Government expenditure is not recorded by electorates or by local government authorities. This information is therefore not available without a great deal of research to compile it, which would be a costly and unrewarding exercise.

If the honourable member has any specific project in mind I suggest he let me know.

FAMILY LAW COURT

Injustices

1645. Mr BERTRAM, to the Minister representing the Attorney General:

(1) Has the Minister been requested to receive a deputation from "The Army of Men"?

(2) (a) Does he intend to receive this deputation;
(b) if "No" why;
(c) if "Yes" when?

(3) (a) Has the Minister received many complaints about alleged injustices occurring in proceedings under the Family Law Act;

(b) are these mostly concerning property settlements, maintenance and custody;

(c) has he communicated the substance of these complaints to the Australian Attorney General;

(d) if "Yes" when;

(e) for what purpose; and

(f) with what result?

Mr O'NEIL replied:

(1) and (2) No. The Attorney General is aware from a report in *The West Australian* that a written approach was to be made for him to receive a deputation. No correspondence has been received by him to date.

(3) (a) to (f) Considering the number of cases heard by the Family Court, the number of complaints received by the Attorney General is minimal. As the Family Law Act is Commonwealth legislation, some complaints may have been made to the Commonwealth Attorney General. In addition, the Commonwealth Government has appointed an all-party parliamentary committee to review the Family Law Act. The terms of reference given to the committee include a reference on maintenance, property and custody proceedings.

QUESTIONS WITHOUT NOTICE

ASSISTANCE AND SECURITY CORPORATION

Flour Millers' Dispute

1. Mr DAVIES, to the Minister for Labour and Industry:

My question arises from the answer the Minister gave to question 1636. The Minister said that an approach was made to a transport concern. Can he tell us the name of the transport concern, and who made the approach?

Mr O'CONNOR replied:

The approach was made from, I believe, the Department of Labour and Industry. I have no intention of naming the transport organisation concerned because of the possibility of reprisals against it.

ASSISTANCE AND SECURITY CORPORATION

Security Agent's Licence

2. Mr TONKIN, to the Premier:

Does the Government intend to oppose an application by the Assistance and Security Corporation for a security agent's licence?

Sir CHARLES COURT replied:

My understanding is that matters of this kind are dealt with by a properly constituted statutory authority. I suggest we leave the matter to that authority to determine the merits or otherwise of the application.

If there is some technicality about the matter which the honourable member wants researched, I suggest he lets me know and I certainly will answer his question.

However, the reply to the member is the same as the one I gave to the media yesterday: Matters of that kind are dealt with by a properly constituted statutory body.

BOATS

Licensing in Country Areas

3. Mr SHALDERS, to the Minister for Transport:

(1) Is it currently possible to obtain an initial licence or a licence renewal for a private boat in country areas?

(2) If not, would the Minister investigate means whereby such facility could be provided in at least larger country centres particularly those in coastal locations?

Mr RUSHTON replied:

(1) At present initial registrations only may be effected through Harbour and Light Department offices at Mandurah and Geraldton, and the Clerk of Courts, Bunbury.

(2) Consultations with Treasury have been taking place over several months to extend the service for initial registration to other clerks of courts and this should be achieved shortly.

It is not intended at the present time to extend the service in respect of renewals.

ASSISTANCE AND SECURITY CORPORATION

Security Agent's Licence

4. Mr TONKIN, to the Premier:

My question is a follow-up to the previous question I asked the Premier, on the same subject.

I find it hard to understand the answer which the Premier has given, that the matter should be left to a statutory body, because, in fact, the Government continually goes before the Industrial Commission claiming to act in the public interest, and claiming that wage rises should not be given to employees.

On this occasion the Government sees no reason to intervene in the public interest. I would put it to the Premier that this matter also is in the public interest and it is within the competence of the Government to intervene, and make its opinion known.

Will the Premier reconsider the matter so that a representation can be made to the proper authority indicating to it that in the opinion of the Government it is not in the best interests that such an organisation should receive a security agent's licence?

Mr Bryce: It is a bunch of ratbags.

Sir CHARLES COURT replied:

The member for Morley is asking me, off the cuff, to prejudge an issue the content of which, quite frankly, I am not aware. I do not intend to express an opinion one way or the other.

Mr Davies: You have been expressing opinions in the papers and on television.

The SPEAKER: Order!

Sir CHARLES COURT: If I might deal firstly with the interjection from the Leader of the Opposition, we have been expressing a view on a matter principally dealing with a so called strike breaking organisation.

I remind members that a spokesman for that organisation has made certain categorical statements which are contrary to those which the member for Morley said were made this morning.

Returning to the question, I believe the matter can be dealt with by the statutory authority. I understand the organisation is making an application to the court and if anyone, including the Government, sees fit to intervene, I understand there is statutory provision for that to happen. But, I will not commit the Government.

ASSISTANCE AND SECURITY CORPORATION

"AM" Programme

5. Mr DAVIES, to the Premier:

Did the Premier hear a person, who was named as Don Thomas, speak on "AM" this morning?

If so, does he agree with the views expressed? If he does not agree—and the person who spoke is associated with the Assistance and Security Corporation—will he arrange to have his disagreement conveyed to the court when the application is heard?

The expression of opinion, I might say, was frightening.

The SPEAKER: Order! I point out to the Leader of the Opposition that his

question does not come within the provision of Standing Orders.

Clearly, the Leader of the Opposition is seeking an expression of opinion from the Premier and, therefore, I must disallow the question.

STATUTORY BODIES

Number and Names

6. Mr GRILL, to the Premier:

On the 6th September, 1978, I asked question 1504 relating to the number and the names of statutory bodies extant in Western Australia at the present time.

The Premier replied that, "When the information has been collated", he would advise me.

As I have received no such advice from the Premier, could he advise whether his department is having trouble in collating the information and when I might expect the question to be answered?

Sir CHARLES COURT replied:

In answer to the honourable member, today I asked the under secretary whether the information had been collated and transmitted. When I was told, "No", I asked what progress had been made.

I will follow up the matter again because it seemed to be purely a matter of volume, rather than any difficulty in getting the information together. I will speed it up for the honourable member.

EDUCATION

Teachers: Industrial Dispute

7. Mr DAVIES, to the Minister for Education:

In view of the serious position which has developed in regard to school teachers and their proposed strike action, is the Minister able to tell us whether the Government has made any further attempts at conciliation, or is the answer final?

Is the Government now prepared to let the situation explode?

Mr P. V. JONES replied:

I do not know what the Leader of the Opposition means by, "let the situation explode".

Mr Davies: Have a strike.

Mr P. V. JONES: The decision by the Government is final, and has been so since May of this year, apart from two instances. The two instances are, firstly, the fact that we have agreed to close schools two days earlier this year in order to give a full seven weeks vacation at Christmas time so as not to affect the situation in 1978-79. That was a further attempt to bring some sanity into the arrangements.

The second instance was the statement the Government made early this week that it accepted the recommendation, or the suggestion, from the WA Council of State School Organisations that we would review the matter after two years.

That is a further attempt by the Government to ensure that the executive of the Teachers' Union does, in fact, start to stand up to its responsibilities, and does not continue a dispute over what is only a matter of one day's holiday.