

Legislative Council

Thursday, the 26th October, 1978

The DEPUTY PRESIDENT (the Hon. V. J. Ferry) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

CLOSING DAYS OF SESSION: SECOND PART

Standing Orders Suspension

THE HON. G. C. MacKINNON (South-West—Leader of the House) [2.44 p.m.]: I move—

That during the remainder of this second period of the current session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all Messages from the Legislative Assembly to be taken into consideration forthwith.

THE HON. R. THOMPSON (South Metropolitan) [2.45 p.m.]: Usually when this motion is moved, to which I do not object, the question is asked: Has the Government any idea when the session will conclude? Has a deadline been placed on the end of the session? It seems rather early in the year for a motion such as this. Probably, the Leader of the House will be able to tell us the expected legislative programme, and details of any new Bills which are to be introduced. When does he expect the House will rise?

THE HON. R. F. CLAUGHTON (North Metropolitan) [2.46 p.m.]: The Opposition has traditionally accepted this motion in the spirit in which it is moved, and is prepared at all times to co-operate with the Government in the expedition of business through this House. We simply hope that the Government will reciprocate in its efforts to deal with legislation, and that its demands are reasonable—considering the number of members we have on our side, and the legislation which still has to come through. We support the motion.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [2.47 p.m.]: In answer to Mr Thompson, we hopefully anticipated to finish next week. However, I expect that members will want to speak a little longer on a number of matters and we are prepared to go further than the anticipated finishing time. Indeed, I am not prepared to put a date on the conclusion of the session. I would expect it to be somewhere in

the middle of November, or during the last half of November. We are not in a position to be as adamant as we would like to be with regard to the closing date, because of the requirements specified by Mr Claughton. We are extremely anxious to be co-operative with the Opposition, especially considering its remarkably reduced numbers in this House.

Question put and passed.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order No. 116

THE HON. G. C. MacKINNON (South-West—Leader of the House) [2.48 p.m.]: I move—

That Standing Order No. 116, limit of time for commencing new business, be suspended during the remainder of this second period of the current session.

Question put and passed.

DEPUTY CHAIRMEN OF COMMITTEES

Replacement of the Hon. R. J. L. Williams

THE HON. G. C. MacKINNON (South-West—Leader of the House) [2.49 p.m.]: I move—

That for the remainder of the second period of the current Session, and in accordance with Standing Order No. 34, the Hon. I. G. Pratt be appointed a Deputy Chairman of Committees in lieu of the Hon. R. J. L. Williams, absent by leave of the House, due to ill health.

In moving this motion I would like to say that yesterday I was able to visit the Hon. R. J. L. Williams in hospital. I would like to advise members I found him in extremely good spirits, indeed.

As members would be aware, he has suffered a grievous heart attack of no small magnitude. Nevertheless, he is now in very good spirits. He has given up smoking, which possibly is of interest to those who still indulge in that very bad habit!

The Hon. A. A. Lewis: You are no longer the Minister for Health!

THE HON. G. C. MacKINNON: Mr Williams seems extremely bright, indeed, and he expects to go home this week. I have no doubt he will join us again next year.

I advised him that it had been decided we would ask Mr Pratt to fill this position for the remainder of the session in order to help you, Mr Deputy President, and the President. Mr Williams indicated that he was very pleased about that, and I have pleasure in commending the motion to the House.

THE HON. R. HETHERINGTON (East Metropolitan) [2.51 p.m.]: I would like briefly to support the motion, and to say how pleased the Opposition is with the news that the Leader of the House has given to us about the Hon. John Williams. Indeed, we were quite upset about his heart attack and we are very pleased he is recovering. We hope we will see him back fit and healthy for the next session of the House.

The Hon. G. C. MacKinnon: Thank you very much.

Question put and passed.

BILLS (2): ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendment made by the Council to the following Bills—

1. Shipping and Pilotage Act Amendment Bill.
2. Road Traffic Act Amendment Bill.

CONSUMER AFFAIRS ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL (No. 2)

Report

Report of Committee adopted.

Third Reading

THE HON. G. E. MASTERS (West) [2.53 p.m.]: I move—

That the Bill be now read a third time.

During yesterday's debate Mr McKenzie asked a number of questions relating to this measure, and he expressed concern about a statement made during the second reading speech regarding the details of the operation of taxis in New South Wales, Victoria, and South Australia. With your permission, Mr Deputy Speaker, I will read to the House the information I have obtained for him, which is as follows—

New South Wales

Premium Issue Taxi Plates, that is plates issued by the Department of Motor Transport.

Such plates may not be transferred until they have been in the possession of the owner for a period of five years. Thereon the transfer fee is calculated

at a rate of 25% of the market value of goodwill, as determined by the Authority.

This rate applies on transfers of premium issue taxi plates up to a period of fifteen years from the date of issue, thereafter the transfer fee reduces to 2½% of the market value of goodwill.

Unrestricted Taxi Plates, that is plates purchased on the open market.

A transfer fee is payable at a rate of 2½% of the market value of goodwill as determined by the Authority.

The current average market value of goodwill is approximately \$32 000.

Victoria

Taxi cars are licensed by the Transport Regulation Board.

Premium Issue Taxi Plates

Such plates may only be transferred after they have been held by the owner for a period of ten years. The only exception to this rule is where the transfer is being effected because of the age (60 years) of the owner or their total and permanent incapacity. For transfers of this nature a fee of 25% of the current market value of goodwill is payable. This fee of 25% reduces progressively to a fee of 5% in accordance with the number of years over ten that the licence is held by the owner.

Unrestricted Taxi Plates

Such transfers are generally only approved where the owner has held the plates for a period of two years.

The transfer fee is calculated at 5% of the current market value of goodwill.

The current market value of goodwill is \$12 200.

South Australia

The Control over taxis is exercised by the Metropolitan Taxi Cab Board.

Premium Issue Taxi Plates

Such plates may be transferred after being held by the owner for a period of five years. The transfer fee is calculated at a rate of 50% of the market value of goodwill. This rate of 50% reduces by 4% for every year the plates are held over five years until it reaches a minimum figure of \$500.

Unrestricted Taxi Plates

A transfer fee of \$500 is charged.

The current market value of goodwill is \$10 500.

I hope that answers the member's queries.

The Hon. F. E. McKenzie: Thank you for the information.

Question put and passed.

Bill read a third time and returned to the Assembly with an amendment.

PRISONS ACT AMENDMENT BILL

Second Reading

THE HON. M. McALEER (Upper West)
12.56 p.m.: I move—

That the Bill be now read a second time. It is considered desirable to proceed with certain amendments to the Prisons Act pending the outcome of a detailed review of the Act which is at present being undertaken by a committee within the Department of Corrections.

The Bill seeks to institute some procedural and machinery measures which require attention, and it is likely the Act will be the subject of further attention once the committee has concluded its studies.

The principal Act, among other things, sets out certain prison offences relating to the maintenance of good order and discipline in prisons. There are two classes of prison offences: Minor prison offences and aggravated prison offences.

The High Court of Australia decided earlier this year—in the Stratton case—that a prisoner has the right of appeal to the Supreme Court in respect of a conviction or penalty imposed for an aggravated prison offence. It is also clear from the High Court decision that the determination and punishment of the minor prison offences is a matter of internal prison administration, and that there is no judicial review in respect of the determination of minor prison offences.

The distinction between the judicial and administrative character of the tribunals which deal with prison offences was not appreciated before the High Court decision. The court made its decision upon the principles of statutory interpretation.

In the light of the High Court's decision, it is apparent that there are some aggravated prison offences which should be transferred to the category of minor prison offences.

To obviate the courts becoming involved with minor matters of internal prison discipline, this Bill seeks to reduce the category of aggravated

prison offences and extend the category of minor prison offences. The Bill proposes that the penalties for each category of offence be amended accordingly.

In accordance with the High Court decision it is proposed that a prisoner retains the right of appeal to the Supreme Court in respect of a conviction or penalty imposed for an aggravated offence.

The increased range of penalties for minor prison offences proposed by the Bill will enable the visiting justice of the peace to adequately administer domestic prison discipline.

The Bill will ensure the prompt and final determination of minor prison offences and retains the prisoner's right of appeal in respect of aggravated prison offences.

Other measures contained in the Bill include the following—

- (1) Giving recognition and authority to the assistant directors of the department. While statutory responsibilities are conferred on the director of the department and on superintendents of prisons, the Act is silent in respect to the two assistant directors appointed under the Public Service Act. It is proposed to recognise these appointments by amendments to sections 11(1) and 12 of the principal Act.

- (2) Providing for the revocation of proclamations setting apart institutions for convicted inebriates.

At present the Act provides for the establishment by proclamation of institutions for the reception of convicted inebriates, but has no provision for the Governor to alter or revoke such proclamations. The amendment to section 64 O will enable such alteration or revocation.

- (3) Providing authority and machinery for the gaoler to delegate his duty to bring up prisoners who are required to appear in court.

At present, under sections 52 and 72 of the Act it is a requirement that the gaoler, who is the superintendent of a prison, must personally escort prisoners to their court appearances.

This is clearly an absurd situation and the proposed amendment will overcome a legal technicality which has been raised.

- (4) Empowering the director to authorise the arrest of a prisoner who breaches the terms of his work release or any other leave of absence.

The power granted by parts VIA and VIB of the Act for prison officers to arrest prisoners under some circumstances was rather surprisingly not reflected in part VIC of the Act, which refers to prisoners on leave of absence. The proposal to add a new section 64U will correct the situation.

- (5) Abolishing bread and water diets and other penalties no longer considered appropriate.

Although bread and water diets were abolished by administrative action in 1971, the Act still provides for such penalty to be ordered under sections 34 and 36.

The proposed amendments to these sections will rectify the anomaly which exists.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

LAW REFORM COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th October.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [3.01 p.m.]: The Opposition supports this Bill. We are always happy to see the reform aspect and the laws altered, and so far Western Australia has done a sterling job with only part-time commissioners. This Bill has the intent of adding two full-time commissioners to the Law Reform Commission.

The Bill contains other details that make it possible for an officer from the Public Service to be transferred to the commission without losing any of his accrued benefits, and without being prejudiced when he transfers back into the Public Service.

We wish the Bill a speedy passage.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

EDUCATION ACT

Disallowance of Regulations: Motion

Debate resumed, from the 25th October, on the following motion by the Hon. R. Hetherington—

That the amendments to Regulations 171 and 193, and new Regulations 174A and 192A relating to the school year, made under the Education Act, 1928-1977, published in the *Government Gazette* dated 29th September, 1978, and laid on the Table of the House on Tuesday, 3rd October, 1978, be and are hereby disallowed.

THE HON. M. McALEER (Upper West) [3.05 p.m.]: I listened very carefully to the Hon. R. Hetherington's speech, because I hoped that in moving for the disallowance of these regulations he would be able to explain precisely why the Teachers' Union is opposed to them to the extent of urging its members to go on strike. I was disappointed with the explanation, as I have been with all other explanations I have heard so far in regard to this matter.

I think Mr Hetherington suggested it was symptomatic of a deep-seated dissatisfaction, but as far as I remember he did not expand the point, I suppose for the good reason that whatever the causes of this dissatisfaction might be it had very little to do with the regulations.

The Hon. Roy Cloughton did expand the point, and he listed a whole series of items which he said were in dispute and were unresolved to the union's satisfaction. Amongst them were the following items—

Promotional structure.

Secondary special schools.

Promotion by merit in secondary schools.

While I do not discount the possibility that there are dissatisfactions among the teachers for one reason or another, and these dissatisfactions may originate in one area or another of their work and experience, I do find it strange that they should all crystallise in this particular point—the point of the change of holidays.

I find it strange that the union should choose to confront the Minister and the department on such a small issue. If this is really so, and it is in fact a symptom or an outcome of their dissatisfaction, it does seem to me to be a most unfortunate choice because it masks whatever more important areas of dissatisfaction there could or might be.

The Hon. Roy Cloughton said that the Teachers' Union did not choose the issue; it had

just reached the point—this was the sense of what he said—at which it felt it must take a stand. However, the Teachers' Union has members who are not only responsible, but also highly trained and articulate. One would expect that they would have been able to express themselves rather better than by going on strike on such a pretext.

Mr Hetherington went on to claim, as I remember, that the proposed changes were not suited to the needs of some of the larger schools which he suggested were better equipped to understand their own needs; and, secondly, that enthusiastic and dedicated teachers felt hurt and outraged, because they were not being treated as professionals.

It may turn out that various schools will not be suited by the new regulations; but as the Hon. A. A. Lewis has pointed out to us there is to be a trial period of two years, and then the new system will be reviewed and, if necessary, changed.

It appears that the system has worked in other places, and so the teachers who are opposed to it must have as great a chance of being wrong as have the Minister and the department.

There has been a great deal of talk about flexibility, but in this matter the Teachers' Union is proving to be extremely inflexible and resistant to change—change which is being tried for the benefit of children and parents. It does seem to me this may very well benefit the teachers also.

Of course I agree, as everyone must agree, that there are very many teachers who are enthusiastic and dedicated; but I fail to see that the Minister's decision is a slur on their professionalism, or that they are being put into a straightjacket by it.

If the word "professional" means anything in this context, it means "skill in the pursuit of one's calling". The majority of teachers can be supposed, quite rightly, to be skilled in teaching, but not necessarily in administration. To my mind this is purely an administrative matter.

No-one has denied the desirability of consulting with the Teachers' Union or the teachers. That has been done in this particular case. That consultation has extended over a year.

The area in which we all differ is that it is a different matter to say that the Minister must abide by the opinions of those whom he consults. In this particular matter, the Minister has accepted the advice on a matter of administration. That advice has been given by professionals who are specifically employed to give that sort of advice. I am referring to the departmental officers.

At the same time, from the point of view of the Teachers' Union, the Minister has made a number of concessions to the Teachers' Union by his decision to close schools two days earlier this year; secondly, by the implementation of the two-year trial period instead of introducing an immediate permanent change he has made a concession. The third concession he has made is by offering representation to the union in relation to the committee which will assess the two-year trial period. Fourthly, he is permitting the smaller schools to make different arrangements in consultation with the regional supervisors.

Furthermore, on a number of occasions the Minister has suggested that the union might bring before the School Teachers Tribunal the matter for consideration as to whether there is likely to be any deterioration in the working conditions of teachers resulting from the restructuring of the school year. I do not see the point of Mr Claughton's contention that the Minister should refer the matter to the tribunal himself.

The Hon. R. F. Claughton: He is the only one who can. No-one else can do it.

The Hon. M. McALEER: I have made inquiries. I understand that the union can refer the matter.

The Hon. R. Hetherington: No, it cannot.

The Hon. R. F. Claughton: The union wrote to the tribunal asking it to have the matter brought up. It has to be done by reference from the Minister.

The Hon. M. McALEER: In any case, the Minister wrote to Mr Lloyd and said that he would be willing for the union to refer the matter to the tribunal. If there was a technical difficulty preventing that, Mr Lloyd had only to write to the Minister—

The Hon. R. F. Claughton: In that case, I hope you support the motion so that the Minister will then do the thing that is required.

The Hon. A. A. Lewis: That is crazy thinking.

The Hon. M. McALEER: Is the honourable member the union?

The Hon. R. F. Claughton: Of course I am not the union. The move has to come from the Minister.

The Hon. M. McALEER: The move does not have to come from the Minister. The Minister has invited the union to use the tribunal. The union has not.

The Hon. R. F. Claughton: It cannot be used without the reference coming from the Minister.

The Hon. M. McALEER: Mr Lloyd has only to reply to the Minister saying, "In that case,

Mr Minister, we would like to take it up with the tribunal. Give us a reference."

The Hon. R. Hetherington: There seems to be a further breakdown in communications.

The Hon. N. F. Moore: The union knows that all it has to do is ask.

The Hon. R. Hetherington: I am not sure that it does.

The Hon. M. McALEER: The Minister does not feel that the working conditions have deteriorated. It is the union which thinks that. However, it is not up to the Minister—

The Hon. R. F. Claughton: It is up to the Minister, because it can only be done if he makes the move. That is being hypocritical.

The Hon. M. McALEER: It is not being hypocritical.

The Hon. G. C. MacKinnon: They can do it if they wish.

The DEPUTY PRESIDENT: Order!

The Hon. M. McALEER: I will read a passage from the Minister's letter. The letter is addressed to Mr T. Lloyd and reads as follows—

Further, I have no objection to your Union bringing before the Government Schools Teachers' Tribunal for consideration, any deterioration in working conditions which you feel has resulted from the school year re-structuring.

He then goes on to make what I consider to be a further concession, and a very important one, in the light of the fact that the Teachers' Union has belatedly raised the question of arbitration. The letter continues—

As we have also discussed, the broader issues of "arbitration machinery" should be discussed between the Education Department and your Union, and I invite your participation in a joint working party to examine all aspects of this question with a view to making firm recommendations for the Government to consider.

I consider that these are very substantial concessions, and that the Minister has gone a long way towards creating harmony with the union. I cannot see that—

The Hon. R. F. Claughton: They are all meaningless unless he makes the reference to the tribunal.

The Hon. M. McALEER: I ask Mr Claughton: Has the union replied to its letter? Has it approached the Minister to make a recommendation?

The Hon. R. F. Claughton: The union has made quite clear it is prepared to accept the decision of the tribunal. What more does the Government want? Does he want the union to go down on its knees and beg, "Please Mr Minister!"

The Hon. M. McALEER: That is not necessary.

The Hon. R. F. Claughton: It should not be necessary. The only thing necessary is for the Minister to do it, and have the thing resolved.

The Hon. M. McALEER: Mr Claughton is really taking it too far.

The DEPUTY PRESIDENT: I ask the Hon. Margaret McAleer to address the Chair.

The Hon. M. McALEER: In conclusion, I say that if the strike is not really about the regulations at all, then the—

The Hon. R. Hetherington: It is about the regulations.

The Hon. M. McALEER: —disallowance of the regulations will have no effect. If it is about the regulations, the union is making a mountain out of a molehill, which I think the Opposition is doing as well.

I oppose the motion.

THE HON. G. C. MacKINNON (South-West—Leader of the House) {3.16 p.m.}: I have followed this debate with a great deal of interest. I was sorry not to be present in the House to hear the address by the Hon. Robert Hetherington; but naturally I have read it.

Over three years as Minister for Education I had a very close association with the Teachers' Union. I must admit to being not a little distressed that the union would adopt such a pernickety item over which to take industrial action, and that the union should succumb to the desire of certain elements in it to take this industrial action which has been taken over this question. It seems to me to be the least appropriate of all items on which the union could take industrial action.

May I, at the risk of boring members, recount exactly how this matter happened. There had been a considerable number of queries from parents about the commencement of the school year. Indeed, members will recall that there had been some chaos in relation to the starting time of school for several years—and not surprisingly. There were three years in which there was a change in the Minister for Education each year.

In year 1 Mr Lewis was finishing his term as the Minister. The following year the Education Department was under the administrative

control of the Hon. John Tonkin, who was extremely busy organising his administration of the State. I am not voicing any criticism; I am saying only that a portfolio such as Education requires detailed attention and is not the sort of portfolio which ought to be undertaken by a Premier. That is my opinion. Shortly after that Mr Tonkin passed the portfolio to Mr T. D. Evans, who administered the department for the ensuing 12 months. Mr Evans had no sooner become accustomed to the strain than he in turn passed the portfolio to Mr Dolan. Mr Dolan had no sooner learned the names of the people with whom he was to work than he, perforce, had to hand the portfolio over to me. Therefore, in that period of five years the department had five Ministers. In the ensuing three years I was fortunate enough to fill that post.

Members will understand the difficulties. It is understandable—

The Hon. R. Thompson: There has only been one Government department with more Ministers, and that is the Department of Tourism.

The Hon. G. C. MacKINNON: That is quite right. The Department of Tourism has had a whole host of Ministers. That is another matter.

The Hon. D. W. Cooley: On my counting, there were four Ministers.

The Hon. G. C. MacKINNON: There were Mr Lewis, Mr Tonkin, Mr Evans, Mr Dolan, and myself—and that is five Ministers in five years. That is very rough on any department.

Because of the circumstances at the time, it was obvious to me when I took over the portfolio that over the previous three years the union had really enjoyed an armchair ride.

It goes without saying that when there were three ex-school teachers, all of whom occupied the position of Minister for Education for three successive years, there was a tendency to bow to the will of the union. It was the easiest thing to do.

The Hon. R. F. Claughton: That is unfair and dishonest.

The Hon. G. C. MacKINNON: It is not.

The Hon. R. F. Claughton: Come on.

The Hon. G. C. MacKINNON: The situation was quite obvious when I became Minister. That is precisely what occurred. There is not the slightest shadow of doubt about it. I can assure members I am not being unfair; I am being scrupulously fair. It was a pretty natural sort of thing to happen.

The Hon. R. F. Claughton interjected.

The Hon. A. A. Lewis: You could not blame them. They did nothing.

The Hon. G. C. MacKINNON: Let us be fair about that. The honourable member who interjected was inestimably valuable during my term as Minister, because he was the chairman of a committee which worked exceedingly well in the realm of education, and I will make references to it later. Over the three years he learnt a great deal about the ramifications and problems associated with education. At the end of the first 12 months no-one had really learnt all that much, because it takes a little longer than that.

Members must bear in mind that for the whole of the time the office of the relevant Ministers was situated in the centre of the city. The officers—the Director General of Education and so forth—were situated up here on the hill and it was extremely difficult for any of them to get any sort of physical contact. These are the facts of the matter and every member in this Chamber knows what I am saying is strictly accurate.

I found it so inconvenient and difficult that, as members are fully aware, through the good graces of the then Minister for Works (Mr O'Neil) I was able to have a small office built up there adjacent to the other offices, and it was of inestimable benefit to me, anyway.

I refer back to the fact that the commencement of the school year had presented some difficulties. We were going through a period of marked expansion. There was difficulty in getting the schools open because the period for the construction of a school had extended from eight months to 16 months. It had doubled but we will not go into the reasons. I trust members will accept that that also is a fact, but if they care to do so they can check back and they will find it is true.

These matters were overcome. We had the difficulty of staffing, and I will deal with that aspect in more detail later. In a particular year I asked the committee which was headed by Mr Lewis if it would visit the schools on the first day of school to ascertain how the opening day was going. Half a dozen members of the committee visited a number of schools and, in the main found they were operating pretty well. It was surprising to learn of the number of schools at which the children attended on the Monday morning and went straight on with their school work. I was given the reason for this which was that a large number of the teachers had attended at the school for some days prior to the com-

mencement of school. Things had been pretty well organised:

The department was finding the situation a little easier with regard to staffing, barring accidents, and I mean that literally. Some people are involved in motorcar accidents and suddenly cannot attend the school because they are sick or in hospital. Sometimes there are accidents in the family and so plans are changed and the school is advised at the last moment that one of its staff is not able to attend. Some girls get married and wish to accompany their husbands and so cannot attend the school. There are these problems which result in last-minute staff changes. Likewise there are last-minute changes in family arrangements and some children do not turn up. In the main they are the exceptions.

The following year I decided to have a look for myself and I visited as many schools as I could in a day. I finished up doing quite a long trip and the last school I visited was in Albany although I cannot recall why I took that route. I found that in all the schools I visited on that day there was only one person at one school who had not attended for at least two days prior to the scheduled time of opening.

On the way back I was talking to Dr Mossenson and said I thought it was unfair that those people who worked right up to the last day of school, let us say it was the 22nd December, went back to work, not on the 8th February—let us say that was the date of the Monday when school resumed—but on the 3rd or 4th. For instance, in Rocky Gully, I know that the teachers went down the previous weekend. For these extra days worked the teachers received no compensation. Some teachers were called in on the Friday to meet the headmaster. They merely shook his hand and then shot through. Others conscientiously turned up a couple of days during the previous week. As I said, one person at one school did not turn up at all, but in some schools they showed up in time for work on the Monday morning.

I suggested this was a little unfair and that it would be reasonable if they were given a couple of days off so that they could all come back a couple of days earlier. No-one would object to that in an industrial sense. No-one could possibly object. Any reasonable person would say it was fair, because it would bring everyone into the fold instead of the 85 per cent who go back early.

I did not think it was fair that anyone should be penalised for going a couple of days early. I felt we should say, "Well done thou good and

faithful servant. You can have two days off." We could not do it selectively so it would have to be done across the board for everyone. One would not expect any industrial difficulty in that proposition, because it was fair.

The matter was left there, because there was an election and the Premier saw fit to move me to another series of portfolios and Mr Peter Jones took over Education. Sensibly and properly he pursued that pattern and made a fair proposition in line with the situation in most other Education Departments in Australia and in most other education systems in the world where the teachers knock off a couple of days early and go back a couple of days early. Industrially it is difficult to see how one could cavil at that bearing in mind that when the Teachers' Union, at one of its deputations, asked whether the department would agree to the 17½ per cent holiday loading the representatives said that they would expect it only on the four weeks, because that was what they regarded as their holidays. They did not regard the rest of the time off as holidays. They were the union's words, not mine. It is history now that they received the 17½ per cent on the four weeks or whatever their holidays are. There is in this building just now a member of the union who was there at the time; if members care to do so they can ask him about the matter afterwards and he will verify what I have said. They regarded only four weeks or so as their holidays and so they could not regard anything else as being holidays. Therefore I imagine the department would be quite entitled to expect them to come back three or four days early, because even the teachers themselves do not regard those days as proper holidays.

Indeed, they are not proper holidays. It is time off for teachers, for which historically they were not paid. They had the time off because the children were not there—because it was too hot for them, or for some other reason. In the old days, of course, they were too busy bringing in crops, so the teachers did not get paid for that time. Teachers now regard it as time off for which they are paid.

However, even the Teachers' Union itself did not regard that time as holidays, because it did not ask for the 17½ per cent holiday loading for the whole of that period. It asked for the loading for four weeks. So why go on strike about it? It seemed to be perfectly reasonable and rational. I know it has been in the pipeline and discussed. Everyone has known about it for at least two years.

Let us have a look at the question of the Show Week holiday. How did that start? I will tell members. It started when an organisation of principals of primary schools and secondary schools came into being. Initially there were two separate organisations. I attended the inaugural meeting of the amalgamated organisation.

I remember Miss Harken, who is currently Acting President of the Teachers' Union, trying to take me to task because I had dared to meet a body other than the Teachers' Union. She endeavoured to do that when I was in the office in the old SGIO building which was previously occupied by Mr Dolan. I remember saying very firmly that I had the right to see whom I wished.

I made it very clear to that particular meeting that I would discuss with the principals anything of an educational or ethical nature dealing with teachers but I would not discuss matters relating to industrial affairs. I thought it was not proper for an organisation of principals to discuss matters of industrial concern at that level, but that those matters should go to the union. That was accepted by the principals' association.

One of the matters they put forward as a matter of educational import was that almost by accident it had come about that the students, and therefore the teachers, in the metropolitan area were getting two days' holiday for the Royal Agricultural Society's show. It was pointed out by them with irrefutable logic that the agricultural show had changed in nature from being a five-day function of tremendous educational import to people whose livelihood depended on the success of agricultural pursuits, to being about a 10-day function running over two weekends with night functions and all the rest of it.

That was a radical change—so radical that there was ample opportunity not only for the teachers but also for the children to attend the show. The principals suggested that in all fairness to their country cousins and to the educational demands of the children and everybody else, the matter ought to be resolved and those holidays ought to be eliminated.

In all justice, of course, they should have been just eliminated. In any other organisation they would have been just eliminated. They have been just eliminated as far as the shops are concerned, in the main. Most of the shops are open because the shop assistants and everyone else accept the fact that many country people come to the metropolitan area for the show. So the shops now stay open. There has been no beef about that.

But the teachers are putting on a stunt about that matter. I did not think it was part and

parcel of the exercise but Mr Claughton made it fairly clear in his speech that it was—one of the straws, if one likes. He shakes his head. I can assure Mr Claughton it got through to me that he thought it was. Perhaps he was not as clear as he should have been.

Anyhow, I thought the matter ought to be clarified and that perhaps I was in a position to clarify it. When it came up I suggested we should pursue it. I know the Teachers' Union said it was an industrial matter and the department should not have listened to the principals' association. I did not regard it as an industrial matter. I thought it was a straightout educational matter. They were holidays which had come about by sheer accident. For instance, people at Leonora and Laverton did not get them.

The Hon. N. F. Moore: You could take two days' holiday in lieu, but you had to have a good excuse.

The Hon. G. C. MacKINNON: Yes, and I will come to that matter, which has a direct relationship to the closing of schools. That, I think, sets the record straight with regard to show day.

I think a number of matters ought to be put on the record. One is entitled to be alarmed that the President of the Teachers' Union (Mr Harry Bennett) has set great store on the holiday issue, and a number of things were quite contrary to the usual procedure with regard to the teachers' conference in that for the first time ever a strike situation was arrived at without a complete referendum of all the teachers. In the face of this somewhat revolutionary trend, Mr Bennett, as president of the union, got the motion he required, I suppose, and promptly went on long service leave, leaving the organisation of the whole matter to Miss Harken.

I do not care what anybody says or how much anybody likes to argue the point about it: in a situation as extraordinary as this has been declared to be—serious enough for the parade outside this House and all the meetings, and for a motion to be moved in this Chamber by the Hon. Robert Hetherington who is the spokesman on education for the Opposition—the leading personality in the Teachers' Union in this State, whom I know personally, sees fit to have the whole matter resolved and then take his long service leave.

The Hon. D. W. Cooley: That is not fair. It is not a one-man job. He could have died. Anything could have happened.

The Hon. F. E. McKenzie: It is a bit like the Sinclair case.

The Hon. G. C. MacKINNON: It is not like the Sinclair case at all. That is grasping at straws.

It would have been a similar situation if during the Battle of Waterloo Wellington had said, "It is just about time for my cup of tea; I am going to shoot through and go back to the United Kingdom."

The Hon. Grace Vaughan: His deputy would have stayed.

The Hon. G. C. MacKINNON: It is a rather terrible thing to do. Most of us know Miss Harken, and I have no doubt she was quite distressed about the matter. She is quite entitled to be.

The Hon. F. E. McKenzie: Has she said so?

The Hon. G. C. MacKINNON: Of course she has not. Members know her. She is such a loyal person that she would not say so if we stretched her out on the Table of the House and put thumb screws on her. She is an honourable person.

The Hon. R. F. Claughton: She has handled the matter very competently.

The Hon. G. C. MacKINNON: I think Mr Bennett's behaviour is disgraceful.

The Hon. D. W. Cooley: That is a bit unfair.

The Hon. G. C. MacKINNON: I thought Mr Bennett was unfair. Would not everybody agree with me?

The Hon. Lyla Elliott: No.

The Hon. G. C. MacKINNON: In the big wide world eight out of 10 people have agreed with me. Stop people in the street and ask them.

The Hon. F. E. McKenzie: What about Anthony skipping off when he had trouble with the State Government?

The Hon. G. C. MacKINNON: Let us say it is the same.

The Hon. F. E. McKenzie: At least we agree on one point.

The Hon. G. C. MacKINNON: Let us say we agree it is the same, but that does not make it right. What Mr Bennett did in this situation is very reprehensible.

The Hon. F. E. McKenzie: I do not agree.

The Hon. G. C. MacKINNON: You have just said it was.

The Hon. Grace Vaughan: That is a red herring. The fact that Mr Bennett went away does not make the action of the Minister right.

The Hon. G. C. MacKINNON: Let me remind members, who might have forgotten, that the tenor of Mr Claughton's speech was it was not just this issue affecting the whole situation; he

said there were other questions such as confrontation with the department, lack of consultation, and a whole series of straws, involved. He said that this particular issue was the one straw that broke the camel's back.

Why did Mr Claughton read out the letter from Mr John Roberts, the principal of the City Beach Primary School, in support of what he said? At the time I said it was almost beyond belief that all those circumstances should have happened to this headmaster.

The Hon. R. G. Pike: It seems the only thing he did not experience was an earthquake, according to members opposite.

The Hon. G. C. MacKINNON: The earthquake was just around the corner! His school seemed to be almost a disaster area. However, this particular headmaster is regarded by the parents of the area as the greatest disaster to the school.

The Hon. R. Hetherington: The Minister should not indulge in that sort of personal attack.

The Hon. Grace Vaughan: What a cowardly statement by the Minister against someone who cannot answer!

The Hon. G. C. MacKINNON: Mr Claughton brought up the point that Mr Roberts was the doyen of the principals. He read his letter as proof positive.

The Hon. R. Hetherington: He did not do that at all. He read it out as an example. He did not read it out as proof positive.

The Hon. G. C. MacKINNON: This school used to have a series of boards on the wall, all of which have been removed by Mr Roberts. He decided to discontinue all extra curricula activities in which the parents had great participation. I was petitioned to remove him, but there was no way I could do that, because he was a competent headmaster in the educational field. However, this was a school in which there was a tremendous amount of parental involvement. This is one instance which Mr Claughton brought up as an example.

The Hon. F. E. McKenzie: He is competent.

The Hon. R. G. Pike: We say he is not typical.

The Hon. G. C. MacKINNON: He is competent but not typical. He is one who operates exactly by the rules. We have four members in this Chamber who have been associated with the education system. I do not like bringing this sort of personal matter up, but of course I had to, because Mr Claughton brought it up as a shining example.

The Hon. R. Hetherington: You are misrepresenting what Mr Claughton said. He did not bring it up as a shining example.

The Hon. G. C. MacKINNON: Let me refer to the letter which Mr Claughton read out. He did not cavil at reading it out, and in it Mr Roberts berates the department.

The Hon. R. F. Claughton: I would not cavil at your reading it out or mentioning what I actually said in my speech. That is different.

The Hon. G. C. MacKINNON: He berates the department and indicates it is quite inefficient in a number of ways. He said that every year, for a number of years, the opening of his school had been chaotic; and that it meant all the planning he made in 1977 was scrapped, and the school was due for another chaotic commencement. The moment I point out that the public reaction to Mr Roberts' comments is, in his own words, less than desirable, it is said I am being personal. However, members opposite fail to see that Mr Roberts can be personal to the department.

The Hon. Grace Vaughan: How can he be personal to the department? What you say is paradoxical.

The Hon. G. C. MacKINNON: Of course, one can be.

Sitting suspended from 3.45 to 4.04 p.m.

The Hon. G. C. MacKINNON: Before the afternoon tea suspension I was dealing with a matter raised by Mr Claughton. I have already suggested that probably there is a number of other people whose views on the matter he could have brought to this House, and they would have been more authoritative and acceptable than the ones he presented. However, he saw fit to put forward those views and I will not accept responsibility for them. I point out that a particular person whose views Mr Claughton presented would not be classed as my favourite principal.

Be that as it may, the honourable member raised a number of other matters with which I would like to deal. One is the matter of consultation. This was divided into two areas, the first being the refusal to meet deputations.

It is easy to build up a body of statistical information in respect of refusals to meet deputations. The union may write and seek a deputation on a particular subject and the department may reply that the matter was resolved a month ago and its views were made clear on that occasion and, therefore, there is no need for a deputation. That becomes a deputation refused.

Let me assure Mr Claughton and Mr Hetherington that the director general and the Minister are always prepared to meet representatives of the Teachers' Union at any time to discuss matters brought forward by the union. The usual procedure is for the secretary of the union to write to the department seeking its concurrence to have a certain matter discussed. Subject to qualifications which I will mention later, the director general agrees to have the matter listed. The union, at regular intervals, requests a deputation and indicates matters it would like to discuss. Usually a number of topics are involved.

On occasions the director general, on receipt of a request for a deputation, refers the matter back to the union for further clarification. Sometimes he may write to the union saying the matter could be dealt with through correspondence. Again, that is saying a deputation is not necessary, and it could be claimed the deputation was refused.

The Hon. R. Hetherington: Are you suggesting it has not been refused?

The Hon. G. C. MacKINNON: Yes. In these rare cases the director general might indicate to the union that a deputation would serve no useful purpose because the matter has already been the subject of a decision. In answer to Mr Hetherington's interjection, perhaps it might be more correct to say that the sort of information Mr Claughton put forward really was not sufficiently sound, because he did not give any examples.

Incidentally, it should be noted that during 1978 the director general has adopted a definite practice regarding requests for deputations. The Teachers' Union receives a standard reply agreeing to meet the deputation and asking the union to make arrangements with the deputy director general concerning the date and the time.

So much for deputations. Let me say this about them, and it may be checked with Mr Bennett—although I think he is away at the moment—or Mr Trevor Lloyd—

The Hon. R. Hetherington: Mr Bennett is not the only member of the union.

The Hon. G. C. MacKINNON: There have been times when I thought he was but nevertheless he is not.

What used to happen was that a deputation would be agreed to and Mr Bennett and Mr Lloyd, or perhaps Mr Knight and Mr Bennett, would come to see the Minister. I always objected to the fact that they expected the department to give an answer on the spot. But when we said to them, "If we are prepared to do this will you

do such-and-such?", the answer was always the same: "I cannot tell you, I have to refer it back to the executive." I constantly asked union officials whether they would please get their executive to give them authority to negotiate. They expected the Minister and the department to have the authority to negotiate.

The Hon. R. Hetherington: They would expect the Minister to have that responsibility.

The Hon. G. C. MacKINNON: That is correct. The union officials always expected the department to say "Yea" or "Nay" off the cuff, but never could they do it.

The Hon. F. E. McKenzie: It is a different situation when you have a union with 5 000 members.

The Hon. G. C. MacKINNON: Rubbish!

The Hon. F. E. McKenzie: Don't you think the matter should be referred to the members?

The Hon. G. C. MacKINNON: I wish members opposite had some experience of running an organisation of any consequence! How do members opposite think Boans would get on if the managing director could not agree to a price reduction on a certain article without checking it right back through the chain of responsibility?

The Hon. F. E. McKenzie: How many times have you attacked union officials and said they have taken unilateral action on their own behalf and not on the behalf of their members?

The Hon. G. C. MacKINNON: The principle is that the officials should have authority to act within a certain framework. Let us not beg the question. Just ask any worth-while union official, and it will be found he would give his back teeth to have that reasonable trust placed in him. Of course it is reasonable and proper that persons like Mr Bennett and Mr Lloyd—Mr Bennett is the elected president of the union and Mr Lloyd has been with it for a long time—should be trusted in this respect. But, no! Always they must run back like children, cap in hand, to say, "Please, the department said we can do this. If we do it, will you agree to it?" I think it is quite disgraceful and I am sure in their hearts they feel it, too. However, that is the way the system has operated.

The Hon. R. Hetherington: You are very good at imputing your reactions to other people.

The Hon. G. C. MacKINNON: They expected me to be able to make up my mind and say "Yea" or "Nay" on the spot.

The Hon. F. E. McKenzie: It is much easier if you haven't got 5 000 people to answer to.

The Hon. G. C. MacKINNON: I have news for Mr McKenzie. I have more than 5 000 people in my electorate. I have a dozen fellows in Cabinet to answer to, and I have to answer to a few people in this Chamber who give me "larry-do" if I do not do the right thing. I would not get very far without answering to the Premier and the members of Cabinet and my party colleagues—indeed, if I may say so, I must answer also to members on the other side of the House.

The point I make is that insufficient trust is vested in Mr Bennett by the Teachers' Union. I think he is being done a grave disservice because he is worthy of trust. I will go so far as to say that with a few exceptions the members of the top executive of the union are worthy of more trust than is vested in them by the rest of the union. I have had not just one, but a number of them in my office—as have subsequent and previous Ministers and directors—and they have all had to say, "Please, can you give me another week, because I have to go back and ask."

The Hon. F. E. McKenzie: You are continually attacking union officials for not doing that.

The Hon. G. C. MacKINNON: This is the first time there has been an attack on the Teachers' Union, because prior to this the department has always maintained a close relationship with the union.

In respect of the fuss about the lack of consultation, let me put the record straight. The president and the general secretary of the union have immediate and unrestricted access to the Minister and the director general to discuss any urgent issues.

Let us consider working parties. Combined departmental-union working parties have been established in each of the areas of primary, secondary, and technical education. During 1978 the primary working party has met on the first and third Thursday of each month. The secondary working party has met on the second and fourth Wednesday. The technical working party does not meet on a regular date but only when it has matters referred to it.

Another method of consultation is deputations. The Teachers' Union seeks to discuss various matters by means of formal deputations. These are organised at irregular intervals.

The next method of consultation is by way of committees. These may be standing committees required by regulation or established for curriculum development or other purposes. I have a list of such committees which I intend to read out.

Other *ad hoc* or single purpose meetings or committees are set up as required.

One of the most successful of these committees has been the working group on school construction costs, out of which came a new transportable school unit about which all members would know. This has been very successful. It was designed not only for primary schools, but also for technical and high schools.

This gave us an additional 25 per cent of building construction per year and was done in consultation with the union, the parents and citizens' association, the department, and the building industry. These consultations refer to union and departmental contact at head office level. There is a great deal of formal and informal discussion taking place between the groups involved.

I shall list the names of the departmental committees and the union representatives on them. They are as follows—

Secondary Art Syllabus Committee—Mr R. Bradfield.

Home Economics Subject Syllabus Committee—Miss B. Tweedie.

Manual Arts Advisory Committee—Mr R. Hogan, Mr T. R. Anderson.

Manual Arts Subject Syllabus Committee—Mr R. Hogan, Mr T. R. Anderson.

Teacher Development Committee—Mr K. Waters.

Secondary Science Education Curriculum Committee—Mr R. Cavanagh.

Secondary Buildings Committee—Mr H. W. Bennett, Mr D. Carlson.

School Mathematics Curriculum Committee—Mr P. Larsen.

Social Science Syllabus Committee—Mr J. Mills.

National Committee on Social Science Teaching—Mr J. Mills.

Advisory Committee for Disadvantage in Education—Mr H. W. Bennett, Mr C. Arblaster.

Schools Commission In-Service Committee—Mr F. R. Evans, Mr B. Hackett.

Collections in Schools Committee—Miss N. Harkin, Mr R. Snedden.

Human Relations Committee—Mr V. James.
State Film Advisory Committee—Mr M. Knight.

Technical Buildings Committee—Mr H. D. Kennerson, Miss J. Jackson.

Departmental Drug and Alcohol Authority Committee—Mr V. James.

Technical Teacher Training Advisory Committee:

Trades—Mr R. C. Paterson (Member),
Mr F. R. Schenk (Deputy).

Non-Trades—Mr M. Rose (Member),
Mr G. Hawke (Deputy).

ABC Education Advisory Committee—Mr R. Cavanagh, Miss E. Lawton.

WA State Schools Amateur Sports Association—Mr B. Clarke.

WA Association for Children's Films and Television—Mr C. Arblaster.

Trustee for Technical Education Division Self Supporting Trust—Mr F. R. Ware.

Primary Social Studies Syllabus Committee—Mr J. Sullivan.

Secondary English Syllabus Committee—Mr F. R. Evans.

Role Committee (looking into Guidance Services)—Mr V. James.

Board of Secondary Education—Mr R. Cavanagh, Mr R. Cairnes, Mr D. Carlson.

Primary Schools Appointments Board—Miss N. Harkin, Mr J. Negus.

Secondary Schools Appointments Board—Mr H. W. Bennett, Mr J. Nolan.

Selection Panel Senior Appointments to Special Schools—Miss N. Harken, Mr V. James.

Teacher Education Scholarships Termination Board—Mr H. W. Bennett.

Special Secondary Schools Advisory Board—Mr H. W. Bennett, Mr V. James.

Teacher Education Council—Mr H. W. Bennett, Miss N. Harken.

Primary Buildings Committee—Miss N. Harken, Mr C. Arblaster.

Primary English Syllabus Committee—Mr C. Arblaster.

Primary Art Syllabus Committee—Miss E. Lawton.

Yet Mr Claughton says there is no consultation! What rubbish! The inference that came through loud and clear from Mr Claughton's remarks last night was that there was no consultation.

The Hon. R. Hetherington interjected.

The Hon. G. C. MacKINNON: I cannot hear what the member is mumbling.

The Hon. R. Hetherington: I am sure he did not say that.

The Hon. G. C. MacKINNON: The inference was there that no consultation was taking place and I would be surprised if that did not come through to all other members. It is rubbish.

The Hon. R. F. Cloughton: Read my speech and you will find out how wrong you are.

The Hon. G. C. MacKINNON: As the member is well aware, through his own courtesy he gave me a copy of his speech, and I have read that speech at least three times—I was not the only one—and everyone agreed that that was the inference.

I said by interjection last night that what it comes back to is this: When the department says something has been decided on as a matter of policy, the union says the department is not going to consult any more.

I shall deal now with a matter in which the implication was that everything had been done with regard to restructuring of primary schools, and total agreement had been reached with the previous Director General of Education. It was implied that after Mr Harry Barton retired the agreements were discarded and Dr Mossenson completely rejected them.

The Hon. R. F. Cloughton: That was said in relation to one of the issues I raised.

The Hon. G. C. MacKINNON: It was said in respect of restructuring of primary schools. I shall set the record straight. I have already said how ridiculous it was for strike action to be taken because teachers were being asked to finish and start the school year two days early, as most were going back two days early anyway.

The Hon. R. F. Cloughton: Does not that make the move to have it compulsory look pretty ridiculous?

The Hon. G. C. MacKINNON: No. It is fair and proper, because some teachers were going back five days early and they were not receiving any advantage. Others were getting the same holidays and turning up at nine o'clock on the first day of school. The two teachers at Rocky Gully are both first-year teachers. They were in college the previous year.

The Hon. R. F. Cloughton: You are putting forward a lot of rubbish.

The Hon. G. C. MacKINNON: After frequent discussions between representatives of the Education Department and the Teachers' Union a basis for restructuring of primary schools was agreed upon and published. The restructuring had two major features: A change in the classification of schools resulting in there being four classes of

schools instead of five, and the creation of the new promotional position of senior assistant. That was done when I was Minister.

The introduction of these proposals was planned for 1978 and schools were advised of them in September, 1976. This was from a policy of the director general's office. Teacher, particularly principal, reaction was sharply against the first proposal of grouping all the existing Class 1A and Class I primary schools into one class. I remember, in fact, that the reaction was sharply against it.

The Hon. R. F. Cloughton: I had representations made to me about it.

The Hon. G. C. MacKINNON: It surprised us. We had talked it over with several principals but there happened to be a group, I think it was those who had gone out to the country, who felt seriously disadvantaged.

As a result, further discussion with the Teachers' Union took place and a compromise was agreed upon. That was the throwing away of the agreement Mr Cloughton spoke of. There was a sharp reaction and we said, "Let us discuss it further." This retained the Class 1A and Class I structure but reduced the minimum limit for a Class 1A school from 600 to 500 pupils. This was quite generous, because we spread the primary school students into the numbers.

While this was going on the senior assistant position was being examined. As the machinery for the introduction of these positions was being studied the department agreed to establish a number of temporary positions which became known as "regulation" teachers. The purpose of establishing these positions was to gain some experience of how such teachers could be used in schools and to give some extra remuneration to experienced and senior teachers.

It was seen that the introduction of a new position in the promotional structure, requiring advertisements and appeal, would seriously hamper the present tight programme. This was admitted by representatives of the Teachers' Union and to fit the senior assistant positions into the programme it has been agreed that the positions of deputy principals in Class I primary schools will have to be filled from promotion lists.

As a trial, permanent senior assistant positions have been advertised for 1979 in the large Class II schools. The principles underlying the restructuring are still accepted and the departmental and union primary working party—another group that is in constant consultation—

The Hon. R. F. Cloughton: I made reference to that.

The Hon. G. C. MacKINNON: That working party is meeting twice a month to continue discussion on the present restructuring proposals and to look at other propositions submitted by the Teachers' Union following its annual conference. The implication in the honourable member's speech that Dr Mossenson had torn up a valid agreement is just not on.

The Hon. R. F. Claughton: Nothing you said has proved that what the union claimed did happen did not actually take place. You have confirmed that what it said did take place.

The Hon. G. C. MacKINNON: That is a very interesting statement. It is interesting in the light of this discussion. According to what Mr Claughton said, there had been discussions and agreement of some sort had been reached, that agreement was stopped, and further negotiations went on. If we take it in that light he is right, but if we take it in the light of what he implied—that when Mr Barton was there everything was arranged and spot on—he is not.

The Hon. R. F. Claughton: Agreement was reached in principle.

The Hon. G. C. MacKINNON: Mr Claughton implied that after Mr Barton retired Dr Mossenson suddenly came on the scene, tore up the agreement, told the union to go to pot, and everything would start again. One could argue that what Mr Claughton said did happen. I am saying that the inference that has been gained by everyone who has read his speech was that it was done quite maliciously by Dr Mossenson. The truth is, there were complaints by a considerable group of teachers; an affected group.

The Hon. R. F. Claughton: It was a small group of affected principals.

The Hon. G. C. MacKINNON: They were markedly affected. Being very fair, Dr Mossenson said, "Let us go back to the union and talk some more." That is what he did in a perfectly fair and proper way.

The Hon. R. F. Claughton: The action was taken without representation to the union.

The Hon. G. C. MacKINNON: Rubbish! It is still under discussion by the departmental staffing committee, which has union representation on it.

The Hon. R. F. Claughton: This is now 1978. The action you are talking about took place early in 1976.

The Hon. G. C. MacKINNON: All these things take time. It takes time because on every occasion one talks to anyone from the union one finds the representative has to go back and refer the matter

to a meeting of the full executive which then makes a decision. We then get two or three representatives coming back in another deputation. So, we get this constant backwards and forwards movement. It is not the department which holds things up. In 99 cases out of 100 it is the fault of the union and its structure. Surely I have made that point clear.

I have been in situations where I have had to say to Mr Bennett, "I could say 'Yes' or 'No' but I am not going to because you will only have to refer it back to the executive."

The Hon. R. F. Claughton: It makes me wonder about complaints about the bureaucracy.

The Hon. G. C. MacKINNON: The bureaucracy is on the Teachers' Union side. Honourable members on this side will bear me out that quite a number of members have complained to me about bureaucracy—and one did yesterday—and I have pointed out that bureaucracy is not the prerogative of government, but of size.

The bureaucracy of the Teachers' Union is infinitely slower and more cumbersome than the bureaucracy of the department. The Director General of Education has the right to make decisions and indeed makes decisions. The Minister has a right to make decisions and does so. To my knowledge, at least for three years, men further down the scale have had the right to make an arrangement which would be abided by.

I cannot recall when Mr Bennett and Mr Lloyd were able to say they would do this or that. They might have said they were certain it would be okay but they would have to refer the matter back to the executive. That happened without exception. One could not say to them, "Here is my hand; I have three aces and a pair of twos." They would have to go back to the executive to find out what hand they held. I would always have to tell them to check with their executive and then return and tell me of their decision; then I would say whether or not I would go along with it.

The Hon. O. N. B. Oliver: That is rather different from the way the Hon. Robert Hetherington speaks of it.

The Hon. G. C. MacKINNON: One has to be fair. Neither of these gentlemen has had the experience. They may have been on the executive of the Teachers' Union at some time.

The Hon. R. F. Claughton: I have never been on the executive.

The Hon. G. C. MacKINNON: The Hon. Robert Hetherington and the Hon. Roy Claughton are obtaining their information secondhand

or thirdhand, whereas I am receiving my information directly.

The Hon. R. Hetherington: I hope I can share your experience some day.

The Hon. G. C. MacKINNON: I hope the honourable member does not do so, because strangely enough if one goes back over the records and has a look at the education system at a time when an educator had been appointed as Minister, one would find the situation was not very good. If the Hon. Robert Hetherington ever shares my experience, I hope he changes what has happened in the past.

I have dealt with the fact that the good teachers who used to return to school before the beginning of the school year are now compensated for the extra two days. They get two days' holiday when they need it and when it is least likely to harm the pupils. Included with those good teachers are the ones who did not go back to school early. They also are now forced to go back two days before the beginning of the school year. In my opinion that is a good move. Staff meetings may be held in the absence of the pupils. This has become increasingly necessary.

I will give an example: as some of the more long-standing members will recall, when an important person visited a school, such as the Lord Mayor of London, the practice used to exist that that person would give the children a half-day's holiday.

The Hon. R. Hetherington: Even Ministers did that once.

The Hon. G. C. MacKINNON: When I became Minister for Education I asked if I could give the school children a holiday. That suggestion received a horrified reaction. The first important person to come to Western Australia when I was Minister for Education was the Lord Mayor of London. I said, "No matter what happens, he is going to give these children a holiday." The Lord Mayor was to visit a high school over the river. It is a very famous school. The reply I received was, "We will have to give at least two weeks' notice." The headmaster of the school, who was a very conscientious man, told me that the notice was required because of the bus system.

The Hon. R. F. Cloughton: That is when the practice was stopped.

The Hon. G. C. MacKINNON: For the information of members I should like to say that the whole structure of schools today—the time they start and finish—is not dictated by the head-

master, the teachers, or the Education Department; it is dictated by the MTT.

The Hon. R. F. Cloughton: And the availability of buses.

The Hon. G. C. MacKINNON: I thank the honourable member for his interjection. Some schools have to commence the day's work at 8.45 a.m. and some have to start after 9.00 a.m. They do not do this because it is desirable educationally; they do this because of the bus system. Anybody who knows anything about education will tell members that is a fact in the City of Perth. I refer members to the Hon. Roy Cloughton who will verify that.

How much worse is the situation in country areas? We must not forget also that one of the biggest changes in the education system which has taken place in recent years is that we no longer have totally separate primary and secondary systems. The structure is a continuing one. Primary schools claim to be "as important as secondary schools". I think primary schools are more important. Children are made into students at the primary level. The primary schools demand the same sort of treatment as secondary schools. They say that if secondary teachers can send children home they should be able to do so too. Of course, neither the primary nor the secondary system should be able to send children home from school; but it is infinitely more difficult to send primary school children home. Buses have to be arranged and primary school children are less able to look after themselves.

Primary school children are just as capable of getting into mischief as are secondary school children. On a number of occasions, if the children are sent home early neither of the parents is home.

It is desirable that the schools should have full staff meetings in the absence of the children. It is quite beside the point that a teacher is sick, or absent for some other reason, and a full staff meeting cannot take place. We should not allow ourselves to be hoodwinked to that extent.

I have dealt with the matter of collaboration and with the only real piece of written evidence the Hon. Roy Cloughton saw fit to introduce which was the letter from the headmaster.

The Hon. R. F. Cloughton: He is an employee of the Education Department.

The Hon. G. C. MacKINNON: He is a headmaster in a school and he is a boss. Once a person becomes a foreman or a boss he should not be allowed to be a member of a union.

The Hon. R. F. Claughton: He is still an employee of the Education Department.

The Hon. G. C. MacKINNON: He is given the right to hire and fire, therefore, he is a boss. He ought to be responsible to the department. I do not think any headmaster has the right to absent himself from school because the union has called a strike. That would be most reprehensible.

The Hon. R. F. Claughton: I do not think you would find a case where that has happened.

The Hon. G. C. MacKINNON: In my opinion the letter produced by Mr Claughton was most disloyal. The headmaster is a boss.

The Hon. R. F. Claughton: To give the information about what has happened in the school?

The Hon. G. C. MacKINNON: The most foolish part about that letter and the only thing he did not say—and Mr Pike added it—was that fortunately the Meckering earthquake was not centred around his school. It was the only calamity which was not centred around it.

The Hon. R. F. Claughton: He is a highly competent teacher.

The Hon. G. C. MacKINNON: No competent teacher could have so many accidents.

The Hon. R. F. Claughton: They were not his fault.

The Hon. G. C. MacKINNON: Surely the man is accident prone. I feel the information I have been—

The Hon. R. F. Claughton: Misleading information.

The Hon. G. C. MacKINNON: —able to impart to the House—the majority of it from direct experience and the rest of it supplied to me—has clarified the situation and has set out clearly that the reasons for the strike must be other than the reasons given in the newspapers. I do not know what they are. It may be the members of the Teachers' Union look at the Victorian situation and see the teachers there going on strike every two or three months, and as a result of that they feel they should be in on the act too. That is the only reason one can imagine.

The issue of holiday dates has never been a matter for arbitration. It is ludicrous for such a matter to be chosen as the reason for the strike.

I need not have contributed to the debate as the answers were given by Mr Pratt, Mr Moore, and the other speakers from this side of the House, all of whom answered members opposite with great accuracy and from personal experience. However,

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I felt that as I had been honoured to hold the position of Minister for Education for three years and knew the situation personally, I ought to offer the information in my possession at least in defence of the people who hold the education of children very close to their hearts and who bend over backwards to ensure that consultation with the union is continuing and meaningful. These people have moved heaven and earth to ensure school teacher participation is achieved on every possible committee. In defence of those people I felt I ought to set the record straight. I believe I have done that and I trust sincerely members will vote against this motion.

Debate adjourned, on motion by the Hon. R. Hetherington.

House adjourned at 4.39 p.m.

QUESTIONS ON NOTICE

ENERGY

Nuclear: SEC Information

387. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Fuel and Energy:

Will the Minister advise the source of information, and the titles of specific articles where this information is validated, that is the basis of the opinion given by the State Energy Commission in *The West Australian* on the 12th September, 1978, that nuclear power will be the cheapest and most reliable form of energy for Western Australia by about 1995?

The Hon. I. G. MEDCALF replied:

The following are two of the numerous sources showing the actual operating costs of nuclear plants to be lower than fossil plants in the countries concerned—

(1) United Kingdom Atomic Energy Authority's latest annual report.

(2) IEEE Spectrum June 1978 (USA).

I would remind the honourable member that as far as the Western Australian situation is concerned Mr Kirkwood's assertion was made on the basis of the expected consumption and known reserves of coal in this State.

POLICE

Goods Seized

388. The Hon. F. E. McKENZIE, to the Leader of the House representing the Minister for Police and Traffic:

- (1) Is it a fact that when police seize goods during a search of premises, no receipt is issued to the person who claims to be the owner of them?
- (2) If the goods are subsequently "cleared" and returned to the owner who claims damage was sustained after they left his care, what recourse has the owner to compensation for the damage?
- (3) If receipts are not currently issued to owners for goods seized, showing the items and their condition, will the Minister have this done in the future?
- (4) If not, why not?

The Hon. G. C. MacKINNON replied:

- (1) Yes.
- (2) Upon a complaint being made, the matter is investigated and, if the claim is justified, an *ex gratia* payment is sought.
- (3) No.
- (4) Property seized under warrant issued by authority of the Criminal Code is itemised on the back of the warrant, and taken before a Justice of the Peace for his endorsement.
Property seized in other ways is itemised in Police property books.

MINING

Coal: Reserves

389. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Mines:

Further to my question No. 350 on the 11th October, 1978, relating to coal reserves, will the Minister advise which of the Government's policies will encourage companies to enter coal exploration in view of the statement in *The West Australian* on the 12th September, 1978, by the State Energy Commission, that nuclear power will be the cheapest and most reliable form of energy by 1995?

The Hon. I. G. MEDCALF replied:

The present Government's vigorous policies of encouraging mining and

exploration are sufficient to encourage coal exploration. There are several companies exploring in the Perth and Canning basins. At Collie one company is involved in an extensive drilling programme and the other recently completed a programme and is planning another to define extractable coal in more detail.

The demand for coal will continue far beyond 1995, to supply existing power stations and those still to be established.

MINING

Coal: Reserves

390. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Mines:

As no comprehensive study has been made of known or possible coal reserves in this State, on what basis is it asserted by the State Energy Commission in *The West Australian* on the 12th September, 1978, that no big new coal deposits are expected to be found?

The Hon. I. G. MEDCALF replied:

From the Mines Department's existing knowledge of the geology of the State, and from the exploration that has taken place of the Collie, Wilga, Eneabba and other fields, no new large deposits of coal have been found to date.

That does not mean that no new large deposits could be found in our State.

New discoveries depend on the scale of exploration which will still be intensified in the future as long as the economic and political climate continues to secure the desired investment conditions.

ENERGY

Solar: Research

391. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Fuel and Energy:

- (1) Is the Minister aware of a report that by the mid 1980's solar energy technologies will be competitive in 40 per cent of the United States market and generating more than \$100 000 million in annual revenue?

- (2) In view of the above, will the Minister make representations to the Australian Government to re-allocate funds from nuclear research into solar energy research to ensure an advantage for Australia in solar technology and access to a potentially lucrative American market?

The Hon. I. G. MEDCALF replied:

- (1) The Minister for Fuel and Energy is aware of many reports of this general type which forecast great success for solar energy in the United States and Australian energy markets, but is not sure which specific report the honourable member refers to unless he gives further details.
- (2) The Western Australian and Commonwealth Governments are constantly liaising and are making substantial research funds available to solar through the Solar Energy Research Institute and National Energy Research Development and Demonstration Council respectively. Indeed the Minister understands that NERDDC are presently considering a large number of applications for research grants and that substantial support funds will be available. To the Minister's knowledge nuclear research in Australia is at a very modest level apart from research related to nuclear medicine and fusion.

LAND

Wexcombe

392. The Hon. LYLA ELLIOTT, to the Minister for Lands representing the Minister for Community Welfare:

Further to my question No. 386 on 25th October, concerning Westrail land at Wexcombe—

- (1) Will the Minister for Community Welfare consult both the State Housing Commission and the Aboriginal Lands Trust before the land is sold or disposed of, concerning the desirability of using this land for Aboriginal housing?
- (2) If he is advised that it is suitable for Aboriginal housing, will the Government ensure that it is used for this purpose?

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

- (1) This land is not under the control of the Minister for Community Welfare and the question should be directed to the appropriate Minister.
- (2) Not applicable.

QUESTIONS WITHOUT NOTICE

LEGAL AID COMMISSION

Federal Announcement

1. The Hon. GRACE VAUGHAN, to the Attorney General:

What effect, if any, will the announcement of the Federal Attorney General today concerning qualifications for legal aid have on the WA Legal Aid Commission and its service, particularly in regard to the State Family Court? Would the Minister give a brief answer today and details as soon as possible?

The Hon. I. G. MEDCALF replied:

I regret I have not seen the statement made by the Federal Attorney General; I have merely heard about it. In the circumstances, I ask the honourable member to place the question on the notice paper.

LAND

Wexcombe

2. The Hon. LYLA ELLIOTT, to the Leader of the House:

In view of the reply to question 392, will the Leader of the House direct the question to the appropriate Minister?

The Hon. G. C. MacKinnon replied:

I could, if the member feels herself unable to do so.

LAND

Wexcombe

3. The Hon. LYLA ELLIOTT, to the Leader of the House:

As this is the third time I have asked a question in an attempt to get a definite answer, and as I am still unsuccessful, I ask the Leader of the House to inform me whether the question should

be directed to the Minister for Works, the Minister for Housing, or the Minister for Transport?

The Hon. G. C. MacKINNON replied:

It is not my role in this place to tell members what they should do. A member who has been in this place as long as the honourable member who has addressed the question to me ought to have learnt where and how to ask a question.

There is as much skill in asking a question as there is in answering. I suggest the honourable member should

pay some attention to the details of her question.

LAND

Wexcombe

4. The Hon. LYLIA ELLIOTT, to the Leader of the House:

I ask the Leader of the House if will he direct the question to the Minister for Transport as the land is vested in Westrail?

The Hon. G. C. MacKINNON replied:

As a courtesy to the honourable member, yes.
