

should be sufficient reason to satisfy the Commissioner of Police that they require weapons.

I would also like to refer to clause 21 which prescribes restrictions, limitations, and conditions which may be set out in the license. I do not believe that at the present time the commissioner does impose restrictions, limitations, and conditions on an ordinary firearm license. If I am incorrect no doubt the Minister will correct me, but I cannot recall any particular conditions having been inserted in a normal license. Certainly the present Act does not specify that the commissioner may lay down any conditions in a normal license. However, under clause 21 the commissioner will be empowered to lay down restrictions, limitations, or conditions in any license at all, not including curio licenses but including licenses for .22 rifles.

It seems to me that a small problem arises when we refer to clause 23, because it provides penalties where a person carries an unlicensed firearm between the hours of 7.00 a.m. and 7.00 p.m.; and likewise another clause provides another penalty where a person carries an unlicensed firearm between the hours of 7.00 p.m. and 7.00 a.m. on the following morning. The object is that when a person carries an unlicensed firearm at night a stiffer penalty may be imposed. I am not quarrelling with that proposal. However, my point is this: Subclause (3) states—

Unless he holds a licence or permit under this Act entitling him to do so, or unless the provisions of section 8 apply, a person who carries or uses a firearm between the hours of seven in the morning and seven in the following evening commits an offence.

I emphasise the words used, "entitling him to do so". To me it would seem that in future every license, including an ordinary license issued to a farmer, will have to bear the endorsement that the holder is entitled to carry the firearm between 7.00 a.m. and 7.00 p.m., between 7.00 p.m. and 7.00 a.m. the next morning, or alternatively for the 24 hours of the day.

In view of the fact that the Commissioner of Police is now entitled to insert conditions on all licenses, and that a person must have a license to entitle him to carry a firearm, he will need to have an endorsement on the license to enable him to do so in the hours of the day, in the hours of the night, or during both periods. I am wondering what is proposed. I am drawing attention to this matter in case the point might not have been considered.

I refer to one other point—the right of appeal. This has already been mentioned by Mr. Willmott who pointed out that whereas under the present Act there is no restriction on the right of appeal, and that if a person is aggrieved by the decision of the commissioner he may apply to a

magistrate's court. Under the Bill a person may still appeal to a magistrate's court, but the decision of that court is final and not subject to appeal.

Matters which are the subject of appeal may be very serious. The person concerned could be a manufacturer holding a manufacturer's license which entitles him to produce firearms or ammunition on his premises. However, under the Bill that license could be refused by the Commissioner of Police, and the only recourse to the manufacturer is the right of appeal to a magistrate's court.

In my view that is not good enough. This restriction applies not only to the manufacturer of weapons and ammunition, but also to firearm dealers or anybody else. I do not think the average person would take an appeal past the magistrate's court, but I see no reason why we should restrict the appeal particularly where the person concerned believes he has good grounds for an appeal. In my view it is not a good principle to restrict the rights of appeal of people, because by doing so we would create a seething body of discontent. Where a person believes he has a fight of appeal it should not be taken from him.

With those remarks I support the Bill.

Debate adjourned, on motion by The Hon. R. F. Cloughton.

House adjourned at 10.21 p.m.

## Legislative Assembly

Tuesday, the 1st May, 1973

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

### TABLING OF PAPERS

Perth-Leighton Railway Line:  
Correspondence

Mr. J. T. TONKIN (Premier):

At the last sitting of the House, on Thursday, the 19th April, I undertook to lay certain papers on the Table of the House. I now have those papers and I present them for tabling.

The papers were tabled (see paper No. 136).

Public Relations Officers and  
Promotion Officers: Number

Mr. J. T. TONKIN (Premier):

On the 21st March the member for Mt. Lawley asked a question concerning public relations officers. At that time I was not able to supply the details. I now have the information but as it is quite

voluminous I suggest it would be preferable to place it on the Table of the House.

*The papers were tabled (see paper No. 135).*

## QUESTIONS (20): ON NOTICE

### 1. POLICE

#### *Illegal Betting: Dampier*

Mr. O'CONNOR, to the Minister representing the Minister for Police:

- (1) Following his answer to question 22 on Tuesday, 17th April, does he agree unlawful betting has continued at Dampier under his protection?
- (2) Will the Minister see that the law takes its course instead of encouraging people to break the law?

Mr. BICKERTON replied:

- (1) and (2) Until Totalisator Agency Board facilities are established in Dampier, it is considered the present situation should continue rather than the State suffer likely industrial strife as a result of betting facilities being denied to the working population of Dampier.

### 2. HOUSING AND GOVERNMENT DEPARTMENTS

#### *Contracts: Exclusion of Subcontractors*

Mr. O'NEIL, to the Premier:

Adverting to the reply to question 10 (4) on notice on Wednesday, 18th April, 1973, was the Master Builders' Association of W.A. consulted prior to inclusion of clauses referred to in part (1) of the question in State Housing Commission and Public Works Department contracts?

Mr. J. T. TONKIN replied:

No. The proposed new general conditions of contract have been discussed with industry generally on a normal basis.

### 3. AGRICULTURE PROTECTION BOARD

#### *Membership and Meetings*

Mr. BRYCE, to the Minister for Agriculture:

- (1) (a) Who are the current members of the Agriculture Protection Board;
- (b) what institution or section of society does each member represent?
- (2) How many times did the Agriculture Protection Board meet in the 12 months period from March 1972 to March 1973?

Mr. Davies (for Mr. H. D. EVANS) replied:

- (1) (a) and (b)

Mr. E. N. Fitzpatrick Chairman—Director of Agriculture.

Mr. A. R. Tomlinson Chief Executive Officer.

Mr. K. N. Birks Treasury Department representative.

Mr. W. J. Huxley Farmers' Union representative.

Mr. E. L. Skinner Farmers' Union representative.

Mr. L. McTaggart Pastoralists and Graziers Association representative.

Mr. J. F. Cotter Shire Councils' Association representative.

Mr. J. M. Price Shire Councils' Association representative.

Mr. W. C. K. Pearse CBE Shire Councils' Association representative.

Mr. L. S. Watts Shire Councils' Association representative.

Mr. F. E. Brockman Shire Councils' Association representative.

- (2) Six.

### 4.

### BIRDS

#### *Classification as Vermin*

Mr. BRYCE, to the Minister for Agriculture:

- (1) How many varieties of birds are classified as Western Australian species?
- (2) How many Western Australian species of birds have been declared to be vermin?
- (3) What criteria are normally employed by the Agriculture Protection Board to classify as vermin any particular species of birds?
- (4) How many different species of birds (exotic and local) have been declared to be vermin by the Western Australian Agriculture Protection Board?
- (5) Were additional species of birds classified as vermin by the Agriculture Protection Board in December, 1972?
- (6) If (5) is "Yes"—
  - (a) what were the species so classified;
  - (b) what reasons are offered by the Agriculture Protection Board to justify the classification of these additional species as vermin?

Mr. Davies (for Mr. H. D. EVANS) replied:

- (1) (a) Twelve species of birds are specific to Western Australia.

- (b) There are over 400 native Australian species (including migratory birds) found in Western Australia.
- (2) (a) Three species of those specific to Western Australia are declared vermin, but only in five shires.
- (b) Seventeen species (including the three in (a)) of those native to Western Australia are declared vermin, but eight of these are for limited areas only.
- (3) In the case of established species, an assessment is made of pest status and economic damage caused.

In the case of species not already established in the wild, including birds held in aviaries or not yet introduced into Western Australia, the following factors are considered—

Any known history as a pest, combined with an assessment of the bird's biological adaptability, reproduction and feeding habits.

Where insufficient is known about exotic species, they are considered to be potential vermin until evidence that they are harmless is produced.

- (4) The 17 Australian species mentioned in (2) and all non-Australian (exotic) birds, excepting those species known to be harmless.
- (5) Yes.
- (6) (a) Seven Australian species and those exotic birds not previously declared vermin, which are known to be pests, and others about which insufficient information has been produced to show they are harmless.
- (b) The seven Australian species are pests in their home ranges and the reasons for declaring the exotic species vermin are given in 6 (a).

## 5. MIDLAND JUNCTION ABATTOIR BOARD

### *Membership, and Terms of Office*

Mr. BRYCE, to the Minister for Agriculture:

Will he please indicate—

- (a) the names of the current members of the Midland Junction Abattoir Board;
- (b) the expiry date of each member's term of office?

Mr. Davies (for Mr. H. D. EVANS) replied:

- (a) Messrs. E. H. Wheatley, L. C. E. Hitchcock and W. Pope.
- (b) 8th April, 1978 for each member.

## 6. GARRATT-GUILDFORD ROADS INTERSECTION

### *Remodelling and Redevelopment*

Mr. BRYCE, to the Minister for Works:

Further to my question without notice of 12th April concerning the redevelopment of the Garratt Road-Guildford Road intersection, will he indicate—

- (a) which properties have already been acquired;
- (b) which properties have yet to be acquired?

Mr. JAMIESON replied:

- (a) (i) Whole lots

Lot 354 portion of Swan Location V.

Lot 355 portion of Swan Location V.

Lot 1 portion of Swan Location W.

Lot 2 portion of Swan Location W.

Lot 22 portion of Swan Location W.

- (ii) Part lots

Part Lot 358 portion of Swan Location V.

Part Lot 3 portion of Swan Location W.

Part Lots 4 and 5 portion of Swan Location W.

Part Lot 13 portion of Swan Location W.

- (b) (i) Whole lots

Lot 356 portion of Swan Location V.

Lot 357 portion of Swan Location V.

- (ii) Part lots

Part Lot 350 portion of Swan Location V.

Part Lots 351, 352, 353 portion of Swan Location V.

Part Lots 1 and 2 portion of Swan Location W.

## 7. TRANSPORT COMMISSION INSPECTORS

### *Checking of Farmers' Trucks*

Mr. McPHARLIN, to the Minister representing the Minister for Transport:

- (1) How many inspectors are now employed by the Road and Air Transport Commission?

- (2) Have any additional inspectors been employed since 1st January, 1973?
- (3) Are the inspectors being directed to concentrate on farmers using their own trucks?

Mr. JAMIESON replied:

- (1) 15.
- (2) Two.
- (3) No.

## 8. STATE FINANCES 1970 to 1973

Mr. RUSHTON, to the Treasurer:

- (1) Has he the same financial advisers as the Brand Government?
- (2) Was the 1970-71 State budget prepared as a "balanced budget"?
- (3) What provision was allowed for anticipated increased wage awards?
- (4) Did the Treasury advisers recommend this provision?
- (5) By how much did the actual wage increases result in outstripping the provision?
- (6) What was the actual deficit for the year 1970-71?
- (7) For each of the years 1971-72 and 1972-73 how much revenue has been raised from increased fees and taxes by—
  - (a) the Government;
  - (b) statutory authorities?
- (8) What have been the increased grants and loans received from the Commonwealth Government each year since those estimated for the 1970-71 budget—
  - (a) 1970-71 actual;
  - (b) 1971-72 actual;
  - (c) 1972-73 estimated and actual?
- (9) Since coming to office what is the total of guarantees given or promised by his Government?
- (10) As he persists in statements in the booklet *At the Half-Way Mark—Labor's Achievement in Western Australia* and on other occasions that he inherited a bankrupt Treasury from the Brand Government, will he please substantiate and equate these statements against the background of his Government's proved ability to—
  - (a) raise increased fees and taxes whilst claiming the new fees and tax levels are below those in other States;
  - (b) give substantial guarantees;
  - (c) be in receipt of extensive increased grants and loans from the Commonwealth Government?

Mr. J. T. TONKIN replied:

- (1) and (2) Yes.
- (3) \$10 million.
- (4) Yes.
- (5) More than \$14 million.
- (6) \$4,368,000.
- (7) (a) and (b)

1971/72—

Consolidated revenue fund departments and authorities—\$13.5 million.

Other authorities—\$7.0 million.

1972/73—

Consolidated revenue fund departments and authorities—\$0.5 million.

Other authorities—NIL.

- (8) Grants and loans for general revenue purposes received from the Commonwealth are as follows:—

1970/71—\$170.4 million.

1971/72—\$180.1 million.

1972/73—Budget estimate \$203.6 million. Probable outturn \$202.3 million.

- (9) Excluding seasonal guarantees for grain and seed marketing bodies and borrowings by State authorities which are automatically guaranteed under statute, guarantees totalling \$53.7 million have been issued or approved on behalf of industry or commerce and \$4.1 million has been guaranteed under the Housing Loan Guarantee Act.
- (10) This question is not understood as the matters referred to do not appear to be related.

## 9. IMMIGRATION

*Objectives, and Requests by Employers*

Mr. RUSHTON, to the Minister for Immigration:

- (1) What are this State's objectives towards attracting migrants for the present and the next five years?
- (2) Have employers requested help in attracting migrants with special skills?
- (3) If "Yes" to (2), what is the extent of the special skills requested and what has been the Government's reaction to these requests?

Mr. TAYLOR replied:

- (1) The Government's objective is to recruit migrants from the United Kingdom in employment categories in which there is a demand or a projected demand which cannot be satisfied from local sources. The emphasis on categories and numbers naturally varies from time to time. I understand the

policy has not been varied since the inception of the London office.

(2) Yes.

(3) Specific requests have been received in the following categories:

Bricklayers.

Hard-rock miners.

Armature winders.

Scientific instrument makers.

Diesel mechanics.

Academic staff for W.A.I.T.

Medical practitioners and paramedical staff.

Nurses.

The Government through its State immigration branch arranges advertising, interviewing, counselling and selection in accordance with the criteria and specifications of the respective employers or organisations.

The only exception was that for the category of bricklayers where for a period of time, the Government continued with the policy of the former Government of not actively recruiting bricklayers.

## 10. HOT BREAD KITCHENS

### *Operations*

Mr. NEIL, to the Minister for Labour:

- (1) Is he aware of a relatively recent development of a type of shop or business known as a "hot bread kitchen"?
- (2) In what essentials does this type of establishment differ from a pastrycook's establishment?
- (3) In what essentials does this type of establishment differ from a bakehouse?
- (4) What trading hours control may be exercised over hot bread kitchens and under what authority?
- (5) Has the matter of Saturday operation of these establishments been referred to the Retail Trade Advisory and Control Committee and what, if any, are the committee's recommendations?
- (6) What decisions has he, the Minister, made in respect of the operations of these establishments?

Mr. TAYLOR replied:

- (1) Yes.
- (2) Pastrycooks' establishments which do not bake bread are registered under the Factories and Shops Act as factories and shops. Those establishments which do additionally bake bread require to be

licensed as a bakehouse under the Bread Act. Hot bread kitchens fall into the category of a bakehouse.

(3) The essential difference between a bakehouse and a hot bread kitchen is that the latter does not deliver their products and all sales are made on the premises.

(4) There is no control of trading hours for the sale of goods particular to a hot bread shop as they are exempted goods within the meaning of the Factories and Shops Act and can be sold at any time.

(5) and (6) Application for extended baking hours by hot bread shops is being currently considered by the department. The Retail Trade Advisory and Control Committee which is concerned with trading hours under the Factories and Shops Act would not be concerned as bread can be sold at any time.

I think I detect an error in the answer which I may be able to qualify tomorrow. To the best of my knowledge, only one shop has applied for extension of baking hours, rather than a number of shops as implied in the answer.

11.

## POWER BOATS

### *Minimum Standards*

Mr. MENSAROS, to the Minister for Works:

Would he consider to specify minimum standards for boats licensed to be driven by power and have every boat examined before issuing the license?

Mr. JAMIESON replied:

Recently the Council of the Australian Port and Marine Authorities Association appointed a special sub-committee of representatives from all States to investigate and recommend a model code for proposed control of private pleasure craft.

The recommendation of that sub-committee is expected to cover the items raised by the Member and I will give consideration to them when the recommendations are received from the Association.

12.

## OIL EXPLORATION

### *Teleprint from Commonwealth*

Mr. MENSAROS, to the Minister for Mines:

- (1) Has his department received a teleprint from the Commonwealth Department of Minerals and Energy on the 11th January, 1973 complaining about failure of certain information re off shore

petroleum exploration and threatening action under sections 105 and 122 of the Commonwealth Petroleum (Submerged Lands) Act?

- (2) Would he table the contents of this teleprint?
- (3) Has he complied with the request in this teleprint?

Mr. MAY replied:

- (1) and (2) Yes.
- (3) Not specifically, but all information required has been obtained from the companies concerned.

The paper was tabled (see paper No. 137).

### 13. OIL EXPLORATION

*Information: Request by Commonwealth*

Mr. MENSAROS, to the Minister for Mines:

- (1) What is the response by companies engaged in offshore petroleum research to the manner in which the Commonwealth Minister and Department for Minerals and Energy seek information about exploration?
- (2) How does this attitude of the Commonwealth Minister influence potential future exploration which would benefit the State?

Mr. MAY replied:

- (1) and (2) I am not aware of the Commonwealth Minister seeking information directly from companies. Generally the Commonwealth Department of Minerals and Energy seeks information on petroleum exploration in waters adjacent to Western Australia and no difficulty has been experienced in obtaining the required information from the operating companies.

14. *This question was postponed.*

### 15. MARRIED FEMALE TEACHERS

*Transfer to Temporary Staff*

Mr. E. H. M. LEWIS, to the Minister for Education:

- (1) Are any married women teachers now obliged to transfer from the permanent to the temporary staff?
- (2) If so, in what circumstances?
- (3) Is there any discrimination being practised between married and single women teachers on—
  - (a) permanent; or
  - (b) temporary staff?
- (4) If so, what are these differences?

Mr. T. D. EVANS replied:

- (1) and (2) Yes. Under Education regulations "no female teacher who marries shall continue on the permanent staff unless she undertakes to accept employment and serve the department in any part of the State".
- (3) and (4) There is no discrimination in the nature and terms of employment.

### 16. MUJA POWER STATION EXTENSION

*Reference to State Electricity Commission*

Sir CHARLES COURT, to the Minister for Electricity:

- (1) With reference to the answers given to part (3) of question 15 on Wednesday, 18th April regarding additional generating capacity at Muja, will he please explain the significance of "The location of the plant was the subject of referral from the Government for the commission to consider in the light of the Government's undertaking in connection with finance" and in particular whether this means that this together with the words "The recommendation to install additional plant was initiated by the commission" means that the commission put forward a proposal for an additional plant, but without specifying Muja as the location and the Government then requested the Muja location?
- (2) (a) Was the commission's recommendation for additional plant originally based on Collie coal;
  - (b) if not, what fuel, and what location was envisaged?
- (3) What was the import of the Treasurer's minute to the Minister for Electricity which apparently formed the basis of the location deliberations?

Mr. MAY replied:

- (1) The commission submitted proposals for additional plant and indicated the capital difference which would result if the plant were to be located at Muja instead of Kwinana. The Treasurer reviewed the commission's capital requirements over the period involved and recognised that additional funds would have to be supplied to the commission regardless of which site was selected. In that light, the Treasurer requested the commission to put aside the question of the future availability of capital funds when considering the advantages and disadvantages

of the two locations under consideration and required a recommendation based on the other factors which need to be taken into account, including—

- (a) the cost per unit at the load centre would be the same for both Kwinana and Muja;
- (b) the extra capital outlay required at Muja would be serviced without adding to the cost per unit at the load centre for a station located at Kwinana;
- (c) there would be less dependence on imported fuel oil if the units were installed at Muja.

The Government did not request the Muja location.

- (2) (a) No.
- (b) Fuel oil in the early stage to be followed by indigenous natural gas when available—at Kwinana.
- (3) See (1) above.

## 17. IMMIGRATION

### *Countries of Origin: Commonwealth Policies*

Sir CHARLES COURT, to the Minister for Immigration:

- (1) Does he have information enabling him to clarify the current policies of the Commonwealth Government in respect of migrants from abroad and in particular from—
  - (a) the United Kingdom;
  - (b) continental Europe;
  - (c) India and Pakistan;
  - (d) Africa;
  - (e) Asia;
  - (f) other countries?
- (2) What number of migrants from each of these respective countries is Western Australia expected to receive during this calendar year?
- (3) How many migrants from each of these countries has Western Australia received—
  - (a) in the six months to 30th June, 1972;
  - (b) in the six months to 31st December, 1972;
  - (c) in the four months to 30th April, 1973?
- (4) What representations have been made by the State Government to the Commonwealth to ensure a steady flow of tradesmen from overseas?
- (5) (a) What advertising and other forms of representation and promotion are being engaged

in by the Western Australian Government to attract tradesmen from overseas;

- (b) what results have been achieved;
- (c) to what extent are these efforts by the State and Commonwealth being inhibited or influenced by A.C.T.U. or T.L.C. or any unions within those organisations?

Mr. TAYLOR replied:

- (1) There has been no official advice from the present Commonwealth Government which indicates any variation of the former Commonwealth Government policy in respect of migration from abroad, particularly in regard to entry requirements and country of embarkation. The only apparent variation may be a slackening of publicity to attract migrants. It is expected that Commonwealth policy will be discussed at a conference of Federal and State Ministers for Immigration to be held on the 11th May, 1973.
- (2) I understand that this information has never been available on a State basis but only on a forward projection of the Commonwealth as a whole.
- (3) (a) The Commonwealth Bureau of Census and Statistics advises that permanent and long term arrivals by country of last residence are as follows—
 

	1/1/72
Arrivals—	to 30/6/72
United Kingdom	7,382
Continental Europe	1,126
India and Pakistan	519
Africa	529
Asia	1,430
Other countries	628
	11,614
- (b) and (c) This information is not immediately available, but further inquiries will be made to the Commonwealth and the information will be passed on immediately to the Leader of the Opposition.
- (4) No specific representation has been made to the Commonwealth. However, consistent with established policy which has operated over many years, efforts undertaken by the State Immigration Branch have been directed to those needed trade categories.
- (5) (a) Newspaper advertising and direct promotional activities have been engaged in. For example, advertising from

February has been undertaken at a level comparable with that applicable to the peak demand for labour of the late 1960s.

- (b) Initial response to advertising has been encouraging; however, the ultimate result can only be measured in terms of future arrivals. Some factors apparently inhibiting inquiries are—

(i) A general increase in the wage structure in the United Kingdom.

(ii) A "wait and see" attitude adopted by many as a result of Britain's entry into the European Economic Community.

- (c) I am aware only of a representative of the Building Workers' Industrial Union visiting England during November/December 1972, allegedly to acquaint prospective bricklayer migrants of wages and working conditions in Western Australia which were alleged to compare unfavourably with those operating in the U.K.

No other instances either in respect of the State or Commonwealth are known.

I am advised that the Senior Migration Liaison Officer London advised his office that to his knowledge there was no apparent adverse effect to migrant bricklayer recruitment.

## 18. W.A. ANARCHIST FEDERATION

### *Objectives and Activities*

Sir CHARLES COURT, to the Premier:

- (1) Does his Government know of an organisation which calls itself the "W.A. Anarchist Federation"?
- (2) If he does not, will he make some enquiries about the existence of such federation?
- (3) Who are the principal members of this organisation and what are their professed objectives?
- (4) What information has the Government about the activities to date of this organisation?
- (5) What action has the Government taken in respect of the activities of the organisation, or persons who claim to be members of it in endeavouring to embarrass and intimidate the detective who gave evidence at the trial of Julian Ripley and the detective's family?

Mr. J. T. TONKIN replied:

- (1) Yes.
- (2) Answered by (1).
- (3) Police have names of several members, but no good purpose would be served by giving them publicity at this stage. The objectives of the organisation appear to be to obtain notoriety and reject all forms of authority other than the conscience of the individual.
- (4) and (5) Investigations are proceeding to ascertain if there is evidence of criminal offences.

19. *This question was postponed.*

## 20. SUBURBAN RAILWAY SERVICES

### *Routing and Feasibility Study*

Mr. RUSHTON, to the Minister for Works:

- (1) Will he please demonstrate by diagram how it is planned to route the railways through the city to service Midland, Armadale, Wanneroo and Rockingham?
- (2) Is it part of the terms of reference for the feasibility study for metropolitan rail turn-around terminals to be developed at West Perth/Subiaco, East Perth and Victoria Park?
- (3) If "No" to (2), what are the present terms of reference?
- (4) When was the inclusion of the railway to Leighton or Fremantle included in the study?
- (5) What portion of the P.E.R.T.S. report has been accepted or rejected by the Government?

Mr. JAMIESON replied:

- (1) I am not clear as to the nature of the information the Member is seeking. The Fremantle-Midland-Armadale lines are already routed approximately east-west through the city and will presumably remain so when the central city section is undergrounded. Any north-south line that is built in the future, such as might join Wanneroo and Rockingham, would presumably traverse the city in a generally north-south direction.
- (2) and (3) I am not sure which study the Member is referring to, or what a metropolitan rail turn-around terminal is. The only study I know of is the preliminary engineering and economic feasibility study for the underground central city section of the railway. With permission, I table

the consultants' brief for this study in which facilities called rail turn-around terminals are not mentioned.

- (4) From that point in time when drafting of the brief commenced.
- (5) The Government rejects the P.E.R.T.S. 1970 recommendation that the suburban rail system should be replaced by buses operating on the rail rights-of-way. It believes instead that the railway system should be retained and upgraded. However, the study itself is a most valuable document in that it provides all the background information necessary for rational planning of a regional transport system. One of its recommendations, namely that the 1963 regional road scheme should be slightly modified and phased differently, is already being implemented.

*The document was tabled (see paper No. 138).*

## QUESTIONS (13): WITHOUT NOTICE

### 1. COURTHOUSE

#### *Armadale*

Mr. T. D. EVANS (Attorney-General):

On the 19th April the member for Dale asked me certain questions relating to the establishment of a full courthouse at Armadale. The Chief Hansard Reporter has since drawn my attention to the fact that parts (5) and (6) of the question were not answered. I apologise for that omission. The question was No. 15 on the notice paper of the 19th April. The answer given to part (4) was that the Public Works Department has been asked to examine the feasibility of extending the present premises to provide a court office and magistrates chambers. Parts (5) and (6) of the question were as follows—

- (5) If "No" to (4), will early initiatives be taken to purchase a suitable site at Armadale?
- (6) What is his department's early and long term plans for providing full court facilities to serve this large fast-growing region centred on Armadale?

The answers to those parts are—

- (5) If it is not feasible to add to the present building the Public Works Department will be requested to purchase a suitable site.
- (6) Answered by (3), (4), and (5).

2.

## TOWN PLANNING

### *Arterial Coast Road*

Mr. DAVIES (Minister for Town Planning):

When I was absent on the 11th April a question asked by the member for Floreat was answered on my behalf. Upon checking the answer, I find that it was wrong. The answer given to question 13 (2) (c) on notice was "Yes" when in fact it should have been "No".

Mr. O'Neill: That is pretty close.

Mr. DAVIES: Yes. This arose from an inaccuracy in transcribing. When the question was transmitted by telephone the word "inactivity" was given as "activity". I apologise for the error.

3.

## W.A. ANARCHIST FEDERATION

### *Objectives and Activities*

Sir CHARLES COURT, to the Premier:

- (1) (a) Further to the question on the notice paper regarding the body known as the W.A. Anarchist Federation, is the group of Western Australian University students referred to in *The West Australian* under date the 12th April, 1973, under the heading "Police Raid in Ripley Affair" the same as the group of people who are prominent in the W.A. Anarchist Federation?
- (b) If not, has any action been taken, either through the university or direct through the group referred to?
- (2) What action has the Government taken in connection with the posters in support of Julian Ripley, one of which says, "Julian is Innocent—Kucera lied"?
- (3) What assistance will be given by the Government to Detective Kucera if he proposes to take legal action against the W.A. Anarchist Federation, or whoever is responsible for the posters?
- (4) Has he, or any of his Ministers or departments, seen the publication bearing the endorsement of the W.A. Anarchist Federation, the front page of which has in bold letters, "KING MOB" and the following words—"For those that said it could not be done, the W.A. Anarchist Federation brings you TRAA-LAA edition No. 2 of KING MOB"?

- (5) If so, what action is proposed by the Government?
- (6) Does he not consider the publication offensive?

Mr. J. T. TONKIN replied:

- (1) (a) It is not definitely known who was the spokesman referred to on page 10 of *The West Australian* newspaper of the 12th April, 1973, or which group he represented.
- (b) No action has been taken through the university. Police have interviewed members of an alleged anarchist group and searched premises.
- (2) Police have interviewed members of a group called "The West Australian Anarchist Federation".
- (3) I am not prepared to speculate at this stage.
- (4) Yes.
- (5) Action will be taken if sufficient evidence against individuals can be obtained.
- (6) In my opinion the publications are offensive.

#### 4. BOULDER-KAMBALDA ROAD

##### *Land Resumptions: Legislation*

Mr. HUTCHINSON, to the Minister for Works:

As it appears that the reason for the introduction of the Resumption Variation (Boulder-Kambalda Road) Bill, 1973, is because of the relevant clash of section 15 (3) of the Public Works Act with section 15 of the Land Act, does he not feel that this should be cleared generally rather than by relying on Bills dealing with specifics in the manner of the Bill currently before Parliament?

Mr. JAMIESON replied:

It is considered that the problems associated with the resumption of land for the Boulder-Kambalda Road are unlikely to be encountered again. Therefore it would not be reasonable to amend the Public Works Act or the Land Act to cater for this isolated case.

#### 5. LICENSING COURT

##### *Chairman: Appointment*

Sir CHARLES COURT, to the Premier:

- (1) Is the Premier in a position to say whether a decision has been made, and an appointment made to the position of Chairman of the Licensing Court?

- (2) If so, would he advise the House of the decision and who will be the person to occupy the office, presumably from the 31st May?
- (3) If that person is a member of Parliament, when is it contemplated that member will resign from the Parliament?

Mr. J. T. TONKIN replied:

- (1) to (3) A decision has been made and already made public, but no announcement has been made regarding an appointment to the vacant position. To put it another way, the appointment of the Chairman of the Licensing Court has not actually been made at this date. It is proposed that the Deputy Leader of the Opposition—

Sir Charles Court: I thought he has been keeping something from me!

Mr. J. T. TONKIN: I am sorry, I refer to the Deputy Premier. As a matter of fact, a slip of the tongue is no fault of the mind. By way of explanation, I was thinking of the fact that after I finish answering this question I propose to correct an answer I gave to a question asked by the Deputy Leader of the Opposition on the 19th April. The answer disclosed some discrepancy, for which I apologise to the honourable member.

To return to the question: It is proposed to appoint the Deputy Premier as Chairman of the Licensing Court when the present incumbent of that office concludes his period of appointment, which extends to the 31st May. So the Deputy Premier will take over that position as from the 1st June. No actual date has yet been determined regarding the resignation of the Deputy Premier from his portfolios or from his position as member for Balcatta.

#### 6. CLOSE OF SESSION: FIRST PART

##### *Target Date*

Mr. MOILER, to the Premier:

As the Government has indicated that a visit to the north-west by members of both Houses of Parliament will be undertaken this year, will the Premier kindly advise when it is anticipated the current part of this session of Parliament will conclude?

Sir Charles Court: We were interested for another reason.

Mr. J. T. TONKIN replied: It is intended that in order to make facilities available for that visit, the House will rise on Thursday, the 24th May.

## 7. PRE-SCHOOL EDUCATION

*Financial Assistance: Formula*

Mr. RUSHTON, to the Minister for Education:

- (1) (a) Does the Government support the compulsory attendance of children at school in the year that they attain five years of age?
- (b) When will the change be introduced?
- (2) Does the Government intend to combine pre-school education centres and child-minding centres?
- (3) Will the Government change the present formula for financing pre-school education to relieve parents of the increasing fee burden?
- (4) If "Yes" to (3), what is the basis of the new formula and when will it come into force?
- (5) By what amount will the Kindergarten Association be short of balancing this year's budget?
- (6) What help will the Government give to bridge the gap?
- (7) What extra financial help does the Government intend to give the pre-school education board above that at present enjoyed by the Kindergarten Association?
- (8) For the financial years 1969, 1970, 1971, and 1972, what finance has been provided for pre-school education through the Kindergarten Association, Kindergarten College, and affiliated and unaffiliated kindergarten committees by—
  - (a) the Government;
  - (b) local government; and
  - (c) parents (fee donations, etc.)?

Mr. T. D. EVANS replied:

I thank the member for Dale for notice of this question the answers to which are as follows—

- (1) No.
- (2) The Government will await advice from the proposed pre-school education board before making any decisions on the various pre-school institutions.
- (3) to (7) It is the Government's intention to relieve parents ultimately of the need to pay fees for pre-school education but the extent and nature of financial help from the State Government will be dependent upon the financial provision made by the Commonwealth

through its Pre-School Association. This information is not yet available.

- (8) (a) 1969, \$282,000; 1970, \$319,000; 1971, \$484,283; 1972, \$720,946.
- (b) and (c) Not known.

## 8.

## ABATTOIRS

*Midland Junction and Robb Jetty: Dismissals*

Mr. MCPHARLIN, to the Minister for Agriculture:

I regret the Minister is not in the Chamber at the moment but I would like to ask him the following question without notice—

- (1) How many workers have been dismissed from the Midland and Robb Jetty Abattoirs since the 1st January, 1973?
- (2) What are the reasons for the dismissals?
- (3) Has other work been found for these workers?
- (4) To what percentage of their capacity are the abattoirs working?
- (5) How long is it anticipated that the present position will last?

Mr. Davies (for Mr. H. D. EVANS) replied:

The following answers have been supplied by the office of the Minister for Agriculture—

- (1) (a) Midland Junction—234.  
(b) Robb Jetty—35 employees were given one week's notice on 30/4/1973.
- (2) Reduction in production.
- (3) The management has not found other work for the affected workers.

I suggest if there were work available in the abattoirs the people concerned would not have been put off. It is not the function of the management to find work for them. To continue—

- (4) Midland Junction—about 35% Robb Jetty—40%-45% on sheep and lamb slaughtering with beef and pig slaughtering around normal.
- (5) Until new season's lambs become available in about three months' time.

Mr. O'Neill: You will have to look at the Industrial Arbitration Act Amendment Bill to see whether this can be done.

## 9. LONG SERVICE LEAVE

*Cost to Industry*

Mr. MENSAROS, to the Minister for Labour:

What is the estimated total cost to industry during the next five years as a result of the Long Service Leave Act Amendment Bill, 1973?

Mr. TAYLOR replied:

Reasonable notice was given of this question, but as I indicated to the member for Dale, in order to give a satisfactory answer I ask that the question be placed on the notice paper. It is not possible to answer it satisfactorily in the time available.

## 10. LOCAL GOVERNMENT

*Mosman Park: Library*

Mr. HUTCHINSON, to the Premier:

(1) Did he receive a letter dated the 23rd January, 1973, from the Town of Mosman Park regarding the council's desire to establish, at the earliest possible time, library facilities in Mosman Park, and requesting him to meet representatives of the council for the purpose of discussing the Library Board's advice that there is no possibility of Mosman Park being included in the board's programme before 1975?

(2) Has he replied to this letter and, if not, will he state the reasons?

(3) Will he advise whether he will give this matter his urgent attention in order that the necessary work can be carried out in the next financial year?

(4) If not, why not?

Mr. J. T. TONKIN replied:

(1) Yes, and within a week the letter was referred to the Library Board for consideration and advice.

(2) No, because the suggestions of the council were under consideration and advice thereon had not been received.

(3) and (4) The attached report from the State Librarian explains the position.

*The report was tabled (see paper No. 139).*

11. MARRIED FEMALE  
TEACHERS*Transfer to Temporary Staff*

Mr. E. H. M. LEWIS, to the Minister for Education:

I ask this question of the Minister consequent upon his reply to question 15 on today's notice

paper. To refresh the Minister's mind on the matter the question asked was—

(1) Are any married women teachers now obliged to transfer from the permanent to the temporary staff?

(2) If so, in what circumstances?

(3) Is there any discrimination being practised between married and single women teachers on—

(a) permanent; or

(b) temporary staff?

(4) If so, what are these differences?

The Minister replied as follows—

(1) and (2) Yes. Under Education regulations "no female" teacher who marries shall continue on the permanent staff unless she undertakes to accept employment and serve the department in any part of the State".

(3) and (4) There is no discrimination in the nature and terms of employment.

Does this mean that provided a married female teacher now on the permanent staff agrees to serve the department in any part of the State she would not be obliged to transfer to the temporary staff?

Mr. T. D. EVANS replied: That would be my understanding of that portion of the regulations.

## 12. KINDERGARTEN ASSOCIATION

*Deficit*

Mr. RUSHTON, to the Minister for Education:

I would like some clarification of the answer given to my question without notice today. I asked the Minister in part (5) relating to the balancing of this year's budget of the Kindergarten Association what the Government is going to do about it. I would point out that this is something which is with us now; it is not something on which we can get the Commonwealth to make a decision. Will the Minister tell me whether the Government intends to assist the association to meet any deficit that may accrue this year?

Mr. T. D. EVANS replied:

The Government does intend to help the association, but without having the matter fully researched I am unaware as to what is the

exact amount. If, however, the honourable member is seeking only a reassurance the answer is "Yes".

### 13. STAMP DUTY ON RECEIPTS

#### *Refunds*

Mr. J. T. TONKIN (Premier):

I have already referred to a question asked by the Deputy Leader of the Opposition on the 19th April, the answers to which had an apparent discrepancy. The questions were that on receipt duty to be refunded how many claims were \$50 or less, and what was the total sum and how much is to be repaid? The answers given were \$102,744, being a total of claims received, and \$104,752 was to be repaid. To anyone not knowing the situation it would appear there was something radically wrong here. I referred the question to the Commissioner of Taxation who explained that the way the question had been worded led to this apparent discrepancy inasmuch as some people lodged claims which were supposed to be for \$50 or less, but upon investigation came out to be more than \$50, so they were transferred to another category. Likewise some claims which were made as being above \$50 were found to be below \$50 and they were transferred. So on the amended tables the result was that actually more was paid out in connection with final claims for those under \$50 than the amount which was involved in the original claims which were lodged with the department.

### **DISTRESSED PERSONS RELIEF TRUST BILL**

#### *Report*

Report of Committee adopted.

### **PRE-SCHOOL EDUCATION BILL**

#### *Second Reading*

Debate resumed from the 19th April.

MR. MENSAROS (Floreath) (5.10 p.m.): If one reads the Bill and wants to describe it briefly—

Mr. T. D. Evans: Would the honourable member please speak up; I am finding it difficult to hear him.

The SPEAKER: Order: Would members please be a little more quiet.

Mr. MENSAROS: I will have another try. If one reads the Bill and wants to describe it briefly with particular consideration to the circumstances which preceded

it—and as the measure comes under the portfolio of Education—one cannot perhaps be blamed for using an expression from Horace which states—

*Parturiunt montes, nascetur ridiculus mus.*

When translated this means that the mountains were in labour and yet a laughable little mouse was born.

I have no hesitation in saying that this Bill is no more than a sham or a smoke-screen, particularly when one considers the expectations which preceded the measure and the reasons for wanting this legislation. This would also apply if we consider the Government's appointment of the Nott committee, the inquiries and the report of that committee, and the various statements which appeared in the Press and the announcements made by the Government. It can also be seen as a sham if we consider the public interest surrounding this question and, indeed, the great interest shown by the Kindergarten Association, Incorporated, and everybody connected with the association; and also the announcement that was made before the Bill was introduced and what finally happened when D-Day arrived. One has only to consider these aspects to know that the Bill is little more than a sham or a smoke-screen.

After all the inquiries, recommendations, and preparations that have been made one would expect a Bill to contain provisions regarding matters of grave policy; regarding, for instance, the primary school age, and the provision of buildings and facilities and teachers in pre-school education. One would have thought it would have contained provision for new kindergartens, or that provision would have been made for present plans and future endeavours for increased Government financial participation and assistance towards pre-school education as a whole; or that there would have been some provision for capital expenditure as well as running costs. Not only should some encouragement be given but the Government should also give tangible support to enable more and more parents to send their infants to kindergartens and further to ensure that a greater number of parents are interested in participating in the affairs of these kindergartens or pre-school education centres as they are termed.

In other words, in this Bill one would have expected the Government to implement a comprehensive pre-school education policy for the benefit of the entire State. This is what we expected and, with some justification, sought; but what we have in this measure is nothing of the sort. The measure does not give us a single extra kindergarten, nor does it offer us one dollar more towards the presently existing kindergartens, or the whole of the pre-school education system.

It does not propose to ease the burden on the parents by reducing the amount they presently must contribute when sending their children to kindergarten. It does not offer facilities for those parents who have no nearby kindergarten to which to send their children.

From what I have said it is obvious that the Government has no policy on pre-school education and, furthermore, that it is unwilling to increase its financial participation. In fact, if we read the Bill carefully we find there is no guarantee that the parents' burden will not be increased. Nothing is said about that.

The Government has no intention of encouraging or increasing the parents' participation in the administration of kindergarten affairs and the whole field of pre-school education. The Bill contains nothing but so many words about the procedural rules of the board which will be established, its composition, affairs, and duties, and all the rest of the paraphernalia entailed. It is not more, but rather less, than a by-law or the constitution of the Wagga Wagga Amateur Football Club or something. In fact, if one compares the Bill with the present existing constitution of the Kindergarten Association of Western Australia, Incorporated, one would, I suggest with respect, consider that the latter is a much better document and that it contains many more provisions on how to conduct the affairs of the organisation in question.

Furthermore, certain provisions in the Bill are quite confusing and many are lacking description concerning what shall be done. Also reference is made to regulations at the end of the Bill as well as to those included in various other clauses in the Bill. Details concerning the regulations at the end of the Bill are enumerated and the regulations therefore restrictive. The regulations referred to throughout the Bill can be brought down by the Minister, and not by the board, although the latter interpretation could stand as well.

The long and short titles of the Bill and some remarks of the Minister are not factual but are, indeed, misleading. Let us consider the long title. It states—

A Bill for an Act to establish the Pre-School Education Board of Western Australia—

which is correct. To continue—

—to provide for the dissolution of the Kindergarten Association of Western Australia, Incorporated—

which is also correct. To continue—

—and for the discharge of the former functions of that Association—

So far it is correct; but then it says—

—to make provision for the maintenance and extension of pre-school education facilities . . .

I challenge any member to detect a single provision in the Bill which deals with the maintenance or the extension of pre-school education facilities in this State. The Bill contains not a single provision for this; yet this is what is suggested in the long title of the Bill.

Mr. T. D. Evans: Have a look at clause 6.

Mr. O'Neill: That is a bit airy-fairy, too.

Mr. MENSAROS: I have made a note alongside clause 6 because I anticipated that the Minister, being as quick as he is and having a good comprehension, would make exactly that interjection. Beside clause 6 I made a note to the effect that paragraphs (f) and (g) could possibly fit that description in the long title. However, let us read clause 6, as follows—

6. (1) The functions of the Board are—

....

(f) to endeavour to elevate the status of pre-school education and to advance the welfare of the pre-school child;

Must we legislate for a statutory board when its function is to endeavour to do something? With due respect I suggest this is ridiculous. We all endeavour to make available better facilities for kindergarten children and furthermore I say not if, but when, we become the Government we will establish a policy for this purpose.

Mr. T. D. Evans: You did not have a policy up to the 19th December, 1970.

Mr. MENSAROS: Paragraph (g) reads—

(g) to work towards the objective of general availability of pre-school educational facilities for all children without cost to the parent; and

That is a very laudable aim. However, the Bill states that a statutory board is to be established in order that it might function and work towards a certain objective. The board is to work towards the objective, but no provision is made in the Bill for the board to obtain a single cent, let alone \$10,000, \$100,000, or \$1,000,000 in order that it might achieve that objective. So the board can work towards the laudable aim—full stop. The legislation contains nothing more than that.

I am grateful for the Minister's interjection because I might have forgotten those important points. That portion of the long title does not cover what is in the Bill. It is a very good headline as were the announcements concerning the preparation of the Bill. It has a very good stirring effect for the Government to say to the public, "Here we are. We care for pre-school education." But what has been the result?—merely a by-law to regulate the procedural methods of a board. This is all the care the Government has for

pre-school education. The short title does not describe what is in the Bill either because the short title reads, "Pre-School Education Act." However, the Bill contains nothing about pre-school education. It would have been correct to call the legislation the "Pre-School Education Board Act" because that, exclusively, is what the Bill deals with.

I do not blame the Minister for his enthusiasm about the legislation. He said—

... it is with equal conviction and pleasure that I move—

That the Bill be now read a second time.

I think the Minister could have much more conviction and pleasure concerning serious policy matters than about this piece of legislation. As I mentioned before, this Bill has been introduced as a result of a commendable inquiry by the Nott committee established by the Minister. We did not quarrel with that inquiry and we received the recommendations and read them.

I am not suggesting for a moment that the Government should accept all the recommendations of a board of inquiry it has established. This has never been done and probably never will be done, and rightly so, because the task of governing is that of the Government. However, when we read the document, as those who are interested in the subject obviously have, we find it contains four groups of references in regard to which some sort of recommendations are made. However, the Bill before us deals with only a small portion of those recommendations which the Minister proudly read. Having read them, he promptly ignored them and has submitted proposals which are not in line with the recommendations.

I repeat that the Government is not obliged to accept all recommendations, but neither is it desirable to give the impression in Parliament—which, with due respect, I suggest the Minister has done—that, with a few alterations, the Minister has accepted the recommendations in the Nott report. As we will see in due course, he did nothing of the sort. He actually disregarded the essential recommendations which contain policy and they would have been something concrete with which we could deal. He merely referred to this particular procedural by-law which will govern the statutory board to replace the Kindergarten Association. Mind you, the Nott report stated—and the Minister read this out—that the Kindergarten Association of Western Australia should continue to be the major agency for the administration of pre-school education in this State. That was the recommendation, but not only does the Bill replace the management committee of the Kindergarten As-

sociation with a statutory board; it also does away with the whole association. It will be defunct and will be replaced by a board if the Bill is proclaimed as an Act.

The Bill contains nothing parallel with the Kindergarten Association except a foggy concept of council or conference which must be held twice a year at least and in which two delegates of all the affiliated and approved pre-school education centres can participate.

No attempt has been made to define the powers and rights of the council to be constituted, so by no means could we say that it will replace the Kindergarten Association as such as suggested by the Nott report.

Not only does the Bill make the Kindergarten Association defunct, but it also takes away the decisive participation of the parents in the decisions of the board, and therefore in the affairs of pre-school education. Not only does the Bill not provide for some money for pre-school education, but it also gives the kindergartens less representation and takes away the money they have. The money will be given to the board. The Government says to the parents in the association, "So far you have administered the affairs of the Kindergarten Association, but now you will graciously have a minority position on the board and you will sit with all the others I appoint according to the wisdom of the Bill."

If the Bill had contained the provisions we expected, or provided some tangible evidence of proposed Government assistance to pre-school education in order that kindergartens might be erected in areas where they do not now exist, and had indicated in even the smallest way the Government's willingness to assist—because I realise finance is a problem—we would believe the Government was justified in replacing the voluntary and private association with a statutory board.

I have not participated in the discussions which preceded the drafting of the Bill; neither was I advised what the discussions were, but I can imagine the contention which existed. If the Government were advancing money, it would be justified in wanting to care for it, and in having good representation. But what is the situation? The present assets are to be taken from the association, and a new board to be established will take over the assets. The representatives of the pre-school centres or kindergartens will be in a minority on the board.

I feel the Minister did not tell us everything when he paid compliment to those who participated in the preliminary discussions. The Minister said that, arising from those meetings, it was determined that a board smaller than that outlined by Magistrate Nott should be established

on the understanding that the board would be expected to form expert committees of persons who were not necessarily members of the board.

The Minister stressed only one aspect; namely, the Government should depart from the Nott report recommendations and form a smaller board. How small will the board be? The Nott report recommends a board of 12. The Minister has suggested that the board should comprise 11 persons, although the number could be 12 for the first two years if the Minister happens to appoint as chairman a person who is not a member of the board. If such an appointment were made for the first two years there could be 11 plus the chairman on the board. If the Minister happens to appoint as chairman a member of the board the committee will stay at 11. Consequently, the committee may be reduced optionally by one and it could be the same number as that recommended by Magistrate Nott.

The Minister did not say anything at all about whether it was also agreed, at the meetings, that the representation of the parents should be reduced to a minority. I would be grateful to the Minister if he were to tell us in reply whether, in fact, this was agreed at the meetings. Did the parents voluntarily give up the right of majority representation and will they be content in having a minority role on the board? I doubt that this was the case. Representation has been made to me from at least one participant in these discussions and, as I understand it, this was not the situation. I believe that agreement was never reached to reduce the representative role of the parents to a minority.

Quite apart from the composition of the board, the provisions of the Bill are a foggy mixture dealing with pre-school education, as we have always understood it, and many other aspects of infant welfare. The Bill refers to health, care, guidance, and child minding.

Mr. T. D. Evans: To my knowledge the term "child minding" does not appear in the Bill at all. I would be grateful if the honourable member could tell me the page number and line.

Mr. MENSAROS: I am reasonably sure on this point. What I do not like is that the legislation will bring under the auspices of the board many aspects of infant welfare which are quite outside our understanding of pre-school education. This is quite clear from the definition of "pre-school education centre" which reads—

"pre-school education centre" means an assembly at appointed times of three or more children over the age of three years but under the normal age of admission to a State primary school for the education, guidance and care of those

children, but does not include an assembly of children all of whom are members of the same family or of not more than two families;

This definition proves my contention that the Bill mixes up pre-school education, as we all understand it, with many other aspects. It could result in quite a ridiculous situation, bearing in mind that a later clause stipulates that pre-school education centres must operate under a permit.

Let us think of a quiet suburban street where the people are neighbourly and friendly. Four families could decide amongst themselves that, say, Mrs. Jones will mind little Billy while Mrs. Smith goes out to part-time work. The next day Mrs. Jones, say, wants to play golf and the children will play somewhere else. I grant that the definition includes the word "education" but if a person were to give the children squeaky toys of the kind used in kindergartens, according to the definition that place could be termed as a pre-school centre.

Mr. T. D. Evans: Does the honourable member know the meaning of the legal principle of the *ejusdem generis* rule?

Mr. MENSAROS: Of course I do.

Mr. T. D. Evans: I thought you would know it. If you do, you should not make that point.

Mr. MENSAROS: I am glad the Minister is arguing that way because it means, as I suspected, that he does not wish to mix up pre-school education, as we understand it, with other aspects of infant welfare. If this is so, he should be happy to accept my amendment which, if adopted, will take away my hesitation and confine the definition to the subject of education.

I will elaborate upon this point in Committee, but I will try to raise the number of children at a pre-school education centre from three to eight for the simple reason which I gave, by way of example, a few minutes ago.

Mr. T. D. Evans: Do not forget to draw my attention to where the term "child minding" appears in the Bill. The honourable member undertook to do this.

Mr. O'Neil: It is covered in the interpretation by the words "care of those children".

Mr. T. D. Evans: I said "child minding".

Mr. O'Neil: A little pedantic!

Mr. MENSAROS: The definition refers to child care.

Mr. T. D. Evans: The honourable member is not careful with the words he uses.

Mr. MENSAROS: The question is whether we argue about the words or the concept. I do not want to see the board charged with anything other than pre-school education. I certainly do not want to see it charged with child care, child

mind, and child health, whichever words are chosen to express these functions. I have good reasons for saying this.

As I have pointed out, the Government obviously has no policy. The reason is, it waits for Big Brother to tell it what to do. The Government waits for Canberra to say, in a manner inconsistent with section 51 of the Constitution, what it should do. The Minister for Labour had more courage in that he introduced the Long Service Leave Act Amendment Bill before Mr. Cameron had made up his mind.

Mr. Rushton: He did not want to.

Mr. Taylor: Give me some credit, please, because you started off in a complimentary way.

Mr. MENSAROS: The Minister for Education does not have a policy and must wait for Big Brother to tell him what the policy will be.

Mr. T. D. Evans: How insidious can you be!

Mr. MENSAROS: I am suspicious about Big Brother's policy. The Federal Government may allocate some money to kindergartens but we could then well see a kindergarten established to accommodate 1,000 children who must travel by bus to that kindergarten. I would not have a bar of that. We want to be quite sure that the legislation provides only for education in kindergartens as we know it to date.

The Minister argued, by way of interjection, that I used the wrong words. I assume he agrees with me that the Bill should not extend the powers of the board over and above pre-school education.

Mr. T. D. Evans: I was criticising your using words which do not appear in the Bill and referring to them as if they do.

Mr. MENSAROS: I have explained my contention to the Minister and, if he understands me, we are on the right track. Previously I said that the legislation would place parent representation in the minority. It will do this, because the Minister proposes that there should be six appointed members and five members representative of the parents. The attitude of the Opposition to this representation is expressed in an amendment. I apologise to the Minister for not having had the opportunity to place it on the notice paper. Perhaps he will appreciate that he moved the second reading just before the Easter holidays. Obviously we had to study the Bill and ask for various opinions. By the time this was done, there was not time to put the amendment on the notice paper. I have photostated a number of copies which are available.

I would like briefly to explain the amendment. In general terms members of the Opposition deplore the lack of policy and material provisions in the legislation.

As I have said, we will remedy this next year in Government when we will have a positive policy on pre-school, primary, secondary, and tertiary education.

As to the rules—the contents of the Bill—members of the Opposition accept the concept because we understand that agreement was reached between the existing association and the Minister to replace the board of management with a statutory board. The Minister intends to replace the whole association, but apparently there is no objection to this.

We will not oppose the second reading but will seek to amend the Bill, in Committee, along the lines I have mentioned. The most important amendment, which I may as well explain now, is that the board should have a majority of parent representation. If we agree with the contention that the board should be smaller than that recommended in the Nott report and be of a workable size—which was always the contention of the member for Moore—it is possible to amend the Bill without rewriting it. My amendment proposes to reduce the number of appointed members from five to four. I suggest that we should leave the chairman to be elected in the manner provided for in the Bill. Time did not allow me to draft an elaborate series of amendments and to provide for an independent chairman which, I think, would have been the better course.

The Bill provides that the chairman shall be appointed, in the first instance, from the board members or outside of them. Later he will be chosen by the board members from amongst those members. Accordingly, the chairman's voting rights will change.

To achieve this objective we propose to omit two categories of the appointed members. The first category is set out in clause 7 (5) (a) (ii) which reads, in part—

- (ii) one shall be a person who is a graduate in the field of pre-school education of an institution which provides teacher training in that field in a manner that is approved by the Australian Pre-School Association, nominated on the recommendation of the Pre-School Teachers' Union of Western Australia . . . .

Representation has been made to us by the Kindergarten Association. In this respect those who took over the management last year, the present executive of the Kindergarten Association and those who were "taken over" were in complete agreement. They all said they would not like to see a kindergarten teacher appointed to the board. The Government stipulates, in the legislation, that the teacher should be nominated on the recommendation of the Pre-School Teachers' Union of Western Australia. This is the

most important point, from the Government's point of view, and not the fact that the person would be a teacher.

As I have said, this would be a board of management of employers; they would employ teachers to work in kindergartens and would look after the kindergarten teachers' training college. Therefore, I cannot see why a teacher, an employee of the board, should be on the board of management. There will be ample opportunity to appoint such a teacher—or any other teacher, if it is so wished—to a subcommittee, by the resolution of the board or by the Minister's direct wish. The Bill provides that any member can be appointed to such a committee to assist with the work of the board on matters calling for expert advice. We seek to delete this category in an attempt to bring down the number to four.

The other category is (iv) which reads—

One shall be a paediatrician, or a person who has professional expertise in child health or child care . . .

Again we have the words "health" and "care". That is fair enough, but it departs somewhat from education. Rather than amending the Bill by submitting four new categories to achieve this result, I suggest the board should consist of four Government appointees and five representatives of the parents. We will therefore seek to omit these two categories.

The other amendment we seek may not have the complete approval of those involved in the Kindergarten Association. However, I believe it would be the fairest solution.

Members who have taken an interest in this matter will recall that we have had controversy in the kindergarten field for the past 12 months or so. At the last annual general meeting of the association, on the recommendation of an active group of parents, the management of the executive was drastically changed. Indeed, I believe only one member of the old management was elected to the new management. Quite properly, these people have discussed the matter with the Minister in order to improve pre-school education. The Minister solved the problem of parent representation for the first two years, or for a period he will lay down, by providing that the existing management committee of the Kindergarten Association should elect the first representative members. I believe this involves 17 members at the present time, eight of whom are elected by ballot.

Just recently, in fact the day before the Bill was introduced here, some attempt was made to persuade the Kindergarten Association, at a special general meeting called for the purpose, to suspend the constitution in order to cancel the annual

general meeting. When this Bill is proclaimed, there will be no need to elect office bearers because the association will be defunct.

If we adhere to the method of electing parents' representatives, as suggested in the Bill, we will then face a difficult situation. We must bear in mind there was controversy and not unanimity at the last special general meeting of the association. Members at the meeting were divided into two groups. The Minister may support one group and say to these people, or some of them, that they would automatically become members of the board for the first two years. So I searched my mind for the fairest solution, bearing in mind that the members of the Kindergarten Association must be fully aware of what is proposed. Another management committee should be elected and, as the Minister suggests, this committee could elect its own members. I am quite flexible about this suggestion, but I put my idea forward as I believe it would be the fairest method to adopt.

The proposed amendment is an attempt to inform the members of the Kindergarten Association of the course to take. At its general meeting on the 11th June, the members should be elected according to its constitution. Some members will be elected at the meeting, eight members will be elected by ballot, and members of the association will know that those so elected must then choose five representatives for the board. The Minister may know of a fairer way to accomplish this, but I do not believe he should take sides where there are two conflicting groups of people. One group won a year ago at the election, and it appears that the other group won just a few days ago, because the meeting would not accept the proposition to suspend the constitution and not hold an annual general meeting. It does not seem fair to allow one group to provide the representatives to the board.

I put my submission forward as a solution to the problem. I could have sought an assurance from the Minister that he would not have the Act proclaimed before the 11th June, but this would not clarify the position in the minds of the members of the Kindergarten Association. The association should elect representatives for the sole purpose of these representatives being elected to the board. As I say, I am not inflexible in my approach to the problem, but I hope the Minister will see the fairness in my proposition and will deal with the matter accordingly.

The next proposed amendment is my submission to delete the reference to other than pre-school education. I referred to this at the beginning of my comments; I do not wish to repeat all my remarks but I wish to stress—while trying to avoid a controversy over words—that we do not

like the inference, reference, or implication about any other than pre-school education as we know it now in the kindergartens. I endeavoured to explain to the House that the definition could result in quite stupid situations. I gave the example of neighbours who care for each other's children and are obviously doing something which could be interpreted as pre-school education. There is a minor technicality and I believe it is solved by the reference to the Interpretation Act.

However, contrary to other legislation, this Bill simply refers to "the Minister". I believe this should be worded, "the Minister for the time being in charge of the administration of the Act", as this makes for clearer understanding than reference to the Interpretation Act.

I propose another amendment in line with the principle I espoused previously, that no employee of the board should be eligible for membership. Parents' representatives should be elected with the idea that no direct employees of the board should be eligible for election, otherwise we will have a farcical situation.

One of the final points which is important in this respect is the provision—and quite frankly I do not know why this was included—in clause 34 of the Bill which requires every pre-school education centre to apply to the Minister for permission to operate. We have to understand here that the Bill provides for the approval of kindergartens. Previously kindergartens were controlled through the association or remained outside it, but the legislation before us provides that a permit will have to be granted for one year for all. Kindergartens, or to use the correct term "pre-school education centres", are not compelled to seek approval. However, even if they are prepared to operate outside the board, they are compelled to seek a permit.

Two things come to my mind about this, and I ask the Minister to correct me if I have misinterpreted the legislation. I believe this is a direct repetition of part of the Education Act which provides for the same permit to be given without the right to revoke it. I cannot quote the section of the Act at the moment.

Mr. E. H. M. Lewis: Section 34A.

Mr. MENSAROS: I thank the member for Moore. Will the pre-school education centres be compelled to register under the Education Act as well as under the Pre-School Education Bill?

Mr. T. D. Evans: I would like to inform the honourable member that subsequent to the passing of this legislation it is intended to amend the Education Act by deleting section 34A.

Mr. MENSAROS: That answers my question. However, the granting of the permit and the conditions laid down are different from those in the Education Act.

A group of people may wish to operate outside the board, and I can see many reasons for this.

The SPEAKER: Order! There is too much audible conversation.

Mr. MENSAROS: Some people may say that they wish their children to be in kindergartens with only 10 or 20 children to a class. They may decide to build their own kindergarten, perhaps with the assistance of the local Rotary Club or some similar organisation. These people may not mind paying extra to have their children in kindergartens of this type. Such a kindergarten would be subject to permission, and permission would have to be sought every year. People investing in a kindergarten would have no protection. The Minister has not said that he would refuse such a permit, but it may be that a socialist successor of his may decide to do so. It is my view that the writing is on the wall in these matters. Such people would not be prepared to invest \$10,000, \$15,000, or \$20,000 without the security of a long-term permit. Different conditions may be laid down over the year, and these people would have to comply with them. Another Minister may have different views and he may say, "I will not have a bar of you; you will not get your permit renewed."

Such a kindergarten would not be permitted to function without a permit, and the moneys invested would be lost. I wish to amend the legislation to provide that the permit will not be revoked as long as the kindergarten operates under the original conditions. This is a very fair proposition, because, as I said, no-one would invest in a kindergarten which had only a one year tenure. A kindergarten is not built for one year—it is built almost for perpetuity.

Other provisions will create some confusion and misunderstanding, and I will bring these to the attention of the Minister, although I do not intend to seek amendments to cover all these matters. It was pointed out by the member for Moore that in clause 25 the board may designate a person to act as the secretary of the board, and that the person so designated shall be chief executive officer of the board and shall be entitled to attend all meetings, and so on. I believe this is a very fair provision, except for one point. I intend to move an amendment to the effect that the board shall appoint a secretary. We must remember that the board will handle large sums of money, and the Bill provides that the board must submit a budget to the treasurer each year. An executive officer should be appointed to the board under the policy makers.

Clause 27 (1) reads as follows—

Subject to the provisions of this Act and to the approval of the Minister, the Board may engage under contract of

service a Secretary and such officers, teaching staff, and other employees, as may be necessary to enable the Board to carry out effectively its functions under this Act.

To my mind there is confusion, because clause 27 refers to "Secretary", spelt with a capital "S". I think it should be spelt without a capital. The only thing which might put the position right is the sidenote to the clause—"Staff". As I have pointed out, clause 25 refers to "Secretary of the Board" and clause 27 refers to "Staff". I have not proposed any amendment, but it stands to reason that the secretary referred to in clause 27 should not be spelt with a capital letter.

Clearly clause 25 deals with the chief executive officer of the proposed board, and he is to be termed "Secretary" whereas clause 27 deals with the staff which as the board develops will be engaged. Even a treasurer may have to be engaged. How could the members of the board, who are charged with policy making, be expected to understand what is to be done when the Auditor-General tells the board that the accounts should be kept in a certain way. So, as the board develops it will require some staff. This is a minor point which I am raising, and which in some way should be cleared up.

The voting method is not specified exactly in the Bill. Having witnessed the great interest which is displayed by parents in kindergartens, such as their attendance recently at packed meetings, in my view the Bill should contain provisions dealing with the election of future representative members by ballot.

In this connection the constitution of the Kindergarten Association describes the method precisely. What does the Minister have in mind in regard to the election of representative members? He will, no doubt, suggest this will be done in the prescribed form, but it is important to set out what the system of election shall be. Would it be on the Borda system with all the names of the candidates receiving a number against them? Would it be on the preferential system which, to my mind, is more desirable? Would it be on the first-past-the-post system in respect of the five members to be appointed? I should point out that in the case of these five members there will be an overlapping period of 18 months. The method of election should be spelt out clearly.

I have attempted to prepare an amendment in this regard, but I do not intend to adhere to it very strictly. Would the Minister consider it a fair method to conduct these elections in the preferential way?

The constitution of the Kindergarten Association provides that each affiliated body can nominate two representatives for the eight positions. However, the Bill does not provide that each approved body shall

nominate two representatives. Neither is it quite clear who has a vote. Am I to understand from the Minister's speech that each kindergarten or pre-school education centre will have one vote in ballots for the election of representative members? I could not ascertain the position from perusing the Bill, and it seems to be rather ambiguous. Previously these bodies had one vote each, and they were able to put up two candidates. Under the Bill they will be able to put up as many candidates as they desire.

Mr. T. D. Evans: I refer you to clause 7 (4) of the Bill which refers to the definition of representative members, eligibility to vote, and election to the board.

Mr. MENSAROS: That clause contains the provisions under which a person may be elected as a member to the board; but I am now referring to the election of members as prescribed in clause 11. This clause does not clearly prescribe that each approved body shall have one vote, or that each parent shall have a vote. Neither is it clear as to how the two representatives are to be appointed to the council.

It is of interest for me to point out that clause 31 (2) contains a backdoor method to enable the Treasurer to become the banker of the board, because it provides that the moneys of the board can be paid into an account at the Treasury and can be withdrawn, so that in fact the Treasurer will be a banker. Whether the board will receive interest on the money so lodged I do not know.

I would also say that the appointment of an independent chairman is justified, but I am not very firm on this view and I appreciate the work which has gone into the drafting of the Bill. For that reason I have not attempted to make an amendment in this direction. I now refer to clause 11 (6) (b) of the Bill; this refers to the definition of "representative members". Under this provision it is possible for the board to finish up with all the representatives being teachers, and not to include any parents.

To conclude my remarks I would say that in general I do not consider this Bill to be a very good piece of legislation; I definitely regard it as not standing up to expectations. In fact, it does not contain any policy at all. It simply contains a set of rules as to how the board shall be constituted, and how it shall conduct its affairs.

As I mentioned previously, this lack of policy cannot be attributed to anything else; but if it is anything else I would be glad to hear about it from the Minister. This is, in fact, a delaying tactic waiting for Big Brother—the Commonwealth—to tell the State Government in a field belonging entirely to the State, how the State is to conduct itself. There is a

clause in the Bill which provides that the board may use Commonwealth money, but it quickly points out that the board can only use it under the conditions laid down by the Commonwealth—as though the Commonwealth does not make its conditions clear enough. However, the Minister is making doubly sure, and is thus protecting his Big Brother by saying to the board, “If you receive money from the Commonwealth you will use it in the way the Commonwealth wants you to use it.”

I could go on speaking about the advantages of kindergarten education and the job which the Government has before it. I realise this is not a job which can be done quickly. I am quite sure that the member for Moore who has far greater experience than I in these matters will dwell on this aspect of how many more kindergartens and teachers will be required if we are to provide 80,000 children with pre-school education—children who do not at the present time have the opportunity to attend kindergartens.

Having said that I support the second reading, but I am somewhat ashamed of the Government and sorry for the State of Western Australia.

**MR. E. H. M. LEWIS (Moore)** [6.08 p.m.]: The Bill has one main objective—the setting up of a pre-school education board to replace what is now known as the Kindergarten Association in the administration of pre-school education in this State.

We should bear in mind that this is a rather rare opportunity for members of the House to discuss the subject of pre-school education. Indeed, since I have been a member I cannot recall when we previously had the opportunity to participate in a full-dress debate on pre-school education. I am disappointed that the Minister did not seize this opportunity to tell the House something of what he feels or what his advisers feel. It is not necessary for the Minister to hold views consistent with those of his advisers, but he should tell us what are his views on pre-school education. However, the Minister has said nothing about this.

Indeed, he had nothing to say about the administration of pre-school education in this State which since 1912 has been conducted firstly by the Kindergarten Union and more recently by the Kindergarten Association. In my view those two bodies have done a magnificent job, bearing in mind the insistent demands by many people for the provision of more and more kindergartens. In turn, these demands have led to requests for more and more kindergarten teachers.

Bearing in mind the limited resources that are available to the association to carry out this work, I would have thought the Minister would have expressed some

words of commendation of the association in this rare opportunity for us to participate in a debate on pre-school education. Instead, the Minister confined his speech to an explanation of the Bill. As the member for Floreat pointed out, the measure deals with only one recommendation of the Nott report. The Minister concluded his second reading speech by saying—

I commend the Bill to the House as a sincere and genuine attempt to regularise pre-school education in this State in a manner largely consistent with the recommendations of the Nott report.

The Minister did not say whether he believed in the Nott report; he merely said he was bringing the Bill in because the Nott report recommended this to be done. I think the House deserves something more than that.

**Mr. Bertram:** What is the inevitable inference to be drawn from the Minister's remarks?

**Mr. E. H. M. LEWIS:** There is no inference to be drawn from his remarks. What I would like to know is whether the Minister is introducing the Bill because he believes in it, or his advisers believe in it. The Minister has not told us about that. In fact, the Nott report recommended something different from what the Minister is seeking to do. That report recommended in very strong terms that the administration of pre-school education in this State remain with the Kindergarten Association, and that a statutory board of management be constituted.

I am not so sure that I would have adopted this recommendation, because I do not know whether it would be a tenable proposition; that is, where a statutory board of management is established within the framework of an organisation which is a non-Government body.

**Mr. T. D. Evans:** You are quite right. You have hit the nail right on the head. That is the reason.

**Mr. E. H. M. LEWIS:** The Minister has said that I am quite right.

*Sitting suspended from 6.15 to 7.30 p.m.*

**Mr. E. H. M. LEWIS:** Before the temporary suspension I had contended that the reason the Minister had not adopted the recommendations in the Nott report was that it would be an untenable position for the Government to set up a statutory board of management under the administration of the Kindergarten Association which was a non-Government body. By way of interjection the Minister agreed with my contention, and agreed that I had hit the nail on the head. It is therefore interesting to remind members that the Nott report was presented in September

I have with me a copy of *The Western Teacher* dated the 26th April, 1973, in which appears a report of a reply to a letter sent to the Minister on the 2nd February. The report in part, is as follows—

The Government accepted the principles underlying the recommendations in the Nott report, the Minister said.

It wholeheartedly endorsed the recommendation that the Kindergarten Association should continue to be the agency through which pre-school education in Western Australia should be administered. It also agreed with the suggestion that a statutory board should be constituted to replace the present board of management.

Indeed, I had previously written to the Minister seeking his intention. I will not quote the Minister's reply because it is consistent with the letter he sent to the Teachers' Union.

It seems that in the time since he replied to the Teachers' Union—and since he replied to me on the 31st January—either the Minister or his advisers have discovered the dangers inherent in adopting the proposals set out in the Nott report. I do not blame the Minister in this respect.

Mr. T. D. Evans: It was only a question of trying to implement the Nott report, in that regard, in legislative expression. It was found not possible to do that.

Mr. E. H. M. LEWIS: That may be so, and I can appreciate the difficulty involved. However, I am surprised that somebody had not looked at the Nott report in the period since it was received in September and the end of January and woken up to the difficulty involved in implementing the suggestions.

Mr. T. D. Evans: It was the drafting of it. There was a conflict between the proposed legislation and an existing Act of Parliament.

Mr. E. H. M. LEWIS: Very well, but even in the drafting of the measure apparently the Minister did not inquire as to whether it could be done legally and in a proper form. The Minister had already stated to the Teachers' Union and myself—I do not know whether the Kindergarten Association was also informed—that the Government was prepared wholeheartedly to endorse the recommendations in the Nott report. However, the legislation which was ultimately drafted shows a change of thought. I do not hold this against the Minister because anyone can change his mind, especially when he has acted on the advice of somebody else. The Crown Law Department, or perhaps the Minister himself, has obviously questioned the wisdom of implementing the recommendations in the Nott report and the difficulties which could arise.

He did have some warning because a committee of inquiry was set up, and the Minister has also told us that the Kindergarten Association was brought into consultation. We have now been advised that there has been a change of thought in this matter. I repeat: I do not hold this against the Minister. I think he came to a wise decision, ultimately. However, it is a pity this matter had not been looked at more carefully at the start.

Let us look at the situation, and examine the history of pre-school education or, more particularly, the history of the administration of the Kindergarten Association—previously the Kindergarten Union. I have already stated that the Kindergarten Association took on the responsibility of pre-school education in 1912 when one centre was established to cater for 32 children. I will not go over the whole history of the 60 years which have elapsed since then, but in 1972 there were 186 centres—almost half of them in the country—teaching 9,500 children. A total of 3,300 of those children were in country areas. The number of teachers employed in 1972 was 280.

In view of the great progress in this field—despite the lack of finance—why was it necessary to set up a committee of inquiry into pre-school education in Western Australia? I do not profess to know all the reasons, but I do know that the association was experiencing increasing difficulty in financing its programme of teaching the teachers, first of all, and in its general administration. The association supplied the teachers and the facilities necessary for the increasing demands in this State.

The situation was reached where the parents were faced with ever-increasing fees, and this gave rise to much dissatisfaction amongst the parents. The Parents Action Group—I think it was called—was set up and because of the constitution of the Kindergarten Association, whereby it was possible for anyone to have a vote on the payment of 50c, the Parents Action Group succeeded in filling 14 out of the 15 vacancies which occurred last year. Those 14 people, up to that time, had not been members of the board of management. As a result of that action the Minister—and many other people—realised that all was not well with the Kindergarten Association. It was obvious that the association was running into difficulties and something had to be done about it.

The Minister appointed Stipendiary Magistrate Nott to inquire into pre-school education in this State. He was appointed in May, 1972, with very definite terms of reference. I have no fault to find with those terms of reference. As members have access to the report I do not propose to quote them.

Mr. Nott presented his report in September. As he stated himself, the inquiry took four months to conduct and I suppose the

last few weeks were involved in writing the report. Magistrate Nott came to some very definite conclusions and he commences his report by saying that he departed from the terms of reference. In my opinion, he departed very much in some respects. I also find that some of his terms are rather ambiguous.

First of all, he was looking into one small area of education and on page 1 of his report he states—

... an area which I consider, after studying the submissions made, has been seriously neglected in past years.

Referring to the same matter, at a later stage of the report he says—

... any such suggestions should be considered in the light of their contribution to solving the very pressing and patently obvious deficiencies presently existing in pre-school education in this State.

He then discusses the main problems. He also points out that this is one isolated area of education and that assistance had been given for primary and secondary education at the expense of pre-school education.

Still later in his report he points out what should be done for children in their fifth year. I think he is referring to the year during which a child turns five. My understanding of the fifth year would be after the child turns four, bearing in mind that a child is in his first year until he attains his first birthday. Therefore, a youngster in his fifth year would be one who had turned four and had not yet turned five.

Mr. Nott repeatedly refers to the Education Department assuming responsibility for children in their fifth year. He states that the department ought to be prepared to take children into formal schooling one year earlier, which would be their sixth year. I appreciate that the member for Floreat has dealt extensively with the contents of the Bill so I will confine most of my remarks to the report. On page 46 of the report it is shown that in the five-year period between 1968 and 1972 child attendances increased from 4,770 to 9,500, an increase of 99.1 per cent. The total cost to the Kindergarten Association had increased, during the same period, from \$489,400 to an estimated \$1,604,000, an increase of 227.7 per cent. The cost per child has increased from \$102 to \$168.8, an increase of 65.5 per cent. This is a story of tremendous growth, yet Mr. Nott refers to pre-school education as having been sadly neglected over the years.

If we look into the next five years—that is, 1973 to 1977 inclusive—and apply the experience of the last five years, we can expect 19,000 children to be attending kindergarten out of a total State population of 79,760 children in the three to five-

year-old group. On those figures, 23.8 per cent. of the population in that age group will be attending kindergarten. I have made those calculations from the figures contained in the report. In 1972 the percentage was 15.06, according to the report. We can also expect the total cost to be over \$5,000,000 a year and the cost per child to be at least \$275. That is a very substantial sum of money which the Minister will have to find to maintain even the present standards.

I have also looked at the Nott report to find out what were Mr. Nott's solutions to the problem. He has quite properly pointed out the weaknesses in the present constitution of the Kindergarten Association, under which anyone can vote on payment of 50c a year.

In a short space of time, even up to 1977, the Government will be faced with the problem of finding some \$5,000,000, even if the scale of assistance is no greater than it is now and if the formula is not increased. That is a fairly large sum of money to be granting to an association on which there is no direct Government representative. I think it is perhaps wise to have a statutory body to look after this matter.

I do not in any way criticise the effort made by the Kindergarten Association but I believe the movement has now grown to such proportions that it is a little unwieldy for the association to deal with. It will be handling many millions of dollars a year. It has a teachers' training college, which has been described as being inadequate, not large enough, and having insufficient facilities for training teachers in this field.

Mr. Nott went on to talk about the great value of kindergartens. I am bound to say that in my view pre-school education is a very desirable form of education but I am also bound to say I do not consider it to be essential. I say that with the reservation that there are in the State people who are perhaps less affluent, and I think the families of those people need pre-school education. I would say for them it is essential, but unfortunately too few of them are receiving the benefit of pre-school education, which in the main is going to the children of more affluent families—those who can afford to pay the fee.

I have spoken to many teachers and parents, and they say the value of pre-school education or kindergartens depends very much on the individual family circle—not only the affluence of the family but the number of children in it. Where there is only one child in the family, pre-school education has a potentially greater benefit than it has where there are a number of children in the family. Where the older children go off to school and

the youngest member of the family is left, kindergarten education is good for that youngster.

There seems to be quite a division of opinion amongst teachers. I would be prepared to say that perhaps the majority of teachers see some real value in pre-school education, but not all teachers do. In fact, some teachers go so far as to say that in their view pre-school education is not of assistance when the youngster goes on to formal schooling. But after a few weeks—four months, in fact—Mr. Nott expressed a very forthright opinion as a result of talking to the people who are interested in kindergartens. The Kindergarten Association is short of money, and naturally it advocates that something be done and considers that kindergarten education is of great value.

Over the years the Government has made a contribution to the kindergarten movement. This resulted, in the first place, from a Royal Commission in 1952 which consisted of Sir Ross McDonald, Q.C., and Mr. Murray Little who was then the Director of Education. They produced a formula for assistance to the Kindergarten Association. The formula took care of growth and was revised periodically. I think it was last revised and liberalised in the late 1960s. Nevertheless, it is still not enough. The Government's contribution has risen from \$198,476 in 1968, which represented 40 per cent. of the total cost of the kindergarten movement, to \$635,000 in 1972, which represented 51 per cent. of the total cost. So the Government's contribution has increased not only as to the amount but also as to the proportion of the total cost. How can Mr. Nott justify his comments on pages 1 and 2 of his report that this form of education has been sadly neglected?

I will quote briefly from the report to demonstrate how Mr. Nott sees the problem. He says—

Three impressions above all others have emerged as the most important matters arising out of this Inquiry. One is the benefits derived from pre-school education—

I question that. He continues—

—a second that the demand for it is relentlessly expanding—

I agree with that. He continues—

—and the third is that the present system of pre-school education in Western Australia is totally inadequate to cope with the needs of children in the age groups from three to five years . . .

Further on he says—

The reasons for this are necessarily diffuse. Some of the more significant factors leading to the insufficiency of

kindergarten education appear to be the lack of suitable premises, a shortage of qualified staff and the inability of parents to pay fees.

So the crux of the problem is finance.

The Minister has introduced a Bill to set up a statutory board. The member for Floreat has pointed out that this does not increase by one dollar the amount available for pre-school education. No doubt the Minister hopes to persuade the Commonwealth to weigh in fairly generously, and I wish him luck in this regard; but if this additional finance were forthcoming from the Commonwealth it could be applied, without setting up a statutory board, by merely handing it over to the Kindergarten Association. However, the Minister will be hard put to do justice to other areas of education while giving more generous finance to the Kindergarten Association than is at present provided under the formula, and it is a question of priorities. If parents imagine this Bill will solve all their problems, they will be sadly disillusioned.

I notice in the Bill many references to "the Minister"—the Minister does this and the Minister does that. I do not know whether or not the Minister has had a close look at the Bill—

Mr. T. D. Evans: He certainly has.

Mr. E. H. M. LEWIS: He cannot assume he will be the Minister, because there is no reference in the Bill to the Minister for Education. In the Education Act the Minister is defined as the Minister for Education.

Mr. T. D. Evans: Have you referred to the Interpretation Act?

Mr. E. H. M. LEWIS: What does the Interpretation Act say in this regard?

Mr. T. D. Evans: You should know. You were the Minister for many years.

Mr. E. H. M. LEWIS: The Acts I had to administer stated that "the Minister" meant the Minister for Education.

Mr. T. D. Evans: Not in every case.

Mr. E. H. M. LEWIS: The Bill under discussion proposes a new Act to set up a pre-school education board under the jurisdiction of the Minister, yet there is no reference to the Minister for Education. This matter can easily be tidied up, and I propose to move in the Committee stage an amendment to define the Minister.

Mr. T. D. Evans: You must have regard for the fact that in years to come it might be considered to be in the best interests to have another Minister administering this Act—for instance, the Minister for Community Welfare.

Mr. E. H. M. LEWIS: I do not know who would be more appropriate than the Minister for Education—

Mr. T. D. Evans: I think you should refer to the Interpretation Act first.

Mr. E. H. M. LEWIS:—to handle legislation of this kind, and if it is decided in the fullness of time that the Minister for Works or the Minister for Labour should handle it, I suggest a suitable amendment could be made.

The SPEAKER: Order! There is too much talking in the Chamber.

Mr. E. H. M. LEWIS: The Minister should be defined so that nobody will be in any doubt who the Minister is.

Mr. T. D. Evans: The member for Moore should refer to the Interpretation Act. I am surprised he does not know the provisions of that Act.

Mr. E. H. M. LEWIS: The Nott report recommended that a statutory board of management be set up comprising 12 persons. In his second reading speech the Minister said he did not propose to adopt that recommendation. He said—

It has been agreed that the functions of the board can be adequately administered by 11 persons . . .

That is not a very great reduction from 12. But the Bill also provides that in addition to the 11 persons—five "representative members" and six nominated members—the Governor, on the recommendation of the Minister, may appoint a chairman for a period not exceeding two years. So the board could start off with 12 members, which is the number recommended in the Nott report, and no great change has been made in that direction.

The member for Floreat pointed out that clause 6 (c) of the Bill does nothing other than set up the statutory board to advance the cause of pre-school education. In describing the functions of the board, clause 6 (1) (c) states—

to implement the scheme established by this Act for the approval of pre-school education centres;

I do not know whether we could call it a scheme to establish pre-school education centres. Certainly the Bill sets out the requirements in relation to the establishment of pre-school centres, and states that a permit which has a tenure of only 12 months must be obtained; but apart from that I do not think this is any great scheme. The Bill simply establishes a board of pre-school education.

I support entirely the suggestion of the member for Floreat that the six nominated members of the board should be reduced to four, thereby reducing the total of board members to nine. There is also a weakness with regard to the election of representative members. The Bill provides that the interested bodies—that is, the various

kindergartens—shall be given notice and invited to submit nominations. Clause 11 (3) states—

(3) A candidate for election as a representative member must be nominated in the prescribed manner, and if nominations are received from more candidates than there are vacancies a postal ballot of every body approved under this Act shall be conducted in the prescribed manner.

Of course, that prescribed manner will be set out in the regulations. I do not know whether the phrase, "every body approved under this Act" is meant to refer to kindergartens or to parents who are interested in kindergartens. Perhaps the Minister will explain that point and inform the House whether the subclause refers to a vote for each kindergarten or a vote for each parent. The subclause also states the ballot is to be conducted in the prescribed manner. I invite the Minister to explain that provision.

On the whole, I am not very enthusiastic about the Bill which the Minister has commended to the House. I do not see any harm in it; I only hope it will achieve all that the Minister hopes it will achieve, and that by establishing a statutory board we might attract more Commonwealth money. I do feel that the Kindergarten Association should have a greater representation upon the proposed board. The association has been tried and proven over a period of 60 years. It seems to me that if anything has been wrong with the association, and if it has not achieved all it has set out to achieve, this has been simply the result of a lack of finance.

In almost any area of Government one can point out what should be done when one is looking at one area in isolation; but the Government and the Minister are faced with drawing up priorities. Whilst pre-school education might be very desirable in some isolated areas, I do not know how the Minister will define a needy area. If that were possible the Bill would commend itself more to me than it does at present.

It seems to me that whilst he is dealing with this matter in isolation the Minister must also consider other more formal areas of education which undoubtedly deserve a high priority. We know that even in affluent areas some people are living in straitened circumstances and have difficulty in finding the necessary fees for pre-school education. I do not know whether or not some sort of means test can be devised to overcome this problem. At present we do provide some assistance to needy kindergartens which are not able to make ends meet. A certain sum of money is set aside annually, and an assessment is made

of the needs of such kindergartens. Although the needs of those kindergartens may not be met fully at least some of their deficiencies are subsidised.

I know also that in addition to the formula—

The **SPEAKER**: The honourable member has five more minutes.

**Mr. E. H. M. LEWIS**:—under which the Government has assisted pre-school education, even more has been done to help kindergartens. Indeed, I believe the Government with which I had the honour to be associated, provided grants to assist with the building of kindergartens, and this has been followed up by the present Government.

**Mr. T. D. Evans**: And improved upon.

**Mr. E. H. M. LEWIS**: Yes, and improved upon. I do not think the Minister can take any particular kudos for that. I am not making this a party political matter because I suppose no one party has a monopoly on initiative. It is quite common for a Government of a certain political complexion to initiate something which is adopted by the Parliament and then improved upon by a succeeding Government of a different political complexion. However, I do not think there is any great kudos to be gained from that. It is a fact of life that once something is established we build upon it, just as the present Government has improved upon many of the actions initiated by the previous Government. I commend the Government for doing that; there is nothing like following a good example. With those few remarks I offer my unenthusiastic support to the Bill.

**MR. RUSHTON** (Dale) [8.07 p.m.]: Firstly, I would like to touch upon a matter which requires stressing, and one that the Minister was somewhat neglectful in not mentioning, although it was mentioned by the previous speaker. I refer to the fact that we should offer our wholehearted and sincere praise for the work done by the various people connected with kindergartens, and the parents who have participated. We could start with the Kindergarten Association, its executive, board of management, and staff. I had the pleasure of meeting many members of the old association, and also many of the present association. I refer also to the Kindergarten College Council and its staff. This is another organisation with which I have had much to do in the past, and I have nothing but praise for its members. I think we all agree that the local affiliated and un-affiliated kindergartens have experienced extreme hardships in their fund-raising efforts. The advances they have made have resulted only from dedicated contributions by those connected with them. I think members will agree that quite often it has

been the case that parents have worked for a kindergarten and helped to establish it, only to find that their children were too old to attend the kindergarten when it was established; but they left a very good legacy for those who followed.

I think it is appropriate for me to mention that I had a somewhat unique experience related to kindergartens. At one time I was asked to be on a panel of judges for the Kindergarten debutantes ball. This is always quite an experience, and one I look back upon with great pleasure. My first assignment was to judge the back view of the debutantes. It was quite a surprise for me and a very important part of my education which I have always appreciated and I learnt to appreciate more and more as time went by. I hope this part of kindergarten activities is continued and that more debutantes' balls are held. The people connected with them contribute a tremendous amount of work, and raise a great deal of money for their cause. I applaud their efforts.

I was very concerned about the problems which arose between the old and the new association. I would say the people connected with those associations are very good and able persons, and I think basically finance was the root of the trouble. I am sure the parents from whom the action committee was formed were fearful of increased fees and thought that the old association was not facing up to the problem as well as it should. At least some of those people now acknowledge how difficult it was to face up to the obligation of running the association and the college and administering the needs of each from a most restricted source of funds.

Turning to the legislation, I would say the Bill has been dealt with very ably indeed by the member for Floreat and the member for Moore. I might add it was my pleasure to lead deputations to the member for Moore when he was the Minister asking for a remodelling of the old formula. We made many attempts and eventually gained a new formula to augment finance.

I would submit that the present Government has merely carried on with the formula and extended it only inasmuch as it is related to the new award for teachers. It rejected appeals for grants and has not really broken any new ground whatsoever. I see this legislation as a smokescreen to obscure the policy promises of the Government. In the past the Minister has not been prepared to explain his policy on this subject.

**Mr. T. D. Evans**: It is amazing that as late as December, 1970, when the Brand Government reviewed the operation of the formula we did not hear one word of policy about it—after almost 12 years in Government.

Mr. RUSHTON: The policy was there for the Minister to read. The Minister's interjection gives me the opportunity to mention that I have been unable to discern the policy of the Government in this regard because the Minister said nothing about it. Therefore I had to turn to the platform of the Labor Party—the bible of members' opposite and a document to which they must adhere.

Mr. Bickerton: Is there any chance of getting a copy of yours?

Mr. Graham: They make it up as they go.

Mr. Bertram: One can't have a copy of nothing, can one?

Mr. RUSHTON: Members opposite may carry on like that if it gives them pleasure.

Mr. Bertram: You have the right to deny it if it is untrue.

Mr. RUSHTON: Let me read out the item in the platform of the State Labor Party relating to kindergartens, because it causes one great concern with regard to the future of the Bill now before us. The platform states—

Kindergartens to be included in the State education system and the State also to offer support to the Lady Gowrie Child Training Centre in W.A. and nursery schools staffed by qualified kindergarten teachers.

Surely that is confusing when related to the Bill before us. That plank of the Labor Party platform cuts right across the intention of the Minister. One could ask, "What are the intentions of the Government?" Knowing that members opposite must adhere to their platform, one can see that this measure will not get very far at all because it is contrary to the policy of the Labor Party. It believes that kindergartens should be incorporated in the education system.

Mr. T. D. Evans: This legislation will go as far as the Legislative Council will permit it to go.

Mr. RUSHTON: I hope the Minister does not put up another smokescreen. The Minister is generally fairly forthright in regard to his intentions, and I am looking forward to his answering the various speeches and points that have been made by members, because they certainly do need answering. Where does the Labor Party stand in regard to pre-school education?

Mr. Bertram: I thought you said there was a policy and a platform.

Mr. RUSHTON: There is not. The statutory authority will be contrary to the platform.

Mr. T. D. Evans: Why is it contrary?

Mr. Bertram: Will you read the Liberal Party platform when you have finished that?

Mr. T. D. Evans: Have a look at clause 6 of the Bill. You are now becoming wearisome.

Mr. RUSHTON: We are concerned that child-minding centres will conflict with pre-school education. The few words I wish to quote state, "nursery schools staffed by qualified kindergarten teachers". I can well recall the time when we suffered disappointment in connection with books for pre-school pupils, and I wonder what further disappointment is in store for us as a result of this Bill. Surely the wording allows child-minding centres to be linked with the pre-school education system. When one looks at the Federal Labor Party platform—

Mr. Bertram: Is that the latest one?

Mr. RUSHTON: What is the date of the latest one? I think I have the latest copy here and this says nothing about kindergartens.

Mr. T. D. Evans: The latest one was adopted in Launceston in 1970.

Mr. Bertram: Tell us where we can get a copy of your platform.

Mr. RUSHTON: This copy mentions child-minding fees. It is directly under educational requisites. This is what gives me cause for grave concern.

Mr. T. D. Evans: You are not quoting from the latest copy.

Mr. RUSHTON: The latest copy is not in the library.

Mr. Bertram: There is not one of yours in the library.

Mr. RUSHTON: The honourable member can have one if he wishes.

Mr. T. D. Evans: Put my name on the mailing list.

Mr. O'Connor: Will you pay your subscriptions?

Mr. RUSHTON: The policy speech made by the Premier in 1971, when referring to kindergartens, said that the Government would assist in pre-school education throughout the State. The total result has been the introduction of this legislation and nothing more, because everything else relates to the previous formula which the Government inherited.

Mr. T. D. Evans: We reviewed the past formula.

Mr. RUSHTON: The Government has just carried it on and done little else.

Mr. T. D. Evans: Again you show you have not done your homework.

Mr. RUSHTON: The Minister says it is a change of formula because he related this to the increases under the teachers' award. It is, however, nothing of the kind; it is merely an extension of the formula.

Mr. T. D. Evans: It is a change from the intention of your Government.

Mr. RUSHTON: It is not a change from the intention of the previous Government.

Mr. T. D. Evans: Yes it is, and you know it.

Mr. RUSHTON: Let me now read the intention of the Government as indicated in the Speech delivered by His Excellency the Governor on the 15th March, 1973. In his Speech the Governor said—

To establish a statutory board to deal with all matters concerning pre-school education.

Mr. T. D. Evans: The board is intended to deal with all matters.

Mr. RUSHTON: If this is not misleading I do not know what is.

Mr. T. D. Evans: It is not misleading. The board will steer the destiny of pre-school education.

Mr. RUSHTON: The Government has not made one step forward. When members have made their second reading speeches on this Bill the Minister will be able to tell us what is the policy of the Government, and what are the financial arrangements he proposes to introduce. If he tells us this it will be meaningful; if he does not the legislation will have no purpose whatsoever. So even though we go through this exercise—and it is only an exercise—the whole thing is just meaningless.

Mr. T. D. Evans: It is a waste of time on your part because you are deliberately trying to waste the time of the House.

Mr. RUSHTON: We had the same problem with the sinking of the railway, and we are fearful that this may be repeated under the legislation before us.

Sir Charles Court: Don't you talk about wasting time, particularly after you gagged us on an issue and wasted half of a private members' day.

Mr. T. D. Evans: Do you have to butt in?

Sir Charles Court: I am trying to put you right.

Mr. RUSHTON: Everybody in this House acknowledges and appreciates the part played by individuals in relation to kindergartens and their organisations. I would like to point out that these people have built up a large asset—a collective asset—over a long period of time. I suggest that the amendment proposed by the member for Floreat and supported by the member for Moore has real substance because it seeks to maintain a majority of parent participation on the joint statutory body that is to be set up. I hope the Minister will concede this point.

I think we should maintain the parent majority representation on this body and certainly until the proposed further arrangements are made for the financing of pre-school education and until the real

burden is removed from the parents; because at this point of time no burden is removed from them at all.

One of a number of points on which I wish to touch is a real concern for those who devote a great deal of time to pre-school education. They have a real fear that their organisations will be nothing but child-care centres. I know the Minister has reacted to this point, and we can already see from its platform what the policy of the Labor Party is in regard to nursery care. Perhaps this is not the latest platform I have, but no doubt it would be fairly consistent with the party's thinking; and this platform talks about fees for child minding. The Minister should place on record that there will not be an integration of these two activities. It will be easy for the Commonwealth Government to offer help in due course and say that such help is for child-minding centres; and we will have a situation where it will be difficult not to accept the money and this will destroy the meaning and the purpose of the Bill.

We have yet to see this aspect put into reality. I think that you, Mr. Deputy Speaker, will be interested in this point, because the question of the buildings now arises. We have seen the recommendations contained in the Nott report relating to buildings, and everybody knows that under the recommendations that have been made we find the situation as we have experienced it in the past is basically not changed. That is my understanding of it. With the help of other bodies the parents will be required to cover the costs. I would like to place on record recommendation 2 which reads as follows—

2. That the costs involved in the acquisition of land, the development of sites, the building and equipping of new kindergartens should where possible continue to be financed by Government Grants, Local Government assistance, grants from the Lotteries Commission and other welfare organizations and groups and fund raising activities by local Committees. In needy areas with limited fund raising potential Government assistance at a greater level should be forthcoming.

As we all know, the cost of establishing kindergarten buildings has changed over the years. I remember that in days gone by we could put up a kindergarten for \$1,000. In the southernmost area of your electorate, Mr. Deputy Speaker, I think the kindergarten at Gosnells cost about \$1,250. In my area the cost, apart from self-help and so on, was \$1,200. These costs, however, have now increased to something like \$40,000. I know of one which has cost \$30,000. This is beyond the means of the local organisations.

When listing those who have to find the money to meet these costs there is little doubt that the local committee will have to cover very appreciably the loans raised. Governments do assist as does the Lotteries Commission, but basically the responsibility lies with the local committee and the burden involved is beyond the capacity of the people concerned.

An item which specially concerns me is a small part at the end which refers to needy areas. Where are the needy areas? There are areas in my electorate which are said to be reasonably well off, but who decides whether the people in an area are well off or not? They may qualify, or they may not. This is discrimination and I will refer to the clause which allows discrimination.

The Minister may say that there is discrimination because some have more money than others. As the member for Moore said, in every community there are those with means and those without. It is possible that those who desire kindergarten facilities are those who have no means. Can we determine those who should have generous help and those who should not? The member for Moore also referred to a particular form of help which was available in the past.

Mr. T. D. Evans: You do not agree with Magistrate Nott?

Mr. RUSHTON: The recommendation would be very difficult to implement. In the past we had a fund for special circumstances. I would like to see people treated alike. There are different circumstances. A person may appear to be affluent but he may be terribly poor. When one has had commercial and banking training one realises it is difficult to tell a book by its cover, particularly when one relates this to people and their financial means.

I know of a particular community which is very desirous of having kindergartens established in its area. It will be one of the best residential suburbs in the metropolitan region in the future. I am sure other members will recognise it as being so. The community has a tremendous environment and a tremendous morale.

The cost of establishing a kindergarten—at about \$20,000 or \$30,000—is far beyond the means of the people concerned; those who require such a facility.

I suggest this is one item to which the Minister must give close attention. If the Kindergarten Association had not faced the stresses and strains which arose because of a lack of finance it would not have had to go through all the traumatic experiences of the last couple of years. We must all be realists and face the fact that education is costing more each year.

Mr. T. D. Evans: Do you agree with Magistrate Nott that pre-school education has been neglected in past years?

Mr. RUSHTON: I suggest that if more finance had been available and more attention had been given to the matter, the people who participated—

Mr. T. D. Evans: So you do not agree with Magistrate Nott who said that pre-school education had been seriously neglected in past years?

Mr. RUSHTON: I would not agree if "neglect" means disinterest.

Sir Charles Court: That is the point.

Mr. RUSHTON: The Minister and I know that there has been a tremendous interest in pre-school education. We know the troubles the Minister is facing now and we are sympathetic, but the Minister needs sincerely and honestly to indicate what the Government intends. I do not believe that the present Government has found a more fruitful money tree than the previous Government found and I know that all sorts of problems of priorities must be faced. However, I am sure that anyone who gave his frank opinion about this legislation would agree with me that it is only putting off the evil day and I am sure the Minister will breathe a sigh of relief next year when he does not have to deal with the subject.

Mr. T. D. Evans: You are hopeful Harry, aren't you?

Mr. RUSHTON: No. I am saying it is one real problem the Minister will not have.

Mr. T. D. Evans: No. We will have solved it by then.

Sir David Brand: You will have to act quicker than you have up to date.

Mr. T. D. Evans: It might take a long time to solve it, but it will be solved.

Mr. RUSHTON: Not in six months. The Minister could not claim that.

Mr. T. D. Evans: It may take longer, but we will solve it before we go out of office.

Sir David Brand: You will need to be a lot smarter than you have been.

Sir Charles Court: No wonder your Deputy Premier has given up the ghost.

Mr. RUSHTON: That is an unfair contribution by the Minister because he knows the solving of this problem will represent a big task.

Mr. T. D. Evans: And this is a big Government to do it.

Mr. RUSHTON: Do not nauseate us! Goodness gracious!

I would like to talk briefly about the formula which is mentioned in the Nott report. I asked a question of the Minister today concerning the Government's intentions, but the answer I received did not contain the information I was seeking. The Nott report indicates that something

must be done, but it was, of course, referring to the Commonwealth which it believed should pull the chestnuts out of the fire. However, I believe that the State Government must declare itself and indicate where it stands and what it considers its responsibilities are because, although obviously we need funds from the Commonwealth, we cannot look to that source for everything. Any money made available by the Commonwealth would be welcomed, but we do not want any strings attached to it so that pre-school education will become something quite different from that envisaged by the Labor Party, the Liberal Party, or the Country Party. We do not want the Commonwealth overriding the priorities and wishes of State educators.

We have had no declaration by the Minister concerning the formula which needs revising. The House should be informed. Each committee is most interested to know what fee it will be up for next year and the Minister owes it to the committees to make this information available. Therefore the Government must make a clear declaration concerning the formula and its intentions relating to finance.

Clause 35 on page 23 gives the power of discrimination and I would like the Minister to give us his interpretation of paragraph 2 (a) which reads—

The Minister may—

- (a) impose differing requirements or prohibitions depending upon circumstances;

In my opinion that provision allows the Minister to declare one fee for one body and a different fee for another. This does concern me. The House should have a full understanding of the Minister's interpretation so that we might know how he would apply the provision in the future. How does one decide whether, for instance, Roleystone is entitled to assistance, while, say, Belmont and Scarborough are not? Who would make these decisions? I thought I might rouse the member for Scarborough.

Mr. T. D. Evans: He is not the member for Scarborough yet, and he might not be next year.

Mr. Hutchinson: You might not be the member for Kalgoorlie or the Attorney-General either.

Mr. Graham: Would you like to take a few bets on it?

The SPEAKER: Order!

Mr. RUSHTON: When he replies I would like the Minister to indicate how he believes this provision would be implemented.

Mr. T. D. Evans: The regulations under this legislation would, no doubt, be made by the Governor acting on the advice of the statutory board which would endeavour where possible to implement the Nott report and you have referred to the

fact that Magistrate Nott drew attention to areas of need. These needs will change from time to time as circumstances alter and so the regulation must be flexible. It is as simple as that.

Mr. RUSHTON: The only problem about discrimination in this political world in which we live is that it allows too great an interpretation.

Mr. T. D. Evans: Would you say that where there was a native settlement and the parents were completely unable to establish a pre-school education centre that would be a need and that the board should provide the funds to establish one?

Mr. RUSHTON: That is allowed for now.

Mr. T. D. Evans: That would be an example of determining an area of need.

Mr. RUSHTON: That is a good example. However, what would be the situation in the metropolitan region when it is claimed that one area should have a pre-school education centre ahead of another area? I know of some average income communities which do more for their schools than do other communities. They do so because they put their whole heart into the project.

It will be a very dicey exercise to try to determine who is deserving and who is not in connection with kindergartens. The example the Minister gave obviously stands out.

Mr. T. D. Evans: That is the type of situation we hope the regulation will meet.

Mr. RUSHTON: I am happy to have had that interjection.

Other items must be dealt with in Committee, including the questions of a quorum and the voting which will apply to the election of representatives. I hope the Minister will be explicit and give more detail about these matters when he replies.

So much has been said about the Bill and much more will be said in Committee because obviously that will be the time to obtain a little more information. We are dealing with the requirements of a section of education which has pressing needs. Whether or not one agrees with the emphasis placed on them, kindergartens do need more and more attention and money. However, I believe that the Minister would agree that the Bill does not do anything concrete, but merely defers the decision making. The Minister has submitted the legislation as a necessary phase in a step towards policy making, if I may put it that way.

Much has been contributed by those involved in kindergarten work. Other inquiries and reports have been made and most of them are known to us, but all the information has been gathered together in the Nott report. There is no doubt that the pre-school board will be powerless to

improve the present situation unless it receives a great injection of finance. I think we must all agree with that. The new body will be able to achieve no more than the Kindergarten Association if it does not receive extra finance. It might be easier for the Minister if a statutory body submits requests to him because then he will ask the Treasury how much money he can have and at least some of what the statutory body recommends will be achieved.

Once again there is a limit to what the parents can pay in fees, and we all recognise this. We therefore look to the Minister to declare his Government's future intentions regarding policy and finance, and I hope that when he replies to the various contributions made to the debate he will spell out the Government's intentions in clear terms. Differing points of view have been expressed in the Government's platform, the Governor's Speech, and now in this legislation. We want to know whether in the long-term the Government intends to include pre-school education in the formal education system.

In conclusion I wish to say that the legislation does not inspire anyone at this point of time. It will not encourage those who have been doing a tremendous amount for pre-school education. The real encouragement will come when the Minister indicates when the Government intends to make extra finance available.

**MR. R. L. YOUNG** (Wembley) [8.43 p.m.]: It would be fair to say that most of the points involved in the Bill and comments in regard to the Minister's second reading speech and the Nott report have been well covered by the members for Floreat, Moore, and Dale. Therefore my contribution to the debate will, of necessity, be comparatively short.

The Kindergarten Association will, under this Bill, pass out of existence; and I would like to congratulate the association and its boards of management—those of the past and that of the present day—on the way they have administered the kindergarten movement in Western Australia over many years.

Whether or not one agrees with the aims of the Parent Action Group which virtually made a coup on the Kindergarten Association last year, one would have to agree that at least it has started something. Whether the action has resulted in what the parents of the kindergarten children wanted is another question which has been well and truly canvassed tonight. I do not think for one minute that, despite the publicity which kindergarten and pre-school education has received throughout the community in at least the last six months, the Bill goes anywhere near achieving what it was expected to achieve.

If members refer to the Bill they will find that not until clause 29 of a 35-clause Bill—with the exception of a few definitions—is anything but the board of management mentioned. The Bill before us now is nothing more than a shell around which something may or may not be built. Heaven knows why we have bothered to debate it at such great length because it contains so little. It achieves nothing other than the setting up of the board and specifying the terms and conditions under which the board may operate.

It does not surprise me greatly that the Bill does not go much further than that. What surprises me more than anything else in view of what I have said and in view of the controversy in regard to pre-school education which has virtually been raging for the last six months is why the Minister did not say more in his second reading speech, even though the legislation may not be capable of achieving more because of certain problems which I hope the Minister will elaborate upon when replying to the debate. Obviously the financial arrangements have not been worked out and there are problems between the State and Commonwealth in respect of financing what may or may not be the aims of the State Government in regard to pre-school education. Despite that, the Minister in his second reading speech did not go into what the Government of the day may want to achieve by this Bill. This is the most surprising feature of all.

Rather than deal with matters already covered, I intend to deal with what the Bill does not say and to approach it from a completely new point of view. Let us look at the financial projections. I will quote the figures from the Nott report. At the end of 1972, 186 kindergartens were either affiliated or associated with the Kindergarten Association of Western Australia. In those 186 kindergartens there were 9,500 children which gives an average of approximately 51 children per kindergarten, as at the end of 1972.

At the end of 1976 when, I understand, it is the Government's intention to try to incorporate into the pre-school education system all eligible children there would be 76,000 of them. If we assume a 100 per cent. enrolment of those 76,000 eligible children—and I do not anticipate that for one moment—we would be looking down the barrel of building, staffing, and running an additional 1,200 kindergartens over four years. If we assume there would not be a 100 per cent. enrolment of the 76,000 eligible children and we work on a 50 per cent. enrolment, we are looking at the possibility of running, building, and staffing 600 kindergartens. This is a tremendous number of kindergartens and perhaps the Minister, when he replies to the debate, could tell us, for the information of the public, how long it would take,

under any formula, either existing or contemplated with the Commonwealth, to build, equip, and run an additional 600 kindergartens. Could this possibly be achieved by 1976 which has been the frequently stated aim of the Government?

The Minister who is handling this Bill is obviously not naive. He knows that people in the community are thinking these sorts of things. They are not thinking of the contents of the Bill. Many may think that the introduction of the Bill into Parliament is a great step forward and that it will achieve certain objectives. All it will do is to provide the bottom rung of a ladder from which the Government may step up and up.

As I have said, I can understand why all these steps were not included in the Bill because at this stage they are obviously not capable of being included. However, I cannot understand why the Minister has not said what they are. The Minister must know that every organisation connected with pre-school education and any group with more than a passing interest in it is thinking in terms of when five-year-olds will be admitted into the State school system.

Does the Bill cover child-minding centres and, if not, is it envisaged that it will at some stage? Even if there is no plan at this stage the Minister, when introducing the Bill, was under an obligation to tell the public whether there is a plan in respect of these and other matters.

My first question, which I have enumerated, refers to the length of time it will take to make arrangements with the Commonwealth and to build the necessary kindergartens. My second question is the logical "follow up". If the Government cannot provide the finance to build the tremendous number of kindergartens necessary—and it would have to build 200 to 300 kindergartens a year between now and 1976 on the present admission figures—how big will the kindergartens be? Instead of looking at a small intimate kindergarten, will we be looking at great structures which will accommodate hundreds of children, purely for the purpose of saying that they are attending some sort of kindergarten?

My third question is: What will the teacher-child numerical ratio be in regard to these new types of kindergartens? If the Minister cannot give these answers when he replies, will he give an undertaking to go into these matters? I do not want to see the situation develop whereby all eligible children will be brought into the pre-school education system merely because a promise has been made, a policy set, or some form of undertaking, whether winked at or stated, has been given. I do not want to see the situation develop whereby to honour those obligations the Government will build and staff kindergartens in an unsatisfactory way. It would

be better for the children not to be put into kindergartens than to be put into them for political purposes.

If finance is not available and we have pre-school centres which are more like factories rather than kindergartens, the day may come when we revert to the situation of people building nonapproved kindergartens which will not come under the administration of the board. Small groups of people could say that the Government pre-school education system is not for their children and they will form one of their own. They could start an organisation not affiliated with the board and then look for State aid for a nonapproved kindergarten.

I would have been very interested to hear the Minister make some of these comments in his second reading speech. I would have been interested, too, to hear some comment about the Government's attitude to the question of bringing five-year-olds into the State school system. Equally, I would have been interested to hear the Minister comment on whether or not he has it in mind to retain five-year-olds under the auspices of this board.

The Minister was under an obligation to tell us this, regardless of whether he can make a firm decision now as to what the Government may have wanted to do. Is it the Minister's intention at some stage to make this board the vehicle for the maintenance of child-care centres for children up to the age of three? I would like him to state the Government's policy in regard to that. Personally, I would not like to see that happen but, once again, I think the Minister was under an obligation to say what his opinion is in regard to these matters. These are the matters which organisations, parents, and people who meet week in and week out are talking about. They are not talking about the composition of the pre-school education board. They are certainly not talking in great detail about most of the matters which have been discussed tonight. The Minister is not naive, as I have said, and he knows this very well.

By way of interjection, the Minister said at one stage that the Minister for Education may not administer this legislation in the future; he said it could possibly be administered by the Minister for Community Welfare. I do not know whether or not that was a Freudian slip. By virtue of the fact that the Minister brought in the Minister for Community Welfare, we must start to think in terms of child-care centres for children up to the age of three. It would be reasonable for the Minister to comment on the Government's policy in this regard.

Not only was the Minister under an obligation to give us this information but he was also under an obligation to give it in clear unequivocal terms so that the people

who hold constant meetings would know the Government's attitude. I could name many interested organisations and, at the back of the Nott report, are listed umpteen organisations which gave evidence to that inquiry.

Almost every interested group has discussed, *ad nauseum*, the pre-school education situation and not the Bill. I have attended a number of meetings where people have discussed the Bill—or what they thought the Bill would be. What they thought the Minister would say and what the Minister said are two completely different things.

In a short space of time—and that is all it has been—I have preferred not to traverse the ground already covered in great detail by the member for Floreat but to point out what is not stated in the Bill or in the Minister's second reading speech. All members of the public want to know these things. In this respect I am not talking about the Bill but, much more importantly, about what the Bill does not say.

I agree with the member for Floreat specifically in regard to two of the amendments he intends to move. In the first instance, I agree with his amendment relating to parent representation on the board. Let us look at the Nott report and its terms of reference. The very first one was—

To examine and report on the administration of the Kindergarten Association of Western Australia Incorporated, and to recommend, if found desirable, how it can be more solidly constituted as a voluntary organisation providing effective pre-school education predominantly for five-year-old children.

As a result of the terms of reference, Magistrate Nott had to refer to the Kindergarten Association of Western Australia, Incorporated, in the way in which he did refer to that body. Under the terms of reference, he was under an obligation to say, firstly, that the Kindergarten Association of Western Australia, Incorporated, should continue to be the major agency for the administration of pre-school education in this State. Virtually by the wording of the terms of reference he was under an obligation to say that.

Magistrate Nott made a number of recommendations, one of which was that the present board of management should be replaced by a statutory board. In saying what he did about the statutory board, he plumped for a situation whereby the major representation on the board would comprise parents and not representatives appointed by the Government.

Obviously he wanted the management of the Kindergarten Association, under the statutory board, to be controlled virtually by the parents of the children in attendance at the kindergartens. That is not

provided for in the Bill. I intend to support the amendment which the member for Floreat will move to bring about a shift in emphasis of control of the board from the Government to the parents. This is what Magistrate Nott intended and, in my opinion, this is what all the parents want. It is certainly what the Opposition wants. I would say that very few people would want a predominantly Government-controlled board.

The second most specific amendment which the member for Floreat intends to move concerns promulgation of the legislation so that the new Kindergarten Association board will be elected before the legislation comes into force. It could be said that we could carry this argument on *ad nauseum*. Someone may say, "If we adopt the attitude of the member for Floreat, why not say that it should not be promulgated until the annual general meeting after the 1975 annual general meeting?" In fact, this has been said by a number of people but I do not think it is particularly valid. In the last couple of years we have seen the classic example of a board thoroughly rejected by the parents in favour of a new board, with the exception of one member.

And so, because of the divergence of opinion between the old board—for want of a better description—and the new board, we have had two completely different philosophies and influences in regard to the management of the Kindergarten Association. I do not in any way mean to denigrate the new board. It has got off its backside and it has got the Kindergarten Association off the same fundamental. It is doing something, but by the same token I do not believe we could deny for one minute that the association has been run by two completely different boards in recent times.

At least the parents can say that they have seen one board in operation in 1971 and another board of a different persuasion in 1972 and 1973. The parents now have an opportunity to elect a new board in 1973, knowing that the people elected to that board will have the right to then elect members to the new statutory board. I do not believe there is anything wrong in that; it is a reasonable democratic principle. However, this action will produce some casualties. It will probably remove from the board some people who have worked very hard. It is probable that some who do not deserve to be will be elected to the board. However, that is the tragedy of all elections. I do not know what the Minister's attitude is to this as he has not let us know his feelings on the proposed amendment. I believe he will agree it is a reasonable one.

My policy in this House has never been to oppose legislation purely for the sake of opposition; that would be a futile exercise. Once we commence to oppose purely

for opposition sake, we will get to the stage of not being able to think at all. I do not oppose this Bill on the basis that I am a member of the Opposition.

I wanted and expected more to be said in the Bill; I wanted and expected infinitely more in the Minister's second reading speech. I live in high hopes in regard to his reply. I neither oppose the Bill nor do I have a great deal of admiration for it. However, I believe I have made my position reasonably clear in the short time I have spoken. The members who have spoken earlier have covered the legislation in infinitely more detail than I have. I do not oppose the Bill because I do not think it has enough in it to oppose.

**MR. T. D. EVANS** (Kalgoorlie—Minister for Education) [9.03 p.m.]: I have listened with a great deal of interest and with some surprise to the comments which have been made. I expected the members of the Opposition to be consistent with their analyses and with their so-called policy. I have been sadly disappointed because not all members have been consistent, and unfortunately, not all have espoused the same policy. However, I will refer to this matter in more detail.

The member for Floreat was the first to resume the debate. He spoke about the mountain being in labour and only a miserable little mouse coming forth. No Bill, no piece of legislation, can ever hope to achieve more than its author seeks for it to achieve. This Bill was clearly intended to have regard for and to recognise the rationale of only one of the recommendations of the Nott report; that is, that the present board of management of the Kindergarten Association of Western Australia should be replaced by a statutory body. All this Bill seeks is to set up a statutory body, and I say again, largely consistent with that particular recommendation of the Nott report.

Members have noted the recommendation of Magistrate Nott that the Kindergarten Association of Western Australia should continue, as a voluntary body, to control the destiny of pre-school education, but that its board of management should be replaced by a statutory board. When one examines this recommendation, from a drafting and a legalistic point of view, one readily finds a conflict. The Associations Incorporation Act of 1895 is a host Statute for a group of voluntary bodies which are incorporated pursuant thereto. One of these bodies is the present Kindergarten Association of Western Australia.

The essence of the Act is to provide a cheap, effective, and efficient means for a voluntary body to become incorporated. The voluntary body is required to have a constitution which must be approved, and indeed, can only be amended by procedures set down in the Act once incorporation

has been granted under it. And yet, the recommendation was that this body—the association—was to continue under the provisions of the Associations Incorporation Act with a constitution setting up a board of management requiring elections to be held annually. However, that part of the constitution was to be replaced.

If we want to give effect to the second part of the recommendation, that a statutory body shall be set up, then the setting up of the statutory body will be in open conflict with the existing Act—the Associations Incorporation Act. Even if one did not hesitate and thought, "Well, this is only a legalistic matter which we can overcome", one can imagine the fear which may well be expressed by hundreds of other bodies incorporated under the Associations Incorporation Act. These bodies have had faith in the Act for some considerable time and they believe it ensures their continuance as voluntary bodies subject to the Act itself. If this provision could be swept away by the Legislature in dealing with a Bill such as that before us now—

**Mr. R. L. Young:** Do you not think the wording of your first term of reference contributed to the problem?

**Mr. T. D. EVANS:** No.

**Mr. R. L. Young:** You left Magistrate Nott in the position where he could not do anything else.

**Mr. T. D. EVANS:** Magistrate Nott found it convenient on many occasions to depart from the terms of reference. He drew attention to the fact that he had departed from the terms of reference.

**Mr. R. L. Young:** If he wanted to set up a statutory board he could not so recommend because of the words "how it can be more solidly constituted".

**Mr. T. D. EVANS:** I am not criticising Magistrate Nott. I am merely saying that I find it inconsistent with being asked to recommend ways by which the present body can be maintained to come to the conclusion that a statutory body should be superimposed upon it. He could have drawn our attention to this. Be that as it may, it was the intention of the Government when the terms of reference were drawn up that the present association should be retained as a voluntary body if at all possible, to be mainly concerned with the destiny of pre-school education. However, having considered the recommendations of the magistrate and the reasons for his recommendation that a statutory board should be set up, and being conversant with the cogency behind this recommendation, we had to have regard for the inconsistency which became apparent and we therefore had to determine priorities. We had to decide whether to retain the

present Kindergarten Association as it is, or whether the setting up of a statutory board was justified.

Faced with this decision, the Government chose to follow Magistrate Nott and accepted the need for setting up a statutory board. Hence the Bill quite openly claims that with the coming into operation of the proposed Act, the present association, as we know it, will cease to exist.

Mr. E. H. M. Lewis: Could you not have had the shortcomings of the association, its constitution, tidied up without adopting the recommendations?

Mr. T. D. EVANS: The recommendations of Magistrate Nott were examined, as I mentioned during my second reading speech, by a series of persons through committee work. Their recommendations were analysed, the report was read, and the Government decided that Magistrate Nott's recommendation for a statutory board was the right and proper course. A policy decision had to be made and it was made.

The member for Floreat spoke about the party's policy and criticised the Government for not enunciating a policy in this particular Bill—a Bill designed to set up a statutory board and a statutory board only.

Mr. O'Neil: That is not the title of the Bill.

Mr. T. D. EVANS: I will say again, as I said before by way of interjection, it is passing strange that when the Brand Government last reviewed the operation of the financing formula—I think on the 19th December, 1970; it was certainly during that month—no suggestion was made of any change of policy on the part of the former Government. And yet, on the Sunday prior to the tabling of this report—and I can recall it was tabled on a Tuesday—an account appeared in the week-end Press that the report was likely to be tabled during the following week. A general outline was given of the anticipated findings of the report.

On the morning of the day I intended to table the report, I recall reading a reference in *The West Australian* to a meeting of the Liberal Party apparently held on the Monday night. This article stated that the Liberal Party had adopted a policy in regard to pre-school education. It is very strange that it adopted a policy on the very day of the tabling of the report.

Sir Charles Court: That was decided months before.

Mr. T. D. EVANS: Why was it only decided at that time?

Mr. O'Neil: How could this be decided in one day? I think the Minister needs some pre-school education.

Mr. T. D. EVANS: The policy to which the Leader of the Opposition refers obviously was not in existence on the 19th December, 1970.

Sir Charles Court: Just be quiet for a minute and I will tell you.

Mr. T. D. EVANS: The Brand Government had been in office for some 11 years then.

Sir Charles Court: This was resolved by our education committee long before it was announced.

Mr. T. D. EVANS: This gives strength to my statement that as late as December, 1970—after it had been almost 11 years in office—the Liberal Party had no policy.

Sir Charles Court: The Liberal Party gave much more thought to education than the Labor Party. There was hostility on the part of the Labor Party in previous Administrations.

Mr. T. D. EVANS: Amongst other things the member for Floreat referred to amendments he proposes to move. The first proposed amendment seeks to hold over the proclamation of this Bill to enable the present Kindergarten Association to conduct its elections prior to proclamation.

The justification given by the member for Floreat for this is that whereas in 1972 the then board of management was to all intents and purposes—I say this deliberately—replaced by the membership of the present board of management, it is only right and proper for parents at large to have the right to elect a new board of management when only five of those who must be elected will be on the statutory board. Let us not forget the fact that the constitution of the association provides for more than the election of five members, but only five of those will be elected if the amendment of the member for Floreat is accepted. In that case the election of the others would have been a waste of time.

Let us look at another consequence. It may only be in theory, but it may well happen in practice. Let us say that an election is held in June. It could well be that the present board of management is defeated entirely, and a new board of management consisting of inexperienced persons is elected. Of that number only five will be elected to the board which has to deal with a highly sensitive and a very important subject—the early education of Western Australian children.

Mr. Mensaros: All but two of your Ministers were inexperienced when you came into office. What is wrong with that?

Mr. T. D. EVANS: By the time the party of which the honourable member is a member comes back into Government he will have a grey beard, and its members will not have had any experience.

Sir Charles Court: Your Premier does not think that.

Mr. T. D. EVANS: I wish the Leader of the Opposition would play the goat somewhere else.

Sir Charles Court: Don't you get personal.

Mr. O'Connor: The Minister is chasing a job higher up the scale than where he is.

Sir Charles Court: He is a spoilt little boy!

Mr. T. D. EVANS: The rationale behind the proposition is that for the first term of the board, so as to ensure it has an easy commencement, the five representative members should be chosen from and by members of the existing board of management. This is to ensure some continuity and some experience on the statutory board. The plan is clear in respect of those five; they are to be phased out. It is not intended they should retire from the board at the same time. The rationale was to bring experience to the board, and to provide continuity during the formative years of the board. However, that rationale would be destroyed by the amendment proposed by the member for Floreat.

Mr. Mensaros: If the second board happens to comprise inexperienced persons what is the rationale then?

Mr. T. D. EVANS: I come to the second amendment proposed by the member for Floreat. It relates to clause 3. He refers to what appears in line 17 on page 2, and proposes to delete the word "three" and substitute the word "eight". What he seeks to do is to vary the definition relating to what is classed as a pre-school education centre, where the minimum number of children to enable such a centre to be established is three in certain circumstances. The member for Floreat wishes to increase the number to eight, so that any number less than eight could not be approved for the establishment of a pre-school education centre.

I am sure the member for Moore has not examined the import of this amendment. I know he has his heart deeply entrenched in the country districts, but it is in the country districts where the greatest need is found for pre-school education centres. If the number were to be confined to a minimum of eight children to constitute a pre-school education centre then many country districts would be deprived of such centres to be established under the auspices of the board.

Mr. E. H. M. Lewis: What chance would there be of three children getting a trained teacher?

Mr. T. D. EVANS: There could well be a married trained teacher in the district. Does the honourable member agree to fixing the minimum at eight children?

Mr. E. H. M. Lewis: Just as there is a number prescribed for the establishment of a primary school, it is logical to expect a minimum to be applied to a pre-school education centre.

Mr. T. D. EVANS: The member for Moore may sleep on this and come up with a different conclusion. I come to what I refer to as the gravamen of the amendments outlined by the member for Floreat; and that is to change drastically the type of personnel who are to constitute the statutory board. He proposes to retain the five representative members as outlined in the Bill, and to delete two classifications from those proposed to be nominated by the Minister for Education. This makes quite interesting reading. Let me refer to the constitution as outlined in clause 7 (5) (a) of the Bill. One type of person is—

- (ii) one shall be a person who is a graduate in the field of pre-school education of an institution which provides teacher training in that field in a manner that is approved by the Australian Pre-School Association, nominated on the recommendation of the Pre-School Teachers' Union of Western Australia (Union of Workers) after election by and from amongst the members of that union;

That is, of course, the union of workers in that field.

The Government has received very strong representations from professional teachers who were teachers in the first instance, and regarded themselves primarily as teachers. They regarded themselves purely by coincidence as members of the appropriate union. The deputations and the many letters which I have received came from these people who put forward the proposal that the board should comprise a teacher as a member.

The board is to control the destinies of pre-school education, and therefore emphasis should be placed on education. Consequently, there should be on the board a person who has been a teacher. So we see the emphasis being placed on such a member having to be a qualified teacher who has had training in the field of pre-school education in a manner approved by the Australian Pre-School Association. It is this type of person whom the member for Floreat wishes to delete from representation on the board of management of the statutory board.

Clause 7 (5) (a) also makes provision as follows—

- (iv) one shall be a paediatrician, or a person who has professional expertise in child health or child care, nominated after consultation with the Minister administering the Community Welfare Department and the Minister administering the Health Act, 1911; and

If one refers to page 41 of the Nott report under the heading of "Recommendations" relating to the first term of reference and to paragraph 3 thereof, one finds that among the five proposed Government nominated members one is to be drawn from Community Welfare and one from the Mental Health Services.

Mr. E. H. M. Lewis: That is unrealistic.

Mr. T. D. EVANS: Where an attempt has been made to keep the minimum number of persons who rightly should be appointed to the board, rather than having a person nominated by Community Welfare and another person reflecting the Mental Health Services, the Bill proposes there shall be one such person; that is, a paediatrician who is to be nominated by the Minister for Education, but only after consultation with—and no doubt also seeking to arrive at agreement with—the Minister for Community Welfare and the Minister for Health.

It is surprising that the Opposition has not received representations from the W.A. Play Group, because this is consistent with requests by that very important body: that such a person should be appointed to this board. I am really surprised to find that one such person appears to have run the gauntlet and has come out unmarked from the pruning knife so ably wielded by the member for Floreat. I refer to the person mentioned in clause 7 (5) (a) (iii)—

- (iii) one shall be a person who possesses academic qualifications in the field of early childhood education or guidance, whether as a teacher or otherwise, and has had practical experience likely to be relevant to the purposes of this Act;

Apparently this type of person is *persona grata* with the Opposition, whereas a person who is a qualified paediatrician or a person who has professional expertise in child health or child care and nominated after consultation with the Minister for Community Welfare and the Minister for Health, is *persona non grata* with the Opposition.

Mr. Mensaros: Will you mention the clause?

Mr. T. D. EVANS: I will come to the point. It is clause 7 (5) (a) (iv). This refers to a person who has professional expertise in child health or child care,

but either this went unnoticed by the member for Floreat or met with his approval.

Mr. Mensaros: In my contribution I said I did not want to deal with all of the Bill.

Mr. T. D. EVANS: I am making the speech. The honourable member can read mine, and I can read his tomorrow. Let us look at the proposed board recommended in the Nott report, and that proposed in the measure before us. Let us limit our examination of this aspect to the Government nominated persons, because in each instance the Nott report and the Bill propose five representative members.

Under the Nott report, the Government nominated members would be a member of the Government departments in the nature of the Treasury, Education, Crown Law, Community Welfare, and Mental Health Services. There would be five direct Government departmental members. I emphasise there would be five departmental officers who, no doubt, would be subject to the policies via or from their respective Ministers, pursuant to the policy of the Government, and conveyed to them through their respective Ministers. There would be five departmental or Government representatives, balanced against five parental members.

The Nott report then went on to indicate the inclusion of some form of expertise and experience—the present President of the Kindergarten Association of Western Australia—and he also referred to the treasurer of the association. I am not clear whether Magistrate Nott meant the treasurer of the association or a qualified and experienced accountant. However, I see that he intended to bring in extra expertise. This board would consist primarily of five direct Government nominees and five parental representatives, topped off with two other persons.

The Bill now before the Legislative Assembly preserves the five representative members. It then provides that the Minister for Education will, in fact, nominate five other persons and that the Minister for Local Government will nominate a person to represent various local authorities. Let us have a look at the five persons whom the Minister for Education will nominate, and let us analyse their direct allegiance to the Government of the day.

There will be a qualified person experienced in teaching drawn from the Education Department, and he will fit the label and could be considered to be a direct Government representative. There will be a person from the Treasury Department and he certainly could be labelled—and rightly so—as a direct Government representative. The provisions in the Bill do not advise the Minister for Local Government to nominate a person from the Department

of Local Government, but a person representative of local governing authorities. However, let us be generous and assume that that person could also be labelled a direct Government representative.

Now let us have a look at the other representatives. One will be a teacher nominated by the appropriate union, not necessarily concerned with the Government at all. One will be a paediatrician or a person experienced in child care and child health, again nominated by the Minister for Education, but after consultation with those other two Ministers. Not by any stretch of the imagination could I be convinced myself—or could I feel that other people would be convinced—that a paediatrician could be labelled as a direct Government representative. Nor could a person who is an academic.

Subparagraph (iii), subclause (5) of clause 7, states—

one shall be a person who possesses academic qualifications in the field of early childhood education or guidance . . .

So in this Bill, proposed by the Government, there will be only three direct Government representatives.

Mr. E. H. M. Lewis: One would not need to stretch one's imagination very much to imagine that a paediatrician could be a Government representative.

Mr. T. D. EVANS: He need not necessarily be so at all. And so when we come to the hard core of the proposed board there could well be only three persons who have direct links with the Government. The others need not necessarily have any direct link with the Government at all.

Mr. E. H. M. Lewis: I am not holding this against the Government.

Mr. T. D. EVANS: There appears to be some fear that the parents will exercise a dominating control. We believe that the parents would be able to exercise a more dominant role than any other group. Let us imagine there are at least three groups proposed on the board enunciated in this Bill. There will be the representative members, and let us assume that those people will rightly and properly represent the parents. We will have three Government nominees. There will also be a qualified teacher—an academic—and a paediatrician. This is another group again and if the Bill is analysed in that form it can be seen that the parents, if they so desire, will be able to exercise a more dominant role than any other group on the proposed board.

Mr. Hutchinson: Could this not more logically be discussed in Committee?

Mr. T. D. EVANS: That could well be. I take the advice of the previous Minister for Works who has had 12 years of experience in the thrust and parry of debate. It is not often I concede but as one former

teacher to another, I can recognise the value of the message which I have received from him.

I will very briefly pass on to the other amendments proposed by the member for Floreat. I point out that I have not had sufficient time to study the amendments. It was only a few moments before the House met that I was made aware of them. The member for Floreat has already referred to that fact and I will not pursue it. In the circumstances, and because I might omit to give complete attention to any particular point, I will not continue with the examination of the amendments. However, I indicate that they will be closely examined. I trust the Bill will be read a second time this evening, at which stage we could report progress.

I will briefly refer to the comments made by the member for Moore. He largely examined the implications of the various recommendations contained in the Nott report, and he asked questions arising from those recommendations. Indeed, his questions were largely repeated by the member for Dale and also by the member for Wembley. Perhaps I could indicate—as has been pointed out in various Press releases—that it is the policy of the Government to provide for the ultimate pre-school education of the children of all parents seeking such education for their children. The Nott report did indicate that course of action.

I take the point raised by the member for Moore and assume that Magistrate Nott was referring to the year during which a child attains the age of five years, and that such a child should be admitted into the normal primary school scheme, but not on a compulsory basis. The Government does not accept the proposition that a five-year-old child should be compelled under any circumstances to attend a primary school or a pre-school education centre. This is a matter of choice which should be available to the parents of the children. This point has already been indicated by way of letter to the Leader of the Opposition.

I do say that every means should be made available whereby pre-school education should be provided at no charge to parents. However, the Government does not accept the element of compulsion. Clause 6 of the Bill sets out the functions of the board, and paragraph (g) states that the functions of the board are to work towards the objective of general availability of pre-school educational facilities for all children without cost to the parent.

The member for Wembley—and I believe the member for Dale—both emphasised the desire on the part of the Opposition to be acquainted with the Government's plans regarding the financing of the proposed scheme outlined by this piece of legislation.

Mr. E. H. M. Lewis: The Bill also makes provision for the board to charge fees to kindergartens.

Mr. T. D. EVANS: I will come to that point. The present board of management has, in fact, prepared a budget for the Government and the budget is being examined by the Treasury Department for inclusion and for consideration when the State Budget is cast before introduction to Parliament in September of this year.

We are apprised of the fact that the Commonwealth Government has established a pre-school committee and it is hoped that committee will blossom into a commission. In any case, that body is expected to bring down recommendations to the Commonwealth Government for financial assistance to be given for pre-school education in 1974. We expect to have some indication of the Commonwealth Government's plans in sufficient time so that the new board established under this Bill will be able to have a budget prepared for it. The board will know how far it can go.

I give the undertaking that the budget already prepared by the present board of management—which has been subject to examination by the Treasury Department—will be considered by the Government. As a result of the examination of the budget by the Treasury Department, and in the light of its recommendations, and the decision adopted by the Commonwealth Government, the budget has already been accepted in principle by the Government. However, at this stage I ask members to appreciate that I am not in a position to indicate clearly just what moneys will be available to the new statutory board. It is hoped that within a few weeks following the end of June this information will be known and the new board will be able to embark on its course with that knowledge in hand.

The SPEAKER: The Minister has five more minutes.

Mr. Rushton: What about the present deficits? Could the Minister give some information concerning the present deficits which might be accruing to the association?

Mr. T. D. EVANS: The present association has no fear at all. If there is a serious deficit it will be met by the Government. With the overall economic measures which are being examined now, and in the light of the budget prepared by the present board of management—and also in the light of what is anticipated from the Commonwealth pre-school committee—it need have no fear that any budget deficiency will not be met.

I will conclude by trying to reassure members on the question of child care. There appears to be some fear that it is the intention of the Government to have the existing pre-school education centres

denigrated into child-minding centres. Nothing is further from the mind of the Government.

Mr. Rushton: What about the mind of the Commonwealth Government?

Mr. T. D. EVANS: Go and play with your goliwog. We are initiating State legislation.

Mr. Rushton: We know what you are doing with the Commonwealth.

Mr. T. D. EVANS: This legislation proposes to deal with pre-school education centres. Those centres will be concerned with the education, primarily, of children between the ages of 3½ years and when those children enter the normal school stream. Child-care centres are concerned with children of a lower age, and extending possibly beyond 5½ or six years of age.

Mr. E. H. M. Lewis: Will the Minister give us an assurance?

Mr. T. D. EVANS: The provisions of this Bill deal with pre-school education. For those who are acquainted with the legal principle of *ejusdem generis*, this legislation will draw its strength from the prime words—pre-school education—and will exercise a limiting influence on the meaning of child care and child guidance.

Both of those words must be construed as being part of and subject to education. So I ask members to clear that doubt from their minds. They should have no fear at all that the Government intends pre-education centres to be denigrated to child-minding centres. I thank members for their support of the Bill.

Mr. R. L. Young: Will you give an absolute undertaking that child-minding centres will not be set up under this board?

Mr. T. D. EVANS: I give the undertaking that the board will be concerned with pre-education and pre-education only.

Question put and passed.

Bill read a second time.

## RESUMPTION VARIATION (BOULDER-KAMBALDA ROAD) BILL

### Second Reading

Debate resumed from the 19th April.

MR. HUTCHINSON (Cottesloe) [9.47 p.m.]: This is a small Bill which seeks to vary specified resumptions for roads. There are only three operative clauses.

Briefly, it states that notwithstanding any provision of any other Act or anything done pursuant to such Act, the resumptions for roads, by notice published in the *Government Gazette* of the 6th December, 1968, relating to two locations of land, and by notice published in the *Government Gazette* of the 8th January, 1971, of three specified locations of land, are limited, and

are deemed to have always been limited, to a depth of 30.48 metres below the natural surface of the land. A quick calculation will reveal that 30.48 metres is as near as damn it to 100 feet.

Mr. O'Neil: Such language!

Mr. HUTCHINSON: Clause 3 merely states that a certain mineral lease granted under the Mining Act, 1904, is varied to the extent made necessary by the operation of clause 2 of the Bill. The last clause merely obviates payment for any alteration in the register book kept under the Transfer of Land Act.

I have no quarrel with the Bill but I would like to direct one or two questions to the Minister. The purpose of the Bill is to ensure that compensation can be paid for land already resumed. The Boulder-Kambalda Road has been built and the Bill completes, as far as compensation is concerned, resumption of land which was initiated by the Main Roads Department and approved by me when I was Minister for Works. I subsequently dismissed an objection by the owners of the land and ruled that compensation would be payable for any minerals that might be found up to 100 feet below the surface. At that time it was felt section 15 (3) of the Public Works Act was sufficient to cover the dismissal of the objection and the payment of compensation with revesting in the company of land below the 100-foot level.

However, it appears that section 15 of the Land Act precluded the completion of the compensation arrangements. Therefore, as I endeavoured to indicate in a question without notice today, there is a clash between section 15 of the Land Act and section 15 of the Public Works Act.

The Bill now before us seeks to solve the specific problem associated with the land resumed for the Boulder-Kambalda Road. Although this is a specific solution to the clash between section 15 of each of the Acts I mentioned, I asked why the amendment could not have been a general one covering one or more of the Acts to cover the situation in the future. I believe the solution arrived at is quite a sensible one, and the parties involved have agreed to it. To my way of thinking, it would be logical to find a general solution.

In reply to my question the Minister indicated that it was not thought many changes of this kind would be necessary. However, there are still quite a number of old titles which give rights to minerals at any depth, and it is possible that problems in connection with resumptions for public works, and particularly for roads, will have to be solved in the future in the same individual manner as this one is being solved. I do not make a fuss about it, but to my way of thinking it would have been more logical to arrive at a general solution.

In his reply to the debate, perhaps the Minister could explain how clause 3 of the Bill—which refers to mineral lease 125E—fits in, and how it is varied to the extent made necessary by clause 2 of the Bill. I have already mentioned that clause 2 merely limits the land required for the road to 100 feet from the surface. It specifically mentions certain locations and lots of land. There is probably quite a simple explanation, but I do not think clause 3 is well drawn because it tries to solve the problem of mineral lease 125E, granted under the Mining Act, merely by saying it is varied to the extent of the operation of clause 2, which refers to specific locations and lots of land.

Except for those queries, I have no quarrel with the Bill and I propose to support it.

MR. JAMIESON (Belmont—Minister for Works) [9.55 p.m.]: I thank the honourable member for his comments. The Bill deals with one specific problem which we are trying to overcome. It is true that we may run into other problems in the future, and I shall keep in mind what the honourable member has said in regard to any further amendments to the Public Works Act, with a view to drafting a covering clause in connection with resumptions.

This matter has been a bit of a running sore for a while and it was thought advisable to get it cleaned up and pay attention to other problems in future legislation. This measure will stand by itself, giving certain powers to override the Public Works Act, and the Mining Act where it applies.

The main query raised by the honourable member related to clause 3. It is my understanding that mineral lease 125E, granted under the Mining Act, covers part of the land required for the Boulder-Kambalda Road, and it includes mineral rights under the Mining Act within 50 feet of the surface. Clause 3 relates back to clause 2, which contains the reference to 100 feet. The draftsman considered the easiest way to do it was to refer back to that clause.

Mr. Hutchinson: Do you see what I mean? I feel perhaps it should have been said again.

Mr. JAMIESON: Perhaps it should have been. It may be clumsy but, not being a legal draftsman, I must defend this method of doing it, which was explained to me. It achieves the purpose, in any event.

Mr. Hutchinson: Have the "legal eagles" at the Crown Law Department said it is all right? Have you checked it with them?

Mr. JAMIESON: They gave me the following advice today—

Mineral lease 125E granted under the Mining Act covers part of the land required for the road. The mineral

rights under this lease extend to within 15.24 metres (50 feet) of the natural surface.

The effect of clause 3 is to limit the mineral rights to beyond 30.48 metres (100 feet) from the surface in conformity with clause 2.

When the matter was referred to the Crown Law Department, I was advised that clause 3 of the Bill achieved the purpose. This Bill specifically refers to the Boulder-Kambalda Road. Perhaps in the future we will have to clean the matter up in a general way. I thank the honourable member for his interest.

Question put and passed.

Bill read second time.

*In Committee, etc.*

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

### LONG SERVICE LEAVE ACT AMENDMENT BILL

#### *Second Reading*

Debate resumed from the 17th April.

**MR. MENSAROS** (Floreat) [10.01 p.m.]: The Minister has introduced the Bill before us instead of reviving the previous Bill which was on the notice paper at the end of the last session. The explanation given by the Minister was that the previous measure contained a small drafting error and, consequently, we had to reintroduce it. Of course, I do not know whether the Minister was hoping that, even after the experience he has had of sitting on the front bench and having us in Opposition, we would not read the two Bills in conjunction with each other, or else fail to grasp the import of each of the measures; but I remind the House that if the Minister terms the difference between the previous and the present Bills as a "small drafting error", then his appreciation of the difference between the measures is very small indeed.

**Mr. Taylor:** I was referring to the small number of words involved, rather than the import of those words.

**Mr. MENSAROS:** Owing to the lateness of the hour I do not wish to quote the Minister's words, but I am quite sure he mentioned a small drafting error. The small difference between the Bills is exactly this: Whereas the previous Bill tried to amend the Long Service Leave Act only in relation to workers not covered by any industrial award, the present Bill extends the scope to all workers or employees in the State. That is a vast difference. We would not have agreed in principle with the first Bill because it legislated for something which had always been in Australia for 70-odd years under the jurisdiction of

our system of arbitration. However, the Minister probably would have used the excuse that the Bill affected only those who are outside of an award.

Even that would have been a weak excuse because whenever this has been done previously it has always been done after an understanding has been reached between the parties concerned, or after a decision had been made by the Arbitration Court or whatever the authority was called at the time.

Of course, even the previous Bill would have resulted in a flow-on and ultimately would have affected all employees in the State; but the present Bill simply decrees that all employees in the State shall have such conditions.

I think it is important when considering legislation of this kind that the Parliament should have a full appreciation of the history of the matter and the development of all aspects concerning it, and also the arbitration with which it has always been connected. I wish, therefore, to spend some time outlining the background information which I feel perhaps the Minister could have made available to us.

The origin of long service leave for employees in the private sector lies not in legislative provisions but in a system of industrial relations governed by industrial law and, as a consequence, in industrial awards. Firstly, let us look into the history of long service leave under Federal jurisdiction. Prior to 1951 no provision for long service leave was contained in the majority of Federal awards, or in the majority of awards in any State or territory.

**Mr. Jones:** The coalminers had it in 1949 in the Federal sphere. You haven't done your homework.

**Mr. MENSAROS:** I might be wrong by two years. I am not able to prove it, but that is what my research pointed to. Of course, I will be very interested to hear, as an exception to the rule, a Government supporter speak to a Bill. We have not heard that yet.

Such leave was confined principally to employees of the Crown and those employed by Government or semi-Governmental instrumentalities. Previously claims for long service leave had been rejected on many occasions in the Federal sphere. I could find only one exception to that; and that was in 1950 and concerned the Federal flourmillers' award. However, the decision in that case pointed out that the industry is a sheltered industry and the innovation would not impose any hardship on employers.

Until 1951 jurisdiction over long service leave in the Federal sphere was vested in the Commonwealth Conciliation Commissioner and not in the court. Some commissioners took the view, however, that it

was a broad question common to all industries and, therefore, it should not be dealt with in a piecemeal fashion by the commissioners themselves. The case of the storemen and packers in 1950 was used as evidence to support that view.

Mr. Taylor: Are you saying it was in 1950 or 1951 that the Commonwealth court made this breakthrough?

Mr. MENSAROS: I referred to the case of the storemen and packers in 1950, and I was about to refer to the fact that in 1951 the jurisdiction was transferred from the Commonwealth Conciliation Commissioner to the Commonwealth Arbitration Court; and in 1956 it was transferred to the Commonwealth Arbitration Commission, as it was then called. The powers of the commission to make an award for long service leave are now exercised by the commission in presidential session. So we can see the development from the commissioner to the court, and then to the commission in presidential session.

A case arose concerning the employees of the Adelaide Brick Company, who were still under a Federal award; and the court indicated that before granting long service leave in that particular industry, or in a particular industry, it wished to hear a general case regarding the way the power of the court should be exercised. Subsequently, in 1964 after the hearing of a general case—I think it concerned the graphic arts and metal trades—long service leave was prescribed in a Federal award.

Coming to the State sphere, on the 1st April, 1958, most industrial awards and agreements of the State Industrial Commission were amended by consent—and I emphasise those words—to provide for the first time a scheme of long service leave for private industry.

Mr. Jones: Was that the first in the State?

Mr. MENSAROS: Yes. That scheme evolved from the discussions of the Australian Council of Trade Unions and the National Employers Federation—as I think it was called—which led to the establishment of a national code in Australia for long service leave.

Whilst that national code as such did not become a fact, still in 1958—by application and by award amendments in both form and quantum of leave—expression was given to the principle.

In Western Australia, the parent Act of 1958, which was assented to in December, 1958, and proclaimed in the same month, provided 13 weeks' leave after 20 years of continuous service. I emphasise once again that this applied only to those employees not covered by any award, and resulted after an understanding had been reached between the unions and employers in those fields which were covered by industrial awards. It was a legislative measure. How-

ever, the legislation did no more than that which had been agreed to already in various other fields. It simply covered non-award workers.

The State long service leave award provisions continued in their original form until a further movement occurred in the provisions of the Commonwealth. In 1964 the Commonwealth Conciliation and Arbitration Commission determined that it should regulate long service leave in industrial awards, as I mentioned earlier when dealing briefly with the history of the matter in the Federal sphere. In May, 1964, the full bench of the Commonwealth Conciliation and Arbitration Commission determined that Federal awards dealing with long service leave should provide for 13 weeks' leave after 15 years of continuous service. Subsequently all State awards and industrial agreements were amended by consent—and again I emphasise those words—to provide for the new standard of 13 weeks' leave after 15 years' service. That provision took effect in Western Australia on the 1st October, 1964.

The Long Service Leave Act Amendment Bill of 1964 was assented to in November of that year and followed the practice of providing for nonaward employees, and those who were under awards other than State and Commonwealth awards. What I am trying to show by relating the history of long service leave provisions is the whole pattern of precedents of legislative action.

The initiative was taken at Commonwealth level, either by consultation between management and labour or by Commonwealth arbitration authorities having legislative force. This was followed by an amendment of State awards and agreements by consent. It was only after these two steps that legislation was introduced by the State to provide for those who had been left out of the previous provisions—those who were not under Commonwealth jurisdiction and who did not have the benefit of any State industrial award.

The Government's rationalisation in connection with the Bill introduced last session—according to the Minister—is a desire to remove the differences between long service leave granted to wages workers in private enterprise and the conditions which are already being enjoyed by Government servants in the Public Service.

The Minister emphasised that at that time this was rightly done because it was the announced policy of his Government. I do not know of any occasion between these periods that this policy could have changed but, of course, the mind of the Minister has changed. This is evident from the newly presented Bill before us. The previous Bill indicates that the Government's rationale is not valid or properly based

because at that time it totally ignored the whole basis on which long service leave in the private sector was established.

Mr. Taylor: You are referring to the Bill I introduced last year?

Mr. MENSAROS: Yes. The Bill before us reflects the thought—and I cannot find any other explanation, but perhaps the Minister can find a different one—that the State Government is encouraged by the fact that a Labor Government has come into power in Canberra and it feels it can go much further; because, as I said, this measure involves all workers irrespective of whether they are covered by an award or not.

The Bill before us reflects, to our way of thinking, an unacceptable philosophy and an intention by the Government to impose on the industrial scene something which was not achieved by arbitration; it seeks to change something which we have had for more than 70 years. I think the Bill clearly shows again that the Government is prepared to legislate under pressure from the industrial side of the Labor movement.

Mr. Jones: What is wrong with all workers receiving long service leave? What have you got against that?

Mr. MENSAROS: Had the honourable member listened to me he would have appreciated that I was not opposing the fact that all workers should be given leave. I was opposing the fact that the Government has taken the matter into its own hands and decided on a matter which always was and should be provided for by means of arbitration. The intention always was that the arbitration system, or the Industrial Commission, or whatever we would like to call it, should determine the conditions of work, etc., be they related to long service leave or sick leave.

Mr. Jones: Did not private enterprise receive its first long service leave through Parliament in 1958?

Mr. MENSAROS: I am sorry I have to repeat my speech for the benefit of the honourable member, but I was pointing out that this was done after agreement between employers and employees in the sections that were covered by awards. Legislation was then introduced for those who were not covered by an award.

Mr. Jones: I do not agree.

Mr. O'Neil: All awards were amended by consent in 1958, and that Bill provided for those not covered by awards.

The DEPUTY SPEAKER: Order! There is far too much talking in the Chamber and the Hansard reporters are finding it difficult to hear what is being said.

Mr. MENSAROS: I do not think this is a matter of agreement between the honourable member and myself; it is a question of fact.

I would now point out that the Commonwealth commission was at all times aware—as were those who enacted the State legislation and others who may have been concerned—that State and Commonwealth public servants, generally speaking, had conditions superior to those enjoyed by workers in the private sector.

This has always been so, and it has always been understood to be so. It was acknowledged that the career structure of the Public Service should have inbuilt benefits to attract and retain, for the longest possible time, efficient public servants. There are many fringe benefits in the Public Service which are generally regarded as applicable to that service, and I believe these still exist. This is very evident when the conditions are compared with those in the private sector.

Let me now refer to the conditions that prevail in the other States. I must confess that the dates I have relate to the period before South Australia introduced its recent legislation, to which the Minister for Labour has referred.

In each State and under Federal awards the basic qualifying period is 15 years and the long service leave entitlement is 13 weeks. The subsequent period of leave for additional service after 15 years varies somewhat.

In New South Wales the additional qualifying period is after each 10 years of service, and the entitlement is calculated on the basis of 13 weeks for either 20 or 15 years' service to allow for leave accrued during the period of reduction of the qualifying period which was 20 years to 15 years in 1954.

In Victoria an entitlement of 4½ weeks accrues for each five-year period following the initial period.

Mr. Taylor: When was the New South Wales Act passed?

Mr. MENSAROS: I cannot tell the Minister, but my notes show that these are the prevailing conditions. There was no new Act in New South Wales.

Mr. Taylor: These are the conditions which have been in operation in other States for something like nine years.

Mr. MENSAROS: I am drawing a comparison with the conditions that exist in the other States at the present time. As I said, in Victoria the entitlement is 4½ weeks after each five years, while in Queensland only each period of 15 years' service entitles the worker to 13 weeks' leave. In other words there is no in-between entitlement. The employee must work for another 15 years after the initial 15 years. In South Australia as it was before the present legislation, and in Tasmania as I understand it still is, an additional 8½ weeks accrue for each subsequent 10 years of continuous service after the initial 15-year period.

So it is quite clear that the provisions of this Bill cannot even be compared with the prevailing conditions throughout the Commonwealth of Australia. The Bill not only ignores the history and precedence associated with the introduction of every improvement, but it also creates entitlements which are vastly higher than those in the other States. Of course, the Minister anticipated this argument and said that apparently this was not adhered to or accepted in South Australia and therefore it should not be accepted here. I tried to find out the Minister's estimation of the cost involved should the Bill become law. I realised the Minister would not give it to me so I do not have his estimation.

Mr. Taylor: To help you, the answer will be, "No figure given, and virtually impossible to calculate." Does that help?

Mr. MENSAROS: I tried to do one better than the Minister's department although I am open to correction. I will convey my calculation to the House. It is calculated that if a worker will give a service of 45 years, for the 45 years the Bill will increase the long service leave entitlement to 58½ weeks, and this is a gain of 19½ weeks. So one can say it is an increase of about one-half or 50 per cent. It can be seen, therefore, that 13 weeks is due after 10 years, 9.1 weeks after the next seven years, and the same 9.1 weeks after the following seven years, and so it goes on. This totals 58½ weeks after 45 years' service. Transferring this increase into wages cost it means somewhere around \$2,000 or more in the 45 years, if we assume the worker is getting \$100 a week which is, I understand, the latest average earnings in Australia.

Mr. Taylor: It is \$90-odd so you are not too far out.

Mr. MENSAROS: As members would realise I have over-simplified the matter because we would have to calculate various other factors. First of all this particular employee would have to be replaced during his long service leave and his replacement would obviously cost more.

Mr. Taylor: Does this happen in the State Government when someone goes on long service leave? I suggest the answer is, "No".

Mr. MENSAROS: Does the Minister mean the replacement?

Mr. Taylor: Yes.

Mr. MENSAROS: I have not administered any State department as yet, but I do not believe they would take on someone new. I do not want to come to the conclusion to which I would logically come, and I think the Minister understands what that conclusion would be. However, if everyone works to his capacity he ought to be replaced.

Mr. Taylor: Workers work harder we find.

Mr. MENSAROS: Another factor is also involved. The shorter the qualifying period becomes, the more people will automatically become eligible for long service leave or part thereof because more people will spend continuous employment with the same employer. The Bill shortens the subsequent qualifying period by one-third as it will be seven years instead of 10. We can see then that this would increase the number of people qualifying for leave by about the same proportion and the direct wages cost involved would be about the same amount proportionately.

A worker accumulates his leave wage at the rate of about \$100 per annum. Western Australia has a private sector work force of about 250,000 so it can be calculated that the total cost of long service leave would become \$8,000,000 per annum, assuming that about one-third of the workers would qualify for leave under the shortened term. I think this needs some consideration when dealing with a measure such as the one now before us. The main point of our opposition is that the Government is taking from the arbitration system the granting of long service leave as a condition of employment. The cost is a secondary consideration, but it is important, especially if we compare the position of our State with that of other States.

Mr. Taylor: The member for Floreat mentioned an estimated cost of \$8,000,000 per year. Does he have any idea of the estimated cost of wages per year for that same work force; that is, the percentage?

Mr. MENSAROS: My figure was calculated on a private industry work force of 250,000, receiving an average of \$100 a week.

Mr. Taylor: I have a figure of \$1,048,000,000 as an approximate wages bill for a year. The cost of \$8,000,000 as a percentage of the wages bill would be infinitesimal. In 1958 the present Leader of the Opposition suggested a figure of \$17,000,000 at that time.

Mr. MENSAROS: I would have been much happier had the Minister informed us of his method of calculation. My calculation might be wrong but even so it is a considerable figure which should not be neglected.

It is quite amazing that this Government, which has always indicated it is in favour of compulsory unionism and applauds what the unions are doing, should take this matter out of the hands of the unions. The Government is virtually saying that the workers need not belong to unions because the unions do nothing for them. However, during the last 75 years the employees have fought for their conditions and the philosophy of the Labor Party is that workers should belong to

unions on a compulsory basis. However, the Government now virtually implies that a worker need not belong to a union because the Government will look after him. There is no need for an industrial advocate.

Mr. Jones: Who said that?

Mr. MENSAROS: The Government, by introducing this Bill. It is the job of any union secretary who is worth his salt to apply through the arbitration system to get these conditions. But the Government now says it will grant these conditions. I know of no other country—other than strictly dictatorial countries—where such an arbitration system operates. While seemingly retaining a system this Government makes decisions concerning the conditions of the work force, and implies that there is no need for unions, except to collect fees for nothing. The Government is doing the work for the unions. Such conditions prevail only in countries such as Russia where the Government decides how much should be paid to the workers, and how much leave and sick leave the workers should receive. There is no difference between the Russian party Government or the union; they are both one and the same.

Mr. Taylor: The member for Floreat is suggesting that this has been decided by arbitration, and not by the Government, in the past?

Mr. MENSAROS: It has been in the private sector, for those people covered by awards or arbitration.

Mr. Taylor: You are referring only to the State.

Mr. MENSAROS: Yes. I mentioned that it started with Commonwealth action, and then the State introduced legislation to cover those not affected by awards.

One could spend some time comparing the Government and private sectors regarding long service leave conditions. I will make my comparison by using a full life span of service of 45 years. The average Government worker, over 45 years of service, at present receives 13 weeks' leave after the first 10 years of service, a second period of 13 weeks after the next 10 years of service, and thereafter he receives a further 13 weeks on three occasions after every seven years.

The SPEAKER: Order! There is too much talking.

Mr. MENSAROS: The Government worker would then be left with a final period of seven weeks' leave for his remaining four years of service. So the Government employee receives 72 weeks' leave over 45 years. A private worker in industry, who began his service in 1958, would receive 13 weeks' leave after 20 years. In 1964 he would have qualified for a reduced period of 15 years' work for 13 weeks' leave. The private industry worker would receive a total of 39½ weeks

of long service leave for 45 years' work, which is approximately 32½ weeks less than his Government counterpart would receive.

The provisions of the Bill now before us will increase the long service leave of the private industry worker to 58½ weeks over 45 years, leaving a difference of only 14 weeks.

Another important aspect which is very often claimed—and not unjustly—is that generally speaking people have so much leisure time that the intention of most workers is to try to accumulate long service leave until they retire because that is the time when they are able to use it most. This endeavour on the part of the private industry worker, and his Government counterpart, is quite obvious. Of course, employers and Government departments have to refuse applications for deferment because the intention of the Act is that the worker should have some recreation.

Mr. Taylor: Quite right. An employee must take it before he retires.

Mr. MENSAROS: Because of the provisions of the Act the worker should take the time off.

Equally, according to the intention of the provisions in any award or legislation, these people should not take another job during their long service leave. What happens in practice is that invariably in a time of full employment they do take another job and, consequently, there is no recreational aspect.

It is quite interesting to see how much leisure time is accumulated in an employment of 45 years. In mentioning figures I am referring to the present conditions which apply to people privately employed and not the conditions which would apply should the legislation be enacted. The position is now—

Long Service Leave	39½ weeks
Annual Leave (three weeks by 45 years)	135 ..
Public Holidays (10 working days per annum by 45 years)	90 ..
Sick Leave (5 days per annum)	45 ..

This results in a total entitlement to people in private employment of almost 310 weeks, which is five years, 49½ weeks. In other words, it is almost six years during a 45-year period.

If this legislation as well as other legislation which is before the House at the moment is enacted, the situation would be quite different. The person would receive 58½ weeks' long service leave. Even if we leave the other factors as they are, the total entitlement during an employment of 45 years would be six years and 16 weeks. If we were to increase sick leave to double the amount, as is presently intended by the Government, the total entitlement

would be eight years and nine weeks. If any thought is given to increasing annual leave by one week, over an employment of 45 years the total entitlement for recreation under the various headings would be nine years and two weeks.

Mr. Taylor: Do you suggest that this is too much?

Mr. MENSAROS: This would mean one-fifth of the whole period of his employment. It virtually means that we would reduce the working week to 32 hours. Despite the tremendous development in Western Australia over the last 13 or 14 years—perhaps excluding the last two years—we are still under-industrialised in comparison with New South Wales and Victoria. I doubt whether these types of measures are an incentive to develop the State further.

Mr. Jones: The qualifications vary so much. Do you think this is the right principle?

Mr. MENSAROS: Between whom?

Mr. Jones: Some take 15 years and some take seven to accumulate the same quantum of leave. Do you think this is fair?

Mr. MENSAROS: The main difference is only between civil servants and private employees and it has always been thus. As I have pointed out, this is a prerogative of civil servants.

It is quite interesting to refer to two questions which I directed to the Minister for Labour as far back as 1971. I endeavoured to ascertain whether the Minister ever interfered in any industrial arbitration proceedings in the public interest to prevent inflation and the resulting unemployment which was obviously due to the cost-push factor.

Mr. Taylor: That was by a Liberal Government.

Mr. MENSAROS: The Minister disclaimed that he would ever interfere, even to prevent inflation. On the other hand he is now interfering with conditions of work which, rightly, are the province of arbitration. Quite obviously the legislation would foster inflation which, at the present moment, is the biggest enemy of our economy and may very well, when we reach the full circle again, result in unemployment unless we are extremely careful.

I do not want to prolong my remarks and I think I have made it clear that we are opposed to the Bill mainly because we believe in the arbitration which is unique in Australia and which has brought tremendous results for our country as a whole and for our State in particular. The legislation would breach the principle of arbitration.

Apart from breaching the principle of arbitration the legislation would minimise the role of the unions. This is what it

would do. It would be saying to the workers, the claimed supporters of the Government, that they do not actually have to belong to a union. The Government would prefer to compel them to pay the fees because that would contribute to the profits of the union and the present Government party. By this legislation, the Government is saying that the people concerned do not have to belong to a union because the Government has legislated for long service leave and sick leave.

Who knows? Some time in the future this could be the way and the arbitration system dispensed with. We cannot accept this principle. This is the main reason for our opposition to the measure.

Secondly we oppose the measure because, in combination with other Bills, it will aid the running of inflation which in the interest of wage receiving workers—not so much in the interest of others—should be stopped by every endeavour of the Government. I admit the State Government, even under normal circumstances, has much less power to stop inflation than the Federal Government, but it should use the little power it has as a brake and not as an acceleration to inflation. We oppose the Bill.

MR. McPHARLIN (Mt. Marshall) [10.47 p.m.]: I do not intend to speak for long to this measure but it warrants some comment. As I understand it the Bill seeks to translate into the Long Service Leave Act so that they will be applicable to employees in the private sector of industry provisions of long standing which have been applicable to wages employees of the State Government in Western Australia.

The Minister has said that the rationalisation of the Government is a desire to remove the difference between long service leave granted to wages workers in private enterprise compared with those in Government. The speaker who has just resumed his seat went into a number of figures and statistics. I think he covered these aspects extremely well and I do not intend to go into the figures in a similar way. I wish to make some remarks on the origin of long service leave in the private sector of our State, and then to make some comparisons between Western Australia and the other States.

Perhaps the Minister would put me right if I err in what I am saying but, as I understand it, long service leave for employees in private industry in Western Australia owes its origin not to legislation but to the system of industrial relations which, in the past, has been governed by the Industrial Arbitration Act.

Mr. Taylor: You are dead right—on the system pertaining, and that needs qualification.

Mr. McPHARLIN: My information is that in April, 1958, most awards and industrial agreements of the State Industrial Commission were amended. I believe that was a period when a Labor Government was in office. They were amended, by consent of the employers and the unions collectively, to provide, for the first time, a scheme of long service leave in private industry. I am informed the scheme resulted from discussions between the A.C.T.U. and employers in relation to establishing a national code for long service leave in Australia.

Mr. Taylor: Would you suggest it might be surprising that it began in this State in 1958, after six years of alleged stagnation under a Labor Government, yet it was done by the employers apparently without any worry about cost and about what it might do to Western Australia's standing?

Mr. McPHARLIN: That is useful information. I was not aware of it and I thank the Minister for it.

It was not until December, 1958, that legislation was passed, quite properly, to cater for those who did not come under State awards—that is, employees covered by Federal awards. I believe the precedent for long service leave provisions was set in the Federal sphere. In 1964 the Commonwealth Conciliation and Arbitration Commission determined that it should regulate long service leave in industrial awards, and in May, 1964, a full bench of the Commonwealth commission decided that Federal awards dealing with long service leave should express a quantum of 13 weeks' leave after 15 years' continuous service.

The union movement in Western Australia was not slow to latch onto that, and it requested that that should be the new standard to be translated into State awards. The employers agreed to the request and, by consent of the parties, recognition was given to that standard in 1964. This apparently occurred despite the fact that long service leave schemes in the Commonwealth and State Public Service were generally superior to those in the private sector, but I think it has always been acknowledged that the career structures for public servants have inbuilt benefits designed to attract and retain people in those careers for the longest possible time. They can be regarded as fringe benefits for public servants, and there is probably no dispute about that.

Mr. Taylor: Can you give me a reason, though?

Mr. McPHARLIN: A public servant looking to a career hopes to remain in his job for the greater part of his life. He does not have the opportunity to go into private enterprise, perhaps, where he may be able to attract a greater income. The fringe benefits help to keep him employed in the Public Service.

Mr. Taylor: Do you believe a clerk in the Public Service does a better job and requires better remuneration than a clerk in a stock agent's office or an insurance company?

Mr. McPHARLIN: I did not say that. We need a good Public Service and we attract people by offering fringe benefits. In private enterprise employees usually receive benefits by arrangement with the employer.

Mr. Taylor: Not at the same rate as in the Government service.

Sir Charles Court: They do not have to.

Mr. Taylor: Why differentiate between a clerk, a mechanic, or a plumber in the Government and in private employment? I have not had an answer.

Mr. O'Neill: Do you think a teacher should receive more than a carpenter?

Mr. Taylor: Not now that I am not a teacher.

Mr. Jones: In some cases they perform the same function.

Mr. O'Neill: You are trying to level everybody down, of course.

Mr. Jones: This is happening right here in Western Australia.

Mr. McPHARLIN: After those useful interjections, I will continue. The comparisons between the States are of interest. The figures I am about to give relate to employees in the private sector in other States, and they do not show that employees in Western Australia are at a disadvantage. Perhaps the Minister will correct me if the figures I give do not agree with his.

Employees in New South Wales receive 13 weeks' long service leave after 15 years of continuous service, with additional qualifying periods each 10 years thereafter on the basis of 15 weeks for 20 years or 13 weeks for 15 years, having regard for the transitional period between the reduction from 20 years to 15 years in 1963.

Mr. Taylor: You are repeating what the member for Floreat said, but I make the same point—that those are the conditions which applied some nine years ago. They may be out of date by now.

Mr. McPHARLIN: Under Federal awards, employees receive 13 weeks' long service leave after 15 years, with additional leave after each 10 years thereafter on the basis of 13 weeks for 20 years or 13 weeks for 15 years according to the date of change from 20 years to 15 years as a qualifying period.

In Victoria employees receive 13 weeks' long service leave after 15 years' continuous service and an additional 4½ weeks leave on completion of each five years' continuous employment thereafter.

In Queensland employees receive 13 weeks' long service leave after each 15 years of continuous service.

In South Australia employees receive 13 weeks' long service leave after 15 years and 8½ weeks after each further 10 years.

In Tasmania employees receive 13 weeks' long service leave after 15 years and 8½ weeks after each subsequent 10 years.

Perhaps the Minister could check these figures and, when he replies, compare them with the long service leave provisions in Western Australia.

Mr. Taylor: You did not read my second reading speech.

Mr. McPHARLIN: It appears that the Bill is improperly based and that it ignores the history of long service leave in Western Australia. It also appears to ignore the standards applying in other States of the Commonwealth. This legislation appears to do no more than give a minority of persons short service leave.

Mr. Taylor: A majority?

Mr. McPHARLIN: A minority of persons short service leave.

Mr. May: They must have been ignored for a long while.

Mr. McPHARLIN: In endeavouring to legislate in a minority field, which this Bill appears to be doing, it seems that the Government is ignoring the whole matter on which unions rely and will rely in the future for improvements in working conditions.

Mr. Taylor: That is where you make your error.

Mr. McPHARLIN: I do not think it is an error. When the Minister replies, if he considers I am in error he can put me on the right track. I do not believe I am in error.

For these reasons, and for the reasons suggested by the member for Floreat when he was on his feet, that other Bills coming forward—the Sick Leave Bill, the Industrial Arbitration Act Amendment Bill, and the Workers' Compensation Act Amendment Bill—and this Bill are aimed towards industrial arbitration amendments with the intention of giving greater leave to workers and greater leisure time—

Mr. T. D. Evans: Are you opposed to that?

Mr. McPHARLIN: At this stage of our economy I do not think we should be looking for greater leisure time. We should endeavour to knuckle down, work a bit harder, and continue to fill the hours with work.

Mr. McIver: After 15 years' continuous service?

Mr. McPHARLIN: We should not be looking for extra hours off and extra leisure time.

Mr. McIver: I would hate to work for you on the farm!

Mr. McPHARLIN: It has been said that with greater leisure there is moral decline.

Mr. May: The farmer gets from January to May.

Mr. McPHARLIN: It is quite evident that the Minister for Mines has no experience at all of farming, or he would not make such a statement.

Of course, if the extra leisure time could be used to the benefit of society, the legislation may be considered beneficial and would not be seen as a moral decline. The extra leisure would be of use to the community.

Mr. Jones: A Farmers' Union case is coming up.

Mr. McPHARLIN: Another point should be made, and that is that every time a Bill is brought forward for an increase in long service leave, we must consider the economy—the costs of paying for long service leave.

Mr. McIver: This is always the employers' cry.

Mr. McPHARLIN: This is a very valid point, and somebody has to use it somewhere.

Mr. T. D. Evans: That argument was used prior to the 1907 Harvester award. It is the same argument and it has not improved since that time.

Mr. McPHARLIN: I was not around then and I do not know much about it.

Mr. T. D. Evans: The same argument was used in relation to the basic award.

Mr. O'Neil: Let us hear all the industrial experts on the other side—one at a time.

Mr. McPHARLIN: I was inclined to support the Bill, but having seen the other legislation which I mentioned a moment ago, I do not now propose to support it.

Mr. Taylor: Why not support this Bill and oppose the others? Stick with your first judgment.

Mr. McPHARLIN: I feel this is one of a number of Bills which will not react to the benefit of the State. Because of that I must register my opposition.

MR. JONES (Collie) [11.05 p.m.]: I listened very intently to the submissions put forward by the member for Floreat and the member for Mt. Marshall. Had I not been sitting in Parliament I would have thought these submissions had been framed by the Employers Federation. Having had some experience in the industrial court, to me the submissions seemed to be flavoured with the same arguments the trade union movement generally expects and receives from advocates working for that federation. This is nothing new to me—it is just what we expect. We hear the old hue and cry—the ability to pay. In no instance since I have been here have

we been prepared to show some leadership. We are waiting for other States to do something—looking to other States and considering whether to follow the pattern. This has been clearly indicated, not only by the member for Floreat but also by the member for Mt. Marshall.

Mr. Rushton: Is this a new method for fixing the price spiral?

Mr. JONES: Of course the honourable member has a great experience in the Industrial Court! I would like to suggest to him that every time the unions apply for amendment to an award which will involve the payment of money by employers we always get this hue and cry—the industry, and its ability to pay. However, I have never heard members on the other side of the House get up with similar arguments when companies issue bonus share after bonus share and the investors in the companies draw interest on bonus shares. We never hear about the ability to pay in such instances. This is happening at the present time in Western Australia.

Mr. O'Connor: Who suffers the losses?

Mr. JONES: It is not a question of losses. The member for Mt. Lawley probably knows far more about shares than I do. I have one share worth \$10 in the Collie Co-Operative—the sum total of my investments. I would like to advise the member for Mt. Lawley that this is happening with shares all over the world. Members will remember when I spoke on this matter before I put forward the situation of an investor commencing with one share in B.H.P. *Hansard* gives the figures of what happens in such a case.

It sickens me, to say the least, that as soon as we suggest the conditions of the workers should be improved, a big cry goes up about the question of costs.

Let us look at some of the remarks made by the member for Floreat. I disagree with him entirely when he said that in the private sector of industry long service leave was introduced after 1958. My memory is that the coalmining industry, under the Federal coalmining tribunal, granted an entitlement of long service leave after 13 years' service in 1949. It is true that the leave was not introduced because of other reasons at that time, but it was introduced in 1956 and backdated to 1949. I disagree with the honourable member about his comment on the introduction of the first State award. My investigation shows me, and I stand corrected if I am proved wrong, that the first award introduced in this State was in the Yampi ore agreement of 1956. If the honourable member investigates this matter he will see that this was the first private sector agreement entered into in Western Australia. If he makes further investigations he will see that this agreement followed the prescribed pattern at

the time and granted three months' leave for every 10 years of service. This was in 1956.

Mr. Mensaros: That only strengthens my argument. I do not disagree with you.

Mr. JONES: We will go into the honourable member's argument in a moment.

Mr. Mensaros: Your figures only strengthen my argument.

Mr. JONES: I am correcting the honourable member on the time element. He gave the year as 1958. Let us get that argument straight before we go any further.

Mr. O'Neil: The first legislation was in 1958.

Mr. JONES: I pointed out that the first agreement in the Federal sphere was 1949. I am just stating these facts to keep the record straight.

To return to what we are trying to do in this State, it is true that the New South Wales conditions have been used as a yardstick for determinations in the past. It is also true that in the metal trades sector, the metal trades decisions which usually flow on to the tradesmen in this State are used as a yardstick by the Industrial Court of Western Australia. However, in this instance we have a change in the formula—South Australia introduced similar legislation late last year.

So we are simply saying in this instance we will follow the standards that have been introduced by the South Australian Government. Reference to *Hansard* will show that when the legislation was before the South Australian Parliament the Opposition in that State—the colleagues of the Opposition in this State—used as the main point of their argument public interest in relation to the capacity of the South Australian Government to attract industry on the same basis as its counterparts in Victoria and New South Wales. The matter was argued in the Parliament and legislation was passed which now provides for 13 weeks' leave after 10 years' service.

The member for Floreat traversed the history of the legislation which was introduced into this Parliament in 1958. I put it to him that unless some changes occur at some point in time the workers of this State who are not covered by long service leave awards will have to wait 15 years to accrue long service leave. Let us look at the position of two bulldozer drivers working on the border of Western Australia and South Australia. The driver working in South Australia will receive long service leave after 10 years, but the driver working on the Western Australian side of the border will receive long service leave after 15 years' service. I suggest that is erroneous to say the least. I cannot understand why we have not a national scheme of long service leave, just as we should have a

national scheme for workers' compensation. The bulldozer driver working in South Australia, provided he starts tomorrow, will receive 4½ periods of long service leave in 45 years; but his counterpart on the other side of the border, driving the same type of machine, will receive only three periods of leave in that time. Do members opposite suggest that is a practical proposition?

I suggest there is a need for us to consider long service leave provisions on a much wider basis than we are prepared to do at the moment.

Mr. O'Neill: There would not be much border left if you had two bulldozer drivers working on it for 45 years.

Mr. JONES: The Deputy Leader of the Opposition knows what I meant.

Mr. O'Neill: Seriously though, does the South Australian Act cover all workers or only those outside of awards?

Mr. JONES: I understand it does not go as far as our proposed provisions will go.

Mr. O'Neill: That is very significant.

Mr. JONES: I was coming to that point. It is true that the Bill before us extends the South Australian principle. I do not deny that. The member for Floreat raised this point and I agree the principle is extended. However, surely we must ask ourselves when will we reduce the qualifying period for workers in general industry. I put it to members that public servants have enjoyed a qualifying period of seven years since the early 1900s. Railway employees after receiving their first long service leave entitlement enjoy a qualifying period of seven years. Workers in the coalmining industry enjoy a qualifying period of eight years.

In the electorate I represent I have seen the situation of a bulldozer driver working on a subcontract and operating a D8 machine for the Main Roads Department who must wait for 15 years before enjoying long service leave; but a man driving the same type of machine on the opposite side of the road in an open cut must wait for only eight years. I fail to see any logic in that proposition. I feel the investigation of these aspects is well overdue.

The Bill contains some other minor amendments relating to periods of long service and sick leave in order to bring the situation into conformity with the general position. I think we must be fair so far as workers are concerned. Why should we wait until a movement is made in Australia, generally, before we move?

So far as workers' compensation is concerned, workers in this State are well behind their counterparts in most other States. Here is an opportunity for us to do something in that regard. Similar legislation has been introduced in South Aus-

tralia, and I suggest no good reason has been advanced as to why amendments should not be introduced in this Parliament. With those few words I offer my full support to the measure.

MR. TAYLOR (Cockburn—Minister for Labour) [11.15 p.m.]: Because the hour is late I will not take overlong in answering the queries raised. I believe speakers on the other side of the House have completely missed the whole point of the Bill. To start with they based their arguments on wrong premises. In fact, the summation by the member for Collie was right on the ball. The suggestion of the Opposition is that we should wait until standards are set outside this State; that we in Western Australia should not set our own standards and should not set what we believe to be a workable standard for workers in this State, but should wait for other States to do it for us.

The basis of the argument of members opposite appears to be that there is a system operating in this State which has served us well in the past, and there is no need to deviate from that practice at the moment. I suggest there is every reason to do so.

Firstly, let us look at the practice. It has been suggested that the first long service leave agreement in this State was effected in 1958 as a result of negotiations between employers and employees. The member for Floreat said that this was achieved only after agreement between the parties concerned. A little later he said provisions were included in Western Australian awards by consent in 1958. When one looks at the situation which operated at that time one sees that the only method by which long service leave could be accepted in this State was by agreement and consent; that is, agreement and consent imposed by one party.

Long service leave reached this State for wages employees in the private sector in 1958, some seven years after it was introduced in another State. Prior to that the system in Western Australia did not permit the entitlement granted in other States to be granted to workers in this State. It was introduced seven years after it was introduced in the other State. The first reason the entitlement was not granted before that was that we were required to wait for negotiation and consent by management. The second reason we had to wait was that a Bill introduced in 1957 in an attempt to grant that entitlement was defeated in this Parliament.

It is fine for the Opposition to say a system is operating in this State and therefore we should continue with it when in the past members opposite opposed an attempt to alter that system. That is a very one-sided argument. The claim of the member for Floreat—which seemed to be the basis of a large part of his argument—that this

matter has always been the prerogative of Arbitration Courts, and that the provision had, in fact, been initiated by the Commonwealth back in 1951 or 1952, with a subsequent amendment in 1964, is completely erroneous. Had the honourable member done any homework at all he would have realised what was the case. Let me quote a short extract from the New South Wales *Hansard* of the 20th October, 1955, when an amendment to the long service leave legislation of that State was before the Parliament. By way of interjection a question was asked of the then Minister for Labour (Mr. Landa), who replied as follows—

Before 1951 the only workers in the State who received long service leave were employees of the public service and of some other government bodies and a few groups of employees who were entitled to the leave under the terms of their particular award. In 1951 the Labour Government amended the Industrial Arbitration Act to give to all employees working under State awards the right to long service leave. All that they had to do was to ask the Industrial Commission or the conciliation committee dealing with their industry for a suitable clause to be inserted in the award. This was novel legislation, introduced for the first time in the English-speaking world.

That legislation was introduced not in the Commonwealth, but in a State Parliament, which passed a measure which was unique at that time. New South Wales adopted that legislation in the year before the provision was accepted in the Commonwealth court.

Mr. O'Neill: Even so it was a move to give arbitration authorities the right to grant long service leave by action other than legislative action.

Mr. TAYLOR: That is true; but when we look at it historically we find that the New South Wales Parliament made a decision in 1951 and, presumably because at that time we had a Commonwealth Liberal Government, the decision flowed through the Commonwealth Conciliation and Arbitration Commission.

Then it flowed from State to State through the State arbitration systems, until it ended up in Western Australia in 1958. That was after a Bill had been defeated in this House.

Mr. O'Neill: In 1958 it was to give this to those who were not subject to industrial awards.

Mr. TAYLOR: I agree, but it is still very relevant that a State Parliament introduced long service leave before the Commonwealth Arbitration Commission did. This was the reverse of the whole basis of the case made by the member for Floreat. In Western Australia we should be setting a precedent.

Mr. O'Neill: With this Bill you are torpedoing the arbitration system of this State. You are dropping a depth charge on it.

Mr. TAYLOR: Let me refer now to the position in New South Wales as at the 20th March, 1963. I would remind members of the year 1964 referred to by the member for Floreat when he mentioned the Commonwealth arbitration decision. Clause 21(b) of the New South Wales amending Bill of 1963 dealt with the quantum of long service leave. That Bill proposed to reduce the qualifying period for long service leave, so that a worker would become entitled to three months' long service leave after 15 years instead of 20 years, as provided at the time. That was in 1963.

Mr. O'Neill: But that Bill applied to workers not covered by industrial awards.

Mr. TAYLOR: No, it applied to all workers.

Mr. O'Neill: The Minister had better do more homework.

Mr. TAYLOR: To clear up the point I refer to the New South Wales *Hansard* and to a debate which took place on the 20th October, 1955. The Minister introducing the second reading of the Bill said—

Before 1951 the only workers in the State who received long service leave were employees of the public service and of some other government bodies and a few groups of employees who were entitled to the leave under the terms of their particular award. In 1951 the Labour Government amended the Industrial Arbitration Act to give to all employees working under State awards the right to long service leave.

Mr. O'Neill: That is a different matter from giving it to them.

Mr. TAYLOR: All they had to do was to go before the Conciliation Commission and ask for it.

Mr. O'Neill: The Minister is attempting to pull the wool over our eyes.

Mr. TAYLOR: In 1963 the N.S.W. State Government amended the period from 20 years to 15 years, allowing any union to apply for it. After 1963 that flowed on through the Commonwealth Industrial Commission and the State commissions. It arrived in Western Australia in 1964, when our Act was amended to provide for a period of 15 years.

Mr. O'Neill: That is to cover workers outside the industrial awards, and not those within.

Mr. TAYLOR: The answer is found also in the granting of sick leave. Despite what has been said that this was initiated legislatively and not through the arbitration system, it was through the arbitration system that it flowed on.

Mr. O'Neil: Why did you introduce this Bill instead of the one which you introduced on the last occasion? You have changed the long title of the Act to cover something which is quite different from what you are talking about.

Mr. TAYLOR: The second point made by two members opposite related to various conditions applying in the other States. The point was made that in all the other States, with the exception of South Australia, the 15 years' criterion has remained in the legislation. It is suggested that what was the situation in 1964 in the other States should remain the criterion in Western Australia at the present time, and that what happened then is good enough for Western Australia now.

I made the point in introducing the second reading of the Bill that South Australia made the move last year to introduce the quantum which is sought in the Bill before us. This matter became an issue in the recent State election in South Australia when the Government announced in its policy speech that it desired to extend this concession to some workers—in particular the building trades workers—who were not previously covered. That Government was returned, and that amendment went through the South Australian Parliament.

Mr. O'Neil: With the substantial majority of one in the other House.

Mr. TAYLOR: That transferred the lead of being the progressive State from New South Wales to South Australia. The point made by the member for Collie is very clear. Just as in 1951 and in 1963 these concessions flowed on from the first legislative enactment, so will this flow on. It is only a matter of time. One wonders whether we in Western Australia will have to wait seven years.

Mr. O'Neil: Can you say whether the South Australian provision is a blanket cover of long service leave to all workers, or only out-of-award workers?

Mr. TAYLOR: I believe it is a blanket cover.

Mr. O'Neil: The member for Collie does not think you are right, and neither do I.

Mr. Jones: I said I understood that to be so.

Mr. TAYLOR: Let me refer to the question of costs. This is a most difficult question to answer. However, there are two aspects I wish to refer to, and in so doing I will mention certain figures. It is very difficult to estimate what the cost will be in respect of the amendment to the long service leave provision.

The point to emphasise is that with the work force at its present size in Western Australia, and with the provision which

we have put forward to reduce the period from 20 years to 15 years, the member for Floreat has suggested an additional cost of something like \$8,000,000 a year.

In this connection it is of interest to refer to the 1957 *Hansard* which contains a debate that took place on the 31st October of that year. The member for Nedlands, who is now the Leader of the Opposition, in putting forward the then Opposition's view to the Government's proposal for reducing the period from 20 years to 15 years, had this to say—

I estimate that under the Government's scheme the accrued liability at the base year of 1961 for this State will be nearly £17,000,000.

That is how much estimates can vary over a period of time.

I feel that the member for Floreat has done some homework and deserves some credit, because looking back into past debates I can find no reference to costs given by Ministers who introduced similar Bills, whether they were Ministers of a Labor Government, or the Minister in the Liberal Government of 1964 when the Act was amended. In other words, the question of costs has not been a prime point in debates in this House or in another place, though certainly it has been raised.

In 1957 the present Leader of the Opposition who took the adjournment of the debate on that occasion kept interjecting when the Minister for Labour was speaking, and asked what would be the costs involved. That Bill was defeated. However, 12 months later, in 1958 after six years of Labor Government, the employers by negotiation—to use the word used by the member for Floreat—were able to agree that all the unions should be given this concession. Apparently to the employers in 1958 the question of costs was not of major consequence. If it was they were able to get over the added costs. Yet in 1957 the costs were regarded as prohibitive and the Bill was defeated. I cannot see the logic of that argument.

Mr. W. A. Manning: You must agree there will be increased costs.

Mr. TAYLOR: I agree. In 1964 when the Act was amended to cover workers not already covered there was no mention of costs. That Bill was introduced by the then Minister for Labour (Mr. Wild). There was no objection by the then Opposition on the question of costs. The member for Collie explained this point very clearly when he spoke in the debate: Whether it be the reduction of the working week from 48 to 44 hours, or from 44 hours to 40 hours, or whether it be an increase in sick leave entitlement from one week to two weeks, or an increase in annual leave from two weeks to three weeks, the costs involved have been absorbed and our standard of living has still risen.

What we are putting forward is that the qualifying period for some benefit, which began in 1951 and was amended in 1964 to 15 years as a result of a flow-on, should in 1973—to use the words of a member opposite—after “13 years of progress” be further reduced to the qualifying period of 10 years which is now applicable in South Australia.

Let me take a little more time on the matter of costs.

Mr. Rushton: A good idea.

Mr. W. A. Manning: What will Mrs. Coleman think when prices go up?

Mr. TAYLOR: She will let the honourable member and me know.

To his credit the member for Floreat did try to work out what the average cost would be. I also attempted some calculations and when included in *Hansard* they might be worth checking. When one calculates the work force one gets a certain figure. With an average work force of approximately 161,000 men on an average of \$96.10 per week and an approximate work force of 90,000 women on an average wage of \$52 on the 1971 figures of the Bureau, one ends up with a wage bill for the year of something like \$1,048,000,000. If one calculates the long service costs per worker one comes up with a figure which means that the annual wages bill is likely to increase by only 0.83 per cent., which I do not suggest is a very large figure. In addition approximately one-fifth of the State is getting long service leave as good as or better than that proposed in the Bill.

I would like to know whether the member for Mt. Marshall has been a member of a local authority. He might be interested to know that employees of local authorities receive long service leave after 10 years. Presumably this is granted by the ratepayer members of the local authorities. They believe that out of the rates they pay from their pockets long service leave of 13 weeks should be allowed for after 10 years' service. I have here some figures extracted from a speech by the then Minister for Labour (Mr. Hegney). in 1957.

Mr. McPharlin: You referred to the cost involved as being .083 per cent.

Mr. TAYLOR: No. I referred to 0.83 per cent. of the wages bill. The figure is suggested on roughly 80c per week for males and closer to 50c per week for females.

Mr. McPharlin: You did not convert it to millions.

Mr. TAYLOR: It is somewhere near \$11,000,000, being a proportion of the \$1,048,000,000. The member for Floreat referred to \$8,000,000, and I far prefer his figure. That is the only point in his speech

I am prepared to accept as being accurate. It is worth while remembering that a big proportion of the 137 local authorities in Western Australia in 1958 had already granted long service leave after 10 years to their employees. An interesting point for the member for Murray is that at that particular time Mandurah, which had not previously done so, was able to grant the same concession and make it retrospective to 1951. If the ratepayers of a local authority can agree to that action, they cannot be very fearful of the costs and consequences.

A great proportion of the work force already enjoys the concession of long service leave after 10 years, but it does not end there. A substantial number of the ordinary wages force would not, in normal circumstances, receive long service leave.

Mr. May: Does it apply to the farming industry?

Mr. TAYLOR: No. They have their own inbuilt superannuation scheme. It is a matter of getting into Parliament and having a double income.

The figures of the member for Floreat were based on the total work force receiving long service leave. I suggest that all the information which can be found on the subject indicates that not all members of the work force will receive the long service leave. Let us consider some of the categories. At least one-fifth or a quarter of the work force comprises Commonwealth, State, or local authority employees. Most women would not qualify because they would not work for the required 10 years. They may obtain *pro rata* leave. However, the average woman commences work at 16 and the normal marriage age is 19 or 20 years. Consequently most women do not get long service leave, and that excludes a fair proportion of the work force.

Most building workers would not receive it because they move from job to job, as do many metal workers on construction work. Most unskilled and itinerant workers would not receive it, neither would those in special categories; that is, waterside workers, seamen, miners, as mentioned by the member for Collie, and those in the iron ore industry, and the gold and coal-mining industries, and also members of Parliament. All of these would be excluded from the total work force and they would not receive the entitlement. This also applies to some executives and land developers as well as salesmen of various types. None of these would be likely to be employed in the one occupation long enough to receive the entitlement.

Mr. Graham: To say nothing of the ever-increasing numbers of subcontractors and sub-subcontractors.

Sir Charles Court: You are going to cut them out.

Mr. TAYLOR: I thank the Deputy Premier for his interjection. He referred to a trend which is contributing towards greater mobility of labour.

Mr. Rushton: How is it then that it is to be cut out?

Mr. TAYLOR: I have here from the Bureau of Census and Statistics figures relating to engagement and separation rates for the years 1964 to 1972. For those years the average separation rate per year for male workers was 7.4 per cent. It varies from about 6.4 per cent in 1964 to 8.6 per cent. in 1971. That is the percentage each year which disengages and moves to another job. If we consider the average of 7.4 per cent. per year it does not take long to build up during an accumulation of 10 years. A big proportion of the male work force therefore will not work long enough to receive the entitlement.

The separation rate for females is even higher. The average is 8.1 per cent. In 1964 the figure was 6.5 per cent. and it rose to 9.2 per cent. in 1972. It is suggested that something like 10 per cent. of the women have a separation from their job every 12 months. Again it is debatable as to what proportion is likely to remain long enough in the one position to be entitled to long service leave.

If we attempt calculations from the separation rates provided from year to year, it is estimated that under the present legislation only 40 per cent. of the male work force would in fact qualify for long service leave after 15 years. This is a far different figure from the total quoted by the other side. It is agreed that some would change their jobs two or three times but, on the basis that a job would be changed only once, it is estimated that under the present Act only 10 per cent. of the females would be working long enough to be entitled to long service leave.

When one looks at these figures one realises that the problem raised concerning costs is a myth. On the figures given it is estimated that the number of male workers to qualify under this new legislation would increase from the 40 per cent. who now might qualify to 60 per cent. That is still not bad. The number of women to qualify could increase from the present estimate of 10 per cent. to 40 per cent.

The other point of interest in this matter is that the statistics indicate that manual workers are in a different category from nonmanual workers. We find that the separation rate for manual workers is something like 7.4 per cent., while the rate for nonmanual workers is in the order of 2.7 per cent.

Therefore, the white-collar workers will benefit most because of the permanency of their jobs whereas the blue-collar workers are least likely to gain. We are talking about all employees, up to directors. Anyone who receives wages or a salary will

benefit. From the figures quoted it could be said that the manual and craft workers will not necessarily gain because of their mode of employment.

To sum up, and to follow the line used by the member for Collie, this is a reasonable Bill. It is not a matter of imposing a tremendous cost on a large body of employers. It is a matter of attempting to bring into this State a reasonable concession which already applies in our next-door neighbour State.

Mr. McPharlin: It will add \$11,000,000 to the wages Bill.

Mr. TAYLOR: No, the honourable member has not been listening. The estimate is based on the figures supplied by the member for Floreat. If the whole of the work force worked without a break that would be the figure, but as I have already pointed out some workers will not be eligible.

Mr. McPharlin: It could reach the figure of \$8,000,000?

Mr. TAYLOR: It could also be below that figure.

Mr. O'Connor: Is the Minister saying that his figures are inaccurate?

Mr. TAYLOR: I am saying they are accurate only as based on the figures I have been able to obtain. As I have said, this is a worth-while Bill and it will provide something to which the workers in this State are entitled. It will be an inducement to workers to come to this State, rather than the reverse. We do not want the situation which pertained in the 1950s when this State was something like seven years behind its counterpart. All we are asking is that this State, on this occasion, come in second instead of last. I commend the Bill to the House.

Question put and a division taken with the following result—

#### Ayes—21

Mr. Bateman	Mr. Jamieson
Mr. Bertram	Mr. Jones
Mr. Bickerton	Mr. Lapham
Mr. Brady	Mr. May
Mr. Brown	Mr. McIver
Mr. Bryce	Mr. Moller
Mr. Cook	Mr. Sewell
Mr. Davies	Mr. Taylor
Mr. T. D. Evans	Mr. A. R. Tonkin
Mr. Fletcher	Mr. Harman
Mr. Graham	

(Teller)

#### Noes—21

Mr. Blaikie	Mr. O'Neill
Sir Charles Court	Mr. Ridge
Mr. Coyne	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Sibson
Mr. A. A. Lewis	Mr. Stephens
Mr. E. H. M. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning
Mr. O'Connor	

(Teller)

#### Pairs

Ayes	Noes
Mr. H. D. Evans	Mr. Nalder
Mr. J. T. Tonkin	Sir David Brand
Mr. Hartrey	Dr. Dadour
Mr. Burke	Mr. Gayfer

The SPEAKER: The voting being equal, I give my casting vote with the Ayes.

Question thus passed.

Bill read a second time.

### ADJOURNMENT OF THE HOUSE

MR. GRAHAM (Balcatta—Deputy Premier) [11.46 p.m.]: With your indulgence, Mr. Speaker, I wish to indicate to the House that it is probable there will be a longer dinner break than is usual on Thursday evening because of a certain function to which, it is understood, quite a number of members of Parliament have been invited. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 11.47 p.m.

## Legislative Council

Wednesday, the 2nd May, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

### QUESTIONS (11): ON NOTICE

#### 1. EXMOUTH DISTRICT HIGH SCHOOL

##### *Reticulation*

The Hon. G. W. BERRY, to the Leader of the House:

When is it anticipated that work will be undertaken on the reticulation for Exmouth District High School?

The Hon. J. DOLAN replied:

A test bore is to be sunk on the school site in conjunction with a drilling programme shortly to be undertaken for the Town Water Supply.

The results of the test bore will determine the extent of any reticulation which can be carried out.

#### 2. EDUCATION

##### *Guidance Officers at Senior High Schools*

The Hon. V. J. FERRY, to the Leader of the House:

(1) How many Senior High Schools are in the Metropolitan Region?

(2) Of these schools, how many have the benefit of qualified guidance officers on—

- (a) a full time basis;
- (b) a part time basis; or
- (c) no appointment?

(3) (a) How many Senior High Schools are outside the Metropolitan Region; and

(b) where is each situated?

(4) Of the Senior High Schools situated outside the Metropolitan Region, which schools have the benefit of qualified guidance officers on—

- (a) a full time basis;
- (b) a part time basis; or
- (c) none?

(5) Where Senior High Schools do not have the benefit of a qualified guidance officer in any capacity, who is charged with the responsibility of offering advice on career opportunities for students?

(6) By what method are qualified guidance officers appointed to schools?

(7) If the Education Department has insufficient qualified guidance officers to meet all needs throughout the State, what remedies are being implemented to correct the unsatisfactory situation?

The Hon. J. DOLAN replied:

(1) 31.

(2) (a) 31.

(b) Nil.

(c) Nil.

(3) (a) 16.

(b) Albany,  
Bunbury,  
Busselton,  
Carnarvon,  
Collie,  
Eastern Goldfields,  
Esperance,  
Geraldton,  
Hedland,  
Katanning,  
Manjimup,  
Merredin,  
Narrogin,  
Newton Moore,  
Northam,  
Pinjarra.

(4) (a) Albany,  
Northam,  
Bunbury,  
Eastern Goldfields,  
Geraldton,  
Narrogin,  
Newton Moore.

(b) Busselton.

(c) Carnarvon,  
Collie,  
Esperance,  
Hedland,  
Katanning,  
Manjimup,  
Merredin,  
Pinjarra.

(5) The school Principal is responsible to ensure that advice in career opportunities is available to students.

(6) Guidance Officer positions are advertised.