Legislative Assembly

Tuesday, the 12th September, 1978

The SPEAKER (Mr Thompson) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

PUBLIC ACCOUNTS COMMITTEE

Resignations: Statement by Speaker

THE SPEAKER (Mr Thompson): I desire to bring to the attention of members of the House two letters which I have received. The first is dated the 11th September, 1978, and is addressed to me as Speaker. It states—

> I desire to resign from my position as a member of the Parliamentary Public Accounts Committee.
>
> I should appreciate it if you would take the appropriate action to make my resignation effective.

The letter is signed by Barry Hodge, member for Melville.

The second letter is dated the 12th September, 1978, and is also addressed to me as Speaker. It states—

> I desire to resign from my position as a member of the Parliamentary Public Accounts Committee.
>
> I should appreciate it if you would take the appropriate action to make my resignation effective.

The letter is signed by J. Skidmore, member for Swan.

INDUSTRIAL LANDS DEVELOPMENT AUTHORITY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th August.

MR BRYCE (Ascot—Deputy Leader of the Opposition) [4.54 p.m.]: This is a most interesting piece of legislation. Everybody would be aware of the Industrial Lands Development Authority in Western Australia which has a fairly specific purpose. It owns or controls some thousands of hectares of land in different suburbs of Perth, and in certain country centres. The authority is designed for the express purpose of encouraging the establishment of industry on that land.

The amendment currently before us is fairly straightforward and simple. It is to amend the parent Act so that on the industrial land held by the Government the Government will be able to take the initiative and actually erect factories to encourage the attraction of industrial concerns, principally I would hope, to rural centres.

We on this side of the House have absolutely no objection to the legislation, but I feel I simply cannot let the opportunity pass without suggesting that this measure is, in fact, a form of selective socialism. Let me remind members opposite, or suggest to them, that if they were sitting on this side of the House and a Labor Government came to this Parliament with a proposition to enable the Industrial Lands Development Authority to have the power and the authority to build factories—actually erect factories—on its land, owned by the Government, irrespective of where it is, I am sure that you would agree, Mr Speaker, they would refer to the legislation in typical form as socialistic, the Big Brother, bogey, thin edge of the wedge type legislation. To say the least, we find it rather interesting that this particular Government should be introducing this type of legislation into the House.

Mr Tonkin: It shows the Government is capable of learning.

Mr BRYCE: A former Federal Minister, and member for Forrest, once said at a public meeting in Boyup Brook that it was the farmers who sought to socialise their losses and capitalise their gains. I think it was unfair of that Liberal Minister to say that; it was very unfair of him to suggest that. There are some members in this House who would recognise that if there is, in fact, some accuracy in that statement, it is not only the farmers in this community who seek to socialise their losses and capitalise their gains!

I have very little to add at this stage, other than to say we support the measure, and that we find it just a little passing strange that this particular Government would bring this type of legislation to the House.

MR LAURANCE (Gascoyne) [4.57 p.m.]: I wish to support the measure because it is a very important part of the Government's platform to support and encourage industry in an effort to provide more jobs. Despite the paranoia shown by the Deputy Leader of the Opposition—

Mr Davies: What do you mean by paranoia? He was stating facts.

Mr LAURANCE: I will come to that in a moment. It was pointed out by the Minister in his second reading speech that this is a natural expansion of the Industrial Lands Development Authority's present responsibilities.

Mr Bryce: It is an extension of socialism.

Mr LAURANCE: It is an extension of the present responsibility of the Industrial Lands Development Authority, which has conducted its affairs in a very successful manner. The results of the operations of the authority, in recent years, show that it has acted commercially in such a way as to encourage and facilitate industry; in some cases it has attracted industry.

The Industrial Lands Development Authority will be able to provide greater incentive as a result of the extension of its authority not only in the matter of land, but also to construct factory accommodation. I would like to make the point that the assistance it has brought to industry has not only been evident in the metropolitan area, but in many cases in the country. It has had considerable bearing on the attraction of industry to decentralised areas, which adds to the good record of the Government in this regard.

The provisions contained in the Bill will enable the Industrial Lands Development Authority to provide factory accommodation where none exists, and where currently there is a need for such accommodation. This situation probably arises more in country areas.

The second situation will arise where the Government wishes to attract a particular industry to an area—where the provision of satisfactory accommodation is a key factor.

In those two situations the authority will be able to provide factory accommodation.

The only area of difficulty, of course, is that touched on by the Deputy Leader of the Opposition. I refer to the fact that we could be empowering a Government agency to assume a role which more properly should be left to private enterprises. However, the Deputy Leader of the Opposition did not mention what has been clearly spelt out in the Bill. The Minister has given adequate assurances on this aspect.

Mr Bryce: He has to approve it.

Mr LAURANCE: The measure prescribes that the Minister must make the decision that the need is not being met by the private sector.

Mr Bryce: Is that called socialising your losses?

Mr LAURANCE: No, I do not think it is.

Mr Bryce: I would have thought that was an adequate description.

Mr Tonkin: It is allowed to make a loss, but not allowed to make a profit.

Mr LAURANCE: If we have the opportunity to attract an industry to an area or to the State and all that is required is to give this incentive, to provide this facility, I am sure members opposite would agree that is what we should be doing. In the situation that private enterprise has not provided the facility and it is not about to provide it, the Minister has to give an assurance that to his satisfaction this need is not being met, and we have adequate assurances on that.

The Bill demonstrates sufficiently the Government's desire to encourage and to stimulate industry and thus to create more jobs. Our record on that score is a good one, as has been illustrated in recent times. In fact, our record is better than the record of any other State in the Commonwealth in creating new jobs—

Mr Carr: It shows you can do anything with statistics, doesn't it?

Mr LAURANCE: —not only in the city but also in the country. The Industrial Lands Development Authority has assisted to decentralise industry, and the measure before us will enable more help to be given to industry in the country.

I would like to refer to a spectacular success story about a co-operative in my area, a co-operative that developed partly as a result of the influence of the Government. I refer to the Carnarvon Transport Co-operative Ltd. which commenced in 1974 under very difficult circumstances when a major operator decided to pull out. Local growers and businessmen in the area banded together to form a co-operative which very quickly got under way. I would like the opportunity to tell the House more about this success story on another occasion, but briefly this extremely successful co-operative received assistance from the Industrial Lands Development Authority to provide a depot at Kewdale, a depot which the Premier will open in a few days' time. It was given assistance also under the Assistance to Decentralized Industry Act. So in these two ways a very decentralised industry in my electorate has been able to flourish with that encouragement.

In answer to some points raised by members opposite, I would like to point out that it is essential we should look to providing this encouragement for industry because this encouragement is provided elsewhere. I was given a graphic example of this recently when a Perth manufacturer spoke to me. This man employs about 12 people to manufacture a highly technical product.

He had just returned from Singapore and while there he called on the equivalent of our Department of Industrial Development to see what was offering in the industrial field. He was rather amazed to find that this department offered him factory accommodation—the very type of thing that the Industrial Lands Development Authority will be able to provide under this legislation.

Mr Bryce: You are aware that before he went haywire Lee Kuan Yew was a social democrat.

Mr LAURANCE: I was merely commenting on the terms available elsewhere, and saying that we are matching these conditions offered by a near neighbour of ours. This manufacturer was offered factory accommodation on very favourable terms, and because he was passing through on a holiday, he was offered his fares to return to Singapore to spend longer there and to investigate the situation. He was offered assistance to train staff because he would require fairly specialised personnel. Also, he was given a schedule of the likely wages he would have to pay. I have that schedule in front of me, and while I will not go into the details it contains, I will just say the wages are very low in comparison with the wages in this country. We are all aware of that general fact, but it is still quite remarkable to see the low wages paid to fairly highly skilled workers. Also, it is interesting to note the other conditions, such as one week's holiday a year.

The incentives presented to this particular person to locate his industry in Singapore were very attractive. I hasten .to add he has decided not to relocate his business and I am very pleased about that. However, these incentives are being offered elsewhere and with this legislation we will be coming into the market ourselves; we will offer incentives to attract industry here.

Mr Hodge: Would you like to see those provisions here?

Mr LAURANCE: No, but I think we should take cognisance of them, especially when we want jobs for our people. A total package of factory accommodation and other incentives was presented to this businessman.

Mr Bryce: Does that indicate that the Liberal Party is heaving to the left?

Mr LAURANCE: No. I would like to come to another point that has been debated in public in recent days; that is, the impact of computer technology. Rather than oppose computer technology, as the Deputy Leader of the Opposition has done—

Mr Bryce: No, I am very much in favour of it. Do not be unkind or intellectually dishonest.

Mr LAURANCE: I have mentioned Singapore, and I think the major point about computer technology is to ensure that it is carried out in this State. Already we know of examples where computing work is carried out elsewhere, so not only may our employment structure change, but also jobs may be lost to us completely.

Mr Bryce: I do not disagree.

Mr LAURANCE: If I send an article to the north of this State by road through a particular firm, a computerised account for the charge will come to me from Singapore. So already this State faces a very serious threat in this way. We must face up to it; we must embrace the new computer technology and ensure these operations are carried out in this State.

To return to the point I was making, we must ensure incentives are available to attract and to encourage industry here.

Mr Bryce: You will support my motion tomorrow night?

Mr LAURANCE: This measure will give the Industrial Lands Development Authority the opportunity to go one step further than simply providing the land, as it has done up to date. Now it will be able to provide factory accommodation where it is required and where the demand is not being met by the private sector. It will assist industries to establish, and it will create more jobs.

MR TONKIN (Morley) [5.06 p.m.]: I would like to make a few brief comments. The Government is using its power and the people's money to do things in the people's name which will ensure that the people will incur a loss, or at the very best break even. However, if the people look like making a profit—which, of course, would result in a lowering of taxation—then the Government gets rid of the enterprise to its mates who subscribe to party funds. I say that such action is a betrayal of the trust which the people repose in the Liberal Party.

The Government holds its position because of the people, so it should be putting the interests of the people first. The Government should see to it that the people not only are allowed to make a loss, but also that they are allowed to make a profit.

MR MENSAROS (Floreat—Minister for Industrial Development) [5.07 p.m.]: Through bad luck rather than by choice—and by saying "bad luck" I mean some geographical positions I have been in at certain times in my life—I am reasonably aware of and familiar with the rules of

thinking of dialectical materialism. However, I must confess to the House some of the shame I feel that I cannot come up with the correct definition of selective socialism. I do not know exactly what it means.

Mr Davies: But you are practising it.

Mr MENSAROS: The philosophising of the member for Morley did not throw any new light on this matter. However, I can assure the Deputy Leader of the Opposition that before socialism was even invented, in the early stages—

Mr Tonkin: Socialism was not invented.

Mr MENSAROS: —the communities, by way of government, provided certain services where these services were not provided by individuals. We can see an example of this in developing countries today, and I point to Singapore and Korea where certain services are provided by the Government. However, once these services are established successfully they are sold out to the hated capitalists.

If we remain in this area of rather theoretical argument, we can say that all we are doing with the Industrial Lands Development Authority is what our forefathers did when they created the Western Australian Government Railways—Westrail today—or some other facilities like that. All we are doing is filling a gap which is not being filled by private enterprise.

In my second reading speech I gave an assurance that the measure is aimed primarily at country areas where there is a demand for industry to establish itself, and where the supply of rental accommodation would be insufficient. So I am sorry but from that point of view I must reject the contention of the Deputy Leader of the Opposition that this measure is either selective or unselective—whatever the words mean—socialism.

I thank the member for Gascoyne for his support. Quite correctly he pointed out the advantages that may flow from the provisions of this Bill.

Mr Tonkin: Aren't you going to thank me for my support?

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 Mensaros (Minister for Industrial Development), and transmitted to the Council.

PUBLIC SERVICE BILL

Second Reading

Debate resumed from the 22nd August.

MR HARMAN (Maylands) [5.14 p.m.]: This Bill sets out to regulate the Public Service of Western Australia. It does so firstly by repealing the existing Public Service Act which was first enacted in 1904, and replacing it with this measure.

My first observation is that the Bill is remarkable not for what it contains but for what it omits. Secondly, it is a recipe for suspicion, insecurity and doubt on the part of public servants towards the board and the Government; and, thirdly, as an exercise in public relations and the achievement of industrial harmony the Bill can be classified—to use a Public Service expression—only as a dismal failure. This Bill should be withdrawn and rewritten only after adequate consultation.

The Public Service Act was first enacted in 1904. It was intended to provide for the co-ordination of the Public Service under one employer, and it removed the confusion which existed prior to that time, when separate Ministers were the employers of their staffs. This system resulted in different standards being set and sometimes, Ministers of that time being accused of nepotism.

The function of the Public Service Board is to promote and maintain "effective, efficient and economic management". The alliteration contained in the Act has been increased by the use of the word "effective", and one wonders why that word has been added. Surely the Public Service has been effective over the past 74 years. How then will the addition of this word alter the future output of the Public Service?

The existing Public Service Act contains some 80 sections and the new Bill contains 66 clauses. However, I agree it is not valid to point to the fact that the Bill contains 14 fewer clauses than the Act has sections because an analysis of the two pieces of legislation reveals the differences between the various sections and clauses and subsections and subclauses are vast.

Nonetheless, it is fair comment to say that many of the clauses in the Bill are a direct rewrite of existing sections. Some are important, some are not. Many sections of the existing Act have

not been rewritten in the present Bill—some for reasons which I do not know. It is alleged that what these neglected sections state will be the subject of regulations and administrative instructions which will have the force of law if the tenor of such instructions is consistent with the Public Service Act.

If there is any reason to oppose this Bill, surely this must be a reason. What is happening here is that the Government is embarking on a new concept of law-making, a concept which we as members of this Parliament should study very closely. In this novel piece of legislation the Government is saying to the Parliament, "There will now be three ways in which laws can be made in this country. One will be by Statute and another by regulation." In both cases, Parliament gets the opportunity to examine what is being done. A Statute comes before this Parliament and a regulation which is made under the authority of this Parliament ultimately must be laid on the Table of this House and if it is not objected to and the objection agreed to within 14 days, it becomes law.

But under this legislation, the Government is proposing a third means of making laws, which is to be by Public Service instruction. If the Public Service Board issues an instruction, that instruction shall have the force of law, which means that Parliament will be neglected because it will not come before Parliament for debate.

This is one of the first matters to which the Opposition objects in this legislation. It is a dangerous precedent and a new concept of law-making which all of us must abhor. The main thing we must all say to the Government is, "Get rid of this type of legislation and come back to Parliament with a rewritten Bill which ignores that concept."

If we allow this Bill to pass in its present form we will give the Government permission to go ahead and incorporate this principle—this new system of law-making—in any other legislation it brings before this House, and that must be abhorrent to any Parliament which adopts the Westminster system.

If we grant the Government permission to go ahead with this legislation we may as well pack up and get rid of Parliament, because we will be of no use at all in the making of laws which the people of Western Australia are obliged to obey.

If for some reason the members of this Parliament decide they are going to pass this Bill in its present form, the Opposition has arranged for amendments to be argued during the Committee stage to make sure these Public Service instructions are changed from instructions to rules so that if the Government wants them to have the force of law they must be treated as rules under the Interpretation Act—rules which ultimately can be presented to this Parliament.

This does not mean to say that the Public Service Board should not issue instructions; it does so now as it has been doing for many years. Instructions from the board chiefly are known as administrative instructions. Now, the Government wants to give these the force of law but we say, "Let us keep the system which has been operating fairly successfully for a great number of years; let us not try to introduce some new, radical law-making system, because if Parliament allows the Government to get away with it with this Bill, it will not be long before we see this principle included in other Bills, and the whole fabric of Parliament will be neglected and there will be no reason for us to come here; and even if we do come here we will have no real power over some of the laws which can be made under the principles contained in this legislation."

The new Bill makes no reference to the arrangement of the service into divisions, such as the existing special, administrative, professional and general divisions. However, it does make some reference to a new being, which is termed a "senior office". In referring to this new being—a "senior office"—in his second reading speech, the Premier said that the position would be held by persons at the highest levels of the Public Service. However, the Premier made no case for a departure from the present system of dividing the service into divisions and replacing it with a new division called a "senior office" and I would like some explanation from the Premier in this respect.

Or is it his intention to arrange the divisions under regulations or through this bad concept of Public Service instructions as contained in this Bill, and still have the classification of "senior office"? What would be the purpose of having that new classification when we still have the classifications of special, administrative and professional, which is where the permanent heads are located? I believe the Parliament is entitled to some explanation of these changes so that we can decide whether or not we will support them. At present, because no case has been made, I am afraid we cannot agree to this new status—this new being. We really do not know very much about it. Cer-

tainly, the Premier has told us nothing, except that it will be an office which will be allocated to the highest people in the Public Service.

The new Bill contains no definition of "Public Service". Matters concerning the statutory obligation to maintain records of officers are not referred to in the Bill. The necessity to prepare yearly lists of officers for the Parliament—the Public Service List—is not there; provision relating to examinations and the appointment of officers is not there; the limitation of the power of the Public Service Board to appoint persons from outside the service is not there; the provision relating to retirement is not there; provisions dealing with appointments, salary determinations, etc., are not there; provisions spelling out long service and annual leave have been modified; and, provisions dealing with sick leave, leave without pay and preservation of service under other authorities are not there.

All of these matters have been omitted from the Bill now before the House. What is to happen to these provisions? Are not public servants going to be concerned about such aspects of their service as long service leave, examinations and appointments? All of these things must raise serious doubts in the minds of people, especially the public servants of our State.

The statement is made that these points will be covered by instructions or regulations. However, we would like to make sure that this is the case; we would like an undertaking from the Premier that when these instructions are drawn up—preferably by regulation, if they are not going to be in the Act—they will not be anything less than what already exists in the present legislation. In other words, we do not want to agree to some situation where, later, the Government can come back with regulations which provide for something less than that which already is in the Public Service Act. I believe that is a reasonable assurance to seek from the Premier; if he is really concerned about the morale of his servants and our servants—the public servants of Western Australia—he should make this very clear when he replies to this debate.

I ask the Premier again: How will the flowery words contained in his second reading speech in definition of some of the changes he wishes to make and the objectives he seeks substantially change the Public Service and give it a "flexible charter"? The Premier made the following statement when introducing the Bill—

> At the departmental level, a much closer matching of authority with accountability is envisaged.

I think we are entitled to some explanation as to what that means and how this concept is going to be achieved. What new provisions are going to be incorporated into the Public Service system to achieve this concept?

I have already referred to the fine sounding language the Premier used in describing the changes he wishes to achieve to the Public Service Act. In the second reading speech we were told, "the reforms must be capable of employing modern management and personnel practices to the fullest possible extent". We were told that the Public Service needs "more and more business management to adapt readily to changed circumstances and to react in a quick and decisive fashion to the requirements and directives of the controlling authority—in this case the Government".

I do not think the Public Service of this State has to react very quickly to this Government; a conservative Government which takes a long time to make decisions to do with changes and even longer to get those decisions put into practice.

The Premier went on to say—

> The Government holds the view that these fundamental aims can best be attained by utilising a flexible charter, under which a Public Service Board is responsible for fostering managerial and personnel techniques, which stress the setting of standards of efficiency, and for monitoring performance of departments by comparing achievements with objectives.

I know for sure those words came from the Premier. In fact, the only word missing is "tremendous". Just as an aside, I listened to the speech of the Premier the other evening when he donated trophies at the Western Australian National Football League function. I counted the Premier using the word "tremendous" 10 times.

Sir Charles Court: It was a tremendous occasion.

Mr Jamieson: Even the clerics of Perth are beginning to notice.

Mr Sodeman: It is tremendous to know you can count to 10.

Mr Laurance: You are being hypocritical.

Mr HARMAN: Let us see how the Premier's words line up with the stated objectives listed in the second reading speech. The first of the 12 objectives was as follows—

> (1) Elaboration on the general powers and duties of the board in relation to promoting efficiency and economy in the Public Service.

The key words there are, "elaboration on the general powers and duties of the board". If we consider that elaboration means to work out in detail and then contrast the old section 10 (1) with proposed new section 14 (1) we find that the elaboration has been increased by the addition of the words, "effective to the present efficiency and economy". Another word has been added and by the addition of that word there is going to be an elaboration on the general powers of the board in relation to promoting efficiency and economy in the Public Service.

The second objective is as follows—

(2) Provision for the Governor on the recommendation of the board to create, abolish, and amalgamate departments and for the board to make all consequential changes in the management, personnel, structure, etc.

This moves the substance of regulation 99 of the present regulations into the Act and gives the board power over consequential changes. The board previously had just recommending power. What real difference is there here; is this going to make any real difference? I think not.

The third objective is as follows—

(3) Definition of the general responsibilities of a permanent head with greater powers to the Governor and the board to transfer permanent heads or replace them in cases of sickness or incapacity, etc. It is also intended to make term appointments for permanent heads and senior officers wherever deemed necessary.

We have not been told as yet what circumstances may make this necessary. Will they be circumstances arising from the nature of the position or the nature of the potential occupant?

Objective (4) is as follows—

(4) Reduction of the volume of Executive Council papers by extending the power of the board in relation to personnel matters of less significance.

The major change we can see here appears to be that the powers which used to be with the Governor are now to be shifted to the board. This is a good thing. I have been on Executive Council myself on several occasions and I used to comment that some matters going through seemed to be coming through unnecessarily. I often thought that one day we ought to do something about stopping some of the paper work going through to the Executive Council.

All that will be achieved here will be to stop the paper work going to Executive Council, but the Public Service Board will still have to do all the processing involved. The board will still have to do all the confirming of appointments, promotions, transfers, and retirements. The board will still have to record the movements of officers in and out of the service. So I do not see any real advantage to the board but I appreciate the advantage to Executive Council.

Objective (5) is as follows—

(5) Redefinition of the powers of the board to recruit and appoint persons to the Public Service. This will give the board a discretionary power either to waive standard conditions of appointment or to impose special conditions in particular cases.

This is an objective which really concerns the Public Service. It is true now that the Governor on the recommendation of the board can appoint persons from outside the Public Service. This has been done in the past in cases where it has been a necessity. One has to agree that in certain areas we do not have people with the special expertise to perform certain duties required by Governments. In such cases it is desirable to seek people from outside the service.

However, we have to be sure that when the Public Service Board goes outside the Public Service to fill a vacancy there is no-one within the service capable of filling that position. It is this part of the Bill which is potentially the most disturbing to the concept of a career service.

In recent years there has been considerable growth in the breadth and depth of qualifications held by officers in the service. There has been a considerable growth in the extent of in-service training in managerial and other supervisory functions. I refer members to the continued success of the Ralph Doig Development Centre which was opened in 1973 and I draw members' attention to the most recent annual report of the Public Service Board which deals with the continued progress and the services offered by the centre.

The power of the board to recruit persons from outside the Public Service to fill positions which would otherwise provide promotion for serving officers must be used very sparingly if the morale of the service is to be maintained. In some cases where professional expertise is needed a person with the necessary knowledge and experience may not be found within the service. However, in the administrative and management area, with a field of over 6 000 officers to draw from within the clerical division, and in-service training being available, it is difficult to see any need to resort to outside appointments.

For the morale of the service the Premier ought to give an undertaking that it is not his intention to appoint retired bank managers or other persons from outside the Public Service to take over responsible roles in the service and so deny career opportunities for serving officers. I think it is absolutely necessary for the Premier to give that undertaking for the benefit of all serving public servants.

Objective (6) reads as follows—

(6) Provision for the board to monitor ministerial appointments in Public Service departments.

This objective is one we can agree with and it is hoped vigilance will be exercised to ensure that the shadow Public Service is eliminated. The development of this shadow service is in direct defiance of that on which the Public Service Act of 1904 was based. Some authorities, including Ministers, have no authority to employ personnel additional to public servants to do the work of their departments. Nevertheless, recourse has been had to the Constitution Act which does authorise the making of minor appointments.

Objective (7) reads as follows—

(7) Abolition of seniority with all promotions being determined solely on the basis of merit and efficiency.

For some time there has been an impression abroad which may even be held by some members of Parliament, although I hope not, that the Public Service is some stuffy and musty organisation where one can get promotion only on the grounds of length of service and seniority.

I hope no member of this Chamber holds that view about the Public Service in Western Australia. It is distressing to read articles in the Press which indicate that the Press believes this to be the case. The truth is that promotion in the Public Service in Western Australia occurs on merit and ability, and not on the length of time an officer has been in the service.

I hope I can satisfactorily dispel that myth which has been held by some sections of our community. I am sure I read an article in *The West Australian* which gave these wrong impressions and in *The Australian* there was an article referring to the Government's move to overhaul the Public Service Act. In the issue dated the 24th August the following comment can be found—

> The most important new provision of all is the one which will abolish the system of promotion through seniority. This system has been the producer of much numbing frustration in Public Services over the years and has deterred many able people with ambition from joining the Public Service.

That is just utter nonsense. It goes on to say—

> It has also resulted in people being promoted to positions above their capabilities simply because they have served a long time.

That is just not the case in Western Australia. It may please some people to be able to make a public servant a sort of whipping boy to maintain the lie that promotion was achieved by waiting rather than on merit. I suppose it sometimes happens that some people in the media, some politicians even, and some public figures are anxious to denigrate the Public Service. They could satisfy themselves in five minutes that seniority is, and always has been, subordinate to merit and efficiency. One has only to look at section 34 of the Public Service Act and section 14 of the Government Employees (Promotions Appeal Board) Act, and the many decisions of the latter board, to realise beyond doubt that the primary ground for the selection of an applicant for a vacant position is efficiency. It is only when two or more candidates cannot be separated on the grounds of efficiency that the position is given to the officer who has served the longest. It is not unreasonable when there are two persons in an appeal situation, both with equal qualifications and both with equal ability, that the tie be broken by giving the decision in favour of the person with the longest service. There is nothing wrong with that and it is a principle we ought to maintain.

I cannot envisage that the objective of abolition of seniority with all promotions being determined on the basis of merit and efficiency will be any advantage to the Public Service.

The appeal provisions from another Act will be included in the Public Service Act. We could find that when a matter goes to the Promotions Appeal Board, the board may have to consider other aspects in reaching a decision.

Objective (8) is the inclusion of promotion appeal rights in the Public Service Act. In view of some of the problems experienced in promotions and appointments in the Public Service one would have thought the golden opportunity would be taken to do something about them, while the Act was being amended. It was an opportunity to face some of the difficulties of interpretation of the word "promotion", and to require the board to give reasons for its decisions.

In Committee the Opposition will move that the word "promotion" be deleted where it appears and the word "appointment" be substituted. The

reason is that we believe every person should have the right of appeal against the person recommended for appointment to a position. It is a fact of life now that some people in the Public Service in certain circumstances do not have the right of appeal.

I will give an instance so that members can understand the position more clearly. Let us assume there is a position which has a salary range of, say, C-II-8, in the Government Chemical Laboratories. That is a new position which has been created by the board. There are already two persons in the Government Chemical Laboratories on C-II-8. Let us say that one is in Geraldton and the other is in Perth. Under the existing legislation and regulations it is not possible for the person in the department for which the new position is advertised, to appeal against the person recommended for the job on the same salary level, but it is possible for a person on C-II-8 or less, who is outside that department, to appeal against the recommended person.

There is an anomaly because one person is denied an appeal right which is available to another person in a different department. We envisage the problem being overcome by the deletion of the word "promotion" and the substitution of the word "appointment". Then it would merely be an appointment and not a promotion.

The next objective is the extension of the types of public servants employed to include casual, contract, and part-time. The term "casual" is new, and one assumes that these people will be employed for expediency as contemplated by the existing Act under the designation "temporary employee".

Contract employees have been used in specific areas. This would apply to Press secretaries and journalists. For some time now, part-time personnel have been employed in the Public Service, and their conditions have been listed in an administrative instruction.

Objective (10) makes provision for some desirable changes and correction of deficiencies in the disciplinary section of the existing Act. The association believes it is a fair basis on which to build administrative procedures which will eliminate some of the problems associated with the present machinery. We do not feel there is any real objection to this, but I will raise one aspect in Committee.

Objective (11) is the publishing of Public Service notices in a gazette apart from the *Government Gazette*. It is also intended to use this inter-service notice paper for training, general advice, and general information as well. The Opposition agrees with that particular objective which is overdue, and could have been introduced some time ago. An amendment to the Act is not required to do this. It is pleasing that this desirable change will occur.

Objective (12) is the abolition of the requirement for married women to seek approval to continue in Public Service employment upon marriage. We have no objection to this.

Objective (13) is that the operational requirements of the board are to be promulgated and implemented largely by administrative instructions. I have devoted some time to this aspect and I can only repeat what I have said before; that is, that we believe if these particular instructions are to have the force of law they ought to be in regulations so that they can be tabled here in accordance with the system which has been in operation in this State for many years and in many other Parliaments under the Westminster system.

Those are the objectives. When we consider the very flowery words of the second reading speech and line them up with what will happen, we realise the Bill will not achieve very much in the total operation of the Public Service which is at present effective and efficient.

It is true that we ought to have continuing reviews of the Public Service so that we can maintain that efficiency, but for anyone to come to this Parliament and say that we need to have a flexible charter and we need to improve personnel techniques, and we need to do this and do that, is really gilding the lily a bit, because that is the situation now, or it should be. The changes will not alter that position to a great extent, but they will introduce certain aspects which we abhor. I have mentioned a couple of these and I want to refer to several others.

It is obvious the Government wants a situation under which it can appoint persons from outside the Public Service to positions within the service and it does not want any strings attached to any such appointments it wishes to make. I have asked the Premier to give an assurance that it is not his intention to appoint persons willy-nilly from outside the service to positions within the service. It is desirable for the morale of the present serving officers that they get that assurance because the present Public Service is a career service and its success depends upon this objective being pursued.

Therefore the creation of a "senior office" needs further elaboration. Which officers in the Public Service will be appointed to the status of "senior office"? What will be the cut-off point? What

will happen to the special division, the professional division, and the administrative division? We must know the answers to these questions before we can even contemplate agreeing to the proposition of a "senior office".

One would have thought that as the Bill had been the subject of much consideration by the Public Service Board and had been in the pipeline for some considerable time, the Government would endeavour to come to grips with the matter of secrecy in the Public Service. Some little time ago this situation was highlighted by an officer from the State Housing Commission. The case finally resulted in a Court of Criminal Appeal and in respect of the question, the Chief Justice had this to say—

> I recognise the question to be one of very real importance and it is a question which so far as my researches extend falls to be answered without the assistance of authority. I would answer it in the way contended for by the Crown, that is to say that the duty placed upon the appellant not to disclose was, when expressed in positive terms, a duty to "keep secret" within the meaning of s. 81 of the Criminal Code and it is a duty laid upon a public servant by reg. 40 of the Public Service Regulations with reference to "all documents that have been supplied to him or seen by him in the course of his official duty as an officer or otherwise" and it is laid upon him without regard to the nature of the contents of the document and without regard to the particular circumstances under which the facts came to his knowledge or the document came into his possession.
>
> But having so held I should, I think, add that the question appears to me to be one of such importance as to call for the attention of the legislature either to confirm and to put beyond doubt the position as I have expressed it in these reasons or to qualify it as it might think fit.

If this legislation was to be a major review of the Public Service Act, it provided a golden opportunity to take up the suggestion of the Chief Justice and let the Legislature define the whole question of secrecy and what public servants can and cannot say.

In my opening remarks I said the Bill is a dismal failure as an exercise in industrial relations, and I should support that contention. The Civil Service Association received a letter dated the 16th September, 1977, from the Deputy Premier on behalf of the Premier, which stated that the Deputy Chairman of the Public Service Board had informed him there would be full consultation with the association concerning all proposed changes to the existing provisions. That letter was written 12 months ago.

What happened? Some days before the Bill was introduced into this House the Public Service Board contacted the Civil Service Association and asked the president, the secretary, and the assistant secretary-industrial officer to attend the board's office for a discussion. Those officers of the association went to meet the board and were told by the board that the matters to be discussed must be kept in strict confidence and could not be relayed back to members of the association.

Mr Davies: That is pretty tough.

Mr HARMAN: They were told if they were prepared to enter into that contract of confidentiality they would be allowed to see the new Public Service Bill and, having seen it, they would be invited to comment on it or suggest changes to it; but they were not allowed to consult with members of the association, and they were given a very short space of time in which to reply to the board.

Is that consistent with the letter of the 16th September, 1977, from the Deputy Premier stating there would be full consultation with the association? I do not think it is and, on that evidence, I do not think any member of the House would agree it is. Obviously there has not been full consultation between the Government and the Civil Service Association, in contrast to the oft-quoted statement by the Premier in his policy speech in 1974, when he said—

> We will encourage regular, meaningful consultation between unions, employers and Government in an effort to ensure that Government economic, financial, social and development objectives are better understood. From this we hope all parties will come to a better realisation of interdependence and community responsibilities.

That is another instance of the Premier making a statement of intention but in fact doing nothing about it.

It is a serious matter when there has not been proper consultation between the Civil Service Association and the Public Service Board on the vital issue of a new Public Service Bill. For that reason I think the Premier should withdraw the Bill to allow consultation to take place and a new Bill to be drafted incorporating all the matters discussed and agreed to by the Civil

Service Association and other organisations concerned with the Public Service. It has been suggested to me there has not been adequate discussion between the Public Service Board and other organisations whose charters cover industrial matters relating to members of the Public Service.

It is obvious that because of some amendments which have now come to light it was necessary to review the Bill now before us and hurriedly make some changes to it, but one wonders whether there has been sufficient time to consider all the aspects of the Public Service Act, the changes which are needed for the future, the problems of promotion and appointments, the question of training and retraining, and the overall management and efficiency of the Public Service. Certainly these matters have been considered by the Public Service Board but I believe a better result could have been achieved by a combined consultative group including representatives of the Civil Service Association and other organisations covering persons employed in the Public Service.

I repeat that on those grounds alone the Bill is a dismal failure in the area of industrial relations, and it can be seen that the Government has not put its policies into effect. The people read the policy of the Government stating that it will encourage regular, meaningful consultation between unions, employers, and Government, but the failure to put its policies into effect reflects on the credibility of the Government, not only in issues such as this but in all kinds of other issues.

A few days ago I raised in the House the matter of having television advertisements made in Western Australia. The Premier said he had insisted that the advertisements be made in Western Australia. One would have thought his Ministers would take some notice of him and ensure the advertisements were made by Western Australians in Western Australia, but as it turns out that is not the case. We are continually being told the Government's policies are tremendous, bold, and imaginative, but when we look at what actually happens following such statements by the Premier we find either the reverse or nothing at all. A similar situation applies in respect of this legislation.

The Bill before the House contains discrimination between temporary officers and permanent officers. A permanent officer is granted long service leave every seven years after he has turned 18. If he joins the Public Service prior to turning 18, long service leave does not start to accrue until he has turned 18, and he is then entitled to three months' long service leave every seven years. But a temporary employee is entitled to long service leave only after 10 years' service.

For the life of me, I cannot see any need to discriminate against a person who is virtually a permanent temporary if he has completed 10 years' service. It would be quite ludicrous to classify that person as a temporary employee. To make the legislation sensible, we must either classify such an employee in another way or give him permanent status after five years' service and the same long service leave benefits as the permanent officer has.

The existing Public Service Act contains a number of provisions dealing with the way in which long service leave can be taken. For instance, a public servant can take six months' leave on half pay or he can take one month's leave at a time. It is noteworthy that those provisions have not been written into the new legislation. We wonder whether they will be covered by regulation or by a Public Service instruction. In the interests of the morale of public servants, we want an assurance from the Premier that the provisions contained in regulations or Public Service instructions will be no less favourable than those existing in the present Act.

I want to point out very clearly that in the Committee stage we will move amendments proposing that long service leave will accrue to every officer of the Public Service after seven years' service, irrespective of whether he is temporary or permanent, and that it will begin to accrue from the time an officer joins the Public Service—not, as now, after reaching 18 years of age. That is a significant change.

We are prepared to move amendments along these lines in the Committee stage, and we give an undertaking that if they are not accepted we will introduce legislation to bring these provisions into effect when we become the Government.

Sitting suspended from 6.15 to 7.30 p.m.

Mr HARMAN: Mr Speaker, the Bill under discussion is the Public Service Bill. There is one other clause of the Bill I wish to read to the House so that members may understand its implications. I am sorry the Minister for Labour and Industry is not present, because I am sure he would appreciate the implications of clause 35 (3), which reads as follows—

> (3) A permanent officer shall not have a right of appeal unless when he made application for promotion to the vacancy he was a member of The Civil Service Association of Western Australia Incorporated, or

held a certificate of exemption issued under the provisions of section 61B of the Industrial Arbitration Act, 1912.

Under that clause a person seeking the right of appeal is compelled to do one of two things: He is compelled to be a member of the Civil Service Association, or he is compelled to seek an exemption from joining that association.

Mr H. D. Evans: Is this compulsory unionism?

Mr HARMAN: Well, we hear so much from the Government about compulsory unionism, and we have heard so much about the stance it has adopted over the last five years on this matter—more so from the present Minister for Labour and Industry and his predecessor (the member for South Perth) on many, many occasions. We have heard so much of them saying that the citizens of Western Australia should not be compelled to do these things. Then, as I said before the tea suspension, when we examine the facts we find a difference; and in this case there is another difference because a person who wishes to seek the right of appeal against the recommendation of an officer for a position is compelled either to be a member of the Civil Service Association or to obtain exemption. So much for the statements made by the Government over the years.

However, I must say that just prior to commencing my speech this afternoon an amendment was passed to me by the Premier which seeks to alter that clause. I surmise that the reason for the change is the result of representations from an organisation other than the Civil Service Association. Although I have not put one on the notice paper, it was our intention to move an amendment to this clause so that the right of appeal would be available to a person who is a member of another organisation concerned with the Public Service. However, upon further consideration we found no special provision is made for another organisation to have a direct entrée to the Public Service Board. The position may or may not be clarified by the Premier's amendment; however, Sir, when you see the amendment I think you and all members of the House will appreciate the difference between the clause as it appears in the Bill and as it is proposed to be amended.

The SPEAKER: May I remind the member for Maylands that there will be opportunity for him to talk on specific clauses when we get to the appropriate part of the proceedings.

Mr HARMAN: Thank you, Mr Speaker. The only point I wish to add is that I am amazed that members of the Government, both Ministers and back-benchers, who have the opportunity to study Bills through various committee stages before the measures are finally presented to Parliament, and who have the opportunity to ascertain whether they are in accordance with Liberal Party philosophies and some Country Party philosophies, did not pick up this clause. I accept the diligence of Government members; therefore, the only conclusion I can draw is that they did not see the clause because if they had they would have done something about it. Not only was the Civil Service Association or any other organisation concerned not consulted about this Bill, but also it seems that Government members were not notified of what it contains because had they been notified certainly this amendment would not be before us now.

So, Sir, in summing up the attitude of the Opposition to this Bill, let me say that we are absolutely opposed to it. The Bill attempts to do something by repealing and re-enacting the Public Service Act but in doing so it omits many vital provisions. It introduces a new concept of law-making to which all of us in this Chamber must be opposed. Members must bear in mind that if they agree to this measure they will be agreeing to a new concept of law-making. I am sure that upon reflection and after we have really analysed the Bill we would all abhor that concept. For that reason alone we must oppose the legislation. We cannot allow a Public Service instruction to have the force of law if it is not presented to and passed by this House.

The Bill contains provision for the appointment of "senior offices". We have had no real explanation of the meaning of these positions, and we require an assurance from the Premier that he will not embark on a campaign of appointing people from outside the Public Service to positions within the Public Service, thus destroying the career opportunities of the service.

We object to the fact that conditions of service are not spelt out in the Bill. Again, we require—and I am sure every member of the Public Service in Western Australia requires—an assurance from the Premier that nothing less than that contained in the present Act will be contained in the regulations and the Public Service Board instructions that will follow.

We object to the myth which the Premier seems to believe in that seniority is one of the handicaps of the Public Service. I think, Sir, that if you consider the appointments of Mr Kidson to the position of senior officer in charge of a department at the age of 34, and Mr Shimmon to the position of departmental head at the age of 44, you will agree that no-one can say honestly that seniority is a handicap to the Public Service. That is just a myth.

Finally, we object to the fact that other organisations which have a charter to look after the industrial conditions of people are not recognised, and we object also to the lack of adequate consultation between the Public Service Board and the Civil Service Association in respect of the Bill. We object also to the proposed new ground rules in respect of promotions appeals. On all those counts I ask members of the House to vote against the Bill.

In my opinion the Premier should withdraw the measure and take it back to the Public Service Board so that it may carry out detailed negotiations with the organisations concerned. He should bring back to the House a redrafted Bill which reflects the views and opinions not only of the Government and the Public Service Board but also the unions and the people who make up the unions—the employees of Western Australia.

SIR CHARLES COURT (Nedlands—Premier) [7.41 p.m.]: I will comment briefly on what the member for Maylands has said about the Bill; but members will appreciate that it is essentially a Committee Bill and therefore does not allow much comment at this stage unless one transgresses and cuts across the Speaker's ruling in respect of impinging upon the Committee stage during the second reading debate.

I remind members opposite that the whole purpose of the Bill is to achieve a modern concept in legislation. This seems to be abhorrent to the member who spoke on behalf of the Opposition. He seems to have the idea that there is something extraordinary about the legislation introduced by the Government, when in fact it was introduced by us as an attempt to modernise legislation in respect of the Public Service and to streamline it so that the Public Service may move with the times. I thought members opposite would have applauded the legislation because of the very clear line of demarcation that will exist in respect of appointments made by the Governor in Executive Council and the matters that are left for the sensible, day-to-day administration of the board.

The member for Maylands made great play about the question of the new position of "senior office", and of a senior officer. There is nothing mystical about this; it is intended to create a new situation whereby we will have a head of a department and also "senior offices" and senior officers, and these appointments are essentially ones that are made by the Governor in Executive Council. The legislation draws a clear line of demarcation between those appointments that are in those hands by that time-honoured procedure, and those that are more properly to be administered on a day-to-day basis by the board itself.

The member for Maylands seems to think that by creating a senior office and senior officer—which are included in the definitions—we will do something without any explanation or without any rhyme or reason. I thought I had explained the matter quite clearly in my second reading speech. No doubt when we reach the appropriate clause in the Committee stage the member will amplify his reasons for opposing the provision when he seeks to introduce the amendment of which he has given notice. If I heard him aright, he seems to be worried about the possibility that the special division will be eliminated.

There is no intention of getting rid of the special division. It is another matter whether we retain the sections that he referred to of the administrative, professional, clerical and general divisions. It could be that instead of the present definitions, we may finish up with second, third, fourth, and fifth divisions, or no divisions at all. Surely those are matters in which the board should have some discretion, because built into the basic structure is the overriding power of the Governor in Executive Council in respect of the creation of departments and matters concerning the operations of these departments at the top level.

We have tried to streamline the Public Service so that the day-to-day administration can be handled more flexibly and in a sensible way. I remind the honourable member that overriding this is the fact that the Salaries and Allowances Tribunal fixes the salaries of the people we now know as special division officers. There is no intention to amend that. There is no reference to that in the Acts Amendment (Public Service) Bill which I have given notice of and which was introduced last Thursday. I am assured there is no intention to amend that so as to interfere with that situation at all at this stage.

We are not taking something away. We are actually creating something which I believe is meaningful and which I believe, in the fullness of time, will be demonstrated as something sensible in trying to create an organisation where there are the head of the department and the "senior offices", and that senior officers fulfilling these senior administrative and professional duties in a bracket which is subject to the Governor in Executive Council. This will give a very clear line of demarcation which will be necessary when we have this streamlined legislation.

Mr Harman: That applies now.

Sir CHARLES COURT: The honourable member tried to give the impression that the Government was introducing some new concept of law-making. Surely the time has arrived when we have to get away from this nonsense that we have had for years. When the State was small, probably all public servants were personally known to their Ministers, and were probably personally known throughout the service. Those days have gone.

The honourable member mentioned the fact that the Executive Council becomes bogged down these days with reams of paper on matters that do not warrant attention at that level. The idea of the administrative instruction that is now proposed is breaking new ground in the right way. There have been instructions issued from time immemorial in one form or another. At last we are spelling out in clear terms that there will be such things as regulations and administrative instructions.

My understanding of the regulations is that they will deal with matters of a more permanent and more important nature. They will be matters dealing with Government policy—matters like leave. These matters will still be subject to the same conditions and the same surveillance of Parliament. In a practical way I cannot imagine the Civil Service Association remaining silent if it finds that there are administrative instructions which go beyond the intention of the Act and which intrude into matters that are more properly put in regulations.

Mr H. D. Evans: The Civil Service Association has not had much chance to comment yet.

Mr Davies: In what way will Parliament have surveillance of them? I am talking about the administrative instructions.

Sir CHARLES COURT: Any matters involving regulations will come here in the ordinary way.

Mr Davies: We are talking about the instructions as well.

Sir CHARLES COURT: If honourable members refer to the report of the Legislative Review and Advisory Committee tabled recently, it is interesting to note that on page 8 it made some pertinent comments, as follows—

> 16. Although the Committee has operated for less than three months, certain characteristics of this area of law-making have already become apparent.
>
> 17. In some instances, for example, the regulations made under the Education Act and the Government Railways By-laws, many matters of minor administrative detail are given the status of subordinate legislation. Many of the provisions of these instruments would better be the subject of departmental instructions or staff manuals. In both of these examples the regulations and by-laws have a long history, but such instances provoke criticism of contemporary law and also familiar charges that Western Australians are overgoverned.

Those who are responsible for the administration of these departments—

Mr Davies: It does not matter whether they come to Parliament or not. They still go to the Government, do they not? That is not going to reduce the over-Government aspect.

Sir CHARLES COURT: Only in the sense that the regulations are intended to be used. I know that in the Railways Department in particular the volume of material that used to go through with the status of subordinate legislation was absolutely ridiculous.

Mr Davies: It does not reduce the aspect of Government, whether you like it or not. It is still there. It does not matter what you call it.

Sir CHARLES COURT: It is the administration within the organisation itself which has to be brought up to date. That is what we are seeking to do.

Mr Davies: It does not reduce the type of Government.

Sir CHARLES COURT: All of a sudden the Opposition has fallen in love with this great mass of administrative instructions.

Mr Davies: We are not falling in love with them. You should justify them. You are having trouble in justifying your actions.

Mr Jamieson: The Bill seems to discourage young people from taking on Civil Service careers.

Sir CHARLES COURT: It is just the reverse. Whether the member for Maylands likes it or not, the fact is that everyone entering the Public Service, particularly the ambitious and bright young people, have been plagued with this question of seniority.

Mr Jamieson: What if you bring in some person with a tendency towards nepotism from outside under your proposal?

Sir CHARLES COURT: Under the proposal before the House, it is a question of efficiency and merit. Surely that would be the wish of most people.

Mr H. D. Evans: Is not that the case now?

Sir CHARLES COURT: Rather than hindering young people entering the service, it would encourage people of competence who have some ambition to enter the service, knowing they will enter a service which is going to be administered under a streamlined law.

I reject completely the suggestion that there is any idea of a new concept of law-making to bypass Parliament. The matters that Parliament should deal with will be brought to the Parliament.

Mr Harman: Who decides that?

Sir CHARLES COURT: The matters that are within the normal administrative detail of the service will be handled by the Public Service Board.

Mr Barnett: Who is going to decide what will be brought to Parliament?

Sir CHARLES COURT: If honourable members opposite reflect on the Bill, they will see that it strengthens the position of the Public Service Board and increases its independence as against the Government of the day. Some Governments would be resisting this legislation for that purpose. If honourable members stop to think, they will realise that in streamlining this legislation and in having this sharp line of demarcation between the Governor in Executive Council and the Public Service Board, which holds a very special position, they will be giving the board a greater degree of independence than it now possesses.

For this reason we have decided that the time has come to bring about a major change. Whilst some of the basic principles relating to career men in the Public Service are preserved, we believe we have modernised the service. This will allow the Public Service Board, both presently and in the future, to respond in a more sensible way. There is no suggestion of wholesale appointments outside the Public Service; but the machinery has to be spelt out so that the Government of the day can bring in people with special competence. Maybe they will have short-term appointments. We want to know the conditions under which people from outside may be brought in. One of the problems in the Commonwealth and State Government services in the past has been the tendency for somebody who has been brought in with special competence to become a fixture within the service. When the role for which they were brought in has expired, they are still there. This occurs right throughout the Government services of the Commonwealth and the States of Australia. There is case after case of people brought in for particular purposes where they remain after the purpose has ended. The people have had to be incorporated into the system.

Mr Davies: Name a few of these hundreds of cases. Name one.

Sir CHARLES COURT: We should have this provision so that we spell out the conditions under which the board can bring in people from outside for particular purposes. This is part of the flexible charter which we are seeking to give to the board, and not to the Government.

We will deal with the question of so-called compulsory unionism raised by the member for Maylands. I am amazed he raised it in the context that he did, because if I heard and interpreted him aright, he was opposed to the clause and what it stands for, and therefore opposed to what has existed in the service for a long time. He nods his head affirmatively, and that interests me.

Mr Harman: But it does not give recognition to anybody else. A person has to be a member of two unions.

Sir CHARLES COURT: If we look at the amendment that has been made to satisfy the people who felt we were going beyond the present situation, we will realise that we have done our best to try to preserve the present situation. I hope the honourable member looks at the amendment in clause 35, because he will find that is what we have done to placate these people and to satisfy them and that we are not trying to go beyond the situation as they understand it at the present time.

Mr Harman: It is restrictive.

Sir CHARLES COURT: A lot of play has been made by the honourable member about lack of consultation. He would know that in the ordinary course of the operation of the Civil Service Association and the Public Service Board there is a lot of communication. The communication does not have to be only at the level of the chairman and the commissioners, but also at the level of the staff of the board. Of necessity, this communication is going on all the time.

So far as this particular legislation is concerned, there was nothing extraordinary about the board insisting on confidentiality when the matter was discussed. Legislation of this kind, of necessity, has to be discussed in an atmosphere of confidentiality. I remind the honourable member that the Bill was introduced on the 22nd August. It is three weeks since it was introduced. There was one week of recess of the Parliament. There were discussions between the board and the Civil

Service Association following the introduction of the Bill when the Bill was made public. Everyone was free to express opinions on the Bill as it was presented to the Parliament.

I remind the honourable member that if the association is looking at legislation of this kind, it is not looking at something extraordinary; it is not looking at something new. It is looking at legislation in a field in which it works. It is vital to the administration of the association, and it is vital to the relationship between the members of the association and the association, and the relationship between the association and the Public Service Board. It is not something strange to the association. It is something that the association was steeped in and had knowledge of. I believe that the board has endeavoured to act properly in the matter.

The association would confirm that when it approached me about the matter I agreed to delay the debate on the Bill. Instead of the debate coming on last week, I undertook there would be no Committee stage before Thursday. At the time I made clear to the board that I was going to let the matter run on to this week before we started to look seriously at the Bill in the Chamber. I think that is fair enough.

I went further. The association would know that I told it there would be no debate on the Bill in the Legislative Council before the 19th September. I am prepared to discuss with it the timetable in respect of the Committee stage in that Chamber. There would be no question of undue haste in getting this Bill through the Parliament.

Mr Harman: They had to request that. They had to ask you if you would do that.

Sir CHARLES COURT: That is normal. We have had legislation in which people are no longer interested once they have seen it.

There have been people who have wanted us to abandon legislation and there have been people who have wanted us to amend legislation and defer it—

Mr Harman: You missed the point.

Sir CHARLES COURT: It has to be considered by the Parliament sooner or later, and decisions have had to be made.

I am sorry the Opposition has come out so strongly against the Bill. I am certain members opposite have not studied it properly.

Mr Jamieson: Yes, we have.

Sir CHARLES COURT: It is not only legislation for today, it is also legislation for Governments of all colours in the future. Therefore, I believe members opposite are missing an opportunity to co-operate in the upgrading and updating of legislation which is important to the smooth operation of the Public Service. There would hardly be a public servant who would not want to see the legislation dealing with public servants updated, streamlined, and made more effective and more responsive to a modern situation, bearing in mind the changes in technology, the changes in emphasis, and the changes in relationships.

For that reason, I believe the legislation is timely and it goes as far as it should at this time. No doubt in a future generation people will want to modify it again. We are removing the dead wood.

The board has shown a very sensitive approach based on a great deal of experience and good sense. I remind members that sitting on the board are people who have been public servants all their lives. The man at the head of the board has not only worked in Government departments, but he has also administered important departments. The people on the board know what it is like to work under a board; they know what it is like to work under legislation; and they know what it is like to work under Governments. I believe they have endeavoured to reflect in this legislation the wealth of their experience.

I hope the House will support the Bill.

Question put and a division taken with the following result—

Ayes 24

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Dr Dadour	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr Laurance	Mr Williams
Mr McPharlin	Mr Shalders
	(Teller)

Noes 15

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr Carr	Mr Taylor
Mr Davies	Mr Tonkin
Mr H. D. Evans	Mr Wilson
Mr T. D. Evans	Mr Pearce
Mr Harman	*(Teller)*

Pairs

Ayes	Noes
Mr Old	Mr B. T. Burke
Mr P. V. Jones	Mr T. J. Burke
Mr Young	Mr Hodge
Mr Crane	Mr Skidmore
Mr Sodeman	Mr Grill
Mr MacKinnon	Mr Bateman

Question thus passed.

Bill read a second time.

In Committee

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

Clauses 1 to 4 put and passed.

Clause 5: Interpretation—

Mr HARMAN: In subclause (1) the following words appear—

> (1) In this Act, in Public Service Notices, and in Administrative Instructions unless the contrary intention appears—
>
> "Administrative Instructions" means Administrative Instructions given under section 19;

Clause 19 (1) reads as follows—

> (1) To the extent that it is practicable to do so, the Board may discharge its functions and exercise its powers by Administrative Instructions published in the Public Service Notices, and such Administrative Instructions shall have effect according to their tenor unless they are inconsistent with or repugnant to other provisions of this Act.

That subclause clearly defines that a Public Service administrative instruction shall have the force of law. That is the very point we were arguing in the second reading debate. I claimed it was a concept of law-making which all members of Parliament must find abhorrent. The Premier was unable to counter that argument in his reply.

The Premier seemed to want to pass it off that the Public Service Board will be making some sort of instruction, but he neglected to make any mention of the fact that it would have the force of law. In fact the Public Service Board makes instructions already; but it does not claim those instructions have the force of law and those instructions do not come before this Chamber.

We are saying if a regulation is made or if a Public Service instruction is made it should be able to come before this Chamber, as does any other regulation made by Government departments in pursuance of the regulation-making power bestowed on them through the Act.

It is interesting to look at the regulation-making power this Bill provides. Clause 60 (1) reads—

> (1) The Governor, on the recommendation of the Board, may make such regulations as he considers necessary for the purposes of this Act.

The present Public Service Act spells out the areas in which the Governor, on the recommendation of the board, may make regulations. All that can be read into this is the thoughts in the mind of the person who drafted it, because in effect it gives the Governor the power to make a whole range of regulations dealing with any aspect of the Public Service. It is not confined to areas which presently exist under the Public Service Act.

However, the important point is this subclause sets out the definition of an "administrative instruction". We are totally opposed to that.

I move an amendment—

> Page 2, line 30—Delete the word "Instructions", with a view to substituting the word "Rules".

We want to ensure that any instruction made by the Public Service Board which has the force of law comes to this Parliament ultimately.

Sir CHARLES COURT: The Government opposes this amendment for good and sufficient reason. In the course of my comments in replying to the second reading debate, I made our position clear. The member seeks, at the behest of the association, to change any reference to "Administrative Instructions" and to replace "Instructions" with the word "Rules".

I invite members to turn their attention to clause 19 on page 12 and clause 60 on page 29, because those clauses deal with administrative instructions on the one hand and with regulations on the other hand. If we accept the Opposition's proposition, we destroy one of the key points in trying to streamline the administration of the Public Service. We destroy one of the key objectives of trying to give the Public Service Board the position it should have in the administration of the service, regardless of which party is in power. As a result of the Opposition's proposal Parliament will be cluttered up with a number of rules which are of no interest to this place and have no right to be here.

Mr Pearce: We are not really cluttered by these rules at the moment. We are not cluttered by anything.

Sir CHARLES COURT: We have to realise the regulatory powers spelt out in clause 60 on page 29 have a special significance in Parliament.

There are matters of more importance and more permanence involving Government policy in relation to leave, etc., which will be brought to this place and will come under the surveillance of Parliament. Parliament is not interested in the day-to-day administration of the service. When one realises the size of the Public Service, the responsibility of the Public Service, and the special position of the Public Service Board in relation to Parliament, in relation to Government, in relation to the association, and in relation to members of the service, I believe the time has come—and the Government is committed to this course of action—to see that Parliament deals with matters the subject of regulations while the Public Service Board handles the day-to-day administration of the service; namely, through administrative instructions.

I remind members of the extract I read from the report tabled from the Legislative Review and Advisory Committee which made this particular point in its first report. After looking at the regulations, and some of the things embodied in the regulations, they saw some things which are essentially day-to-day administration and should not be considered to be subordinate legislation. No-one wants to take away from Parliament its right to review regulations Surely under good administration, and in instituting a charter and a challenge which we are trying to give the Public Service Board, it is fair enough to have a distinction between regulations and administrative instructions. If we accept the amendment we will defeat that purpose.

Mr Pearce: How much time have we spent on Public Service regulations since I have been here?

Sir CHARLES COURT: That is up to the honourable member.

Mr Pearce: Do not tell me this will streamline the system. Nothing comes here for debate.

Sir CHARLES COURT: I am telling the honourable member this is something which should be properly included in the legislation so that the administrative structure can be dealt with as such, and regulations, likewise, can be dealt with. The day-to-day matters should be the responsibility of the Public Service Board. I oppose the amendment.

Mr H. D. EVANS: The Premier has overlooked a number of practicalities, not the least of which is the manner in which Statutes and regulations currently apply. A Statute certainly must be more specific. It sets out by an Act of Parliament what can be done but it cannot be expected to cover every contingency. That is accepted, so subordinate legislation by way of regulation must necessarily be applied. We would expect that, but there is a safeguard in that a regulation must lie on the Table of the House for 14 days during which time a move can be made for its disallowance. However, this additional third tier of administrative structure is one of concern. Just where does the demarcation lie?

Traditionally, Governments are more disposed to govern by regulation than by an amendment to a Statute if that can possibly be done. That would be the preference of most Governments and administrators. As a matter of fact, I can recall an amendment to allow regulations to apply, and then to be tabled subsequently when Parliament resumes. But on the question of administrative instructions, as the Premier said it could be by by-law, or published in some sort of manual or set of rules. Would it not be preferable to look at the manual or set of rules to see exactly what matters it is proposed to cover by administrative instruction? That is the whole crux of the problem.

Proposed section 19 states that administrative instructions may be given under this section. This is a problem we have in the practicality of government. We do not know precisely to what extent the committee set up to examine subordinate legislation has been successful. But I do know that regulations have passed through this Chamber, and probably through every Parliament in the world, which have not been thoroughly scrutinised and given the surveillance they should have received.

I was responsible for one regulation which went through. Certain representatives came to me subsequently and raised queries, but there was no indication that an examination had been made of that regulation while it was on the Table of this House. That is the reason Governments prefer to govern by regulation rather than spotlight an issue by introducing an amendment to an Act. That is only human nature; if a lesser course than having to bring a matter to Parliament is available then the Administration of the day is more likely to follow that course. That is the real danger, and it is something we have seen. It has been a shortcoming in the past, and the provision now under discussion, unless it is spelt out in precise detail, will give further scope for Governments to bypass Parliament in the future. I guess that is the basic reason it is opposed by the Opposition.

Unless the Premier can specify some day-to-day matters, to which he so glibly refers, or unless he can table a manual to show there is some substance in his argument, we are opposed to it. Some regulations are re-examined and are found to conflict, and include anomalies. It would be preferable to do that rather than to give an open

cheque to the Administration of the day. Unless there is an indication of just how far the powers will extend, then we in Opposition are concerned about this matter.

Sir CHARLES COURT: I think I should reply to what the member for Warren has said in the hope that it might assist in the consideration of the clause and the meaning of the amendment moved by the member for Maylands. The member for Warren seemed to be getting at cross-purposes as to what was the role of the Government and what was the role of the Public Service Board.

Mr H. D. Evans: I was not.

Sir CHARLES COURT: Well, from what the honourable member said it seemed that he was. He was impugning certain motives on the part of the Government to govern by regulation rather than by legislation when, in point of fact, the matter under consideration at the moment is not the role of the Government at all. It is the role of the Public Service Board as set out in clause 19. It is not until we reach clause 60, dealing with regulation-making power, that we get into the area where the Government can become directly involved.

I remind the honourable member that we are trying to set up a board with authority to do what it was intended originally by the Parliament to do: to administer the service in a way to make it efficient, effective, and produce a more economic result. I remind members that the precise wording of clause 60 commences—

> The Governor, on the recommendation of the Board, may—

And then it goes on to say—

> —make such regulations as he considers necessary for the purposes of this Act.

I also remind members opposite—who seem to be uptight about administrative instructions—that clause 19 deals specifically with administrative instructions. It states—

> . . . the Board may discharge its functions and exercise its powers by Administrative Instructions published in the Public Service Notices.—

And I emphasise, "published in the Public Service Notices". To continue—

> —and such Administrative Instructions shall have effect according to their tenor unless they are inconsistent with or repugnant to other provisions of this Act.

The board will not be able to write a blank cheque. The board will have regard for the legislation under which it operates, and the reasons this legislation was created. The board will have regard for the difference between instructions and regulation making.

Having said that I want to emphasise that the Government regards this as a crucial point of the programme to streamline and modernise this legislation. Without this provision, it will lose a lot of force and effect in the effort to modernise and streamline the administration.

Mr JAMIESON: One thing the Premier seems to have got right away from, and on which I would like some comment, is whether this legislation is breaking completely new ground. I have not heard the Premier say this type of legislation has been tried by one of the other Public Service Boards in Australia, or has proved to be successful. If it is something completely new then we need to be very careful. I think the Public Service Board needs to be very wary of any changes to its organisation by administrative instruction. This is an inherent danger in the introduction of a move such as this.

If this system has been proved somewhere else, let us hear about it. We are justified in putting forward objections to this new type of action which will be taken by the Public Service Board.

Mr DAVIES: I thought that by now the Premier might have told us what is a by-law and what is an instruction. That is worrying me. There is not the slightest doubt that over the years the Public Service Board has issued instructions to its members. The Premier may say we are only formalising something which has been happening for a long time, and that the instructions will be issued by way of Public Service notices which could be similar to the railway notices which are published weekly.

The clause we are dealing with refers to administrative instructions, and states that administrative instruction means an administrative instruction published under the provisions of section 19 of the proposed new Act. The clause then deals with administrative instructions and their effect. It is quite a hopeless definition. What is an "administrative instruction"? An administrative instruction is an administrative instruction under the provisions of section 19 of the proposed Act. However, what areas do administrative instructions cover, and what areas do regulations cover?

We take it for granted that no administrative instruction should clash with any section of the Act, and we also take it for granted that no regulation will clash with any section of the Act.

The reference to administrative instructions and regulations in clauses 19 and 60 are identical except for the lead-in, which the Premier has already read to members.

We do not mind the Government doing this, if it can define which each means. However, that is an almost impossible task, so the Premier says, "Leave it to the board; trust it." We might trust the board, but as I have said before in this Chamber, we do not trust the Government. I have spoken before about the water rating in particular, and some of the other things that have happened when the Government said, "Trust us." The next thing we find is everybody purchasing a house from the State Housing Commission must pay another $5 a month! The Government cannot tell us the difference between these two things.

We have been critical, and rightly so I think, of some of the legislation passed by this Chamber over the years, which is in effect government by regulation. Legislation has set up boards to do certain things and it has given power to the boards to make regulations, etc. Incidentally, these powers are usually detailed in the legislation.

If we consider the case of the Chiropractors Registration Board and other similar boards, we find that these boards may make regulations in regard to (a), (b), (c), etc.; the powers are spelt out specifically. The provision before us is very loose. If one wishes to know the definition of "administrative instruction", one would need to refer to clause 19, and the main part of this clause is identical with the main part of clause 60 dealing with regulations.

If the Government can tell us what each of these means we may be happy to go along with the provision. However, the present wording is far too loose. Although this may be simply a matter of formalising something that has happened over the years and the Government may regret having raised it at all, unless the Government can tell us what is an administrative instruction and what is a by-law, I will not support the provision.

Mr H. D. EVANS: At this stage it may be a good idea for the Premier to tell us the result of the consultation with the Civil Service Association. We understand from the member for Maylands that this legislation was introduced without proper consultation with that association. The Premier replied by saying that after the Bill was introduced, the Civil Service Association had an opportunity to discuss it. That is hardly conducive to successful discussion; it is hardly consultation.

If the Public Service Board has discussed the matter with the Civil Service Association and reported back to the Premier, it would be interesting to know the opinion of the association about the series of clauses involving the instructions. These are the people who live under the system; it will become part of their lives; but we have no indication whether they are happy about it or even whether they are prepared to give it a try.

This is not the first time that legislation has been introduced before consultation with those concerned. Yesterday 200 farmers met to discuss the fact that the Government had not consulted with them in regard to the Rights in Water and Irrigation Act Amendment Bill. This is a classic example of a situation where the people most directly involved were not consulted. Here we have a similar situation; the people vitally concerned with the instructions and the method of instruction still do not know very much about them. Perhaps the Premier can enlighten the Committee as to whether proper consultation with the association took place, and if so, what reaction was evoked.

Mr HARMAN: The Premier seems conveniently to miss the point. The Opposition is not complaining about the fact that the Public Service Board can issue administrative instructions. It is doing so now, and for the efficiency of the service why can it not continue to do so? However, we are complaining that the Government now wants to write into an Act of Parliament—

Mr H. D. Evans: A blank cheque.

Mr HARMAN: —a provision to allow the board to issue administrative instructions that have the force of law, and not call them regulations; in other words, they would not need to be tabled in this Parliament as applies to regulations under the Interpretation Act.

If the Premier is concerned about the efficiency of the service, as he claims he is, and as we are, he should agree to this amendment which would make it absolutely certain that matters coming within the province of the rule-making section of the legislation are tabled here, and the Public Service Board can issue as many administrative instructions as it likes—it can have one every day of the week.

Obviously if the Public Service Board issues an instruction it will be obeyed within the service, but if it issues an instruction which would come

within the provisions of clause 5 (1) and clause 19, it would have the force of law and there is no way Parliament would have the opportunity to disallow that particular instruction. That is the point which the Premier seems conveniently to miss. If he wants an efficient Public Service Board that can issue instructions we do not mind. We would like to see the board issue instructions and we would like to see those instructions appear in the Public Service notices every week if that is the whim of the board. However, we are opposed to the fact that there is no provision for the Parliament, which is the law-making body in Western Australia, to have anything to do with a Public Service instruction which purports to have the force of law. This is something new, and that is the reason we are asking the Committee to agree to the amendment.

Sir CHARLES COURT: I will respond to some of the points made. I come back to the fact that the Opposition seems to be missing completely the basis upon which the legislation was drafted. The Leader of the Opposition does not have to trust the Government at all in this matter and that may relieve and please him.

Mr Davies: No end.

Sir CHARLES COURT: He has to trust a board which is set up with an extraordinary amount of independence. The Public Service Board has a very special position, and for good reason. It is not a plaything of the Government.

If members refer to clause 19 they will see that the board may issue these instructions but it is bound by the fact that the instructions must be consistent with the provisions of the Act.

In a minute or so I will come back to another point raised by one of the speakers about the regulations clause. However, if members go through the legislation they will see that the functions, the duties, the powers, and the responsibilities of the Public Service Board have been spelt out, and I refer to division 2 on page 10. In fact, it has gone further than that.

Mr H. D. Evans: You bet it has!

Sir CHARLES COURT: If this legislation is passed, it is intended to spell out the matter of appeals and the rights of individual members of the Public Service. Machinery exists for arbitration; such matters have been laid down by the Parliament and the Public Service Board cannot go beyond them.

Reference was made to the fact that usually the regulations clause spells out the particular headings under which regulations can be made, and this is where the greatest challenge usually occurs in court. A smart lawyer comes along, looks at the regulation, relates it to the regulation-making powers in the Act, and if he finds there is some deficiency he takes the matter to a magistrate or to a judge as the case may be, and then either wins or loses on a matter of legal interpretation. The position is different in this case because it does not need to be spelt out; all that need be spelt out in respect of the board and in respect of the Governor in Executive Council is that it has to be able to make instructions or regulations, as the case may be, which enable it to do the things which are spelt out. This may be a reference to a class or classes, or to a time or times, so that there is no argument about the legal interpretation because of semantics.

That is the reason it is necessary in this legislation to deal only with those things compared with some legislation which must spell out in infinite detail the regulation-making powers or the by-law-making powers, as the case may be, of a particular authority. Therefore, I come back to the point that protection is built into the Bill itself so that the board cannot go beyond those powers. I remind members also that the regulation-making powers are rather unique because they can be used only on the recommendation of the board. It does not provide, as is normally the case, for the Government to initiate these things. Surely this is spelt out loud and clear.

Mr Davies: This is the same wording that appears in a thousand Acts.

Sir CHARLES COURT: Because of the peculiar nature of the responsibilities of the board, we are trying to introduce a degree of flexibility that has not existed previously. I believe it is time it did.

Mr DAVIES: Despite the kind words of the Premier, he still has not told us in any way the difference between a regulation and an administrative instruction. That is all we are asking.

Sir Charles Court: I did it twice; once in my reply to the second reading debate and once in my first response to the honourable member.

Mr DAVIES: I have listened to the debate very carefully because this is the only matter in the Bill which I query. On the other hand, the Premier says the board is doing it; we acknowledge that the board is doing it, and it gives the board a tremendous amount of power.

The Premier suggests that the wording of clause 60 is something unique. This is the usual wording. There is nothing unique about this clause, and he knows it.

Sir Charles Court: It is unique in many respects.

Mr DAVIES: Nonsense; there are plenty like this. If the Premier will adjourn the debate, I can show him 20 or 30 Acts which contain precisely the same wording.

Sir Charles Court: There are plenty similar, but not all with this wording.

Mr DAVIES: They are practically all worded in this way. They commence as follows—

> The Governor, on the recommendation of the board, may make such regulations as he considers necessary—

Sir Charles Court: That is the point; this time it is not on the recommendation of the Minister.

Mr DAVIES: It does not matter who has that authority. The Premier is suggesting that any regulations will go through the normal channels. The Public Service Board will whip the regulations along to the Governor and say, "These are all right."

Sir Charles Court: No, they will go through the Minister.

Mr DAVIES: That is right; they will go through the Minister.

Sir Charles Court: They have to be initiated by the board.

Mr DAVIES: What makes the Premier think that the Minister will not veto them if he does not think they are acceptable to the Government of the day?

Sir Charles Court: You are missing the point; they have to be initiated by the board.

Mr DAVIES: That is exactly the point I am making: Somebody has to initiate them, and generally it is the board or the authority which is given permission by legislation to do exactly that. So, this is not one whit different from any other Bill we have had before us which gives regulation-making powers for some specific purpose.

The Premier has not been able to tell us the difference between an administrative decision and a regulation. I acknowledge that the Public Service Board always has issued instructions. However, now it is trying to formalise this in legislation, and perhaps dodge its responsibilities. If someone challenges the board and says, "That should have been a regulation" it can reply, "No, we have the right to issue an administrative instruction and as far as we are concerned there is no challenge whatever to what we have done."

Despite the attempts the Premier has made, he has not been able to satisfy me and, I am quite certain, he has not been able to satisfy my colleagues as to the difference between an administrative instruction and a regulation. I repeat: We acknowledge the board should have the right to issue instructions. However, when that right is specifically written into legislation, that definition should be clear.

Amendment put and a division taken with the following result—

Ayes 17

Mr Barnett	Mr T. H. Jones
Mr Bertram	Mr McIver
Mr Bryce	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr Tonkin
Mr H. D. Evans	Dr Troy
Mr T. D. Evans	Mr Wilson
Mr Harman	Mr Pearce
Mr Jamieson	*(Teller)*

Noes 24

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Dr Dadour	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Hassell	Mr Sodeman
Mr Herzfeld	Mr Spriggs
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Williams
Mr Mensaros	Mr Shalders
	(Teller)

Pairs

Ayes	Noes
Mr B. T. Burke	Mr Watt
Mr T. J. Burke	Mr P. V. Jones
Mr Hodge	Mr Young
Mr Bateman	Mr Crane
Mr Grill	Mr MacKinnon

Amendment thus negatived.

Mr HARMAN: Clause 5, which is the definitions clause, contains no reference to the definition of "Public Service". One wonders why this definition has been omitted. In the current Public Service Act, "Public Service" is defined, and it includes all State instrumentalities, departments, corporations, agencies and other authorities but does not include certain people, such as members of the Police Force, teachers, railway officers and others on the declaration of the Governor. However, this Bill does not attempt either to exclude or include those people.

Clauses 21 and 22 of the Bill give the Governor power to establish departments and sub-departments—a power currently exercised under regulation 99 of the Public Service Act. Until this is

done, the extent of the State service covered by the Bill will be unknown, and I believe the Committee is entitled to an explanation of this omission.

Sir CHARLES COURT: There is no reason to define it as was done in the 1904 Act because the provisions in respect of the "State Service" and the Public Service which go back to the 1904 Act become redundant; in fact, one of them for all practical purposes has been redundant for a long time.

If the member for Maylands seeks clarification about the Public Service he has only to look at clauses 20 and 21 of the Bill; in fact, he did refer to clause 21. Clause 20 states very simply that the Public Service shall be constituted by departments and sub-departments. Clause 21 goes on to say that the Governor may, on the recommendation of the board, establish departments and do certain other things. Clause 22 gives the Governor power on the recommendation of the board to establish sub-departments, etc.

This is one of the crucial lines of demarcation between what the board can do in its own right and on its own initiative, and what has to be done through the Governor in Executive Council. It is a sensible constraint which is one of the pillars of the legislation, and it is through this that the service is constituted. It cannot get out of hand; for instance, it cannot go beyond the financial commitments and capabilities of the Government of the day. For this reason, there is no need to go back to the type of definition which prevailed in the 1904 legislation under the two headings of "State Service" and "Public Service".

I think the honourable member, with his knowledge of the service, will realise that the definition of "State Service" has not had any practical effect for a long time, but the "Public Service" definition is one which probably still prevails.

However, we are playing a new ball game altogether and I think the sooner we can understand the architecture of the legislation, the sooner we will be able to appreciate what is intended by the board, the draftsman and the Government. Therefore, for all practical purposes, the definition "Public Service" is covered by part III division 1 and in particular, clauses 20, 21 and 22 and it is in those clauses where we put the important decision-making powers in the hands of the Governor in Executive Council. From that point on, the Public Service Board takes over and conducts the general administration of the service.

Mr HARMAN: I move an amendment—

Page 4, lines 12 to 14—Delete the interpretation "Senior Office".

During the second reading debate I sought an explanation from the Premier as to the need for a "senior office". The existing Act already provides for a special division of the Public Service which comprises all those people who are permanent heads. Then we have the administrative division, which is composed of people in the top hierarchy of the Public Service; then we have the professional division which, once again, comprises officers in the hierarchy of the Public Service and who hold some sort of degree. This division ranges over a great area of disciplines.

The Premier was unable to convince me in his reply of the need for a "senior office". He indicated that in fact they may well keep the special, administrative, and professional divisions. I could not work out why the Government wanted another designation of "senior office".

The Premier said that this was a Committee Bill, so perhaps we might learn why the Government wants to have this additional status in the Public Service. Who will be appointed to the position of "senior office"? What sort of persons in the Public Service will hold that office? Why is it thought necessary to provide for this in the legislation when, presumably, it could be done by Public Service instruction?

Sir CHARLES COURT: The definition is in the Bill because of the desire of the Government, on the recommendation of the Public Service Board, to establish a "senior office" which, of course, will be held by a "senior officer". I know it might seem a little unusual because, in the past, people have looked to the head of a department and then to the staff which just flow along underneath that head. However, it has been thought desirable to establish two positions, which will be the responsibility of the Governor in Executive Council. One position will be the head of department and the other will be "senior officer" who will fill the position of "senior office".

It is intended to be the line of demarcation, because there are a number of factors built into the legislation relating to the basis on which, for instance, a permanent head can be established.

A senior officer could come in under a term appointment. This would be an appointment made by the Governor in Executive Council on the recommendation of the board. For that reason it is considered desirable to have the two positions established and have them at that

point where the Governor in Executive Council will make the appointments. The other appointments within the department will be handed to the board.

It can be seen that under certain situations a Government of our political persuasion or of the Opposition persuasion might want to object to this. We would like to keep more strings on this at the Government level, but provided these two main levels of appointments of the permanent head and "senior office" are made by the Executive Council advising the Governor, I believe that is as far as we need to get involved.

I cannot give examples of this being done in another State but I can say there has been a lot of consultation between Public Service members in Western Australia and other States and reports which have dealt with administrative and other changes in other States have been reviewed. I could not give an example off hand but that has not influenced us. We thought it was a good recommendation and we incorporated it in the legislation.

Mr HARMAN: I thank the Premier for his explanation but he has not been able to tell me of those persons in the special or administrative divisions who would be in this "senior office" status. Am I to conclude that the "senior office" would be the assistant under-secretary or the assistant deputy where a professional person is the head of a department, or will that "special office" go down a little further into the existing administrative system?

What was the intention of the Government when it drew up this "senior office"? Does it mean the right of appeal will exist for all appointments up to the level of "senior office"? This does not exist now. If the Premier is indicating that will be the situation then that might be a situation which would appeal to a lot of members in the Public Service; allowing persons outside the status of "senior officer" to be subject to appeal. That right of appeal might exist up to a higher level but I do not know. I do not know how far down the line in the administrative division this category of "special office" will apply.

Is it intended to do away with the special and administrative divisions and perhaps the professional division, and then to set up a similar division of officers according to the Commonwealth system where there are first, second, third, and fourth divisions? If that is done there will still be an elite group outside of permanent heads who will be special officers who will not be part of any particular division.

Will there be appeal rights up to people who are not senior officers? Is the Government to abandon the special and administrative divisions and bring in divisions similar to the Commonwealth?

Sir CHARLES COURT: I know I am wasting my time because Opposition members are committed to a certain course of action and they are reflecting the polarised views of the Civil Service Association. There is one point on which I did not answer the member for Warren when he asked about the results of consultation since the introduction of the legislation.

My understanding from the list of points of difference given to me is that it represents polarisation between the association and the Public Service Board. The Parliament alone can decide what should be legislated for because this could be left in abeyance for months and years and there still would be polarisation.

I ask the member to read clause 28 of the Bill because that sets out very clearly there will be an office designated "special office" and the holder of that office is required to exercise the more responsible administrative or professional or both functions of the Public Service.

I would have thought the Public Service and members opposite would have welcomed this situation because I believe it creates another set of positions at this top bracket which can be appointed only by the Governor on the recommendation of the board. We are now talking about two groups of people and they are the permanent heads and the special officers.

I have already said there is no intention to do away with what we currently know as the special division. There is no undertaking or commitment in any way by the board or by the Government because it will not be our final say so to retain sections that are now known as administrative, professional, clerical, and general. We hope to give a new charter to the Public Service Board. This is one of the things it will have to be allowed to do. It might be different in different types of departments and in different administrations. Different departments might call them second, third, or fourth divisions, etc., if they found that more effective in the course of administration.

We have the Salaries and Allowances Tribunal which is entrusted with the responsibility of fixing salaries of what is popularly referred to as the top echelon of the Public Service. It is defined in the Salaries and Allowances Tribunal Act and there is no intention of introducing an amendment to deal with that aspect.

We are not dealing with the level of appointments at which there can be appeals; that is another issue altogether. We are dealing with the positions of permanent head and "senior office". If we keep that in mind we will see the thrust of the legislation and the general framework of what is being attempted in a way I believe will give better and more flexible administration.

Mr DAVIES: The further we go with this the more like Alice in Wonderland we seem to be getting. The Premier was unable to give an answer to my last query and he has given just a lot of words in answer to the queries raised by the member for Maylands. The Premier referred us to clause 28 which we have already been referred to, and that clause is delightfully vague in itself. What in the name of glory do the words "more responsible" refer to? Does it mean the most responsible? Looking through the Public Service list one might ask who would be the senior officer in the Department of Agriculture. It would certainly not be the director because he is the head. Then we have the deputy director, assistant director, assistant director, chief administrative officer, and then chief executive officer. Which one of those has the more responsible administrative or professional, or both, duties to perform?

Let us consider the Medical Department, about which I have a little knowledge. We have the director of administration and I do not think we ever came to any decision on whether the Commissioner of Public Health or the director of administration was actually in charge of that branch. Then we have the Director of Mental Health Services who is a head in his own right but who normally works through the Public Health Department.

In the Medical Department we have the director of administration, the assistant director of administration, the secretary, the administrative officer, and then the assistant administrative officer. Which of those has the more responsible administrative or professional, or both, duties to perform? Is there going to be only one or are we going to have a number of them as the "senior office"?

In the Department for Community Welfare we have the director and he would be the head of the branch. Then there is the deputy director, the assistant director, the assistant director, the chief welfare officer, and the general and institutional services officer. I will not go any further, but which one of those officers has the more responsible administrative or professional, or both, duties to perform? Which one will be designated senior officer, or will none be so classified?

Will it be someone further down the scale? The Premier has completely failed to tell us. What will be the benefit to the Public Service of having such a position? Will it be the Assistant Director of Agriculture who is to be designated the senior officer? It seems we will be falling over ourselves with the designation of jobs.

What is to be the benefit to the department, to the Public Service, and to the Government of having positions designated "senior office"? Is there to be one or more of these positions in a department? How will we select who has the more responsible position? Having done that, will that person then become part of an elitist organisation as the member for Maylands has suggested he might? I suggested we might be getting ourselves into an Alice in Wonderland situation but perhaps a Gilbertian situation may be a better analogy.

I am unconvinced that there is any need for this classification or this sectionalising. I will agree wholeheartedly if the Premier can tell me what benefit we are going to derive from creating this position.

Mr HARMAN: The Premier has been unable to convince us of any good reason for the appointment of this special status position other than to say, presumably, in the Premier's view, there will be a person in each department who will have this status of "special office".

One of the first things I said in my opening remarks on the Bill was that the measure is designed to create suspicion and insecurity. What will happen in a department when there are four or five officers on the same level exercising varying degrees of responsibility? One or two will have a special status of "senior office" and this will create a great deal of unnecessary jealousy and friction amongst the top officers in a department for a reason which the Premier is unable to tell us.

The only thing we can think of is that there must be some devious scheme afoot because the Government wants this included in the Act. We will probably hear about the scheme in the future. However, in the circumstances, because the Government has made no case for this special status, we must oppose it and support the amendment.

Amendment put and negatived.

The CHAIRMAN: The question is that clause 5 stand as printed.

Mr HARMAN: Mr Chairman—

The CHAIRMAN: I would point out to the member for Maylands that he has spoken three times on the question that clause 5 stand as printed, but I will allow him to rise and move an amendment straightaway.

Mr HARMAN: Thank you for your indulgence, Mr Chairman. I think you appreciate clause 5 is a fairly lengthy one dealing with definitions and a number of amendments are necessary. To clear up the definition of "Public Service" I intend to move an amendment as follows—

Page 4, line 21—Insert after the word "used" the following two new definitions—

"State Services" means the instrumentalities of the Crown in right of the State, whether departments, corporations, agencies or other authorities.

"the Public Service" means that part of the State Service which includes departments and sub-departments, all persons employed for the time being under the provisions of this Act in any capacity in any such department or sub-department and all offices therein.

That is a straight rewrite from the existing legislation.

The CHAIRMAN: Order! I interrupt the honourable member to ask him to look at line 16 where the word "Office" appears. If he wishes to insert the definition of "State Services" in its appropriate place, he would have to insert it after the word "Office" in line 16. I ask the honourable member to consider whether his amendment might not be more suitably inserted in that position.

Mr HARMAN: I thank you for your suggestion with which I agree, Mr Chairman.

The CHAIRMAN: Before you continue, I give you the unfortunate news that if you adopt my suggestion you will be inhibited in regard to the insertion of the definition of "the Public Service", unless you place it at the end in some way. Perhaps you could proceed first of all with the definition of "State Services".

Mr HARMAN: I do not think there is much chance of the amendment being carried, but I want to move it. The Government ought to see merit in it because the Government is referring to a Bill to regulate the Public Service, but there is no definition of "the Public Service". I had to include the term "State Services" so that the definition of "the Public Service" would have some meaning.

The CHAIRMAN: Order! I suggest that the definition of "the Public Service" could appear after the word "Act" in line 26.

Mr HARMAN: I will take your advice, Mr Chairman. I have explained the reasons for my action. I move an amendment—

Page 4, line 16—Insert after the word "Office" the following new interpretation—

"State Services" means the instrumentalities of the Crown in right of the State, whether departments, corporations, agencies or other authorities.

Sir CHARLES COURT: For reasons I have already given, the Government is opposed to the amendment. If the honourable member did his research he would find that the definition is redundant. Quite apart from that, we are approaching a different Bill with different architecture, and to introduce this amendment now would be making nonsense of the drafting of the Bill. We either accept the basic principles, or do not accept them. Therefore I must oppose the amendment. The definition of "the Public Service" for all practical purposes is embodied in the Bill itself because it is actually written into the clauses. For instance, I refer to clauses 21 and 22. Therefore I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 6: The Board—

Mr HARMAN: It has been a long-standing platform of the policy of the Opposition that one of the Commissioners of the Public Service Board should be a representative of the employees. This principle was first raised in 1970 in an amendment by the then Leader of the Opposition (Mr Tonkin), but it was defeated by the Government. Because of an undertaking given by Mr Tonkin at that particular time that on becoming the Government we would introduce legislation to provide for a Commissioner of the Public Service Board to represent the employees through the CSA, in 1973 we introduced a Bill to amend the Public Service Act to provide for such an appointment. We did not do it lightly. There have been precedents in Victoria and Queensland where persons representing the interests of the employees had been placed on the boards in those States. Therefore it follows that we now wish to ensure there will be a commissioner representing the employees. To give effect to that particular policy I move an amendment—

Page 5, line 8—Delete the word "three" with a view to substituting the word "four".

This is obviously a little different from the amendment we moved in 1973 when there were only three commissioners. It is not our intention to remove any of the present members. We merely

want to add to the board a fourth commissioner to represent the interests of the employees. In other parts of the world the desirability of having employee representation on boards of management has been demonstrated and I think most members would recall the debate a year or so ago on the question of worker participation when a great deal of research and time was devoted to what was happening in other countries such as Germany, Norway, Sweden, England, America, and so on. The trend throughout the highly industrialised countries is to have representatives of workers on the decision-making bodies which affect workers. My amendment is designed to ensure that the principle is introduced into the Public Service Act.

Sir CHARLES COURT: The honourable member has made it clear he seeks to delete the word "three" for the purpose of substituting the word "four" and that the fourth commissioner would be one nominated by the association.

It will not come as a surprise to the Opposition that the Government opposes the amendment. The reasons stated on this side on a number of occasions still prevail. I understand that in discussion on this point with the board the association has indicated it is seeking a fourth member who would not necessarily be a working commissioner. As members will know, the three commissioners now are working commissioners. They all have full-time responsibilities as members of that board and in addition they have some specialised responsibilities but still working collectively in terms of final responsibility.

My understanding is that if this fourth man were placed on the board he would be more of a liaison officer between the association and the board; in other words, he would be one who attended meetings, but would not be a full-time working commissioner. There are other cases in Australia where there has been an association representative, or what we might colloquially refer to as an employee representative on the board. I think Victoria is a case in point.

From my experience of such cases, where there is a nominee member, one of two things happens: either that nominee joins the management or, alternatively, he polarises into a situation where there is virtually a "them and us" type of representation on the board, and this is not good.

One has to realise that built into the Public Service legislation—the total anatomy of the legislation—are other provisions such as appeal and arbitral provisions, and one cannot be dismissed from the other. Under some provisions in the legislation the association does have a nominee, but not in connection with the operations of the board, bearing in mind that the board has a responsibility for the overall day-to-day operations of the service. For this reason the board should remain as it is because it puts the association in a much better position in terms of its members. It can make its advocacy without being in any way inhibited by a member being on the board, and it also removes any embarrassment to a member on the board who feels he has some information he should take back to the association, but feels that ethics prevent him from doing so.

Having regard for all the factors, the amendment is opposed by the Government.

Amendment put and negatived.

Clause put and passed.

Clauses 7 to 13 put and passed.

Clause 14: Functions and powers—

Mr HARMAN: This clause deals with the functions and powers of the Public Service Board. Subclause (3) provides—

> Without limiting the generality of the powers as provided by subsection (2), the Board has, subject to sections 28, 29 and 49, exclusive authority to—

Clauses 28 and 29 relate to the special office, and clause 49 deals with discipline. Clause 14 lists all the things the board can do.

The aim of my amendment is to prevent the board saying to an officer, "Because of your inefficiency we will not allow your salary increment." This type of case may not occur very often but it does occur to the extent that a person is denied an increase within his salary range because the board considers he is not efficiently carrying out his duties.

I move an amendment—

> Page 10—Add after subclause (3) the following new subclause to stand as subclause (4)—
>
> > (4) Provided, however, that authority to withhold, defer or suspend salary increases provided in a salary range shall only be exercised in conjunction with Part IV of this Act and the withholding, deferment or suspension of an increase shall, for the purpose, mean a reduction in salary.

In other words, no authority should be given to the board to prevent an officer receiving his normal salary increment unless for some disciplinary reason. If an officer is not fulfilling the functions of his position to the satisfaction of his permanent head or the Public Service Board, an investigation should be made into the reasons and the officer should either be assisted to perform his functions

efficiently, perhaps through an in-service training course, or be transferred to a position he can fulfil efficiently. I think that to deny an officer a salary increment is going too far and the board should not have that authority.

Sir CHARLES COURT: I can understand the honourable member reacting as he has done to subclause (3) but I suggest if he studies the practical import of the amendment he has moved —which I notice he has moved as a new subclause and not as a proviso, although that is of no great moment as far as this discussion is concerned—he will find the board could be placed in a situation where it would have to go further than it normally likes to go unless there are mitigating circumstances in respect of the public servant involved. In other words, it could be forced into a situation where it would have to go far enough to place the officer under the provisions of part IV, in which case the proviso would cease to have any effect.

Be that as it may, I understand the Civil Service Association was concerned that there might be a lack of procedure for appealing against the withholding of increments. I am informed that in discussions between the board and the association the board gave an undertaking that it would look at the possibility and practicability of devising an adminstrative procedure which would enable the fears of the association to be taken care of. It seemed to me to be a sensible way around the difficulty, because, as I read the proviso, if it were taken to its logical conclusion in a practical situation the board could be forced into having to go further than it might want to go in the interests of the person concerned.

This matter has been adequately discussed with the association and I can only repeat the undertaking that the board will examine the establishment of appropriate administrative machinery to review such cases. It is envisaged the machinery will be contained either in regulations or administrative instructions—again, as a result of the board's examination and further discussions with the association.

It is pertinent for me to observe that there is an understanding between the board and the association—and I have confirmed it on behalf of the Government—that before the Act is proclaimed there will be proper consultation on the administrative instructions and regulations which are proposed, so that the Act will be proclaimed with all the machinery that goes to make it work. Knowing the practical attitude of the board and the co-operation that exists between the board and the association, I am sure there will be ample consultation before the Act is proclaimed. It has some effect on matters of this kind which can be worked out by administrative procedures rather than by writing into the Bill something of a hard and fast nature which could go further than expected.

Mr HARMAN: I accept the explanation of the Premier and agree that the more consultation we have over these points of difference the better it will be for everyone. I note the assurance he has given, and while I am not asking for permission to withdraw the amendment I am not pressing it.

Amendment put and negatived.

Clause put and passed.

Clauses 15 to 18 put and passed.

Clause 19: Administrative Instructions and their effect—

Mr HARMAN: This clause deals with the controversial issue of administrative instructions. While I appreciate it is futile for me to move that the word "Rules" be substituted for the word "Instructions", I make the point that I am still not satisfied, and I do not believe any other member on this side of the Chamber is satisfied. To me this is a "bodgy" way to make laws, and I regret that it has not been rejected.

Clause put and passed.

Clauses 20 to 29 put and passed.

Clause 30: Particular employments—

Mr HARMAN: This clause deals with the power of the board to employ persons on a full-time, part-time, or casual basis and to determine the terms and conditions of employment, including rates of remuneration of such persons either generally or in a particular case, and to engage a person under a contract for services upon such terms and conditions, including the rate of remuneration, as the board thinks fit. I presume this clause would apply to such people as journalists and ministerial Press officers who have a contract of service.

What concerns me is that the board has power to appoint a person from outside the Public Service when there may well be persons within the Public Service who are well equipped to be considered for an appointment under clause 30. I think it is necessary that there be some consultation between the Public Service Board and the Civil Service Association or any other organisation.

The only way I could see to achieve this was to move an amendment in line 32 to add after the word "may" the words "after consultation and agreement with the Public Service". On reflection—

Sir Charles Court: You mean with the CSA, do you not?

Mr HARMAN: Yes, that should be, "with the Civil Service Association or any other relevant union", because other unions could be involved with people in the lower ranks of the Public Service. It would mean that before the board employed a person from outside the Public Service, there would have to be consultation between the organisations concerned. I move an amendment—

> Page 16, line 32—Insert after the word "may" the words "after consultation and agreement with the Civil Service Association or any other relevant union".

Sir CHARLES COURT: We cannot agree with the amendment. While I can appreciate the motives of the honourable member and of the association, I believe it would defeat completely the purpose of the clause and the provisions in the Bill.

From a practical point of view it would be quite hopeless if, before the board could move to employ these people, not only would it have to consult with the relevant union, but also it would have to get the agreement of the relevant union. This would be an incongruous situation; it would place the Civil Service Association or the union concerned in a very embarrassing situation.

The executives may feel an approach by the Government or the board as the case may be, was a responsible and reasonable one, but it may have a member who is rather vocal on the matter and who could resist agreement to the bitter end, to a point where the officials would feel that they must fail to agree. It is much better to allow the provisions as they are to prevail, and to trust to the good sense of the board. I have made it clear it is not intended that the board will rush around madly recruiting people from outside the Public Service.

The whole thrust of the legislation is to ensure career opportunities for the career officers, but we must have some flexibility to enable the board to employ people with special abilities when they are needed for special purposes. We cannot accept the amendment because it would put the board into a straitjacket and it would make administration of this provision absolutely intolerable.

Mr WILLIAMS: I would like to support the Premier in respect of this one clause.

Mr McIver: Only that one clause?

Mr WILLIAMS: In support of the Premier I would point out that this provision will enable the Public Service Board to engage people whom it may not otherwise have been able to engage, on a part-time basis, and particularly in country areas. Under the Act as we know it there is no reference to part-time employment. Frequently in country areas the position arises where a full-time officer is not required, but someone is required on a part-time basis. This provision would give the board the opportunity to employ people on a part-time basis. At the same time the provision streamlines the whole concept of employment, and that is the object of the Bill.

Mr HARMAN: I agree with the member for Clontarf, but he should know that for some time now there has been provision for the Public Service to employ people on a part-time basis. Where this is necessary it is a good thing. However, the point is that it does not matter whether a person is being employed in the country or in the city, my amendment would be a means of allowing the Public Service Board and the Civil Service Association or any other relevant union, to get together, to talk, and to explain matters to one another. This is what the Government seems to fear the most. The Government does not want to see develop a continuous dialogue between the Public Service Board and the Civil Service Association. It wants to develop a sort of stand-off situation.

I thought the Government had learnt enough about industrial relations by now to know that if the parties keep talking there is no chance for them to go on strike or to have these stand-offs. When the parties stop talking, the organisations then develop extreme stands on industrial issues. The point of my amendment is to maintain a dialogue between the Public Service Board and the appropriate union of workers so that matters can be resolved, and if there is a necessity to appoint staff from outside the Public Service, such a decision would have been decided upon by both bodies.

Amendment put and negatived.

Mr DAVIES: I wonder whether the Premier can tell us if this provision will mean the end of ministerial appointments. We all know that there are a considerable number of ministerial appointments to Government departments. Indeed, I asked a question today regarding ministerial appointments to the Department for Community Welfare and in the reply I was told that 924 employees were appointed by the Minister. The reply then reads—

> On the passage of this legislation—

This is the legislation I am holding in my hand. To continue—

> —through Parliament, and following its proclamation, the categories of ministerial positions and ministerial appointees in Public

Service departments that may be brought under the Public Service Act will be determined.

Obviously the Government will consider whether these ministerial appointments should be part of the Public Service, and here we are giving the Government permission to employ these people outside the general rules under all sorts of conditions—part-time, full-time, special purpose, contract, or the like.

Apart from those 924 ministerial appointments to which I have referred, who may eventually finish up as public servants, we are aware that there are some hundreds, if not thousands, of ministerial appointments generally existing at the moment. Indeed, one of my staff is on a three-year contract by arrangement with the Premier. I think his contract is renewable at the end of three years and may be terminated by either party on a month's notice.

Does the introduction of clause 30 and the power it gives to the Public Service Board mean there will be an end to the huge number of ministerial appointments?

Sir CHARLES COURT: The objective is to lasso this question of ministerial appointments. The Leader of the Opposition will know from his ministerial experience that ministerial appointments represent one of those ghosts which seem to haunt one. A Minister can issue all sorts of instructions that such appointments are not to be made without consulting him and the Public Service Board, but somehow or other he finds they creep in. One department has been a particular offender in this regard. I am told that at one stage, not of recent vintage, the department was actually able to do a great deal of recruiting unbeknown to its Minister due to the way it interpreted the provision referring to ministerial appointments. An end was put to that some time ago and an instruction was issued that it was not to happen and that ministerial appointments were not to be made even by the Minister unless in fact they were endorsed and authorised by the Public Service Board.

There was good reason for that, because cases have been recorded of an appointment being made in isolation without any regard for the conditions of service of the person performing that particular duty in relation to other appointments, and that can create a precedent which can echo from one end of the service to the other if one is not careful.

So the objective is to put an end to what we know as ministerial appointments under the present order so that in future there will be complete control over the number of people who are placed on the payroll.

As the Leader of the Opposition has raised the matter, I think it is appropriate that I mention there is a lot of confusion in the minds of the public—and, I am afraid, in the minds of Commonwealth Ministers, including the Prime Minister—about the difference between Government employment and the Public Service in the States. The Government employment figure is about eight times greater than the Public Service figure because it includes teachers, many medical people outside the Public Service, and employees of such instrumentalities as Westrail and the State Energy Commission. Many people regard those employees as public servants when in fact they are Government employees outside the Public Service.

I make that point because it gives some of our Federal members a bit of a shock when we tell them that when we are talking about the Public Service pure and simple we are talking of about 12.5 per cent of the total Government employment in the State. The Commonwealth ratio is different because it does not have great masses of teachers, railway employees, SEC workers, and the like and proportionately it has more people in its Public Service as such rather than in its total employment.

We intend that there will be much tighter control over recruitment. As I see it, unless there is something that escapes me, in terms of the pure Public Service we should be able to control what are presently known as ministerial appointments.

Mr Davies: They will still be there.

Clause put and passed.

Clause 31 put and passed.

Clause 32: Applications by temporary officers to become permanent officers—

Mr HARMAN: It is our intention to vote against this clause to ensure its deletion, and subsequently to move for the insertion of a new clause which we feel covers the situation better than the present clause. To do that, members should be aware of the contents of the proposed new clause, which reads as follows—

(1) Any person who has been employed by the Governor, Minister or any authority, body or person under the powers referred to in Section 33 (3) or any temporary officer, part time, casual or contract employee, employed under Sections 14 and 30 of this Act for a period exceeding five years, whose duties are similar to those of an officer on the permanent staff or such as are proper for an officer on the permanent staff to perform under the Public Service Act, may apply to the Board for appointment

as a permanent officer on the grounds that he is performing those duties satisfactorily.

(2) The Public Service Board shall hear and determine such application, and state in writing its findings on the facts and decision, and an appeal shall lie to the Public Service Appeal Board for the finding as regards all material facts and its decision therein.

The idea of this is to ensure that all Government employees are covered. The clause in the Bill does not bring all of the people under the ambit of the clause as intended.

Sir CHARLES COURT: I oppose the proposed new clause. I can only assume that the honourable member does not realise how far it goes.

Under the existing legislation, any temporary employee who has been employed for five years or more may request placement on the permanent staff. If the board does not agree to such request, there is a right of appeal to the Public Service Appeal Board. If the proposed amendment were carried, this right of appeal would be broadened to include persons employed on the wages staff of Public Service departments, and persons employed in authorities and instrumentalities not covered by the Public Service Act. I do not think that would have been the intention of the honourable member or of the association, because in their wildest dreams they could not expect that proposition to be accepted by the Parliament. I think, if they understood the import of it, they would not want to proceed with it.

I can understand the idea behind their proposition, but I suggest it goes beyond what they contemplated, in view of the wording that has been used. We believe the Bill sets it out very fairly and clearly, and provides for the people concerned in a way which is practical and realistic.

Clause put and passed.

Clause 33 put and passed.

Clause 34: Advertisements of vacant offices—

Mr HARMAN: Clause 34 says—

When an office is vacant or about to become vacant the Board, on being satisfied that the vacant office should be advertised, shall advertise the vacancy in the manner prescribed in Administrative Instructions.

The important part is, "on being satisfied that the vacant office should be advertised". When an office becomes vacant, in my view there are only two things which can be done. It can be advertised for the vacancy to be filled, or if the particular office is redundant it can be abolished. I do not think it fair that a particular office should be allowed to remain vacant without some reason being given. People in the service may feel that this is an office to which they want to aspire. When they realise it has become vacant, it is their ambition to apply for it. It may well be that they would not apply for other offices, but would wait for that particular office to be advertised. The Public Service Board, in its wisdom, may not advertise that vacancy, for some reason or other. If there is an office, it either should be filled or, if it has become redundant, it should be abolished.

We are suggesting the way to overcome this is for me to move the following amendment—

Page 18, lines 22 and 23—Delete the words "on being satisfied that the vacant office should be advertised".

Sir CHARLES COURT: I oppose the amendment for reasons that I believe the Committee will accept. Clause 34 means that when an office is vacant or about to become vacant, the board being satisfied that the vacant office should be advertised shall advertise the vacancy in the manner prescribed in the administrative instructions.

I would suggest that the request that has been made by the association and reflected in the honourable member's amendment is such that, with its full implications, all vacant positions including initial appointments on the base grade of junior typist, for example, or temporary engagements to cover short-term absences of officers on leave, would have to be advertised.

I do not think that was the intention. The association, I gather, is concerned that the Bill would bring about an increase in direct appointments. On this aspect, the Public Service Board gave an assurance which I can now convey to the Chamber so that it is recorded here, that wherever appropriate positions would be advertised, and there would be no change in the situation in this regard. It is intended that the matter would be covered more explicitly by administrative instruction or regulation.

I think this would satisfy the association. If it does reinforce what has already been agreed to by the board, I record it now so that the honourable member will know what has been discussed, and what I understand has been accepted as a practical approach.

If we took the amendment literally, we would finish up with a farcical situation which was never intended by the association, and which certainly could not be tolerated by the board. I oppose the amendment, having given that assurance.

Amendment put and negatived.

Clause put and passed.

Clause 35: Appeals against recommendations for promotions—

Mr HARMAN: I move an amendment—

Page 18, line 29—Delete the word "promotion" with a view to substituting the word "appointment".

This will overcome all the problems raised over the years with the Promotions Appeal Board in respect of the word "promotion".

There are some permanent officers in the service who, under certain circumstances, could be denied the right of appeal against a recommended officer, because it has been held that if it is a classification in their own department on their own grade, they have no right of appeal in relation to that position. A person in another department can appeal, if he is on the same grade.

The only way to overcome this problem is to take out the word "promotion" and to put in the word "appointment".

Sir CHARLES COURT: The amendment seeks to extend very considerably the whole question of appeals and the right of appeals. I take it this amendment is the lead up to the honourable member's next proposal. We oppose the amendment for reasons I think will be quite obvious to the honourable member. I am trying to relate the amendment the member has to the ones I have on another list.

Mr Harman: It is not related to subclause (3).

Sir CHARLES COURT: I do not propose to spend any time on this amendment, but if the member moves the other amendment I will give more detailed reasons why we are opposed to it. I oppose this amendment.

Mr DAVIES: The member for Maylands is saying that if an appointment is made which does not involve promotion, then under certain conditions the right of appeal should exist. I do not think that is unreasonable. The Government Employees (Promotions Appeal Board) Act is to be amended by a Bill introduced last Thursday because of appeal provisions written into this measure.

There are certain established rights which have been set out. One of the problems is that there has been no right of appeal where no promotion has been involved. A person in such a situation who feels he has as much right to a job as the other person appointed might wish to lodge an appeal and see whether or not the board, which is set up later in the same clause, feels he has some claim to the job.

This is a new concept and it is not an unreasonable one. It is a concept of an appeal over an appointment rather than having to be sure in the first place that a promotion is involved. I doubt whether it would be used very often but I feel it may further set out to do what we did initially when we brought in the Government Employees (Promotions Appeal Board) Act in 1949 or 1950, I think.

The idea then was to give every person who felt he might be aggrieved the right to take his case to an appeal board and see what the appeal board had to say. I believe that Act has worked very well and has taken away a lot of ill-feeling that could exist at times regarding appointments which have been made. I think the member for Maylands' proposal is novel and one that should be accepted.

Mr PEARCE: I support the member for Maylands and my leader in their comments. When one is dealing with an institution as vast as the Public Service, all sorts of anomalies become involved when deciding what actually is promotion and what is not.

We can get to a situation that has occurred where a person is going from a higher position to a lower position, which is considered to be a promotional situation despite the fact he is going down. This is also true of a person going to a new position of equal value, which may be considered to be a promotional step or not, depending on circumstances.

In his second reading speech the member for Maylands pointed out the anomalous situation where a person in a department could not appeal against the appointment of an outside person while someone from another department had this right because he would be moving from department to department. With all these anomalies involved it would seem clear the Government ought to agree to the amendment. In doing so it would be in accordance with the principle referred to in the introduction of this Bill that the best person should have the job. If a person is to demonstrate his excellence he should be given the right of appeal.

The amendment is to give everyone who feels aggrieved by his non-appointment to a position a further chance to state his claim to that position. The Government's attitude appears to be to move away from this principle as much as possible and that seems to be at variance with the attitude the Government stated in the first instance. So at this late stage the Premier should reconsider and give a wider number of people a right of appeal.

Sir CHARLES COURT: I feel that members opposite are over-simplifying the situation. The cold, hard facts are that the association is seeking to extend the level of appeals. I understand it

has been explained to the association that if its amendment were to be adopted it would go much further than it expects and wants.

The board has undertaken that having got the point registered by the association as to what it is concerned about the board will, in the course of its regulations or administrative instructions, clarify the position in a way that would remove the fear expressed by the association but without opening it to a point where it goes any further than anyone intended.

Mr Harman: Give us an assurance that it would cover the points I raised.

Sir CHARLES COURT: I could not give that categorical assurance because what the member has stated seems different from my understanding of what would be achieved in practice. I oppose the amendment.

Amendment put and negatived.

Sir CHARLES COURT: I have a substantial amendment which I have circulated and in view of its complexity and length I feel it would be unfair to expect the Committee to deal with it tonight. However, I wanted to give notice of it so that if we report progress we will at least have it recorded.

In the course of his second reading speech the member for Maylands made great play about clause 35 and what it sets out to do. I gather from the tone of his comments he would be quite happy to remove altogether the provisions of subclause (3) and let Rafferty rule. I cannot imagine he really meant that.

Mr H. D. Evans: He did not say that.

Sir CHARLES COURT: The impression he gave to us was that he was challenging the Government to take out subclause (3), which we would happily do. In trying to accommodate the present situation we included this clause and I thought it would be applauded by members on the other side.

Representations have been made by some professional bodies which are fearful that what we have done has gone too far, although we believe that, read in conjunction with the other legislation, these bodies are in fact protected. However, rather than have uncertainty about the situation, it is intended now to write into the Bill the provisions I have proposed. I think members will see we have gone as far as one could reasonably be expected to go to provide for the situation where industrial bodies, other than the Civil Service Association, are involved and they can be protected in that way, subject, of course, to the provision we have insisted upon in connection with certificates of exemption, so that it is spelt out in the legislation.

I move an amendment—

Page 19, lines 1 to 7—Delete subclause (3) with a view to substituting the following—

(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.

Progress

Progress reported and leave given to sit again, on motion by Mr Shalders.

BILLS (2): RETURNED

1. Death Duty Assessment Act Amendment Bill.
2. Death Duty Act Amendment Bill.

Bills returned from the Council without amendment.

HONEY POOL BILL

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

ADJOURNMENT OF THE HOUSE

SIR CHARLES COURT (Nedlands—Premier) [10.23 p.m.]: I move—

That the House do now adjourn.

I should like with your indulgence, Sir, to make a statement to the House which is that when we adjourn on Thursday we will be moving a special adjournment in order that we may meet at 4.00 p.m. on Tuesday, the 19th September. I am just giving advance notice. I have discussed the matter with the Leader of the Opposition and the purpose of the special adjournment is that we may proceed immediately with the introduction of the Budget on that day. I thank you, Sir, for your indulgence.

Question put and passed.

House adjourned at 10.24 p.m.

QUESTIONS ON NOTICE

ASSISTANCE AND SECURITY CORPORATION

Government Payment

1551. Mr TONKIN, to the Treasurer:

Has any payment ever been made by the Government to the Assistance and Security Corporation?

Sir CHARLES COURT replied:

Inquiries since the member's last question show that a cheque was forwarded to a payee of that name.

STATE FINANCE

Federal Policy and Supplementary Grants

1561. Mr DAVIES, to the Premier:

Further to my question 1437 of 1978 dealing with correspondence to the Prime Minister:

(1) Has he communicated by letter to the Prime Minister or other members of the Federal Government, the terms of the motions passed by the Legislative Assembly on Wednesday, 16th August, 1978, and Wednesday, 23rd August, 1978, which urged action by the Federal Government?

(2) If not, why not?

(3) Is it a fact that his failure to use formal channels to act upon motions passed by all members of this House may possibly represent a contempt of the decisions made by this House?

(4) Is it a fact that the members of this House cannot expect an adequate response to their legitimate grievances as expressed in the motions referred to, if the matters are not communicated formally to the Prime Minister by letter so a proper response in writing can be received?

(5) Will he write to the Prime Minister outlining the terms of the motions referred to, if he has not yet done so?

(6) Will he table the letter in this House?

(7) If "No" to (6), why not?

(8) Will he table the reply when received?

Sir CHARLES COURT replied:

(1) No.

(2) Because I have conferred with the Prime Minister, as required by the motion, I do not consider it appropriate, or necessary to write to him further about this matter at this stage.

(3) and (4) No. Personal contact is usually more effective in any case.

(5) to (8) The subject matters of the two motions are issues about which I have made representations to the Prime Minister at every opportunity and, in view of my detailed and lengthy discussions with him in Sydney on the 31st August to the 1st September, I do not consider it appropriate to write to him at this time.

LOCAL GOVERNMENT ACT

Large and Heavy Vehicles: Control

1562. Mr HODGE, to the Minister for Local Government:

(1) Further to question 983 of 1978 concerning the control of large and heavy vehicles, has any local government authority requested the Government to amend the Local Government Act to

provide for power to prohibit or restrict the use of certain streets and roads by large or heavy vehicles?

(2) If such a request has been made:

(a) which local government authorities are involved; and

(b) when were the requests made?

(3) (a) How long has the proposed amendment been under consideration by the Government; and

(b) when can a decision be expected?

(4) Has the Local Government Association or Country Shire Councils Association approached the Government on this matter?

(5) What is the policy of the two above mentioned associations in respect of this matter?

Mrs CRAIG replied:

(1) Yes.

(2) (a) The Shire of Carnarvon;

(b) December, 1975.

(3) (a) It was first considered on receipt of the December, 1975, request from the Shire of Carnarvon and was reconsidered following a subsequent approach by the Local Government Asssociation;

(b) a decision has been made.

(4) Yes.

(5) Their current policies are not known.

HEALTH

Kwinana Chemical Industries

1563. Mr BARNETT, to the Minister for Health:

(1) Further to his answers to question 1491 of 1978 concerning skin burns at Kwinana—

(a) who were the members of the scientific advisory committee of the Air Pollution Control Council who visited the premises of Kwinana Chemical Industries; and

(b) what were the qualifications in each instance?

(2) When was the visit conducted?

(3) How many, if any, of the workers were interviewed?

(4) How many of the workers were given the opportunity to display any skin burns they may have been suffering from?

Mr YOUNG replied:

(1) (a) and (b) Dr F. Heyworth, MB, ChB, MRCP, FRACP, DIH; Mr D. Rigden, BSc, FRACI, MRIC, MIF, MAIE; Prof. I. Ritchie, BA, MA (Camb), Ph.D, SIRCI.

(2) Wednesday, 16th August.

(3) and (4) None.

To clarify the last two answers, I would like to point out to the honourable member that the officers were not aware of that particular matter at the time they visited.

HEALTH

Kwinana Chemical Industries

1564. Mr BARNETT, to the Minister for Labour and Industry:

(1) Has a request been made to the department responsible for the inspection of factories, when on a routine visit to Kwinana Chemical Industries, to take particular note of any burns?

(2) (a) Has this been done: and

(b) with what result?

(3) If "No" to (2), when is it expected to be done?

Mr O'CONNOR replied:

(1) Yes.

(2) and (3) (a) An inspection of the premises of Chemical Industries (Kwinana) Pty. Ltd. took place on Thursday, 7th September, 1978;

(b) recorded instances of workers receiving burns in the last 12 months—

(i) A man's leg was burnt by steam;

(ii) a man's leg was burnt by sulphuric acid;

(iii) a man's neck was burnt by phenol.

HEALTH

Herbicide 2, 4, 5-T: Alternative Use of Amcide

1565. Mr BARNETT, to the Minister representing the Minister for Lands:

(1) In view of the possibly dangerous nature of the trichlorophenol manufacturing process has the Minister's department given consideration to using—

(a) amonium sulphamate marketed as Amcide in the United Kingdom; and

(b) glyphosate and krenite,

which is claimed to have LD50 values ten times greater than 2, 4, 5-T which would make them a lesser health risk?

(2) Is it not a fact that the abovementioned bramble, brushwood and nettle killers are—

(a) at least as effective as 2, 4, 5-T;

(b) have none of the attendant risks associated with trichlorophenol production?

(3) If "Yes" to (1) with what result?

(4) If "No" to (1), will the Minister have enquiries instigated?

Mrs CRAIG replied:

(1) The question of possible dangers in the use of the weedicides referred to has been carefully considered by a number of Government agencies including the Forests Department. No local manufacture of trichlorophenol takes place. Locally produced 2, 4, 5-T contains the toxic impurity dioxin at levels which do not exceed accepted limits and therefore does not constitute a health risk.

(2) The alternative brushwood, bramble and nettle killers, namely ammonium sulphamate, glyphosate and krenite are less effective than 2, 4, 5-T and for this reason would need to be applied more heavily to achieve the same result. They are also less selective so that the risk of damage to non-target plants is higher.

(3) The use of alternative weed killers has been considered and rejected for the reasons set out in (2).

(4) Answered by (1).

HEALTH

Kwinana Chemical Industries

1566. Mr BARNETT, to the Minister for Industrial Development:

(1) Has he seen the report Tetrachlorodibenzo-p-Dioxin release at Seveso in *Disasters, Volume 1, No. 4* pp. 289-308 Pergamon Press 1977 printed in Great Britain which lists the following accidents to personnel in chemical plants manufacturing trichlorophenol?

(2) In view of the information provided below will he inform me if the same process is used in Kwinana Chemical Industries as in the cases mentioned?

(3) If not, will he make enquiries to ascertain if a similar or identical process is used and inform me of the result of such enquiries?

(4) If "Yes" to (2), what guarantees can he give the workers at the plant that the same type of accident will not occur at Kwinana Chemical Industries?

Date	Manufacturer	Country	Personnel Injured	Cause of Accident
1949	Monsanto	U.S.A.	117	Overheating leading to explosion
1952/3	Bochringer	W. Germany ...	37	Exposure during manufacturing process
1953	Badische Anilin und Soda Fabrik AG (BASF)	W. Germany ...	55	Overheating leading to explosion
between 1953 and 1971	Rhone Poulenc	France .. .	97 (inc. 17 injured in a 1956 explosion and 21 in another in 1966)	Exposure during manufacturing process
1956	Hooker	U.S.A.	Staff employees	Overheating
1960	Diamond Sham-Roch ...	U.S.A.	Figure unknown ...	Overheating
1963	Philips Duphar	Holland	30	Overheating leading to explosion
1964 ...	Spolana	Czechoslovakia	72	Exposure during manufacturing process
1964	Dow Chemicals ...	U.S.A. ...	30 . .	Exposure during manufacturing process
1968	Coalite and Chemical Products	U.K.	79	Overheating leading to explosion
1970? ...	Bayer	W. Germany ...	5 .. .	Exposure during manufacturing process
1972/3	Chemie/Linz	Austria	50	Exposure during manufacturing process
1976	Lemesa (Givaudan)	Italy	106 children	Overheating
1976	Thompson Hayward	U.S.A.	...	Overheating leading to explosion

Mr MENSAROS replied:

(1) Yes.

(2) and (3) No.

(4) Not applicable.

WATER SUPPLIES

Consumption

1567. Mr DAVIES, to the Minister representing the Minister for Water Supplies:

(1) What was the average annual consumption of water for a residential property in the metropolitan area in 1977-78?

(2) What is the total consumption of water by residential properties in the metropolitan area in—

(a) 1976-77;

(b) 1977-78;

(c) 1978-79 (estimate)?

Mr O'CONNOR replied:

(1) 275 kilolitres.

(2) (a) 99.8 million kilolitres.

(b) 66.5 million kilolitres.

(c) At this point it can only be assumed that this figure will be comparable with the 1977-78 figure.

HEALTH

Pharmaceutical Manufacturing Industry

1568. Mr DAVIES, to the Minister for Health:

Further to my question 1441 of 1978 concerning representations to the pharmaceutical inquiry, why does his department not intend to make representations to a Federal Government inquiry into the pharmaceutical manufacturing industry?

Mr YOUNG replied:

It is not intended to make representation to a Federal Government's inquiry into the pharmaceutical manufacturing industry as the terms of reference for the inquiry appear to apply to matters relating to the pharmaceutical benefits scheme and concern members of the Australian pharmaceutical industries and the Federal Government.

LEGAL AID COMMISSION

Funding

1569. Mr DAVIES, to the Minister representing the Attorney General:

(1) Is it a fact that the Legal Aid Commission has overstepped its Budget for—

(a) July 1978;

(b) August 1978;

(c) the current year (1978-79)?

(2) Is it also a fact that the Legal Aid Commission has been rejecting only about 7% of applicants for aid?

(3) If "No" what percentage is being rejected?

(4) Will the Minister table a memo circulated throughout the commission advising that no applications are to be accepted unless they are of a particularly special or unusual nature?

(5) From which sources does the State Government fund the Legal Aid Commission?

(6) How much was contributed from each of these sources this financial year?

(7) How much has the State Government allocated to legal aid in Western Australia in each of the past six financial years?

(8) How much did the Commonwealth Government contribute to the Legal Aid Commission in each of the past six years?

(9) How much does the Commonwealth Government intend to contribute this financial year?

(10) Has the State Government received advice from the Commonwealth Government requesting it to either reduce or control Legal Aid Commission spending for any month of this financial year?

(11) Has the Commonwealth Government advised the State Government that it wants to reduce or control increases in its contribution to Legal Aid Commission funds for—

(a) any months of this financial year; or

(b) the whole financial year?

Mr O'NEIL replied:

(1) (a) No. The commission's budgeted commitment for July was $213 938 whilst its actual commitment was $198 445. This represents an undercommitment of $15 493.

(b) Yes. The commission's budgeted commitment for August was $204 607 whereas the actual commitment was $274 957. This is an overcommitment of $70 350.

(c) No.

(2) No.

(3) The rejection rate from 17th April to 30th June was 7 per cent. For the month of July it was 17 per cent. Final figures for August are not yet available.

(4) Yes. A copy of the minute is submitted for tabling.

The paper was tabled (see paper No. 352).

(5) Consolidated Revenue Fund.

(6) This year's contribution from the Consolidated Revenue Fund will be made known when the Budget is introduced.

(7) $50 000 for each of the years 1973 to 1977 (inclusive) and $100 000 for the year 1978.

(8) The Legal Aid Commission did not commence to operate until 17th April, 1978.

In 1977-78 a payment of $284 100 was made, being $228 100 for legal aid. In addition a payment of $56 000 was made towards the establishment costs of the Legal Aid Commission.

(9) The amount set out for this purpose in the Commonwealth Budget is $2 300 100.

(10) Yes. The Commonwealth requested the setting of a commitment level in the Federal area of $140 000 for each of the months of July and August.

(11) The Commonwealth Government has said that it will provide a total of $2 300 100 for the current financial year and that funds will not be available to meet a commitment on referrals to private practitioners in the Federal area in excess of $1 840 000 for the current financial year.

ANIMALS

Cat Haven: Financial Assistance

1570. Mr WILSON, to the Treasurer:

(1) Is it a fact that a submission for an annual grant towards the operating costs of the cat haven in Shenton Park has been totally rejected by the Treasury?

(2) Is it also a fact that the Treasury has suggested that either the services provided at the haven be curtailed or that the society draw heavily on its limited resources reserved for urgently required building extensions?

(3) In view of this response, what action is the Government proposing to come to terms with the increasing problem of stray and unwanted cats in the community?

Sir CHARLES COURT replied:

(1) A request from the Cat Welfare Society for a grant towards the cost of operating expenses in 1978 was not granted as it was considered the financial position of the society was such that it would be able to maintain its activities this financial year. However, the society has been invited to renew its application later in the financial year when further consideration will be given to its position.

(2) No suggestion was made that the society should curtail its activities or draw upon its cash reserves for operating expenses.

(3) The Government appreciates the work being performed by the society, particularly in regard to the problem of stray cats. If the society submits a further request for assistance later in the financial year, as it has been invited to do, sympathetic consideration will be given to its case.

EDUCATION

Courier Mail Service

1571. Mr WILSON, to the Minister for Education:

(1) Is it a fact that the courier mail service now in use for inter-school mail exchange is resulting in delays of up to ten days in mail reaching its point of destination?

(2) If "No" will he have the situation investigated with a view to improving the efficiency of the service?

Mr P. V. JONES replied:

(1) The courier service operates on the basis of a mail delivery to schools every second day and there is no evidence of any breakdown in the system which is subject to regular checks.

(2) Any instance of unreasonable delay in the delivery of mail will be investigated if specific details are provided.

SHIPPING

State Shipping Service: Charter Vessel

1572. Mr WILSON, to the Minister for Transport:

(1) What is the total charter hire of the vessel which has been chartered by the State Shipping Service?

(2) What is the estimated cost of insuring the vessel?

(3) Was any consideration given to purchasing a similar vessel as an alternative to chartering?

(4) If "Yes" to (3), what was the relative cost of purchasing such a vessel estimated to be?

Mr RUSHTON replied:

(1) $9 million over five years if terminated at the end of that period.

$8.4 million over five years if the vessel is then purchased for $8.2 million or if the charter is extended.

(2) $72 000 per annum.

(3) Yes.

(4) Approximately $11 million excluding the cost of finance estimated to be a further $6.3 million.

COMMUNITY WELFARE DEPARTMENT

Ministerial Appointments

1573. Mr DAVIES, to the Minister for Community Welfare:

(1) How many persons are employed in his department as "Ministerial appointments"?

(2) How are they distributed?

(3) As these appointees have the same wages and conditions as people employed under the Public Service Act, and are paid by State Treasury, what steps are proposed to transfer Ministerial appointees into the Public Service?

Mr YOUNG replied:

(1) 924.

(2)

Institutional staff metro area	443
Hostel staff metro area	38
Hostel staff country and North-West	99
Community Services Training College	9
Contract workers	12
Miscellaneous wages employees (Aboriginal welfare aides, drivers, caretakers, etc.)	40
Part-time workers (15 hours per week)—	
Homemakers	196
Welfare assistants	64
Parent helpers	23
	924

(3) I am advised by the Public Service Board that in the Public Service Bill presently before Parliament provision has been made to enable the appointment, where appropriate, of Ministerial employees to the public service.

On the passage of this legislation through Parliament, and following its proclamation, the categories of ministerial positions and ministerial appointees in Public Service Departments that may be brought under the Public Service Act will be determined.

LOAN COUNCIL

Infrastructure Financing

1574. Mr DAVIES, to the Premier:

(1) Has he seen the provision within the new Loan Council guidelines for infrastructure financing where the Government and the authority concerned shall use the best of their endeavours to obtain funds within Australia?

(2) If "Yes" will the Premier explain why only general enquiries have been made with Australian financial institutions regarding the availability of funds whereas a far-ranging investigation has been made of financial markets in the United States, Europe and Japan culminating in discussions with a number of these institutions?

Sir CHARLES COURT replied:

(1) Yes.

(2) State Government authorities have been substantial borrowers on the Australian financial market for many years, and the Government has developed a good knowledge of the operations of the market and a close working contact with many financial institutions. In these circumstances, it is not necessary to enter into detailed discussions with Australian organisations, and certainly not until specific approvals are given by Loan Council under the guidelines.

On the other hand, we have had comparatively little experience of overseas markets and institutions, and it was prudent for us to become informed of the situation in anticipation of the possible need to raise money overseas in the future. However, as I said in reply to question No. 1445 of 1978, the investigation was to ascertain what funds might

be available, and on what terms. It was not necessary, at that stage, to hold detailed discussions with overseas financial institutions about specific borrowings.

STATE FINANCE

Trust Funds and Suspense Accounts

1575. Mr DAVIES, to the Treasurer:

(1) What were the sources of revenue for each trust fund operated during 1977-78?

(2) What were the sources of revenue for each suspense account operated during 1977-78?

Sir CHARLES COURT replied:

(1) and (2) I refer the member to my replies to questions 1451 and 1452 of 5th September, 1978, and would point out that the sources of revenue for each trust and suspense account can be ascertained from the various annual reports of the Auditor General which are readily available in the Parliamentary Library.

ROAD

Great Northern Highway

1576. Mr DAVIES, to the Minister for Transport:

(1) What length of the Great Northern Highway between Fitzroy Crossing and Halls Creek was sealed in 1976-77?

(2) What was the cost of sealing the length of highway identified in (1)?

Mr RUSHTON replied:

(1) 14.4 km excluding bridges.

(2) $104 364.

QUESTIONS WITHOUT NOTICE

TRANSPORT

Chemicals and Explosives

1. Mr SKIDMORE, to the Minister for Transport:

(1) What advice has he received from his department with regard to the cyanide spills on roads on Friday and Saturday?

(2) What further investigations will he be having made as a result of consideration of the matter at yesterday's Cabinet meeting?

(3) Has he yet been able to form any impressions about the adequacy of existing legislation and regulations covering the transport of chemicals and explosives?

Mr RUSHTON replied:

(1) to (3) Continuing consideration was being given to this issue before the event referred to by the honourable member took place. However, the member has asked a number of questions and I would like to give him a full answer to his request, therefore, I ask him to put the question on notice.

COMPUTERS

Answers to Questions

2. Mr BRYCE, to the Premier:

I should like to preface my question by saying that the Premier will recall on Wednesday last I asked him a series of 18 different questions relating to the introduction of computers or to computer-based technology in Western Australia. Since he was unable to answer those questions, I should like to ask him—

(1) Is it a fact that the Government does not have that information at its disposal?

(2) In considering his answer, by what form of convoluted reasoning or precedent does the Premier argue that it is not within the scope of parliamentary questions to ask for the information which was sought by those 18 questions?

Sir CHARLES COURT replied:

(1) and (2) I gave the member specific reasons that I was not prepared to divert senior officers currently in the process of finalising the Budget from that work to compile and collate the information sought by him.

Mr Bryce: So you have not got the information?

Sir CHARLES COURT: Why does the member always jump to false conclusions?

Mr Bryce: If you had the information you would give it to me.

Sir CHARLES COURT: I said "to compile and collate", because the honourable member roamed over a tremendously wide field of questions and I did not consider it to be fair or reasonable to divert the type of officers and the senior officers involved to collate this information for the member at the time.

I did, however, say the member would receive the information. It is not a question of the information being unavailable; but if the member is reasonable he will understand it would take a great deal of time to collate. Consequently, the reason I made the particular reference about the scope of parliamentary questions was the fact that Ministers are not intended to give legal opinions for some people who seek to use questions for legal opinions. Also Ministers are not expected, nor are their departments expected, to provide the information for the research of members.

Mr Bryce: Just information.

CONSERVATION AND THE ENVIRONMENT: BAUXITE MINING

Alcoa, Wagerup: EPA Report

3. Mr H. D. EVANS, to the Minister for Conservation and the Environment:

(1) Why is there to be a delay of three or four weeks before the report of the Conservation and Environment Authority on the Wagerup bauxite proposals is made public?

(2) Will the Government have made a decision on whether the project can go ahead, or on the conditions covering the project, by the time the report is made public?

Mr O'CONNOR replied:

(1) and (2) In view of the fact that I have received no notice of the question, I request that it be placed on the notice paper.

TRANSPORT

Chemicals and Explosives

4. Mr SKIDMORE, to the Minister for Mines:

(1) What advice has he received from his department with regard to the cyanide spills on roads on Friday and Saturday?

(2) What further investigations will he be having made as a result of consideration of the matter at yesterday's Cabinet meeting?

(3) Has he yet been able to form any impressions about the adequacy of existing legislation and regulations covering the transport of chemicals and explosives?

Mr MENSAROS replied:

(1) to (3) I have received advice from the chemical laboratories of the Mines Department which carried out some tests in the area surrounding the spills for the possible contamination of water by cyanide. I cannot remember the exact figures, but it was found that the trace showing was very much below the permissible level in potable water. So, the spill did not create any difficulties in this respect.

In connection with the investigation regarding legislation, as my colleague the Minister for Transport said we have conferred already on this matter, prior to the accident happening in connection with the truck. Whilst there is legislation governing the handling and transport of explosives and dangerous goods, there does not appear to be any regulations regarding other possibly dangerous goods, particularly chemicals. An examination will be directed towards covering these other possibly dangerous goods.