

Legislative Council

Wednesday, the 4th October, 1978

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

LEAVE OF ABSENCE

The Hon. R. J. L. Williams: Motion

THE HON. G. E. MASTERS (West) [4.43 p.m.]: I move—

That leave of absence be granted to the Hon. R. J. L. Williams for 12 consecutive sittings of the House due to ill health.

I would like to make one brief comment. No doubt members are aware that the Hon. John Williams suffered a severe heart attack on Sunday morning.

My information is that he has improved somewhat today although he is still in a critical condition, and we can hope for some further improvement perhaps in the near future.

I am sure that the motion will be supported fully by the House and that we all wish him a rapid recovery.

Question put and passed.

BILLS (3): THIRD READING

1. Valuation of Land Bill.
2. Land Valuation Tribunals Bill.
3. Acts Amendment and Repeal (Valuation of Land) Bill.

Bills read a third time, on motions by the Hon. G. C. MacKinnon (Leader of the House), and passed.

PUBLIC SERVICE BILL

Second Reading

Debate resumed from the 20th September.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.46 p.m.]: Unwillingly the ALP is opposed to the legislation. It is most unfortunate that we have been unable to agree with the Government on this piece of legislation because it involves an important area of government, one in regard to which I believe all parties should be co-operating. However, this has

not been the case simply because of the manner in which the Government has approached the preparation of the Bill.

It is significant that the Government has been so close-chested about the proposals that very little consultation took place with the Civil Service Association which is very much affected by it. We must remember that many of the working conditions of the members of the CSA are embodied in the existing Act.

In his introductory speech the Minister said investigation had been made of the Civil Service Associations in other States and reviews had been made of whatever reports were available. We were further told in the Press—not in the Minister's speech—that those investigations had been ensuing for a period of three years. If that were the case one would expect that over the three-year period it would have been possible for the Government to introduce near-perfect legislation. However, already, during its passage through another place a number of changes were found to be necessary.

In addition, representations have been made to the ALP, particularly by the CSA, but also by other relevant unions, about the subject matter of the Bill. Here again I think this could have been avoided had there been open consultation.

The Civil Service Association was moved to write on page 124 of the most recent issue of the *Civil Service Journal* for September some comments which I will quote because in his speech the Minister stated consultations had taken place with the union and I think we should know to what extent consultation took place. The association said—

Copies of the Public Service Bill were shown to the President and the two senior staff members of the Association under strict terms of confidentiality less than a fortnight before its presentation in the Legislative Assembly. Consequently no discussion with either Council, Executive or members was possible. Comments and suggestions from the President and Association officers were invited at a further conference five days after having seen the Bill.

Thus, we were notified of the content of the Bill and it can be said that very brief and limited consultation occurred. Perhaps parliamentary procedure requires such limitations, but it cannot be said that full and meaningful consultation took place, as the Bill took shape over a period of more than a year.

The Hon. G. C. MacKinnon: I think you would be honest enough to admit that is a perfectly normal procedure. It has been the procedure with any Bills I have ever seen in my experience. We do not have consultations about the drafting of a Bill and all sorts of things. That is not the way it is done, is it?

The Hon. R. F. CLAUGHTON: The Minister will have an opportunity to explain himself in his reply.

The Hon. G. C. MacKinnon: I will, at great length, but I was just asking you a question.

The Hon. R. F. CLAUGHTON: Had he listened to my opening remarks—

The Hon. G. C. MacKinnon: I listened intently.

The Hon. R. F. CLAUGHTON: —he would have heard me say that in matters concerning the part of government with which the Government deals—that is the Public Service—there should have been more open consultation with the official Opposition, as we are, as well as the unions. That kind of consultation has not taken place, and I say that is to be regretted.

The Hon. G. C. MacKinnon: You could argue, along those lines, that it is of great importance to the general public and therefore we should discuss it with the general public.

The Hon. R. F. CLAUGHTON: We are not arguing about any legislation other than this particular Bill. Both parties have to deal with the Public Service when in government.

The Hon. G. C. MacKinnon: I will answer you when I reply to the debate.

The Hon. R. F. CLAUGHTON: I have no doubt the Minister will answer to his own satisfaction, and I do not think it will be to our satisfaction or to the satisfaction of the general public. I will continue with my remarks.

We now have to deal with the legislation before us and we must try to do the best we can with it. I point out that in the preparation of the Bill investigations have been going on for some considerable time, and because of that and the nature of the Public Service I do not think there is any violent rush for the legislation to be completed in this session. I would like to suggest that we adopt with this Bill the practice which has been adopted with other Bills in the past—one Bill which is currently before the Parliament, the Mining Bill, is a good example—and defer it to allow discussion over an extended period.

Because of the uncertainties involved in the new arrangements under this Bill as compared with the arrangements in the existing Act—particularly the matters which are no longer

expressed in the legislation and will now be dealt with in regulations and what are termed “administrative instructions”—I think it would be very wise to delay further progress on the Bill until we have had a chance to examine those aspects, because they will be part of the legislation when it is finally promulgated and I believe it is reasonable that Parliament should have a chance to examine all parts of this new law.

That is a well-established precedent in this Chamber. On several occasions during the term of the Tonkin Government, when the Government was introducing new legislation—in particular legislation dealing with traffic safety—the Opposition at that time insisted that progress be delayed until regulations were tabled and members had had a chance to examine that part of the extended legislation. I therefore put to the Government the proposition that the final progress of this legislation should be delayed until the next session so that Parliament will have a chance to examine all the law which will be established under this Bill.

I would briefly like to mention that I am very critical of the role the Press plays in relation to the Government. In a western democratic system the Press has a well-established position as the watchdog on Governments. In respect of this piece of legislation, as well as a number of others I could name, I think the Press has failed miserably to point out to the public precisely what is happening. All it seems to have done is accept without question the publicity handouts of the Government.

I have several cuttings which demonstrate that fact. Two of them are from *The West Australian* of the 23rd and 24th August and carry the headlines “Major reform plan for State Public Service” and “Public Service Bill aims at flexibility”. Those articles simply outline the remarks made in the Minister’s speeches, with a small amount of added material. I think we in Western Australia, particularly, suffer because of the very soft attitude of the Press in relation to the present Government. The Press is not filling the role which is vital in an open democracy such as we pretend to have and which is necessary for our system to remain healthy.

After thinking about what a Public Service should be, one of the first things I would look for in the Minister’s speech on the Bill is a statement of the principles which led the Government to decide on the form of legislation it would adopt and what it should contain. An examination of the Minister’s speech reveals four points: firstly, the Public Service should employ modern

management and personnel practices; secondly, it should have the ability to adapt readily to changed circumstances; thirdly, it should have the ability to react quickly to Government directives; and, fourthly, it should be effective, efficient, and economic. The Minister said the last point should be its prime function.

It seems to me that the Government has been far too narrow in its views on what the Public Service should do, and the way it should operate. Naturally I believe the Public Service should be responsive to the Government's policies and not be obstructive. It appears that the four items I have mentioned indicate the background to the thinking of the Government in respect of the personnel in the Public Service; that their functions are primarily based on a business viewpoint. Of course, in the operations of the Public Service there is a need for the personnel to be aware of business practices, but I do not think that is the prime object of the Public Service.

If we look at the alternatives we might not list those sorts of factors. Firstly, I say the Public Service should be responsive to the Government in the carrying out of policies. I think it is highly important for the Public Service to be impartial in its responses, because the party in government changes, and thus impartiality is a very important factor.

The Public Service needs to be impartial to the Government and to the public with whom it deals. It also needs to be independent. It should not be subject to pressure groups, and it should be able to resist such pressures and thus avoid the intrusion of bribery and corruption. That is a very important aspect. Up to this stage we have been very fortunate in Australia in having Public Services which are largely free of such practices.

When we look at how we might provide for the Public Service through legislation we must ensure that the provisions we insert will protect public servants. For example, there is a need for security of tenure of office in the Public Service. One of the factors which could easily lead public servants to bow to pressure groups or to accept bribes is insecurity of tenure of office. For that reason the tradition has been developed of providing a large measure of security in Government employment. Faults can be found in that kind of system, but I believe there is no other way to ensure that the qualities of impartiality and independence are preserved.

The Public Service should also be geared to providing service to the public. It is not established for the purpose of making a profit, because profit-making is the role of business. Of

necessity a business enterprise is geared differently; and its sole objective is the making of profits. If a business enterprise does not make a profit it cannot continue to exist.

However, that is not the role of the Public Service; it has a completely different function. In attempting to have the Public Service operating efficiently we have to be careful to ensure that the aspects of service to the public and human relationship are not lost. Those are the aspects which we should look for in setting up a Public Service. We should ensure there is no loss or diminution of those requirements when we introduce legislation and bring forward measures associated with it. I heard no mention of that in the Minister's speech.

The Hon. G. E. Masters: Surely, efficiency would take into account service.

The Hon. R. F. CLAUGHTON: As members of Parliament would know, in dealing with people it often takes a great deal of patience. In being patient we often lose a great deal of our efficiency, and it is more difficult to do things quickly. Quickness of operation is often seen as the measure of efficiency, but I say some sort of balance should be established.

The Hon. J. C. Tozer: The word "effective" is also used.

The Hon. G. E. Masters: The word "efficiency" covers it. You need an efficient service and an efficient operation.

The Hon. R. F. CLAUGHTON: I was contrasting the functions of a business and profit-making operation, with the operation of the Public Service. The manner in which some people rate efficiency in business is not necessarily the manner we should rate efficiency in the Public Service, because the objectives of the two are quite different.

The Hon. O. N. B. Oliver interjected.

The Hon. R. F. CLAUGHTON: I shall ignore that interjection. Mr Masters will be pleased to know that the next item I have listed relates to efficiency and economic operation. Those are very important aspects. A Public Service and a government need to be very much aware of how they are spending the money of the taxpayers, to ensure that the greatest value in terms of the dollar spent is obtained.

A Public Service also needs to be adaptive; that is, as circumstances change, a Public Service needs to be able to change. I am sure that if members have given thought to the principles that should be embodied in the legislation, they could add to or subtract from the list I have mentioned.

However, in my brief consideration of the principles which should be embodied in the legislation, those are some of the factors I have listed.

I would also like to add to those the employment conditions as they affect the Public Service. Those conditions must be fair and impartial. We must also bear in mind that the Public Service of this State does not have access to the industrial court, and so it does not have the same protection under the law that other employee organisations have.

The Government has said that the Public Service should be effective, and it has taken the step of adding that to the legislation. Under the Public Service Act it is laid down that the service should be efficient and economic, and the Government has added to that the word "effective". I would suggest to the Government that effectiveness is the responsibility of the Government itself. The Public Service should be effective in carrying out the policies of the Government. That is a matter of judgment, and it is not up to the Public Service to judge whether or not it is effective. That is a matter on which the Government and the public at large should make a judgment. That is the role of the Government.

We have often heard the opponents of Labor say that they are better managers. Yet in this instance they are laying the managerial responsibility on the Public Service, and shoving it off their own shoulders. I do not know what difference will be made by adding the word "effective" to the legislation. Even though the Government desires to remove this responsibility from itself, eventually the public will be the ones who will judge the Government's effectiveness.

As I mentioned earlier, the board had been examining this matter for some time. It is interesting to note that included in the Public Service Act and in the Bill are what amounts to the powers of a perpetual Royal Commission. The board will have power to call before it people, and to demand the production of documents.

The Hon. O. N. B. Oliver: What page in the Bill are you referring to?

The Hon. R. F. CLAUGHTON: I am not referring to any page. Those powers are contained in the Act and in the Bill. I think they are contained in clause 18 of the Bill.

When I first saw this provision in the Bill I questioned the reason for its inclusion. Naturally I looked to see whether a similar provision was included in the principal Act, and found it was included. Those are the factors which will give to the board more powers and more purpose in its

deliberations on this legislation, by being empowered to call all manner of persons to appear before it and to make a wide inquiry into what the Public Service should be. If we are changing this legislation a much wider inquiry should have been made.

The Hon. O. N. B. Oliver: I am not sure of the clause to which you are referring.

The Hon. R. F. CLAUGHTON: The honourable member has a copy of the Bill and he can look it up himself.

The Hon. G. C. MacKinnon: It is on page 11 of the Bill, in clause 18. This deals with the power to summon witnesses and take evidence on oath.

The Hon. R. F. CLAUGHTON: I also wish to speak on the need for consultation. I would point out how the Government has failed in this respect not only to the public and other political parties, but also to the union. This is an area which is of very great concern to the present Government.

At the moment we have the spectacle of the teachers being out on strike, for the first time in over 50 years. It seems to be a mark of this Government to incite groups to take such action. That seems to be so contrary to what is stated in its policy.

I refer to the policy of the Liberal Party and to the section dealing with industrial unrest. It states—

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

It is a shame that the Government does not re-read some of the statements it has put into its policies.

Here we have a first-class example of where real benefit could be provided to the people in getting a piece of legislation through Parliament that would be far more valuable than anything we have before us—one in which all parties could have been in accord. Yet we find the Government claiming it has had consultations; however, the facts are quite different. How has this Bill come about? It has not arisen because of any demand from the public or from any consultations that have taken place.

The Hon. O. N. B. Oliver: Yes, it has.

The Hon. G. E. Masters: Surely the public always is demanding greater efficiency.

The Hon. R. F. CLAUGHTON: Yes, but that does not demand a new Bill.

The Hon. D. W. Cooley: Why does that require a new Bill?

The Hon. G. E. Masters: At least we are making an effort.

The Hon. R. F. CLAUGHTON: The Government is making some sort of an effort, although I do not know what it is. On examining this Bill and its similarities and dissimilarities to the existing legislation and all the things it appears to lack, it seems to me to be no more than something of a public showpiece, aimed at giving the impression that it is designed to do certain things.

However, when we get down to the nitty-gritty of it, we see that very little is being done, because when we read the Minister's speech and the Bill and look at what presently exists we find this legislation proposes very little significant change to the Public Service.

The Bill seeks to make some changes to the Act in a way which I think is unfortunate; that is the cause of a number of amendments being placed on the notice paper in my name. Many of those amendments have to do with the uncertainties which have arisen as a result of the way in which the provisions are expressed in the Bill and the lack of clear statement from the Government when questioned on what precisely is meant by these things.

From my point of view, one of the unique things which has happened in respect of this piece of legislation is that I took the trouble to read the second reading and Committee debate which took place in the Legislative Assembly. That is something I very rarely do; I prefer to make my own assessment of legislation without being set in a certain direction by somebody else's opinion. Because a number of questions were raised in respect of this legislation, I read the comments of the Premier in order to get some clarification of the issues. I must confess I was as confused about what some of these things meant after reading the Premier's comments as I was previously.

All these things lead one to suspect this legislation is only a showpiece. It contains errors and a good deal of uncertainty. In fact, I believe Ministers themselves are uncertain as to what it means. The Bill uses slogans; it talks of "flexibility" and "businesslike" and raises the bogeyman of seniority. However, there is very little clarity in the Bill and in the minds of Ministers.

So, we arrive at the point where I say a good deal of concern has been engendered by the

manner in which the Government has gone about presenting this Bill to Parliament. I would like to mention some of those areas of concern.

I refer firstly to administrative instructions. The Government has told us—and, when we examine the legislation, we come to believe it—that the administrative instructions will have all the force of law. It has been a long-standing principle of our style of Parliament that any law should be made in Parliament itself. I have heard members on their feet in this Chamber complaining about the law-making that goes on by way of regulations outside the Parliament, within the bureaucracies and authorities. Mr Gayfer—who, unfortunately, is not in the Chamber at the moment—has made that sort of complaint on a number of occasions.

Yet here we have a piece of legislation which proposes that not only should the making of the law be done within a bureaucracy or Government agency but also that that law will never come to Parliament for scrutiny and challenge. That is a striking departure from all previous practices under the Westminster system and one which I believe should be strongly resisted. It is the principal reason the Labor Party is opposing the Bill as a whole.

The Hon. G. C. MacKinnon: I think that is quite a wrong assessment, really. You are trying to transfer the ordinary, administrative sorts of rules into regulations.

The Hon. R. F. CLAUGHTON: I suggest to the Minister that what has happened—and, it is quite understandable—is that the bureaucracy has found itself with a problem in respect of some areas of its regulation-making. It has wanted a way in which to issue directives to the Public Service that is not by way of regulation. So, the bureaucracy has said, "We will give the administrative instructions the same standing as regulations, and that will overcome our problem."

I do not think it is good enough for us to be expected to accept that sort of reasoning simply to allow the public servants involved in this area an easy way out. What we should do in this case is tell them to go back and consider the problem a little further.

What the Government is proposing is completely unacceptable to the Parliament. Parliament is the only lawmaking body in the State, and we do not intend to hive off any of those powers to any other organisation. I put it to all members—regardless of whether they belong to the Labor Party, the Liberal Party, or the National Country Party—that this proposal quite simply is unacceptable. Parliament should be the

only place where laws are made. Although we delegate some of that power to bodies by way of regulations, those regulations, by-laws, or rules always must come back to Parliament so that they can be challenged and we retain control.

The Hon. G. C. MacKinnon: Do you really think it is necessary that we should get down to the detail of what time an officer starts work? That is what you are talking about now.

The Hon. R. F. CLAUGHTON: I thought I had made it quite clear. What I am saying is that the lawmaking powers of this Parliament belong to us and should not belong anywhere else. The Public Service Board has a problem in respect of its particular needs. I am saying there should be some other way to overcome that problem; certainly, it should not be done in this way.

It is foolish for us to concede the giving-away of any of the powers which properly belong here, but that is what the Government is doing in this legislation. I am not putting that on a party basis; that simply is the principle under which our parliamentary system works. We should retain that principle and not water it down in the way the Government is seeking to do.

The Hon. O. N. B. Oliver: At cost to the taxpayer?

The Hon. R. F. CLAUGHTON: Oh, come off it! The Government is creating a precedent which I am sure other bureaucracies would love to get hold of; it may be opening the floodgates. However, that is a hypothetical case. We should say, "No, find some other way to do it."

The Hon. J. C. Tozer: Did you say the administrative instructions would have the force of law?

The Hon. R. F. CLAUGHTON: Yes.

The Hon. J. C. Tozer: Did you read that in the Bill?

The Hon. R. F. CLAUGHTON: It is in the Bill. Is Mr Tozer going to tell me the Government has been lying about that?

The Hon. J. C. Tozer: I just wondered where it is situated in the Bill.

The Hon. R. F. CLAUGHTON: Its powers are contained in clause 19.

The Hon. J. C. Tozer: I cannot quite read it there.

The Hon. R. F. CLAUGHTON: Whether or not Mr Tozer can read it there, I am sure the Minister is not going to deny it is there. However, that is an argument for the Committee stage.

The Bill also contains provision for a senior office and a senior officer. This proposal has been

the cause of a good deal of uncertainty and concern. This was one of the issues which was raised in another place and, when I read the comments of the Premier, I was unable to find an answer to the queries. It just is not clear what is intended by the Government.

What we are talking about is a group of officers who will be appointed by the board. In the scheme of the Public Service there are the special division officers who are appointed on the recommendation of the Government; in addition there are the administrative and professional divisions whose members also are appointed on the recommendation of the Governor. The administrative division comprises approximately 140 personnel and the professional division about 100.

From what is contained in this Bill, and what has been said in the Legislative Assembly, there is no clarity about how many of these positions will be affected by this legislation.

We must remember also that none of these positions is open to appeal; this is one of the matters which concerns the Public Service unions; they fear there will be some sort of gap created. It is not known what the arrangements will be under the new system proposed by this legislation, because the provisions laying down the splitting up of the Public Service into divisions and so on are to be removed from the Act.

We are told the situation is set down in regulations or administrative instructions. A vast area of uncertainty has arisen, because until the situation is set down nobody will know what will occur. When the Premier was questioned about the matter, he said he did not know whether the situation would be the same as that of the divisions, or whether a different system would be used.

The Hon. G. C. MacKinnon: Did you say "Public Service unions"? Did you use the plural or singular word?

The Hon. R. F. CLAUGHTON: I have talked mainly with the Civil Service Association; but I have had other correspondence with the professional officers' bodies.

The Hon. G. C. MacKinnon: But there is one union only, is there not; that is, the Civil Service Association?

The Hon. R. F. CLAUGHTON: Sometimes it is called an association and sometimes it is called a union. Different names are used for the same body.

The Hon. G. C. MacKinnon: I will explain it afterwards. I think you have got yourself sidetracked a little.

The Hon. R. F. CLAUGHTON: In order that confusion is not created, let me say I will talk about the representations which have been made to me on this matter by the representatives of the Civil Service Association, because that association supplied the figures which I quoted.

I do not wish to dwell overlong on this particular aspect, because we will discuss it in Committee. We do not know which part or parts of the Public Service will be affected. We are told also that some employees will be on term appointments. There is uncertainty about that. Outside appointments may be made, which reflects back into the Public Service.

The Hon. G. E. Masters: What do you mean? Do you mean it reflects on their ability?

The Hon. R. F. CLAUGHTON: The words I used were, "reflects back into the Public Service". If a person is appointed at the top level, the promotional positions below that level remain the same. However, if a person vacates the top position and a person within the service is appointed a whole range of promotions follow.

The Hon. G. E. Masters: That would be a situation where you would probably need particular expertise in one field or another.

The Hon. R. F. CLAUGHTON: That is not necessarily the case. It could be in that area; but we are told also that outside people could be appointed to the position of permanent head. The situation is not clear. We do not know what will happen in the future, therefore, we cannot say with certainty what the situation will be. If the Government wants a particular situation, it should state it; but it is creating uncertainty instead. That is the problem.

We need clarification as to the sorts of positions which will be involved, the levels which will be affected and whether the Public Service Board decisions will go up or go down compared with the recommendations of the Governor. We should be told the extent to which the existing administrative and professional divisions will be affected. That would help to clarify the situation.

The Hon. O. N. B. Oliver: What he means is, the best man or woman for the job; is that right? Is that what you mean, in simple terms?

The Hon. R. F. CLAUGHTON: I wish the honourable member who has just interjected would not do so.

The Hon. G. C. MacKinnon: Does he get you a little upset?

The Hon. R. F. CLAUGHTON: If the member made an interjection which had some meaning, I would have pleasure in answering him; but his interjection has no relationship to what is being discussed at the present time.

The Hon. G. C. MacKinnon: I thought it was very pertinent.

The Hon. R. F. CLAUGHTON: I am saying the matter of outside appointments and the number of positions affected could reflect back into the Public Service. This could have an effect on the morale of the Public Service, because new ambitious people will be coming into the service and they will be looking for promotional opportunities.

The Hon. O. N. B. Oliver: The morale of any enterprise is related to security.

The Hon. R. F. CLAUGHTON: The situation in regard to the railways and the events which have occurred has been mentioned. Mr MacKinnon would know more than I about the matter. A number of commissioners were appointed and antagonism grew. A certain amount of cronyism had built up. There was a real morale problem in that organisation because of what took place.

The Hon. G. C. MacKinnon: The words of the song; I remember it well.

The Hon. R. F. CLAUGHTON: The honourable member would recall the situation better than I. I gained my knowledge of the matter from picking up a report on it when I first came into Parliament in 1968. It was not of immediate concern to me.

These matters are probabilities which could arise. We are discussing the concerns which have arisen as a result of this legislation. I have mentioned the administrative instructions and the position of senior officers. There has been a great deal of propaganda about the removal of seniority and I will move an amendment to the particular clause concerned in the Committee stage. I shall leave discussion on the matter until that time.

It is interesting to look at what has actually taken place over the last year or so. The events which have occurred do not correspond with the position as put forward by the Minister and by the Government. All the employment conditions contained in the Act are being removed. As a result, uncertainty has arisen. This is one of the reasons I have suggested the Bill should be held over until the next session. This should be done after we have proceeded through the Committee stage. We should then have an opportunity to examine the new regulations and other proposals which come forward before the Bill is finalised.

The Hon. G. C. MacKinnon: The finality of a Bill is its proclamation and I think you will find this Bill cannot be proclaimed until the regulations have been brought forward.

The Hon. R. F. CLAUGHTON: I am concerned with the position in Parliament. Once the Bill passes through the third reading stage, that is the end of it. I am talking about our powers as law-makers and the regulations and administrative instructions will have the power of law.

I shall mention the subject of appeals in the Committee stage, because the matter I wish to raise is not directly related to the Bill.

Some years ago temporary employees came into the Public Service. They became temporary officers and we now have a new group called "casual workers". This is causing a degree of concern. The provisions in the Public Service Act have arisen from events which have taken place in the past. The last strike in the Public Service, as I understand it, was in 1920. The strike occurred over the matter of temporary employees or casual workers who were brought into the Public Service at that time. I hope the Government does not intend to take action which will lead to the first strike in the Public Service in over 50 years. I do not believe the Government could be proud of that sort of record.

The Labor Party is not saying casual workers should not be used. Obviously there is a need for those people and certainly casual workers are employed at the present time. The Government is talking about flexibility in staffing. That is one of the key words on which it is hanging its legislation. Flexibility does not necessarily mean efficiency, because by changing the situation too much areas of uncertainty are created, as a result of which unskilled people, or people lacking in experience, are employed and a loss of efficiency occurs. Flexibility is one matter, but efficiency can be quite a different one.

Some good measures are contained in the legislation and we are not opposing the Bill for the sake of opposing it. Understandably if a large number of matters are coming before the Executive Council and are adding to the work of Ministers, the sensible action to take is to try to reduce the work load by removing the trivial matters. Too large a part of our lives is taken up with trivia. If we can find a way to remove the trivia so that we may spend more time on important matters, that should be done. If that end is being achieved by this legislation, that is a good thing.

The introduction of Public Service notices which deal with matters relating specifically to the Public Service will make the situation clearer and the people affected will have access to the information. A number of important matters appear in the *Government Gazette* and we should endeavour not to include trivial information. If this is being achieved by the legislation, it is a sensible move and is probably long overdue.

I do not know whether we need a new Bill to bring about that situation; but we certainly approve of the move. The administrative instructions are not clear. They are confusing. The remarks made by the Premier have not helped to clarify matters. We approve of the updating of the legislation. This is not the only Act which is being reviewed and brought up to date by Parliament. A regular process was set in motion some years ago whereby this up-dating takes place. We believe it is desirable; but it does not provide a reason for a desperate rush to get the legislation through.

The power of the board to create, abolish, or amalgamate departments was formerly in regulation 99. I am afraid I am taking the word of another person on that matter, because I have not studied the regulation and I do not really know what is contained in it; but if all that is involved is the removal of that matter from the regulations and the insertion of it in the Act, which is the appropriate place for it, it is a desirable change.

The regulatory power held by the board to create, abolish, or amalgamate departments was contained in the regulations. The matter of term appointments seems to be a new development as far as the permanent heads are concerned. However, the head of the Transport Department (Mr Knox) has been on term appointments since he took up that position. He has been more or less a permanent fixture.

The Hon. J. C. Tozer: He is not a civil servant.

The Hon. O. N. B. Oliver: He is the Director General of Transport.

The Hon. R. F. CLAUGHTON: Yes, he is the Director General of Transport. Dr Brian O'Brien was another man who was on a term appointment also. This is not new. However, those people will now be given permanent status in the Public Service. They are on term appointments, but they come under the definition in the Bill of "permanent employees".

We have the removal of the employment conditions—not all of them, but the bulk of them—from the Act. That means there will be uncertainty until we see them rewritten in the

regulations. Another change is the abolition of seniority. The fact that married women no longer have to seek approval to stay in employment is a long overdue change. I understand that was achieved in the Commonwealth Public Service in 1966, but here we are in 1978 making the same change. So, it has taken a long time for us to catch up with that step.

I have spoken a little longer than I intended, but I have covered the main points I wanted to bring out. I have a number of amendments on the notice paper about which I will argue at the appropriate time. The Minister mentioned that he has amendments also which are on the notice paper. I intend to oppose the first subparagraph of one amendment and I will give my reasons during the Committee stage. Otherwise, the rest of that particular amendment is acceptable to us.

The Hon. G. C. MacKinnon: I think they arose from discussions in another place.

The Hon. R. F. CLAUGHTON: That is right, but not that particular subparagraph to which I have referred.

I simply wind up by saying I think it is unfortunate that this Bill has come to Parliament in its present form. Because of the area of Government activity which the Public Service concerns itself with, some different method would have been more appropriate. The original Bill of 1904 was referred to a committee of inquiry or a Royal Commission. I think that would have been a more appropriate way to handle this matter now so that all parties would have been involved and all interested groups would have had a chance to make their input into what we would like to see. It is unfortunate that we have been placed in the position where we have to oppose the Bill, because it may create the impression that there is some division between the various parties and the Public Service. That is not desirable, but it has arisen because of the manner in which the Government has introduced the Bill.

THE HON. R. HETHERINGTON (East Metropolitan) [5.48 p.m.]: Before I get onto the main tenor of my remarks on this Bill I would like to refer to something the Leader of the House said by interjection about clause 19 when he seemed to think it was to do something that was no more than what was done already.

The Hon. G. C. MacKinnon: My only reference to clause 18 was to indicate to Mr Oliver that I thought that was the clause he was looking for.

The Hon. R. HETHERINGTON: I thought the Leader of the House said a little more.

The Hon. G. C. MacKinnon: I will tell you exactly my interjection. I said, "Page 11, clause

18, power to summon witnesses and take evidence on oath". That is what I said.

The Hon. R. HETHERINGTON: I think the Leader of the House will agree that the administrative instructions will do a little more than is done already. If I misunderstood the Leader of the House that is all right.

The Hon. R. F. Claughton: I think Mr Hetherington's interpretation of what the Minister said was pretty good.

The Hon. R. HETHERINGTON: What I want to say, to start with, is the Premier seemed to think that the administrative instructions will be something more than what happens at present. Certainly, that was the impression I gained from the remarks he made in another place about this Bill, when he said that if the Bill becomes an Act we may finish up with a second, third, fourth, or fifth division, or no division at all. He said that surely those are matters over which the board should have some discretion because built into the basic structure is the overriding power of the Government, in Executive Council, to instruct the Ministers of departments in matters concerning the operations of the departments at the top level.

It seems to me, in fact, what this Bill is doing is giving the board powers that it does not have at present under administrative instructions, to change the whole structure of the Public Service. It seems to me this is something much more than is in the Act at present, because the Act is very specific about the structure of the Public Service divisions. When I read the parent Act I understood why the Government wanted to change it, because it is rather ossified. It goes into a great deal of unnecessary detail. Certainly, I completely sympathise with the desire of the Government to change the Act.

However, I am not very happy with this particular Bill. I think the Premier, who referred to the Bill as an attempt to modernise the legislation and streamline it—he seemed to be obsessed with those words—is rather too interested in getting modern managerial procedures into the Public Service and he is forgetting, to a certain extent, the necessity for accountability. If I might say in an aside to Mr Oliver, the fact is that sometimes of course we have to spend taxpayers' money to ensure accountability. In the Public Service there is necessity for accountability as well as efficiency, and this is highly important.

The Hon. O. N. B. Oliver: What makes the Public Service different from a commercial enterprise under the Companies Act?

The Hon. R. HETHERINGTON: The Premier also said the measure will strengthen the position of the Public Service Board and increase its independence from the Government of the day. My fear is that not only does it do that, but also it increases the independence of the board from the Parliament. This is one of my main concerns. I am not too sure that clause 19 may not be the biggest Henry VIII clause I have seen for a long time.

The Hon. G. C. MacKinnon: What do you mean by "Henry VIII" clause?

The Hon. R. HETHERINGTON: It is a provision in an Act which enables rule by regulation, although I am not being strictly accurate because it gives regulations the same force as if enacted by Parliament, or the power to change an Act or regulations with the same force as if enacted by Parliament.

The Hon. R. G. Pike: You will run into trouble with Sir Thomas More!

The Hon. G. C. MacKinnon: What is the historical significance of a "Henry VIII" clause?

The Hon. R. HETHERINGTON: Henry VIII Parliaments, which loved him greatly, passed a Statute which gave the King's proclamation the same power as a Statute of the Parliament.

The Hon. G. C. MacKinnon: A jolly good idea!

The Hon. R. HETHERINGTON: He thought so, indeed, and I think Charles I would have liked that. I also think our Charles would like it too! However, it is not regarded as desirable in modern times.

I would like to make some general remarks about the Bill and express some of the concern I have for it, because it is just a little over 100 years since the British Public Service was reformed in accordance with the Northcott-Trevelyan report. An unbiased Public Service was established which was required, by competitive examination, to get rid of the partisan bias in the service, to try to build up an efficient Public Service which would serve the Government.

That was highly successful. Our Public Service was, of course, built on the Northcott-Trevelyan model because it was a very good one. I am not cavilling at this at all but since the first Northcott-Trevelyan reform in 1870 things have changed considerably. One of the problems that I am aware of, as a member of the Opposition—and I am sure the Leader of the House is also aware of this problem—is that if one is trying to scrutinise the activities of the Government and the Public Service it is very difficult to get the information. An efficient

Public Service gathers a great deal of information. It has a fount of information and it is the chief adviser of the Government—so much so, that some people are beginning to think that we have given up, to a certain extent, the old notion of ministerial responsibility; that a Minister was responsible for everything done in his department.

That applied to actions taken by anybody in the department right down to the meanest appointment. This was brought home to me when I listened to a broadcast the other night—a thing which I very rarely do—when the Leader of the House, in his role as Minister for Water Supplies, on being asked whether it was safe to relax our water restrictions, said, "Well, I wondered about that" or words to that effect. He continued, "I have had the advice of my department or experts that it is, and I must therefore take their advice."

The Hon. G. C. MacKinnon: Those words, or thereabouts. I would not argue.

The Hon. R. HETHERINGTON: I am not accusing the Minister of trying to duck from his responsibilities, because I know he is the last person in the world to do that. He did, in fact, give me an example of his loyalty to his permanent head. That is one thing I remember well. But the words he used reminded me that this is a problem which has arisen; that it is a difficulty obviously, because the Minister cannot tell us whether by using sprinklers every second day—if people abided by the regulations—that for sure of his own personal knowledge we will not run out of water. He has to take the advice of a whole range of advisers. More and more Ministers do have to take advice, and more and more Ministers are placed in a worse position. A Minister can assume no personal responsibility.

The Hon. G. C. MacKinnon: The fact remains that one must take the responsibility if one is wrong. One must take the blame.

The Hon. R. HETHERINGTON: The fact remains that even in Westminster a Minister did not resign if a public servant made a mistake. Sometimes they did not entirely take the blame.

The Hon. G. C. MacKinnon: Many mistakes were made, but resigning was not one of them.

The Hon. R. HETHERINGTON: One does realise that when a Minister stands up and takes the blame he is not really to blame. This is one of the things that has happened. There are problems, too, arising from the fact that the public servants are sometimes the only people with information outside the Government. That information might suggest to their minds, and it might be suggested to the public mind—if the public knew what the

Government was about to do was wrong—that its judgment was not in the best interests of the country.

I think we need to have a new look at the role of the Public Service. I agree with the Minister's interjection that in this case not only are the Government and the Opposition involved as a Parliament, but the public also are involved. I do not want to be accused of trying to multiply public inquiries but I think this is one case where we could have a public inquiry to see what the role of the Public Service should be in modern times when the power of the Executive has grown so greatly through necessity because of the vast increase of legislation and Government responsibility, the vast increase in expert knowledge, and the heavy reliance on the expertise of the Public Service. This means that the power and the position of the Public Service are different from what they used to be. We should perhaps pause and ask ourselves where the Public Service stands and what it is.

Sitting suspended from 6.01 to 7.30 p.m.

The Hon. R. HETHERINGTON: I suggest that not only should we consider the role of the Public Service, but also we should consider how it should be best organised for that role. We have to consider also how best to ensure the accountability of the Executive. More and more when we use the term "the Executive" we mean the Public Service.

I am not one of those people who make pejorative remarks about the Public Service usurping the role of Cabinet. It has developed as it has developed, because this is the only way it can in a modern complex industrial society. However, this means we have to face new problems, and we have to decide what is the best way to co-ordinate and control the service to make sure it serves a Government rather than a collection of departments because sometimes Ministers, particularly if they are not strong Ministers—and I am not talking about this particular Government now; I am talking generally—become spokesmen for their departments. It has been known—and enough has been written on this subject in Great Britain by former Ministers—that Cabinet meetings can become a collection of hostile Ministers speaking the views of their departments against one another. One former Minister of a Labour Government in the United Kingdom said that he tended to forget at times at Cabinet meetings that the Ministers made up a Government with common ideals. I am not suggesting this happens here because our Cabinet is much smaller, but I

am suggesting that it could happen here as we develop further.

As far as I can see, Western Australia is the only State without some kind of co-ordinating mechanism under Cabinet. Such co-ordination that there is carried out by the Premier's Department. However, people to whom I have spoken consider that is not enough; there needs to be some kind of mechanism.

Of course, when we are considering the role of the Public Service, the first thing that it has to do is to advise and inform the Government—we are not arguing about that—and it must administer and carry out the policies of the Government. We must ensure it does in fact carry out the policies of the Government, rather than the policies of a particular department, because sometimes departmental policies tend to be foisted on a Minister if he is not careful. I am not sure whether that happens here, but it has happened in other places.

We have to make sure that the advice a Minister gets is in such a form that he can still make the decisions if he wants to. I know there are some Ministers in some Governments who never make decisions; the decisions are made for them by their permanent heads, or perhaps by their Prime Minister or their Premier, because they are some sort of cipher in between. With a Minister of that kind there is nothing much one can do about it. But we must make sure the service is organised so that the Minister has a chance to make decisions if he wants to. He should be offered real choices and real advice.

We have to ask ourselves also whether, in a modern world, the Public Service, in the interests of public scrutiny, should supply information to the Opposition, and if so, how much, and of what kind. I am not sure of the answer to this question. I should think that the Public Service should supply some information, but the information should be in relation to questions of fact and not matters of opinion. However, I am not sure where the role should stop, and this is something we should inquire into.

This raises the broad question of whose Public Service is it? Whose information is it once it has been gathered? Is it the Government's Public Service, and the Government's information? Is it the public servants' information for them to hold for themselves? I have heard of Government departments which have files marked "not for the Minister". I certainly hope that this does not apply here. I am not suggesting it does; I am speaking broadly. Perhaps it is the taxpayers' Public Service because the Executive, the

Cabinet, and the Public Service are here to serve the public; to make sure in a liberal democracy that it supplies the public law and order and all services which enable each individual, as far as possible, to fulfill himself.

Further questions have arisen in a modern world about a large-scale Public Service. I am not going to say, as some people say, with a great flourish of rhetoric, that one in four of our employees in Australia is a public servant, because that would be nonsense.

The Hon. G. E. Masters: One in three.

The Hon. R. HETHERINGTON: One in three now, is it? Well that is not true and, if I had said it, it would not be true. It may be that about 25 per cent of our work force is employed by the Government, but this does not make those people public servants.

The Hon. G. C. MacKinnon: Quite right.

The Hon. R. HETHERINGTON: It has been recognised by the Governments of Western Australia that school teachers, although they are employed by the Governments, are not public servants in the accepted sense of the word. They are not there to advise and to carry out public policy; they are there to teach and that is a different thing. They are supposed to have some kind of independent judgment.

It used to be assumed under the usual Northcott-Trevelyan rules that a public servant, in order to have the job he has, the power he has, and the security he has, has to become less than a citizen. At one stage a public servant was not allowed to belong to a political party; he was not allowed to stand for Parliament; he was not allowed to make public statements; and he was not allowed to do a whole range of other things. We have eased up on these restrictions now, and, for instance, we allow school teachers to criticise the Government. We allow some public servants in some places to make some criticism of the Government. How far should we let this go? Should we say that a person, because he happens to be an efficient public servant, has no right outside his particular department? Or even perhaps on some questions, has he no right within his particular department, particularly to criticise the Government? Obviously a permanent head could not criticise the Government, because he is too merged with the Government, but where should we make the differentiation, and how much differentiation should we make, if we should make any?

Quite often when I make such statements I react against them and say, "Well, public servants are not there to criticise the Government or to

make public statements." However, friends of mine have said that this attitude is now unrealistic and I wonder whether we should draw a line, and where we should draw it. Of course, we have to raise the ethical question which is becoming more and more important as powers of Governments and powers of the bureaucracy—and I am not using the term "bureaucracy" in the pejorative sense—increase. It stresses the question about public servants giving information, and the question of conscience of public servants. Can we say that a public servant who does not agree with what a Government is doing has to be quiet or resign? Do we want to see that?

There was a case some years ago in the Commonwealth Serum Laboratories. I think it was the director who gave out certain information that he alone knew. When he gave out the information there was a public outcry, and the Government had to cease what it was doing. Many people believed that the course it was pursuing was not in the best interests of the country. Should we give public servants some such discretionary powers? Should we allow them to exercise their consciences? I have no clear-cut answer to this, but I believe it is a matter that should be discussed.

We should try to work out whether some interested groups who are concerned about public affairs—and many of these groups of course are out to embarrass the Government—should be supplied with information from the Public Service. For instance, should the Campaign to Save Native Forests group be allowed to obtain facts from the Forests Department or not? I do not believe the answer is a simple direct "No". I think this is something we should consider. In fact, these things are not discussed.

I suggest in all seriousness that the Government would do well either to withdraw the Bill or to take the course suggested by Mr Cloughton; that is, to hold over the legislation to permit fuller discussion, perhaps an inquiry, or perhaps seek some public recommendations from the Public Service Board. This is a subject upon which we could well seek a Green Paper. It is a subject where discussion is needed. So many of the traditional values of the Public Service are being increasingly questioned. I am quite sure that few people in this Parliament are in a position to give all the answers, but we all need more time to think about it.

The main criticism of the Bill as it stands is that the powers in it are wide, undefined, ill-defined, and undetermined. We really do not know what the Public Service is supposed to do. The Bill does not sketch out the parameters of the

service. It does not say anything about the relationship between Parliament and the service. It does not say even broadly how the Public Service should be organised. It does not tackle any of the problems with regard to co-ordination and control, and it does not set up any institutions for the future.

These matters are to be left to the discretion of the Public Service Board. In addition, there are at present some 250 agencies of the Government—public instrumentalities. How can we expect Parliament to scrutinise them? What sort of institution should we set up to see that they are under scrutiny?

A member of this House suggested to me a short time ago that the members are not doing what members of the House ought to do—scrutinising regulations, moving for disallowance—and that we are not acting, in fact, as a House of Review. I am inclined to think that that is true. I am as much at fault as anyone. Sometimes one does not know where to start. Certainly a new member is rather confused, to begin with.

I think the problems facing us have become rather large. We need to rethink our situation. For this reason, we should pause and inquire.

There is one other aspect I should mention. There is no requirement anywhere in the Bill for a public servant to disclose his interests. Everything is based on trust. Surely today there are public servants who own shares; there are public servants who have financial interests. I wonder whether we should spell out this aspect. I am not claiming that the public servants are acting improperly. I am claiming that we need to set up institutions; we need to consider these problems; and we need to cover the situation in legislation. Otherwise, we might end up with a closed service which tends to protect its own interests rather than those of the Government.

Of course, that is one of the tendencies that any Public Service has. I am not imputing impropriety in relation to this. This is just in the nature of human beings. This is why we believe in checks, balances and scrutinies under the Westminster system. The tendency is that a service tends to protect itself. Sometimes it has to be opened up from the outside. It is the role of the Government and of the Parliament to see that this is done.

For all of these reasons, Mr Acting President (the Hon. T. Knight), I would suggest with great seriousness to the Leader of the House and to the Cabinet that they should not proceed with this legislation yet; that they should allow time for

further discussion. I think there is a case for a Green Paper.

As far as I am concerned it might be said, as it has been said before, that all I know is theory. However, I have been studying the subject of Australian Government for some 20 years, and I have not the answer to these questions although I am aware of many of them. I think these problems should be examined.

I think we should pause; we should think about the Bill; and then we should bring down a new Bill which deals with some of these problems and does not become so concerned with efficiency and streamlining that it forgets the necessity to set up institutional checks and balances, and the necessity to define the powers of the Public Service in a modern world which is a very different world from the world of Northcott and Trevelyan.

I reluctantly, and with all brotherly good feelings, oppose this Bill. I do not want to stop the Government from rewriting the Act, because I know it needs to be rewritten. When I read the parent Act, I felt that the Government had done one good thing; it had opened the Act up to scrutiny. Certainly it needed to be changed. I give the Government due credit for that.

However, the direction the Government is moving in now is not a good one. We need to pause and consider further before we bring in a new amending Bill.

THE HON. J. C. TOZER (North) [7.49 p.m.]: When I read this Bill and examined the contents of it, and when I read the comments on it in the newspapers, it became abundantly clear that it was a Bill which would be debated in Committee. There is a great deal of material contained within the Bill, but we will be faced with a clause-by-clause situation where comments will be coming from both sides of the House during the Committee stage.

I personally thought that this would be a very popular piece of legislation. Everyone seems to have a desire to reform the Public Service. The Public Service has always been the butt of jokes and cartoons. In this regard, it is probably second only to members of Parliament. I spent almost a decade in the Public Service, and I never met that cartoon character; that pathetic pot-bellied figure with an eyeshade over his eyes and piles of files collecting dust in front of him, waiting for the tea lady to come around. I never met that man in my years in the service.

If anyone cares to check the Public Service List he will see the astounding qualifications held by many of the people employed in the Public

Service in Western Australia. These qualifications are not only held in technical and professional fields like engineering, architecture, and surveying, where qualifications are found in abundance; but they are also found in the clerical and administrative sections where there are literally hundreds and possibly thousands of young men who have taken the trouble to obtain qualifications in accountancy, public administration, economics, commerce, or business management. One does not have to spend much time looking at the list to see how many there are. This picture of the Public Service which has been portrayed in cartoons and jokes is a very inaccurate one.

One might ask if qualifications are all that is required. Of course, academic qualifications are not. They are not the be-all and end-all; but they are an indication that young men are prepared to spend time in proving their desire to succeed in their chosen vocations.

The Hon. Grace Vaughan: And women!

The Hon. J. C. TOZER: I beg Mrs Vaughan's pardon. That was an omission, because quite obviously the same thing applies to the young ladies named in the list.

The Hon. Grace Vaughan: And the old ladies!

The Hon. J. C. TOZER: My experience has been that these young people are self-motivated, well trained, well qualified and able.

In the northern areas where I spent the term I had in the Public Service, the civil servants were outstanding. I went north brainwashed by this caricature that had been built up by the media and everyone else. Among the professional people—the agriculturalists, the engineers, the agronomists, the surveyors, and the geologists—I found there were outstanding young men. This also applied in the administrative and clerical areas. There was a degree of dedication, efficiency, and effectiveness among these fellows as a group. It was almost surprising to find it. Of course, there have to be some "blobs", and there were some. However, they were the exceptions rather than the rule.

Within the service in the metropolitan area there are clearly some "non-producers". It is unfortunate that these few people are drawn to our attention. I think such people are probably found in the larger departments. When I look at the Public Service List I find that there are 1 629 people employed in the Public Works Department, and 917 in the Metropolitan Water Board. Probably a large percentage of them are situated on the hill behind us. It must be terribly easy for people to become lost up there. If they

are inefficient and have not the desire to succeed, clearly they will not be noticed in a place like that.

Down in the labyrinth at Cathedral Avenue in the Lands Department there are almost 600 people. That is a lot of people.

In 1967 I was moved, in my Government position, from the Kimberley to Port Hedland, at the time when the Mt. Newman contract was signed. During the next five or six years I had a great deal of contact with the large mining corporations which moved into the area. I discovered a greater degree of incompetence and lack of direction amongst the staff of those companies than I ever found in the Civil Service in the north.

Having sung the praises of the Public Service it does not mean that I am not in favour of changing the legislation. In fact, I am strongly in favour of passing this Bill before us tonight.

If the Hon. Roy Cloughton reflected the Opposition's basis for opposing the Bill, I can only regard it as negative opposition. Because it is not essential that we change things, is it undesirable that we should change them? Of course not!

The Hon. R. Hetherington: He did not object to changing them. Be fair.

The Hon. J. C. TOZER: Because we could get along without making changes, is that a reason for not making changes? That is not a legitimate reason at all.

The Hon. R. Hetherington: That is not what I heard him say.

The Hon. J. C. TOZER: I believe that is the sort of opposition that we can well do without.

Let us look at the Minister's notes. I am not going to spend much time on this, but I will read a passage from his notes—

The Bill is a significant step forward in the re-appraisal and upgrading of the administration and operation of the Public Service.

The Hon. R. Hetherington: That is what we are objecting to. It is not a re-appraisal at all.

The Hon. J. C. TOZER: And that is a very good reason for a new Statute to regulate the Public Service.

The Hon. R. Hetherington: It would be if it were true.

The Hon. J. C. TOZER: In describing that Statute, the Minister said this—

The major emphasis of the current Public Service Act is on a rigid oversight of

departments by specific direction, by detailed approval, and administrative control.

That being the case, we do want a change. The Minister then went on to set out the objectives of the new legislation—to rectify what seems to be the stultifying effect of the existing Act. I quote again—

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

The Hon. R. Hetherington: It is all flexibility and no charter, of course. What we want is a charter to be flexible.

The Hon. J. C. TOZER: To continue—

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

I ask the Hon. Roy Cloughton if that is not what the Bill does. I want a system which will be flexible. I want a service which will be responsible; I want it to be efficient; and I want it to be accountable.

The Hon. R. Hetherington: You want another Bill.

The Hon. J. C. TOZER: As the Minister described it for us, the Public Service management has much in common with commercial business management. Both commerce and Government need to have an organisation that will react in a quick and decisive fashion to the requirements and directives of the controlling authority—in this case, the Government.

It is a most desirable matter to introduce another Bill—a new Bill—in 1978 to control the activities of the Public Service in this State.

The Hon. R. Hetherington: It would be more desirable to wait and introduce one in 1979, do you not think?

The Hon. J. C. TOZER: We have to accept; we do accept; and I accept that we are in fact getting a new, innovative and modern Statute. At the same time I have to agree it is a new Statute with some untried ideas that have to be put to the test. I see some potential risks in this legislation.

The Hon. R. F. Cloughton: Which are the untried ideas?

The Hon. J. C. TOZER: I see some reasons for concern but potentially we have a tremendous new Statute under which our already good Public Service can be the most efficient and effective to be found in Australia, or perhaps the world.

Details will be discussed in Committee and I will voice my concern about certain things then. I will question this whole matter of contract appointments. I will be basing my comments on my own unhappy experience of being employed under this basis. Another matter I will certainly want to discuss, perhaps critically, is the danger of appointment of outside permanent heads. My reason for being somewhat concerned about this aspect is that I think back to the days when Mr Whitlam was the Prime Minister and when the appointment of ideological academics to top posts had such a devastating effect on some of our top career civil servants in the Commonwealth service.

Another matter I will question is that of relative standing of departments, *vis-a-vis* the instrumentalities and commissions. One thing I will not question though is the matter of administrative instructions. I find the concept so basic that I rather question why we have to question the need to include administrative instructions in the legislation. I think any manager would issue administrative instructions without reference to the board of directors.

The Hon. G. C. MacKinnon: You are quite right.

The Hon. J. C. TOZER: The Leader of the House and myself served in the Army and we know it was a daily event to have administrative instructions issued; we called them routine orders. Since those days the staff under my direct control has ranged from hundreds to my current position where I have "half" of one person. Administrative instructions have to be a daily expectancy.

Several members interjected.

The ACTING PRESIDENT (the Hon. T. Knight): Order! I would like to hear the honourable member on his feet.

The Hon. J. C. TOZER: Administrative instructions have to be an essential part of the management of anything. As I say, my half of one staff gets administrative instructions on a daily basis now.

It has been clearly stated—and they are not my words—that the regulations will be made on substantive matters. I think they will be related to matters that virtually impinge on external matters. Administrative instructions will deal with day-to-day matters—again they are not my words—and I believe they will be internal

matters. That is one thing I will not be questioning in the Bill.

Because of my personal sojourn as part of but not listen in the Civil Service, I am aware of certain things that have to be retained. The concept of career opportunity has to be retained so that we can encourage, engender, and continue to get this performance we are already getting from our young people in the service. It is interesting to read the annual report of the board and just see what is being done on administrative training.

The Hon. R. F. Claughton: Would you like to name the report for *Hansard*?

The Hon. J. C. TOZER: Mr Claughton does not listen very well. I mentioned when I referred to this same document a minute or two ago that it is the 1976-77 annual report of the Public Service Board.

The other thing that I believe has to be retained at all costs is the integrity of the Civil Service which must not be impugned by any party political influences. I say party political influences as opposed to Government influences, and that has to apply not only now but in the future.

I do not see these as the reasons that this Bill should be rejected but I see them as challenges that have to be embodied in the consideration and application of this Bill and not necessarily as shortcomings.

Unfortunately I do not think we learn much of the basis of opposition from the Hon. Bob Hetherington at all. The only further comment I have to make about Mr Claughton is that I noticed he was concerned about the use of the word "effective". He had the idea that effectiveness was a function of the Government as opposed to a function of the Public Service. Quite frankly the Public Service is there to give effect—I repeat, give effect—to the policies of the Government.

I will have comments to make while we are discussing this Bill clause by clause during the Committee stage. In the meantime I satisfy myself by saying I support the second reading of the Bill.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [8.08 p.m.]: On reading the second reading speech of the Leader of the House which rather amused me, it appeared as if the Government had just discovered the Public Service and was about to rejuvenate or revitalise it and, whatever these flowery words mean, to make it more effective and efficient.

It seems to me we have something to be very proud of in our Public Service in Western

Australia, which follows very closely the traditions of the British Civil Service. I think we ought to take an opportunity at this time to pay tribute to the Public Service and the way in which its members are able to remain objective no matter what Government is in power in the State at a particular time. The faith that most of us have, and I am sure Government members have too, in the Public Service is something of which we should be proud as that faith means we can go ahead and leave things to the service which we do not understand ourselves, and which it is able to administer to great effect.

I have some reservations on and worries about this Bill, and I agree with the two previous Opposition speakers that it would be wise to withdraw the Bill and provide a little extra time to think about it. The Hon. John Tozer accused us of being negative about this, but what else can we be about things that are left out? One cannot be positive about something that is not there.

One of the things that worry us is the matter of when people shall retire. We have allowances which are obviously for people coming in under contracts but we have nothing about retirement. Are we to be stuck with people until they are 80 years of age because they are approved of by the Government in power at the time?

Although I am rapidly approaching the age when I will be looked at askance if I remain in public service, whether in the Parliament or in the Executive, I nevertheless believe there should be a retirement age with provisions that, under certain circumstances, service can be extended. This aspect has been left out of the Bill and perhaps we should worry about its exclusion.

I am also worried about the inclusion in the Bill of the matter of administrative instructions. If they are merely going to be what they were before, and that is instructions from the board—and this does not mean administrative instructions in the sense the Hon. John Tozer spoke of—they are not day-to-day instructions from permanent heads, but instructions from the board. If administrative instructions are seen to be of such importance in a Bill which has, on admission from the Leader of the House, set out to pare things down so that they will be more flexible, and if something is not provided in the Bill which then becomes the Act, then the Public Service Board will not be bound to it and that may be a sensible suggestion. But why include administrative instructions if they are not going to assume as much importance as the regulations which are tabled in this House and are subject to criticism? Administrative instructions apparently are not going to be tabled in this House. One can

imagine what would have to be done if we are to have some record of them. There would have to be some loose-leaf arrangement in each department in which administrative instructions were put in and taken out, according to the ideas and directions which came from the Public Service Board.

It seems to me to be rather strange that, in a Bill that has indeed pared down what was in the old Public Service Act, administrative instructions have to be included when that could be defined in regulations which could be submitted and tabled in this House for approval.

The Government ought to understand the suspicions of the Opposition in thinking that perhaps these administrative instructions will be a way in which the Minister and the Public Service Board can make rules irrespective of Parliament's desires or chances to query them or to send them back for reassessment when they are tabled. This aspect does worry me.

Perhaps I have missed something in the old Public Service Act, but I am worried that something has been added in regard to the qualifications for receiving long service leave. I refer to service before a public servant reaches 18 years of age being disregarded. It seems to be very unfair that—because someone leaves school earlier than the Leaving or university years and commences service for the State in the Public Service at the age of 15, 16, or 17—he does not have that amount of time accrued for the purpose of earning long service leave.

I think we do a lot of unfair things to young people and I think that is a blatant instance. Again, it is part of this pared down Public Service Act. I am worried about that; perhaps the Minister will be able to put my fears at rest and tell me that the days before a person turns 18 will be counted as two to one instead of just one to give the youngsters some reward for having gone into the Public Service early. Perhaps there is some hidden reward I cannot find.

Perhaps I should not mention this in the second reading debate, but I am someone who is always concerned about words. Communication is important and if we do not convey exactly what we mean when we are relaying messages, we should look very hard at those messages in order that we might make them clearer. Subclause (8) of clause 6 contains a qualification with regard to the situation if a commissioner resigns. Portion of the subclause reads as follows—

... if he resigns his office as Commissioner or if his term of office as Commissioner expires by effluxion of time, other than by his

attaining the age of sixty-five years or by the expiry of a period extended under subsection (7)...

The proposed subsection (7) states that the Governor may extend the term of office of a person who reaches the age of 65. I am drawing attention to the way the clause is worded. The words to which I wish to draw particular attention are as follows—

... other than by his attaining the age of sixty-five years or by the expiry of a period extended under subsection (7)...

The situation would be all right if those words were in brackets and we knew that that was the qualification which would exempt such a person. The confusion arises because of the use of the word "or". The clause states, "or if his term of office... expires by effluxion of time". One could be excused for thinking it was another qualification in connection with his being able to remain in office.

I think this is poor wording which ought to be reviewed and improved. We often get this type of wording. A member of Parliament, and certainly a public servant, would have to read those words three or four times before any sense could be made of them. This situation can and must be avoided. Clear and well-communicated messages are essential. That is a very small matter anyway.

One of the aspects which worries me about the possibility of administrative instructions being regarded as rules is the whittling away of the power of Parliament to criticise. I would like to read a few of the words expressed by the father of bureaucracy, the German sociologist Weber. He said—

A bureaucracy that uses its knowledge and capacity for concealment—

I had in mind that administrative instructions do not have to be tabled. Maybe the Minister will tell me they will have to be tabled, and such a statement will cut the ground from under my feet. However, I do not think he will do so, because I am sure he would have indicated this by interjection already if it were the case. To return to Weber. He said—

A bureaucracy that uses its knowledge and capacity for concealment to escape inspection and control jeopardises legal domination—

That is the bureaucratic type of control we have in modern societies in big organisations.

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

The Hon. GRACE VAUGHAN: To continue—

—by usurping the rulemaking or decision making powers that ideally should result from the political and legislative process.

The Hon. G. C. MacKinnon: That is why we have parliamentary questions.

The Hon. GRACE VAUGHAN: That is true, but parliamentary questions do not have to be answered. The tabling of regulations enables a procedure to be adopted during which a member can query them. In fact Parliament can reject them. That is important to remember.

I heard Mr Neil Oliver ask the question: What is the difference between the Public Service and any other organisation? Of course, there is a great difference, because the Public Service by its very name is a service to the public. It is not a profit-making organisation or an exemplification of free enterprise or private enterprise.

That is not saying that there is anything wrong with free or private enterprise, but it is saying that as it is a service to the public we must have people who are prepared to stay for long periods in jobs which offer only a small measure of promotion and, maybe, gratification by acknowledgment by the public or financial or other kinds of rewards. Such rewards can be quite extraordinary in private enterprise.

The public servant may work for 45 years and make only small progress but during that time he will have contributed in no small manner to the welfare and progress of the State, because of the very fact that he has been part of a great team. I am concerned that in introducing too many of the rather flashy methods I have encountered in some of the big companies in our community the advantages and rewards which may accrue to a public servant may be eroded, thus making him less loyal to the Public Service and more inclined to look for the best opportunity he can find elsewhere. It is important for a public servant to retain the basic knowledge that he has tenure of employment and guaranteed promotion if certain conditions are fulfilled.

I believe it is right to delete the specific seniority qualification for promotion from the Public Service legislation. That is a good idea; but I am sure that neither the board nor anyone else who is making recommendations will ignore seniority entirely, because seniority can be measured. Qualifications obtained at some sort of institution can be measured, as can seniority. However, it is not possible to measure efficiency and it is possible for nepotism and patronage to creep in if we do not have some factors which are measurable. That aspect is important, but I do agree that the seniority qualification should not

be the only criterion. Many situations will arise where a measurement can be made without the seniority qualification being considered.

I oppose the Bill only because we should have longer to discuss it, and those in the professional associations and others involved should have longer to meet and further assess the situation.

Members of the Opposition in this House do not have much time to examine legislation. I am not saying that is the Government's fault. We should have more people in the Opposition to share the legislation so that we could deal with it more quickly. Nevertheless, if the Government wants the Opposition to be effective it should take that aspect into consideration. We do have a great deal of legislation to consider. I must say that always when, in an informal way or even on the floor of the House, Ministers have been asked to give us a few more days to consider legislation, they have always done so if it has been at all possible.

However, this legislation is very complex and many points it contains require to be considered further. Consequently I reiterate that the Bill should be withdrawn and its contents further studied before it is passed in the House.

THE HON. O. N. B. OLIVER (West) [8.24 p.m.]: I am somewhat disappointed with the criticism some of the previous speakers have levelled at the legislation. In fact it would appear to me that a slur is being cast on the Public Service.

The Hon. R. Hetherington: What a lot of nonsense.

The Hon. R. F. Claughton: If so it is only from your side.

The Hon. O. N. B. OLIVER: The Public Service comes in for a lot of criticism.

The Hon. R. Hetherington: There is no criticism from this side.

The Hon. O. N. B. OLIVER: Even cartoonists have a go at public servants.

Frankly I would have thought this Bill would be supported by all members because, in his second reading speech, the Minister said—

The Bill is a significant step forward in the re-appraisal and upgrading of the administration and operation of the Public Service.

The Hon. R. Hetherington: It would be a good idea to look at the Bill rather than the Minister's speech.

The Hon. O. N. B. OLIVER: I thought that a Bill of this nature would be acceptable to all

members. I was quite disappointed when I listened to some of the previous speakers. It would appear they did not wish the Public Service to be upgraded in the eyes of the community.

The Hon. R. Hetherington: Go away and learn something about elementary logic.

The Hon. R. F. Claughton: You did not listen to the speeches.

The Hon. O. N. B. OLIVER: Do not worry. I will handle that in a moment.

The Hon. R. F. Claughton: What are you going to handle?

The Hon. O. N. B. OLIVER: The Bill has been criticised despite the fact that time has been allowed for its preparation. It has been discussed with the Civil Service Association and it is now before us. Members opposite have adopted the normal ploy by stating that the legislation must be set aside, re-appraised, and considered in more detail.

The Hon. R. Hetherington: That is not a ploy. It was serious.

The Hon. O. N. B. OLIVER: How far do we need to go in putting things aside? If we keep doing that in this House we might as well adjourn to allow the members who have not spoken an opportunity to discuss it.

The Hon. R. F. Claughton: What was the last Bill which was put aside?

The Hon. R. Hetherington: I am sorry you did not read the speeches. You might have understood them if you had.

The Hon. O. N. B. OLIVER: Mr Claughton became confused about the terms "seniority", "efficiency", and "effectiveness". A person sacks himself.

The Hon. Grace Vaughan: That is a profound remark.

The Hon. R. F. Claughton: You are not going to resign from Parliament.

The Hon. O. N. B. OLIVER: When a person is not effective or efficient he virtually sacks himself. Therefore to dwell on the aspect of seniority and to indicate that it is of paramount importance rather than the aspect of efficiency and effectiveness is to cast a slur upon the public servants of the State of Western Australia.

The Hon. R. Hetherington: You ought to work out why they need seniority and you might understand all about it.

The Hon. O. N. B. OLIVER: It is wrong to regard a public servant as someone different from any other kind of servant, such as a shop assistant. The Hon. Grace Vaughan mentioned

that the public servant is someone who is different in our community.

The Hon. Grace Vaughan: I did not say that.

The Hon. O. N. B. OLIVER: The honourable member said that a public servant was someone apart from the rest of the community and it was not necessary to measure the effectiveness or profitability of a public servant.

The Hon. R. Hetherington: How do you register the profitability of a public servant?

The Hon. Grace Vaughan: That is the opposite of what I said.

Several members interjected.

The Hon. O. N. B. OLIVER: Previous speakers do not understand—

The Hon. R. Hetherington: You do not.

The Hon. O. N. B. OLIVER: —that any person is a servant whether he or she be a shop assistant a waitress or whatever, and a person's effectiveness will be judged according to the work he or she performs.

The Hon. G. C. MacKinnon: Or a member of Parliament.

The Hon. O. N. B. OLIVER: Or a member of Parliament. We are servants. We are probably the only true servants who must watch our conscience.

The Hon. R. Hetherington: At least we are held accountable at regular intervals. Some of us are not, depending entirely on the electoral system.

The Hon. O. N. B. OLIVER: Frankly I do not understand the concern by members about the instructions of the Public Service Board or a senior officer in the Public Service.

Even today instructions are issued to public servants. It is not unusual. It happens in the day-to-day life of the Public Service and other enterprises. Therefore I have great difficulty in understanding the problem about instructions.

The Hon. R. Hetherington: We accept that.

The Hon. O. N. B. OLIVER: When one takes "instructions" to the nth degree, what does it mean? When one says to somebody, "You must do this", is that an instruction? I take it the Hon. Roy Claughton and the Hon. Grace Vaughan consider instructions must be brought to the Parliament and agreed to. That appears to be their definition of "instructions". Instructions have been issued in enterprise and the defence services for many years.

Several members interjected.

The PRESIDENT: Order!

The Hon. O. N. B. OLIVER: Not only are there instructions in relation to routine orders in the Army, as the Hon. John Tozer said, but the Military Board in its time, before the Defence Department took over, issued instructions. So when this Bill comes forward, upgrading the Public Service as a commercial, viable, and efficient organisation which is updated to today's world, I would have thought the Opposition would regard it as a major step in the right direction.

Several members interjected.

The Hon. O. N. B. OLIVER: I can understand why the speakers for the Opposition have interjected at this particular time. I will quote from Sir Winston Churchill, who said—

We must beware of creating a society where no-one counts for anything, save a politician or a public servant—where enterprise gains no reward and thrift no privileges.

It seems that leaning on, and demanding too much from Government has become our great malaise—Government is increasingly expected to provide for all, but if these attitudes are fostered too far we will soon be like a lot of fowls in a chook battery waiting to be fed and attended to by our paternalistic keepers.

The Hon. D. K. Dans: I bet your leader is proud of you.

The Hon. G. C. MacKinnon: He is doing all right.

The Hon. O. N. B. OLIVER: In conclusion, I must say I am disappointed in some of the previous speakers because they have endeavoured to degrade the status of the Public Service.

The Hon. R. Hetherington: That is not true.

The Hon. O. N. B. OLIVER: It has already come in for a lot of criticism, and this legislation comes forward to place its members in a commercially orientated situation, where efficiency is balanced with security and effectiveness. To me it is a major step forward and I support the legislation.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [8.34 p.m.]: I thank members for their comments on the Bill. I am indeed pleased that nobody has really attacked the basic philosophy of the measure. Except for some criticism—I was going to say “carping criticism”, but perhaps I should not be as harsh as that—with regard to the detailed content of the measure, there has really not been much criticism.

If the same basic philosophy in the approach to the measure remained but the administrative

instructions were placed in the Bill, I assume the Opposition would support it. That is the impression I had from listening to the comments.

The only other thing that alarms me is that, as with a number of measures which have come forward recently, it seems to cause the Hon. Grace Vaughan grave concern. I am alarmed that anybody who, on her own admission, is reaching the sear and yellow should be subject to such grave concern. I assure her that her worries are quite groundless and indeed totally needless. Perhaps that assurance from me will allow her to sleep tonight.

The Hon. R. Hetherington: We would rather hear some argument.

The Hon. G. C. MacKINNON: I am coming to that. As a matter of fact, I gave serious thought to not rising, because the Hon. John Tozer and the Hon. Neil Oliver answered arguments which were brought forward by speakers for the Opposition; but I knew I would be subjected to criticism if I did not get up and repeat them.

All the matters raised were trivial; they were not related to basic philosophy, and they were answered by the two members I have just mentioned. Members of the Opposition keep referring to us as “conservatives”, but when we take the exciting step of changing the entire concept of a piece of legislation—and I suppose it is quite a radical step—we are growled at again and told we should wait, pause, and go over it all again.

The fundamental mistake—and we should get it clear from the beginning—is that members opposite have not appreciated the fact that this particular piece of legislation is a vehicle for the regulations and administrative instructions, and it is not unusual in that regard. One member here may recall the Clean Air Act, and other members may be aware of it through reading the Statutes. That legislation, on its own, was virtually meaningless; yet it passed through both Houses of Parliament and was welcomed as a very advanced piece of legislation. It was the best part of two years before the regulations under the Act were framed, and only then was the legislation promulgated, because the regulations were essential to the nature of the Bill.

Again, there will be regulations under the legislation now before us, and they will be tabled; but there will also be administrative instructions. As one listened to members of the Opposition speaking about the administrative instructions one would have gained the impression that they were to be written on a stream and wafted out to sea,

or something like that. That is not so. They are like the standing orders of a club. They will be printed and circulated to all public servants, and they might very well vary as between Broome and Albany because, as the Hon. John Tozer and the Hon. Bill Withers are aware, many people in the tropics go to work quite early in the morning to escape the heat of the day.

The Hon. R. F. CLAUGHTON: Regulations do that, too.

The Hon. G. C. MACKINNON: That was a very apposite contribution by the Hon. Roy Cloughton. I point out to him that the Legislative Review and Advisory Committee commented that a tremendous number of the regulations under Acts coming before it were, in the opinion of members of the committee, trivial and should not be given the importance of regulations which are subject to disallowance by this House, examination by the committee, and the waiting time and all the procedures with regard to amendment, disallowance, and the like. That comment is contained in the committee's report.

The Hon. R. F. CLAUGHTON: It is in the Premier's comments when speaking in reply in the other Chamber.

The Hon. G. C. MACKINNON: Is it? Perhaps I should have read them.

That is a fact of life. So this kind of administrative instruction should not be included in the regulations, and the instructions will not be wafting around on the breeze but will be written into a booklet which will be available to any public servant. As Mr Tozer and Mr Oliver said, they would have got that information anyway. I felt obliged to stand up and say it because if I did not I would be accused of being rude.

The Government has been co-operative. There seems to be a mistaken idea around that one is not co-operative unless one agrees. When the Bill was framed and the Government had decided on a different pattern—and I thank Mr Hetherington and the Hon. Grace Vaughan for congratulating the Government on having a good look at what I think they termed or implied was becoming a fairly archaic Act—

The Hon. R. HETHERINGTON: We are co-operating but not agreeing.

The Hon. G. C. MACKINNON: One can often co-operate and not agree, and one can co-operate and agree on a number of things, but we must have the reservation that not everything will be accepted. It is common practice for Ministers to receive advice but not always take it. Whether or not they take it, the responsibility rests properly with the Ministers.

We had some generalised statements. I think it was Mr Cloughton who said we must bear in mind that the Public Service is not an organisation which is dedicated to making a profit. A very wise man, whom I will not name, told me he heard a very interesting address when a gentleman from a country on the other side of one of the curtains hanging up in Europe said there was no successful organisation on earth, in either a communist or a capitalist country, which did not run at a profit. It just depends on how one happens to define "profit". The Public Service must be run at a profit for the people.

The Hon. R. F. CLAUGHTON: That is not what I said in my speech. There are differences.

The Hon. G. C. MACKINNON: The inference which could be drawn from the honourable member's comment was that it really did not matter if it cost a lot of money, provided it gave service. That is a load of rubbish. It does matter how much money it costs.

When each member of the Opposition was speaking I wrote down the comment that the Bill is a legislative vehicle for the necessary regulations, administrative instructions, and the like. The Bill is not a rounded piece of legislation in itself. A number of pieces of legislation of course are, and one could cite Acts which do not need regulations or administrative instructions. But this legislation does need regulations and administrative instructions, and when they are framed the Bill will be proclaimed and become law at that point. Again, there will be consultation. Indeed, consultation has been promised, but agreement has not been promised. I am quite sure at some time in the future we will be told there was no consultation, and it will be mixed up with the fact that there was no agreement, although the parties might have talked for a week.

The Hon. D. K. DAns: You are not going to consult but just agree.

The Hon. G. C. MACKINNON: Of course, in many instances modifications are made and agreement is reached. Indeed, the Government goes further than that in this legislation. It reserves the right not to refer matters of policy and the like for that kind of consultation. I have no doubt that there would be no consultation on some matters. There is nothing alarming about that. The whole matter of consultation has been dealt with at great length. It was dealt with in another place when Mr Harman referred to it. When the Bill was drafted it was taken to the Civil Service Association and a great deal of discussion took place on it.

Naturally, not all the things that the Civil Service Association wanted were agreed to, but members would not want me to read yet again into *Hansard* all the details with regard to that. The Public Service Board actually has given very close study to reviews. I think it was Mr Claughton who mentioned the need for yet another review; but indeed inquiries were carried out by the Public Service Board, and it considered the inquiries carried out by the Commonwealth and the Governments of South Australia, New South Wales, and Tasmania—all of which took place between the years of 1971 and 1977. The existing Act is certainly out of date; it is cumbersome and difficult to administer and requires amendment.

I would disagree with Mr Claughton when he said—and this is my understanding of what he said—that modern government and general Public Service activity has become increasingly complex and has changed over the years, and there should be a public examination in order to ascertain what should be done about the situation. I agree with his basic premise, but I believe the only way that can be resolved is to have a study group to come up with a proposition, something along the lines of what was accomplished in Toronto. I am not sure whether or not that was successful, but I do not think it was accomplished as a result of an open and public inquiry.

The administrative instructions, which seem to stick in the craw of all members opposite, again have been explained very clearly and simply by Mr Tozer. They really provide a third tier of operational machinery. The first tier is the Act, which is the basis of the whole system. Of course, nothing can be done which is contrary to the Act, otherwise it would be *ultra vires* the Act. The second tier is composed of the regulations, which are subject to disallowance or amendment in this Parliament. Indeed, they have to be tabled in this House. The third tier is made up of the instructions which will be used to cover the day-to-day activities and other matters which do not warrant review by Parliament. These are the very sorts of things that the Legislative Review and Advisory Committee said fall into the class of trivia which should not be classified as regulations and should not be subject to all these examinations and studies. There are a great number of references to that.

Some comment was made regarding the abolition of seniority, and of the introduction of the position of senior office. The Hon. Grace Vaughan told us that seniority has become of lesser importance in recent times, and she is absolutely right. This is a matter which has been

a far bigger bogey in the minds of many people than it has been in actual fact for a number of years. Seniority was introduced to break the nexus where there were two people with similar qualifications. This is going back to the days when persons with tertiary degrees and similar qualifications were rarities and the great bulk of people in employment in all walks of life had primary school education or only a little more than that; they stayed at primary school until eighth or ninth standard. Seniority was the only way to break the nexus in those days.

For many years, of course, the Civil Service has attracted a great number of bright young people with good academic qualifications; people who have felt themselves constrained by the old Act, who have not any interest in seniority, and who do not need seniority in their organisation because they have qualifications and ambition. The Public Service Board has responded to them over a number of years, and seniority has played an increasingly lesser role in the promotion of people within the Public Service. The Hon. Grace Vaughan is aware of that and mentioned it; and she is quite right. Seniority has been almost eliminated.

What will happen when everybody in the Civil Service has a senior degree from a tertiary institution, I do not know. Perhaps we will have to introduce seniority again to break the nexus. However, that is not likely to occur for a long time. Seniority has not been used to such a great extent in recent years and, as an indirect compensation for its abolition, the grounds on which appeals may be granted have been widened.

Reference was made to outside appointments. Again these are a matter of very great need today. Take as an example the Cockburn study which is current. Dr Graham Chittleborough is in charge of it. When such a study is required, the department may have a person qualified to carry out the study. But if a person is taken out of the department and is required to work on a study for two or three years he is then out of the run of promotional activity, and this works very much to his disadvantage. The better course is to do it by way of contract. Therefore, we find a scientist, an engineer, or whoever is appropriate, with an interest in the particular activity who likes doing things under contract. Such a person progresses by moving into ever more important contractual situations. The department engages him for two years rather than moving a departmental officer sideways.

The person under contract receives the protection afforded by the Civil Service and, indeed, he is entitled to that. These temporary

appointments are extremely valuable in that sense and range over a wide field. Often they extend into the very highest echelons.

The Hon. R. F. Claughton: That seems to be a temporary rather than a casual basis of appointment.

The Hon. G. C. MacKINNON: Yes, there is not a great deal of difference.

The Hon. R. F. Claughton: Take election days—

The Hon. G. C. MacKINNON: Those officers are casual.

The Hon. R. F. Claughton: That is right; that is an example of casual appointments.

The Hon. G. C. MacKINNON: One of the examples that springs to my mind is a gentleman whom I had occasion to employ. I refer to Dr Brian O'Brien who accepted the position of Director of Environmental Protection. He was on contract, but he still enjoyed all the privileges of the Public Service.

The Hon. J. C. Tozer: Not all.

The Hon. G. C. MacKINNON: Mr Tozer is quite right; he enjoyed a great many privileges, but not all. At present these appointments are confined mainly to specialised positions and there is no intention to depart from the career service concept which, indeed, is being strengthened.

The Act will not be proclaimed until reasonable administrative instructions have all been drawn up.

Mr Hetherington claimed we had overlooked the question of accountability. I know that does not apply, because I think accountability has in recent years become of tremendous importance and is becoming of greater importance with each passing week and month. The Bill will enable accountability to be brought into sharper focus, and officers from the permanent head down may be retired, transferred to another department, or otherwise dealt with if they cease to be efficient in their present jobs. That sort of action is not readily possible under the present Act. Such accountability is a feature which is becoming increasingly desirable.

Mr Hetherington also expressed doubts about the administrative instructions, and I hope I have answered his comments to his entire satisfaction.

As I said previously, the Bill is to a large extent a vehicle to enable regulations and administrative instructions to be made to provide the operational machinery for the service. I was delighted to hear the Hon. Grace Vaughan express her faith in the Public Service. I must admit that I have become increasingly alarmed in recent years to find it has

become almost the "in" thing to rubbish the Civil Service. I remember when I first became a Minister in 1965, and I went into the job with the same sort of idea. I was surprised at the tremendously long hours that officers—especially those in the top bracket—with pretensions of ambition must work. Indeed, it is a matter of great concern to me that a tremendous proportion of civil servants are markedly overworked.

I recall saying on a number of occasions to officers in the top echelon, "Isn't there any way you can avoid these meetings night after night?" almost always to be met with the same answer: That if they are asking the public to participate they must attend themselves to set an example. I know that our Parliament does not use the committee system as much as some Parliaments do, but the government structure of the State is extremely rich in its use of committees.

Far and away the great majority of hospitals are run by voluntary and honorary committees. I include some of the major metropolitan and well over half of the country hospitals. I suppose I should have commenced with local authorities. I have seen a question asked in the Parliament about the voluntary organisations which give assistance to the Government. It costs thousands of dollars to obtain that information, and it covers many sheets of paper.

The Hon. D. K. Dans: It is printed in a booklet now.

The Hon. G. C. MacKINNON: Is it? The number is tremendous; even in my present portfolio I have many. I am aware that the Minister for Health has something like 40 different committees looking after a whole host of matters, advising the Government, and watching over the interest and the safety of the public in respect of many matters. Long before the first heart transplant, Western Australia had a committee looking after the matter of human tissues; indeed, when almost every other country in the world was looking to enact legislation to cope with this advance in technology, the Statute in Western Australia was perfectly satisfactory.

On all such committees there are civil servants; frequently the committees are chaired by civil servants, or else civil servants provide the secretarial services. I have had people working in the Civil Service who have come from private enterprise and they have told me they have never worked harder in their lives. They have said, "At least when I was in private enterprise I used to be able to play golf on Thursday afternoons, but now I cannot do it." If they did they would bring criticism on their department and Ministry; and

this irrespective of how many times they might go back to the office at night to work.

I have yet to work in a department in which I have gone back to the office on a weekend without finding officers at work, and mostly not being paid for it. Therefore, I was pleased to hear Mrs Vaughan making that comment, because it certainly has been my experience.

Mention was made of long service leave. No change has been made to the existing conditions under the present Act, and this applies also to the matter of the 18-year-old that Mrs Vaughan mentioned.

I have no doubt there will be a number of other matters which will be brought up during the Committee stage because there will be some things that perhaps I have not explained to the total satisfaction of all those members who are taking such a keen interest in this Bill. In order that we can proceed I shall resume my seat.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Interpretation—

The Hon. R. F. CLAUGHTON: There are a number of amendments I have on the notice paper in relation to this clause and the first deals with administrative instructions. I would hope that the Minister, Mr Oliver, and Mr Tozer are able to listen more closely to my comments on this clause than they were able to listen during the previous debate, because it is patently clear that they have only half listened, or perhaps not listened at all to the arguments presented.

The Opposition argued that the Government is adopting a completely new departure in the matter of making laws. There is no argument that departments issue directives which can be termed "administrative instructions" to their staff. There is no question they should not proceed to do that in the way they have done in the past. Quite obviously, that is the sort of process which is quite necessary.

It does not matter what the organisation is; there are instructions that need to be issued to employees informing them how they should go about their business. The Opposition objects to this legislation giving the force of law to these administrative instructions. That is a serious departure from all previous practice.

If we change the proposals in the Bill it would not affect the ability of the Public Service Board, or any other department that has this process in mind, from continuing to issue instructions to employees as they have done in the past. This practice will go on; there is no question about that. All departments do that now. Why are we taking this step to give these administrative instructions the same force and the same legislative quality as regulations? Why should they be given the force of law and not be made subject to scrutiny by Parliament? That is the kernel of our argument.

I believe this has to be one way or the other; it must be treated in the same way as all the other law-making processes that are dealt with in Parliament. It cannot be in between. The proposal in the Bill is not acceptable to the parliamentary system under which we operate.

Another aspect which has not come under any discussion is the way in which the employment conditions of the Public Service are now to be handled. The Public Service Board is to decide what those conditions will be. All other sections of the community outside those that are governed by the Public Service Board have access to the Arbitration Court where they can present arguments.

It may well be that in doing what is proposed in this Bill we will commence an agitation which will lead public servants to believe the only way they can obtain justice for themselves would be by obtaining access to the Arbitration Court. That may not be a desirable result.

From the public's point of view I think the system we have operating has been an acceptable one; not just acceptable but the most desirable. However, if we do what is proposed in this Bill, what I have indicated may be the outcome of the proposal.

The amendments I propose are not meant to be facetious; they are not presented because the Labor Party has been asked by the Civil Service Association to advance them. The amendments have been framed because we believe the Bill does not contain the proper processes for us as members of Parliament to adopt. It is coincidental that the Civil Service Association has also brought this matter forward. Whether or not it had done so we would have undertaken to move these amendments. I hope the Minister accepts the spirit in which I shall move my amendments.

I believe other ways to accomplish the Government's aim can be discovered if the Government wants to look at this matter seriously. I do not believe the processing of

regulations is an inhibition to the Public Service Board if they are dealing with matters that require a stronger lawful backing. It is not difficult to put regulations through Parliament.

Parliament does not have to be sitting for regulations to be made. If regulations are published in the *Government Gazette*—what will be the Public Service notices from now on—they would have the force of law from the date they are published. The further step of being tabled in Parliament is, in the main, just a formality.

I do not believe the Public Service Board would be disadvantaged by this process. It cannot be conceived as delaying the things it wants to do. If it is to be something that is done this week and changed next week then that must be considered a bit frivolous. Surely it is the more important things that would need to be given this treatment. If they are of a significant level of importance there would be no disadvantage in them going through the Public Service notices and being tabled in the Parliament. I give the example of the Education Department, where all the conditions of service are handled through *The Education Gazette*.

What I propose would be the same sort of thing. Therefore, I move an amendment—

Page 2, line 30—Delete the word “Instructions” and substitute the word “Rules”.

The Hon. J. C. TOZER: It is unfortunate that in this clause we are just talking about words whereas later on in the Bill we are going to be talking about the subject to which the words refer. The words “Administrative Instructions” clearly refer to clause 19. Mr Claughton should accept that he should really move to delete clause 19, because that would certainly seem to be the intent of what he was just saying.

I believe we have to vote against the amendment. In the Minister's second reading speech he said it was also intended to use this interservice notice paper for training, general advice, and general information purposes as well. I suggest we should vote against Mr Claughton's amendment and discuss the matter further when commenting on clause 19.

The Hon. G. C. MacKINNON: I thank Mr Tozer very much, because he was absolutely spot on. I also want to thank Mr Claughton for bringing to our attention the matter of the Education Department gazette. I wish to quote from the report of the Legislative Review and Advisory Committee, recently tabled, as follows—

16. Although the Committee has operated for less than 3 months certain characteristics of this area of law making have already become apparent.

17. In some instances, for example, the Regulations made under the Education Act and the Government Railways By-laws, many matters of minor administrative detail are given the status of subordinate legislation. Many of the provisions of these instruments would better be the subject of departmental instructions or staff manuals.

In elaboration of what Mr Tozer said I would like to say Mr Claughton is quite right in that administrative instructions at times have the force of law; for example, what is to be paid to different people under all sorts of different conditions appears in administrative instructions. If a clerk does this or that in a certain town or whatever, the relevant instructions have the force of law; they have to, because they are agreed to and become the law.

But one does not put those administrative instructions into subordinate legislation; one does not put them into the Act. They are changed every six months—it used to be every three months. They are administrative instructions; that is, if someone has to carry out a certain duty and there is an allowance made for it. Mr Tozer is aware of this, because he was in charge of these people. One does not want the instructions in regulations.

I agree with Mr Tozer. I hope we can convince the Committee that it should vote against this amendment.

The Hon. R. HETHERINGTON: The Minister has not convinced me, because one of the problems with the whole Bill is that administrative instructions, as they appear in the Bill, seem to be rather broad and we are being asked to vote on this and pass the Bill without knowing what will come out of it. It may be the Bill will not be proclaimed until the administrative instructions are completed; but my reading of the Bill suggests that administrative instructions under the Bill when it becomes an Act will be less trivial than the Minister would have us believe and that, in fact, many of the matters which would come under administrative instructions in this Bill are matters which would normally come under regulation.

I imagine there is no way we can know the situation until it happens; but I should feel safer if Mr Claughton's amendment were carried. This would not, of course, stop administrative

instructions on trivial matters being issued; but I am not convinced by what the Minister said and I would be happier if the Minister moved a motion that the Bill come back for consideration when the administrative instructions have been brought down so that we may approve the Bill as a whole. It may be that the administrative instructions may contain matters which we do not like, and I do not see there is any way we can protest without bringing a private member's Bill which may not be a very satisfactory way of going about the situation.

I support the amendment.

The Hon. G. C. MacKINNON: We seem to be faced with the proposition that something is not quite right and something ought to be done about it. That is not good enough. Mr Tozer pointed out that we ought to be debating this matter under clause 19 and he is quite right. If members look at clause 19 they will see the administrative instructions must be published. There is nothing to stop any member moving an appropriate motion in this place when the instructions come out so that we may discuss them and point out any which need to be altered, and bring them to the attention of the Government. The point is they are not matters which ought to be included in the legislation. We have had that pointed out to us by no less an authority than the Legislative Review and Advisory Committee. It is logical to take notice of that committee, because it is made up of good and responsible people. The very example used by Mr Cloughton was one of those cited by the committee.

I take the point made by the Hon. Robert Hetherington; that is, the instructions will be published because clause 19 demands that. I can give the member an assurance that I will not block the motion when he stands up with four or five people supporting him and moves it in this House in six or seven months' time—whenever the administrative instructions are printed—to discuss the instructions. I give him my assurance that I will certainly do everything in my power to facilitate that discussion. I will even stand up and move a motion for the extension of time after he has been speaking for an hour.

The Hon. R. F. CLAUGHTON: The Minister has had long practice, of course, in skirting the main issues.

The Hon. D. K. Dans: He would have been a good Indian around the wagon train.

The Hon. R. F. CLAUGHTON: If the Minister reads carefully and thinks about the quote he made from the report of the Legislative Review and Advisory Committee, he will see the

reason for supporting the proposal I have put forward.

The Hon. G. C. MacKinnon: I cannot do that.

The Hon. R. F. CLAUGHTON: The committee made note of the fact that a great deal which is contained in regulations now should not be there and should not have the force of law which is given under subordinate legislation.

The Hon. G. C. MacKinnon: That is what I explained with great care and in great detail.

The Hon. R. F. CLAUGHTON: The Minister's proposal is that the instructions should have the force of law, but they should not be brought before Parliament so that they are open to the scrutiny of members, as are regulations.

The Hon. G. C. MacKinnon: I will bring you a book when they are printed.

The Hon. R. F. CLAUGHTON: That is not good enough. I might have a heart attack and die next week. That would be most unfortunate. I would not be here to do that.

The Hon. G. C. MacKinnon: Do not say that; we have enough trouble with people having heart attacks at the moment.

The Hon. R. F. CLAUGHTON: We are all fragile and the same sort of thing might happen to the Minister.

The Hon. G. C. MacKinnon: Do not say that! Bite your tongue! It sounds rather like wishful thinking.

The Hon. D. K. Dans: A self-fulfilling prophecy.

The Hon. R. F. CLAUGHTON: The solution proposed by the Minister is, in fact, not a solution.

The Hon. G. C. MacKinnon: It is, you know.

The Hon. R. F. CLAUGHTON: It is not a solution and the Minister knows it is not. I know the Minister of old. He likes to get his legislation through regardless of the consequences. Sometimes he will be nice about it and sometimes he will not be so nice.

The Hon. G. C. MacKinnon: You are doing me a grave injustice.

The Hon. Grace Vaughan: You are borrowing my adjective again.

The Hon. R. F. CLAUGHTON: This is a serious matter and it is a matter of principle also. The Minister made it quite clear in the quote from the report that the sorts of things the person responsible has in mind for the administrative instructions are either not matters which should be brought to Parliament and, therefore, do not need the force of law which subordinate

legislation has, or they are matters which should have the force of law. If they are matters which should have the force of subordinate law they should be brought to Parliament and dealt with in that way. If they are not, they should be dealt with through a manual or through some other kind of directive which is given by the board. They should not be dealt with in this sort of way.

With reference to the remark made by Mr Tozer in respect of clause 19, I should like to say that his remark might be true; but we arrive at this matter before we get to clause 19 so we have to deal with it at this point. I am sorry he has brought up this matter as an argument that the amendment should not be supported.

The important arguments are not those of the Minister. The arguments we have presented are the substantial ones and I should like to see the members of this Chamber support them instead of sitting passively, accepting whatever the Government has told them to accept.

The Hon. G. C. MacKinnon: You do not even read the newspapers; I can see that.

The Hon. R. F. CLAUGHTON: I do not want to criticise other members, but I should like to see them take much more interest in Parliament. This is one matter which is very pertinent to what Parliament is about. None of us should be prepared to accept whatever our parties demand of us simply because it is demanded, and in this case I am sure this is what is happening with Government members. They have accepted what the Minister has said in respect of this Bill. It is not good enough. I believe the Bill should not be proceeded with.

The other matter in respect of this proposal is that we do not really know what will go into the regulations and what will go into the administrative instructions. It is all hazy. Nobody knows the true situation. An answer has not been given in the debate so far. We will not know the true situation until the matters appear in print. The Minister might make a few guesses about it. He will say, as he has said, "It is a matter of consultation with the relevant unions. It has to be worked out yet." How do we get an answer?

I believe the Committee should accept the proposition I have put to it and it should insist this legislation be held over until we have the regulations before Parliament so that we may consider our stand. We do not have sufficient information, and quite understandably the Government is not able to give us that information at this time. We should wait until we have that material before us prior to giving our sanction to the legislation.

The Hon. G. C. MacKINNON: I had decided not to add anything; but I must make a comment, because of a very unfair statement made by Mr Claughton. He said members of the Government were sitting back and doing nothing when, in fact, only 10 minutes ago when Mr Claughton moved his amendment and before I could get to my feet, Mr Tozer received the call and very satisfactorily answered all the questions raised by Mr Claughton in his amendment. I was tempted not to get to my feet; but I did.

Another point is that without the Bill the board cannot start to sort out the administrative instructions and put them in writing. Once the board has the Bill it sorts out the instructions as any other body sorts out this sort of vehicle legislation. The matters which will remain unchanged for some period of time will come under regulation. Those matters which need repeated changes, such as travelling allowances, will of course come under administrative instructions, because a great deal of distress can be caused if one has to wait until approval has been given by Parliament. If they come under administrative instructions, they are changed more easily.

The matters will be sorted out in the next six months and during that time further consultation will take place with the CSA. That is the way it works. If we hold up this Bill because of the basic philosophy underlying it, we will be in trouble. We are being asked for a Bill which contains a litany of all the Standing Orders. It would be a Bill which would look a little like the Australian military rules and regulations, which contain all matters; for example, when an officer is saluted and when he is not and that sort of thing.

This Bill is not designed for that purpose and the Government has no intention of introducing that sort of Bill. When the regulations have been sorted out in six or eight months' time, there may be room for some argument. The Government may then listen to those arguments. As members are aware, those arguments will go to the board. I send the arguments to whoever the discussion involves, because members receive letters back. They know that is the custom. These matters will be looked at and the board may agree to them. However, I would say with all the consultation which will take place with the CSA the matter will be covered fully. I trust members will not support the amendment.

The Hon. R. HETHERINGTON: I want to point out the Minister has made a false dichotomy and he has made an assumption with which I do not agree. The first assumption is that, if we do not have this kind of vehicle Bill, we have

to have one which spells out everything. I do not follow this. I argue that this kind of Bill is not an appropriate one to cover a body as important as the Public Service. It seems to me definitions should be given and parameters should be included in the Bill itself. One does not introduce a Bill saying these matters will be done and then say, "We will have a look at it later." It is time we worked out what the Public Service is supposed to do. We should write into the Bill some principles.

I was not flattered when the Minister, in his reply to the second reading debate, suggested my objection, which I thought was on a matter of principle, was on a matter of trivia. I do not agree with that and I am in fact disagreeing with the Minister on principle. It is on that sort of principle that I am supporting this amendment.

Certainly, I do not accept the false argument that if the Government does not have this kind of legislation then all the i's will have to be dotted and all the t's will have to be crossed. As a matter of fact I have already said earlier today this is one of the things I thought was wrong with the present Act. So, I am in agreement with the Minister there but I am not in agreement with the Minister on the appropriateness of this kind of Bill for dealing with a body so important as the Public Service. I hope nobody will get up and suggest—as has already been suggested earlier—that we are denigrating the Public Service. I have never done that in my life. I spent 10 years lecturing in the university, and I have always defended public servants.

I do understand the principle and I say once again that where there is a body as large and important as the Public Service the principles need to be spelt out. I am sorry if the Minister does not accept my argument, and I am sorry for those other members on the Government side who do not understand my argument.

The Hon. G. C. MacKinnon: They understand it.

The Hon. R. HETHERINGTON: I am not accusing the Minister of not understanding me; that is the last thing I would dream of doing. I will not argue the matter further; I support the amendment.

The Hon. R. F. CLAUGHTON: It is often said that silence indicates consent. I say that the Minister's reply, when he dwelt upon the matter of the Bill and did not reply to my suggestion that it should be delayed, indicates support of the argument for the amendment.

The Hon. G. C. MacKinnon: In this case, silence signifies total frustration.

(109)

The Hon. R. F. CLAUGHTON: The Minister was unable to answer the point and give a correct interpretation of what should be done. I hope members noted the Minister's silence which indicated support for the argument I put forward.

The Hon. D. K. DANS: I support the amendment, in an attempt to get some information from the Minister. It appears to me that great emphasis has been placed during discussion on this Bill on the words "administrative instruction". Instruction is quite different from rule. The Leader of the House introduced some military term when speaking which seemed to be the equivalent of the naval term, "the Queen's Rules and Admiralty Instruction".

The Hon. G. C. MacKinnon: The same thing.

The Hon. D. K. DANS: If that is the kind of thing the Leader of the House has in mind, heaven help the Civil Service.

The Hon. G. C. MacKinnon: I did not say that; I said the Opposition wanted that type of thing in the Bill.

The Hon. D. K. DANS: No backtracking. The Leader of the House said it was the same thing. I did not introduce any military terms into this debate, but the Leader of the House did, and he said it was the same thing. If that is the case, it simply means this Bill is a vehicle—a truck, a ship, or a railway train—that will carry into the Public Service any kind of instruction depending on the definition of the words "administrative instruction".

The Hon. G. C. MacKinnon: No, that just is not right.

The Hon. D. K. DANS: Bearing in mind the interjection, I would like the Leader of the House to tell me why he opposes the amendment.

The Hon. G. C. MacKinnon: I have already done that.

The Hon. D. K. DANS: The purpose of debate during the Committee stage of a Bill is to obtain from the Minister, or from the Government, those necessary safeguards, and it is the job of the Opposition to try to get a clear indication of what is contained in the Bill. That is what we intend to do.

I was absent from this Chamber earlier tonight on parliamentary business, but as I interpret the provision now under discussion it will provide an open cheque. Mr Cloughton has already stated that he might die—not of a heart attack I hope which seems to be fairly fashionable these days—and so might the Minister also die. So, it is no good the Leader of the House asking us to give

him an open cheque and stating that we can come back later with further amendments. This seems to be an open-ended kind of arrangement. Whether in Parliament, in business, or in marriage, open-ended arrangements are not very good.

I think the Leader of the House would be doing this Chamber a service if he got up and stated that he meant what he said, and that the provision is exactly the same as the military term used earlier. If that is so, we want to know why there is opposition to the word "rule", and to what extent will the Public Service come under administrative instruction. Once this Bill has been proclaimed rule will be by administrative instruction. The Parliament and the Government being what they are, it is a numbers game and there is no chance of turning back. I do not know why so much emphasis should be placed on administrative instruction which the Leader of the House equates with those kinds of punitive situations which operate under military and naval terms.

The Hon. G. C. MacKINNON: I think for the sake of us all it would have been a nice idea if Mr Dans had stayed away on parliamentary duties! If Mr Dans had looked at the parent Act he would have found under section 19 the present board has very extensive powers to do the same things as are being included here, except that in the parent Act those things are cumbersome and difficult to achieve. We have not placed emphasis on this. It is members opposite who have placed emphasis on it and have talked about nothing else. They have not talked about the philosophy of the Bill but what I regard as trivia.

The Hon. R. Hetherington: That is not what the Premier said.

The Hon. D. K. Dans: I am waiting for an answer to what I said.

The Hon. G. C. MacKINNON: We have spoken about having a very good Civil Service comprised of trustworthy people. The Public Service Board will work this out, not me. The proposal put forward by the Opposition completely nullifies the intent and purpose of "administrative instruction", especially in relation to day-to-day matters. Administrative instructions are the principal means designed to streamline the Public Service, and the Opposition opposes this concept. The proposal from the Opposition would put us back to the old-fashioned days when, perhaps, salaries were increased every five years. There was no need to worry about all sorts of allowances which are changed regularly these days, and which have the force of law—as was said by Mr Cloughton.

The military term I used may have been an exaggerated example to stress the point. It has nothing to do with the provision now before us, and Mr Dans knows that full well. The Government will not agree to this Bill becoming a vehicle to carry these things. The other States have tried the type of proposal which has been put forward and have run into trouble. I believe any fair-minded person will accept my explanation—supplied with great patience.

The Hon. D. K. DANS: I was looking for some answers.

The Hon. G. C. MacKinnon: And you got them; you did not listen.

The Hon. D. K. DANS: I hope the Leader of the House has finished.

The DEPUTY CHAIRMAN (the Hon. T. Knight): I was going to make the point that during the Committee stage of a Bill every member has an opportunity to speak. I do not think it is necessary to interject.

The Hon. D. K. DANS: Well, I never interject.

The Hon. A. A. Lewis: Let us look at *Hansard*.

The Hon. D. K. DANS: I did not introduce the military terms, whatever they may mean. I was seeking information, and I simply asked the Leader of the House whether the military term meant the same as the admiralty rules and instructions used by the naval services. He said, "Exactly". We are supposed to get honest answers, but the Leader of the House then said he did not mean that at all.

The Hon. G. C. MacKinnon: That is a fib; it really is.

The Hon. A. A. Lewis: I do not think he said "exactly". I think he said, "the same". The Leader of the Opposition should be accurate when quoting the Leader of the House.

The Hon. D. K. DANS: I do not claim to be infallible. Occasionally I make a mistake.

The Hon. A. A. Lewis: Occasionally you do, and this time you are wrong again.

The Hon. D. K. DANS: I do not think the Leader of the House answered one query I put to him. Had he been more explicit I would not now be on my feet. In an airy-fairy manner he said that many years ago salaries were increased about every five years. He also said that one of the reasons for the inclusion of the provision was for the purpose of dealing with salaries and allowances. I hope he will get up and say unequivocally that the only reason we are including this provision is to assist members of the Public Service.

The Hon. G. C. MacKinnon: I think I have said that in half a dozen ways, as has Mr Tozer. That is why I said it was a pity you did not stay away a little longer on parliamentary business so that we could have got the measure through by now.

The Hon. D. K. DANS: I do not think so, from a quick look at the amendments on the notice paper. I do not think the Leader of the House has answered anything at all. He skated around, and referred to salaries and allowances.

The Hon. G. C. MacKinnon: Well, Mr Tozer answered the question for me.

The Hon. D. K. DANS: I am not asking Mr Tozer. When he sits in the place of the Leader of the House I will ask him.

The Hon. J. C. Tozer: I thought I was convincing.

The Hon. R. Hetherington: You did not succeed.

The Hon. D. K. DANS: Like the endeavour of the Leader of the House to convince me. It is obvious I will not get a real answer.

The Hon. G. E. Masters: He gave an answer.

The Hon. D. K. DANS: I am quite serious and one reason I cannot get an answer, as has been pointed out by Mr Hetherington, is that the Leader of the House did not read the Premier's speech. That is the reason he does not really know.

The Hon. R. F. CLAUGHTON: The Minister has used a number of words which have not been enlightening. The Minister claims the intention of the provision is to remove a cumbersome procedure in order to make something more simple.

The Hon. G. E. Masters: Do you not think that is a good idea?

The Hon. R. F. CLAUGHTON: I made similar remarks during my speech, but we are dealing with a proposal for administrative instructions. We are suggesting they should be "rules". What happens with administrative instructions?

The Hon. A. A. Lewis: Define the difference.

The Hon. R. F. CLAUGHTON: What will happen with administrative instructions? First of all, they will have to be compiled and then published in the proposed Public Service notices.

The Hon. A. A. Lewis: Would not it be the same with rules?

The Hon. R. F. CLAUGHTON: The honourable member is getting ahead of me.

The Hon. A. A. Lewis: That has never been a problem with you.

The Hon. R. F. CLAUGHTON: The honourable member will be on his feet arguing on my side next.

The Hon. A. A. Lewis: That is very doubtful.

The Hon. R. F. CLAUGHTON: Obviously the honourable member is agreeing with me.

The Hon. A. A. Lewis: Wait a minute; it might be obvious to you, but certainly it is not obvious to the Deputy Chairman or to me just what you are talking about.

The Hon. R. F. CLAUGHTON: Whether these are rules or instructions, they will have to be compiled and published in the same way. The difference is that under this proposal the instructions will have some force of law but it will not be necessary for them to be tabled in this place and open to parliamentary scrutiny. That is the difference, and the point we are arguing about. The Government is not doing something to make matters less cumbersome and more flexible.

The Hon. J. C. Tozer: How would the term "rules" help that situation?

The Hon. R. F. CLAUGHTON: The same comment could apply to administrative instructions. It is for this reason that I ask members to vote for my amendment. Many words are used, but when we get to the nitty-gritty we find these words do not mean what it is claimed they mean. I hope members will not just accept the glib statements that are being made.

Amendment put and a division taken with the following result—

Ayes 7

Hon. R. F. Cloughton	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. D. W. Cooley
Hon. R. T. Leeson	

(Teller)

Noes 15

Hon. G. W. Berry	Hon. W. M. Piesse
Hon. A. A. Lewis	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. M. McAleer	Hon. J. C. Tozer
Hon. N. McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. G. E. Masters
Hon. O. N. B. Oliver	

(Teller)

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. R. J. L. Williams
Hon. Lyla Elliott	Hon. V. J. Ferry

Amendment thus negatived.

The Hon. GRACE VAUGHAN: I would like to ask the Leader of the House in what way the Public Service notices will be the vehicle by which the administrative instructions will be made known. Will the instructions be simply memos to departments? Clause 19 prescribes that the administrative instructions are to be published in

the Public Service notices, but in the clause we are discussing, the definition of "Public Service Notices" reads—

"Public Service Notices" means notices in writing issued by or under the authority of the Board;

This means that when we look for the definition of one term we are given another term, but under the definition of the second term we are referred back to the first term. It does not really tell us anything other than that Public Service notices are to be the vehicle by which the administrative instructions will be made known.

The Hon. G. C. MacKINNON: I am advised that the notices will be printed by the Government Printer, and that they will be published weekly. This publication will contain all the administrative instructions, jobs that are available, and similar matters.

The Hon. Grace Vaughan: You say they will be published, but published in what?

The Hon. G. C. MacKINNON: They will be made available throughout the Public Service.

The Hon. Grace Vaughan: Will they be sent to every department?

The Hon. G. C. MacKINNON: Yes.

The Hon. Grace Vaughan: They will not be published in the *Government Gazette*?

The Hon. G. C. MacKINNON: They will be published in a publication such as *The Education Circular*.

The Hon. D. K. Dans: But not in the *Government Gazette*?

The Hon. G. C. MacKINNON: The *Government Gazette* is for regulations tabled in this place; regulations that may be disallowed here. These instructions will be published in a document such as *The Education Circular*. I am told that the document will also contain information about the availability of jobs and transfers. The whole point is that the instructions must be published weekly.

The Hon. GRACE VAUGHAN: So the instructions will be circulated in the same way as the *Government Gazette*, in a regular publication, and each department will receive a copy? However, the instructions will not be published in the *Government Gazette*.

The Hon. G. C. MacKINNON: Yes, these instructions will be available to anyone who wishes to subscribe to the publication. Of course, if the allowances go up, for instance, these alterations will be in force; there will be no need to wait for Executive Council. Alterations can be

achieved quickly and efficiently; that is the whole idea.

The Hon. R. F. CLAUGHTON: The definition of "permanent officer" reads as follows—

- (a) means a person holding a current appointment to perform duties as an officer in the Public Service in a permanent capacity under and subject to this Act; and
- (b) includes—
 - (i) a Permanent Head; and
 - (ii) a Senior Officer,

holding a current appointment for a term of years under section 29;

This is one of the areas of uncertainty in the legislation. Clause 28 deals with senior offices, so we can discuss the matter again at that stage. However, the interpretation indicates that a senior officer and a person with a term appointment can be given permanent status under the Public Service Act. If, as has been indicated in the debate here, and particularly in the Legislative Assembly, part of the object of the provision is to bring in people from outside the Public Service under a term appointment, it seems rather strange that such people can be given the title of senior officer, hold a senior office in the Public Service, and be given the status of permanent civil servants.

Mr Tozer referred to Dr O'Brien's appointment. This gentleman had a great many of the conditions of the Public Service available to him but he did not have them all. However, it seems that the Government is proposing that that should happen in such a case. From my reading of the Bill it seems that people will be taken from the Public Service to these term appointments and then they will be able to return to the Public Service. From my reading of the speeches made, it seems also that people from outside the Public Service can come in and be given permanent status under this provision.

The Hon. G. C. MacKINNON: The honourable member's understanding of the situation is quite correct. That is what it is aimed at.

The Hon. R. F. CLAUGHTON: During his speech in another place the Premier spoke about the many people who had come into the Public Service for casual or temporary jobs and who had then become fixtures. I am not able to give any examples of where this has occurred, but the Premier made such a comment. If the intention is not to allow that to happen, it seems rather strange that people can come into positions of senior officers or permanent heads on term

appointments and be given permanent officer status. This seems to be contrary to the Government's statement of what the legislation is all about.

Let us say a person is brought in to fill a particular position, and after three years his services are no longer required. Will the person who has filled the position then have all the attributes of a permanent public servant under this particular definition? There seems to be no connection between what Government members are saying and what is contained in the legislation.

The Hon. G. C. MacKINNON: I find it difficult to follow the honourable member's comments. The idea of having senior offices is that people coming to such positions can be given certain of the privileges and benefits that a permanent head enjoys without their actually being made permanent heads. It will improve the lot of some of these very senior men.

The Hon. R. F. CLAUGHTON: I would have thought the conditions under which they are employed could be written into their contracts. That would be the normal way to do it.

The Hon. G. C. MacKINNON: Not necessarily so. Conditions can change and things may not be written into a contract.

The Hon. R. F. CLAUGHTON: It can be written into a contract.

The Hon. G. C. MacKINNON: You know that people can be appointed on a contract at the Governor's pleasure.

The Hon. R. F. CLAUGHTON: Where a person comes into the position of permanent head or a senior officer—

The Hon. G. C. MacKINNON: Of course, it is a different matter in relation to a permanent head.

The Hon. R. F. CLAUGHTON: The interpretation refers to a permanent head or a senior officer. The conditions will apply under this Act regardless. I propose to move an amendment—

Page 4, after line 3—Insert after the interpretation "Promotions Appeals Board" a further interpretation as follows—

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

This amendment is related to a later amendment to insert a new interpretation of "State Services".

I have to move these amendments separately because the definitions are in alphabetical order.

This legislation does not define "Public Service". The Bill seems to give a very wide ambit to the coverage of the legislation. I refer members to the wording of clause 25, which seems to indicate that the Public Service has a wide ambit. We do not know where its boundaries are placed. The definitions provided for in my amendments will clarify the position so that there will be no confusion as to the standing of, say, the Railways Department and the Department for Community Welfare. We will know exactly what the Public Service Board will be responsible for. This can be done only by inserting a definition of this sort.

The Hon. G. C. MacKINNON: I hope the Chamber will not agree to this amendment. The definition of "Public Service" is described in clauses 20, 21 and 22. The two definitions of "State Service" and "Public Service" appear in the 1904 Act. The first definition has no relevance to the operations of the Public Service. The actual construction of the Public Service is provided for in clause 20 of the Bill, which states that the Public Service shall be constituted by departments and sub-departments. Clause 21 makes provision for the Governor, on the recommendation of the board, to establish, amalgamate or abolish departments etc., which make up the Civil Service.

The Hon. R. F. CLAUGHTON: The explanation the Minister gave in his reply was a fuller explanation than that given in the other place. I am inclined to accept the Minister's explanation and not proceed with this amendment. It is understandable that some concern has been expressed by people in certain instrumentalities as to just where the boundaries of the Public Service were going to be. Let us take as an example the Metropolitan Transport Trust, whose members have access to the Industrial Commission. They are perfectly happy with that sort of system and would not want any change to the arrangement as a result of this Bill without being consulted on the matter or some formal statement being made.

The Hon. G. C. MacKINNON: The MTT is not a department.

The Hon. R. F. CLAUGHTON: I am prepared to accept the Minister's assurance that clauses 20, 21 and 22 in themselves contain the definition of "Public Service".

Amendment put and negated.

The Hon. R. F. CLAUGHTON: My next amendment refers to the position of "senior office" about which I have talked at length. This

is a provision which is quite ambiguous, and no proper explanation was forthcoming in the other place.

As I mentioned, the Public Service is constituted into divisions. Firstly, we have the special division and below that the administrative and professional divisions comprising some 1 240 positions. At this time, those positions are subject to Executive Council approval. It is believed the Government's intention is to transfer some of that load from the Executive Council to the Public Service Board. I ask the Minister to clarify the matter.

The Hon. G. C. MacKINNON: The member's supposition is correct. The Bill introduces a new concept of more responsible posts being designated as "senior offices". This concept has two principal objectives: Firstly, to enable term appointments when and where necessary in the higher administrative and professional areas and, secondly, to reduce the volume of Executive Council papers with all appointments, promotions etc. below "senior office" being made by the Public Service Board.

Let me give the Chamber some examples: In the Public Works Department, the permanent head is the under secretary; the senior officers would be the Director of Engineering and the Principal Architect. In the Department of Industrial Development the permanent head is the co-ordinator; the deputy co-ordinator would become a senior officer. In the Department of Tourism, the director is the permanent head and the deputy director would become the senior officer.

The Hon. R. F. CLAUGHTON: The Leader of the House has made it quite clear.

The Hon. G. C. MacKINNON: I think most of what the member said is correct.

The Hon. R. F. CLAUGHTON: In other words, the area under the Public Service Board appointment is lifted?

The Hon. G. C. MacKINNON: Yes.

The Hon. R. F. CLAUGHTON: So that leaves a section from the top of the clerical level, the C-II-11 grade, up to where the Public Service Board will go, or the level where the Executive Council will continue to make appointments which will not be subject to appeal. Is it intended that those positions in the gap which is created by these new arrangements are to be subject to appeal in the way that all other positions are in the Public Service?

The Hon. G. C. MacKINNON: No.

The Hon. R. F. CLAUGHTON: In that case I shall not proceed with my amendment.

Clause put and passed.

Clause 6: The Board—

The Hon. R. F. CLAUGHTON: This clause deals with the establishment of the board or the composition of it, and three commissioners are mentioned. The amendment I intend to move is to insert a fourth member to allow the appointment of a representative of the public servants themselves. At the end of the list of amendments there is a new clause proposed which would govern the procedure by which this person would be appointed. Those two things go together.

We believe there should be a representative of the employees on the commission for the harmonious operation of the board and the Public Service itself. This is a long-established principle although it has been rather long in permeating into the Western Australian scene. The principle is well established overseas and I believe this Bill provides us with an opportunity to carry the idea out in this area of Government responsibility. The purpose then of the deletion of the word "three" and the substitution of the word "four" is to allow a representative of the public servants to be appointed as a commissioner. I move an amendment—

Page 5, line 8—Delete the word "three" and substitute the word "four".

The Hon. G. C. MacKINNON: This is one of those points where there would be no way the Government and the Opposition could see eye to eye. Whilst we believe it has been a long-established principle in one State, Victoria, our examination of the situation does not endear the proposal to us. We believe it does not work very well.

Experience gives us the view that the additional member appears to move over to the management side or, alternatively, the board polarises into two groups divided between members appointed by the Governor and the elected member; neither is a desirable situation. The Government has seen nothing to indicate that this situation even approaches being a success. I strongly oppose the amendment.

The Hon. R. HETHERINGTON: I support the amendment. The whole idea of employee participation is becoming more acceptable throughout the world. It is an experiment we could well try. Let us depart from the old patterns and do something new and see how it works. I do not see that the things the Leader of the House said would happen would necessarily happen.

I think it is a good thing to have a representative of the public servants on the commission. I see no reason to believe such a representative would behave in any way other than responsibly. The advice he could give the board would be valuable advice.

I am not saying the members of the board are not sensible, able, intelligent, and capable people, because it is very rare that anyone is appointed to the Public Service Board who does not possess great ability. However, I still think it would be a good thing to have a representative of the workers, if I may put it that way; if it is not too radical a term for some members of this Committee. A worker representative could put the workers' point of view and give their advice in the deliberations of the board.

The Hon. G. C. MacKINNON: I am aware the Hon. Robert Hetherington attended a conference recently on democracy in industry. I was not able to attend as I did not have the time. I understand that in general this matter is of interest, requires a lot of discussion, and is a long way from reaching a solution.

The Hon. R. Hetherington: A lot of people are having success.

The Hon. G. C. MacKINNON: A lot of very serious people believe it is a long way from being successful. However, I hasten to add I have no objection to the term "worker" as I have always considered myself a worker.

The Hon. D. K. Dans: Fellow worker.

The Hon. G. C. MacKINNON: I have always thought that if I happened to be in the union movement I would hate to be the man selected to go on the board of CSR or BHP. One would promptly be ostracised by one's fellow workers, because they would see in their mind's eye one sitting up in the board room drinking whisky and smoking cigars.

I cannot support the amendment. I hope members of the Chamber also will agree not to support it.

The Hon. D. W. COOLEY: It is rather surprising to hear the Minister, after seeing Mr Tozer jump to his feet in the Minister's defence on Mr Claughton's amendment, because the Minister has described the Bill which is before the Chamber at the present time as a "new, innovative, and modern one which will upgrade everything in accordance with modern standards." Yet here we are in this year of 1978 with people in the Chamber saying a representative of the Civil Service Association should not be on the board, because the Minister would not like him to

go on the board where he is in a position to drink whisky and smoke cigars with board members.

Generally I am not greatly in favour of representatives of workers being appointed to boards when we are looking at the situation of workers employed at the shop floor level. But this is an entirely different situation altogether. Here we have an association of public servants some members of whom hold the highest positions in the Public Service. We are saying we should exclude representatives of this organisation from the board.

The actions of the members of the association speak for themselves. These members have not been outside Parliament storming the bastion as the teachers were the other day. No members of the association are in the gallery tonight. They have gone along with this changing situation despite the fact that they have been practically ignored by the Government.

The Hon. G. C. MacKinnon: Many of the members of the Public Service are professional people.

The Hon. D. W. COOLEY: What is wrong with one of them being a member of the board? They have contributed a tremendous amount.

The Hon. G. C. MacKinnon: Professional people do not strike.

The Hon. D. W. COOLEY: Generally the Government is reluctant to give workers a leg in the way of administration; but we are talking about an entirely different situation altogether in respect of the Public Service. I feel it would be a very progressive and innovative step if, in this modern age, we included a representative of the CSA on the board. I have known a number of these people for a long period of time. They hold administrative positions in the association and I am sure they would perform very well indeed if they were members of the board. They would contribute a great deal.

One has only to read the CSA journal when it comes out to appreciate the understanding the members of that association have of the problems in the Public Service at the present time.

I am very surprised the Minister has resisted a move such as this in this day and age. When will it come? When will we have the participation of people such as these on boards?

The Hon. G. C. MacKinnon: You are joking, Mr Cooley. You would be shocked, amazed, horrified, and surprised if the Government did it.

The Hon. D. W. COOLEY: I would not be surprised in these days. If we were talking about appointing to a board a man from say the

Midland workshops I might have some doubts about the matter. I believe in worker participation on the shop floor level, for industry generally, but this is an entirely different situation altogether where administrative officers are involved.

The Hon. N. E. Baxter: Do they not have some say at the present time on the board?

The Hon. D. W. COOLEY: They do; but they speak as representatives of the various departments. Surely there should be a member of the board speaking as a representative of the 6 000 people covered by the association in order that their occupational interests may be looked after.

What is wrong with taking such action in a situation like this? It surprises me that the Government has refused to support this amendment. I can understand the Government not including it in the Bill; but when such a matter is proposed, I think the Government should give it favourable consideration.

The Hon. G. C. MacKinnon: We have.

The Hon. D. K. DANS: I should like to support the amendment, because the Government itself is missing a golden opportunity to step into the 20th century. The Minister would know that the present British Government is committed to the introduction of worker participation or industrial democracy in the not-too-distant future. It did not arrive lightly at that decision. An extensive inquiry was conducted by a High Court judge. I suppose some people could say, "Well, if the present Labour Government in Britain is not returned next time, then that particular action will not be taken." But it is not as simple as that, because very shortly they will be voting for the election of the European Parliament and Britain, being a member of the EEC, is bound by the decisions of that Parliament. The EEC countries are firmly committed to industrial democracy or worker participation. Without going any further, that is an accomplished fact throughout Europe, and shortly in Britain whichever Government is in power will adopt that policy.

The Hon. R. G. Pike: It does not make it right.

The Hon. D. K. DANS: Mr Pike says that it does not make it right. I would be very foolish to stand up here and say only roses grow in industrial democracy situations. A self-management situation operates in Yugoslavia and incidentally it has not stopped seven of the great trans-nationals establishing in Yugoslavia. It is the 20th century.

In my support of this amendment let me remind the Minister that, as some kind of a milk sop, we have already an officer in the Department

of Labour and Industry supposedly working on the question of worker participation—call it what one likes. But we are not dealing with a shop floor situation here. We are dealing with very dedicated members of the Public Service, and the Government has a golden opportunity to extend itself into this particular area.

I was very surprised earlier this year when I went along to a conference on industrial democracy at the Adelaide University.

The Hon. O. N. B. Oliver: I wondered when you would get to this.

The Hon. D. K. DANS: I shall come to it, and not simply because of the honourable member's interjection. I am not just blaming the Liberal Party, but I am blaming all sections of labour and industry in Western Australia for the lack of attendance at that conference. One company only from Western Australia sent a representative and, to its credit, that company was Alcoa and I commend it.

Let me tell you, Sir, in support of this amendment 400 positions were made available at the Adelaide University. That number was extended to 475. I am coming to it, to answer Mr Oliver. A total of 700 people were turned away from the conference.

One of the most interesting papers presented at that conference was presented by the Federal Minister for Industry and Commerce (Mr Ian McPhee) who seems to be more in touch with the 20th century than his colleagues in this State.

Let me remind members also that Gordon Jackson, the Chairman of CSR, was one of the most fluent and informative speakers at the conference. I realised there was hope for the future when I saw all those people from all parts of the world, from both union and management, gathered together. I was pleased to hear the degree of unanimity on the question of worker participation—call it what one likes. It was remarkable. A total of three members from the Labor Party of Western Australia attended.

The Hon. O. N. B. Oliver: There is nothing new in what you have told me. It has been a fact for 20 years. It has been a practice for 20 years.

The Hon. D. K. DANS: All the amendment asks is that one member from the CSA be added to the board. I do not think Mr Oliver knows what he is talking about, because there has been a unit on industrial democracy operating in South Australia for five years. The experts in this country do not expect any great results from it for the next 10 years and the honourable member has told me it has been operating for 20 years.

The Hon. O. N. B. Oliver: Worker participation has been operating in many industries for 20 years.

The Hon. D. K. DAns: Call it what the honourable member likes.

The Hon. A. A. Lewis: What about calling it a day?

The Hon. D. K. DAns: The Government is not dealing with any kind of organisation, but it is acceding to a request—if it accepts the amendment—which has been put forward by the CSA in this State for years and years.

Mr Oliver has his own ideas about worker participation and maybe they are quite different from mine. If it has been operating here for 20 years there is all the more reason to criticise the Government for not extending it into this very responsible area.

The Hon. O. N. B. Oliver interjected.

The Hon. D. K. DAns: It is very difficult to address the Chair while at the same time trying to listen to interjections which I really cannot understand. I do not mind interjections which I can understand, but I cannot understand Mr Oliver. I cannot understand him when he interjects, or when he is on his feet.

The DEPUTY CHAIRMAN (the Hon. T. Knight): The Leader of the Opposition should address his remarks to the Chair.

The Hon. D. K. DAns: I always try to do that.

All the time we mouth phrases such as, "Let us get together", "Let us push the State forward", "We are 150 years old next year", "We want the co-operation of all sections of the community". We see the rest of Australia and, more importantly, the rest of the world grappling with this problem—not solving it, I admit, but at least grappling with it. The Federal Government has a policy of employee participation. The State Government now has a golden opportunity, without moving to the right or to the left, to accede to a request from a responsible body of people. All that organisation wants is the inclusion of one of its members on the board. What harm would that do? However, the request has been rejected out of hand. Even private industry, in some areas, in Australia today is experimenting with worker participation. The Government would be doing a great service not only to itself, but also to the Civil Service and to industrial relations generally across the board if it accepted the proposition.

The Hon. G. C. MacKinnon: If we had it in the Bill you would accuse us of being too radical.

The Hon. D. K. DAns: It is a criticism I would dearly love to be able to make of the

Government. I know the Government will not agree to this, but it indicates how backward it is.

The Hon. G. C. MacKinnon: It does not, you know.

The Hon. D. K. DAns: The Government indicates how backward it is by not being prepared to bite the bullet despite the fact that it will be dragged screaming into the 20th century eventually. We all read the paper today so we know the situation with regard to bank officers who are pressing for a 30-hour week. What is more, they will get it eventually, but who would have thought they would become left-wing militants? Will they achieve their ends only through disruption?

The Government has an opportunity here to do something worth while. The Minister has praised the Public Service and he has praised Mrs Vaughan for agreeing that the Public Service is a responsible body.

The Hon. G. C. MacKinnon: I think I will live to regret that!

The Hon. D. K. DAns: The Government has an opportunity to accede to its request. Surely the Government is not afraid of one on a board of four upsetting the apple cart. At least there would be consultation but, more importantly, in the 20th century the Government would be recognising worker participation. The Government will not be doing anything miraculous so why will it not at least try it?

The Hon. R. HETHERINGTON: I would have thought this was a time when we could put a member on the board. I take the point made by the Leader of the House that there is a great deal of difficulty in the whole concept of worker participation, and I take Mr Oliver's point that it has been tried in various other places—often with a great deal of success. Some firms which have tried it have found they have less absenteeism, better profits, and a happier work force, and this they find desirable.

I would have thought we would be taking no risk at all by adopting the amendment. I suppose there is always the danger that if we offend the Public Service and its members strike, they will cease to be professionals. But they are professionals now. I wonder whether teachers are now divided into two groups—the professionals and non-professionals, depending on whether or not they struck.

In the meantime the Civil Service is professional and I believe it is a fit and proper body in regard to which a start should be made on this experiment. The experiment would work well and it would be perfectly safe. I am sorry the

Minister dismissed the amendment out of hand. I would have hoped that even if he dismissed it he would not do so quite dismissively.

The Hon. D. W. COOLEY: I know the amendment will not be accepted, but I could not let the opportunity pass without saying something about the hypocrisy of members opposite.

The Hon. G. C. MacKinnon: You have squared off with your bosses enough!

The Hon. D. W. COOLEY: Members opposite are hypocritical, because every time they appear in public to talk about unions and their attitude towards the general community they say that they support unions as they do a good job for their members provided they are not left-wing and militant. I do not think the union—or association—under discussion has had a stoppage in its history.

The Hon. R. F. Claughton: Not since 1920.

The Hon. D. W. COOLEY: The amendment has been rejected out of hand, yet the association has accepted all its responsibilities and it operates in accordance with Liberal or conservative thinking on unions. I am surprised at the attitude of the Government. I would have thought it would give more serious consideration to the matter.

I rose on this occasion only to highlight the hypocrisy of the conservatives in this State in regard to their attitude to what is recognised as a responsible union.

Amendment put and a division taken with the following result—

Ayes 7	
Hon. R. F. Claughton	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. D. W. Cooley
Hon. R. T. Leeson	(Teller)
Noes 16	
Hon. N. E. Baxter	Hon. O. N. B. Oliver
Hon. G. W. Berry	Hon. W. M. Piesse
Hon. A. A. Lewis	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. M. McAleer	Hon. J. C. Tozer
Hon. N. McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. G. E. Masters
	(Teller)
Pairs	
Ayes	Noes
Hon. Lyla Elliott	Hon. V. J. Ferry
Hon. R. H. C. Stubbs	Hon. R. J. L. Williams

Amendment thus negatived.

The Hon. R. F. CLAUGHTON: Having most regrettably failed to convince the Government of the necessity for the previous amendment, I do not intend to proceed with the further amendment to clause 6.

Clause put and passed.

Clauses 7 to 13 put and passed.

Clause 14: Functions and powers—

The Hon. R. F. CLAUGHTON: It is my intention to move an amendment by means of adding a proviso to this clause. The clause deals with the powers and functions of the board.

Part IV of the Bill deals with discipline. What we are saying is that if an officer is made to suffer a penalty of a reduction in salary, which may be quite substantial, he should have some means of recourse open to him if he genuinely believes an injustice has been inflicted upon him. He should be able to have that injustice rectified. That is a matter of ordinary justice which should be available to all people. I do not believe we should single out members of the Public Service and make them suffer what might be quite a substantial monetary penalty without having access to the processes contained within part IV. For those reasons, I move an amendment—

Page 10, after line 38—Add a proviso as follows—

Provided, however, that authority to withhold, defer or suspend salary increases provided in a salary range shall only be exercised in conjunction with Part IV of this Act and the withholding, deferment or suspension of an increase shall, for the purpose, mean a reduction in salary.

The Hon. G. C. MacKINNON: I sincerely hope the Committee will not agree to this amendment. I appreciate the Opposition believes that it is intended to make things more humane and equitable whereas, in actual fact, this amendment will do the opposite. The position is that a person may, through no fault of his own—it may be an accident or a mild heart attack, or something similar—be capable of working satisfactorily at a lower level. It could be decided by the Public Service Board—and he could be quite happy with the decision—to appoint that person at a lower level where he would accept a lower salary.

If this amendment is accepted the only way that procedure could be followed would be to charge the person concerned with a disciplinary breach. An officer may be able to work satisfactorily at a lower level, and he may well have no objection to that. However, if we accept the amendment, that officer will have to be charged with disciplinary action.

In the profession to which Mr Claughton once belonged there have been instances where teachers have found themselves unable to face a classroom because of a physical impairment. They

have agreed to a reduction in salary. I happen to know that that has happened. That is the sort of thing that happens in large organisations. I recommend that the Committee does not accept the amendment.

The Hon. R. F. CLAUGHTON: I think we should read what is actually contained in the amendment. The amendment requests that if the board does any of the things which are set out in its functions and powers none of that should happen, unless the person affected has access to all the remedies that are available to him under the disciplinary section. It does not mean that those things are automatically called in at all.

If the affected public servant does not wish to institute or set in motion those other disciplinary measures, then it will not be done. The type of case mentioned by the Minister is quite adequately catered for.

I cannot believe that members of this Committee would wish to see a situation where a person is forcibly required to suffer a penalty, and then have no access to a remedy against that penalty. That would be quite unthinkable.

I do not know that I should discuss this matter any longer after the earlier debate. It seems to me that, unless we allow a person who is forced to suffer a significant penalty some recourse to appeal, we do not offer the ordinary principle of justice. That is what the amendment is asking for. It does not mean that the other sections are automatically called into effect. It means that, if the penalty is to be imposed, a public servant has access to the disciplinary provisions.

The Hon. G. C. MacKINNON: As the honourable member says, clearly it must be done in conjunction with PART IV, which relates to discipline and applies to all officers and other persons who are not officers. An officer who is guilty of an offence under subclause (1) of clause 44 is liable to reprimand, transfer, reduction in salary, and so on. The honourable member specifically asks for that to happen.

No permanent head is allowed to take the action of leaving anyone on salary without referring the matter to the Public Service Board. The Public Service Board comprises humane people. In my experience I have yet to find anyone who likes sacking people. I have never known it to be done without a great deal of heartache, and this situation would be no different.

I am pointing out that in conference with the association the board has agreed to the establishment of administrative machinery to review such cases. It is envisaged the machinery will be contained in either regulations or

administrative instructions. I submit this is a better solution than making it conditional upon the disciplinary clauses.

The matter will be examined and looked at in conjunction with the Civil Service Association, because there is some substance in theory in what the honourable member says. I believe in practice these matters are dealt with in such a humane way that in practical terms there is probably no real reason for what he suggests. The theoretical reason is accepted and we will look at it but I do not think it should be put into the disciplinary structure. It will be left either to administrative instructions or the regulations.

The Hon. R. HETHERINGTON: While we might accept what the Minister says about the present board, we cannot extrapolate from the present board to future boards.

The Hon. G. C. MacKINNON: I think you can.

The Hon. R. HETHERINGTON: I would not be sure of that. In the Minister's own terms, it might be expected, if the Labor Party got into government one day, that we would make a mistake in an appointment to a board, or perhaps some other future Government would. We can never be sure, and I believe we should have some legislative protection. It is not, as some people have suggested about other matters tonight, that we are criticising the present board. It means we are writing in something which is desirable. I accept the Minister's remarks about the amendment as it stands but I am wondering whether the Minister accepts in principle that some such action is desirable.

The Hon. G. C. MacKINNON: I have already said that.

The Hon. R. HETHERINGTON: But he does not think it should be written into the legislation?

The Hon. G. C. MacKINNON: The association and the board have had discussions about this matter and it has been agreed it will be examined and appropriate administrative machinery will be established, but it is envisaged it would be in the regulations or administrative instructions—probably in the regulations.

The Hon. R. F. CLAUGHTON: One sometimes feels one is having nightmares, remembering previous debates which have taken place here. I can recall many times when the Minister and his colleagues have said these things should be stated clearly in the legislation and we should not take a chance on them. In particular, when dealing with the noise abatement legislation there had to be appeal provisions and a safeguard for the people in the businesses concerned.

Here we have a similar situation, where the individual will be affected, and I would have thought the Minister and his colleagues, to be consistent, would insist that something be written into this Bill to ensure it shall be done. If the Minister says the amendment I have proposed is not right and is doing more than we believe it is, it is quite competent for him to suggest a change to it. I do not think his argument is correct. The amendment merely says that if a person is affected in that way he has available to him the remedies contained in the disciplinary section.

It is all very well to say there will be discussions and the problem will be examined, but we in this Parliament will not know about it until it has been done, and if it is not satisfactory we will have to get the legislation back to have it written in. This is the place where it should be done and we should ensure the individual is protected in this way. I urge the Committee to support the amendment.

The Hon. R. HETHERINGTON: Would the Minister agree to reporting progress and considering the matter overnight?

The Hon. G. C. MacKINNON: The matter has been considered at great length and has actually been discussed at a conference with the association. The decision was made that it ought to be looked at because there is a degree of substance in it.

The honourable member is right: to get the appeal provisions under the disciplinary Act it must be under that, but to get those appeal provisions one has to be charged. One can appeal only when one has been charged. So one has to be disciplined. It could even work to the detriment of an employee, because the departmental head might say, "I will not discipline him; he is a nice fellow." We believe the regulations will cope with the situation and I think under the circumstances we should leave it at that, bearing in mind that the legislation will not be proclaimed until the regulations are formulated.

The Hon. R. F. CLAUGHTON: It is all very well for the Minister to say that, but the person who is aggrieved and has an injustice done to him by the powers contained here is the person we are talking about. If it occurs to anyone else, that person will not complain, but if a person has been disadvantaged by it he should have some recourse.

The Hon. G. C. MacKinnon: The majority of them are not aggrieved.

The Hon. R. F. CLAUGHTON: We are not worried about them.

The Hon. G. C. MacKinnon: I thought you ought to understand that.

The Hon. R. F. CLAUGHTON: Those people will not be disadvantaged by what we are proposing. It is all very well to say we need to be behind closed doors and just talk about it between ourselves, but that is not the way it should be done. If a person is affected in this way he should be either agreeable to it or able to gain some satisfaction for an injustice done to him. It should be presented openly in the way contained in the appeal provisions, not behind closed doors as is implied in the replies the Minister has given so far. I insist on the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 15 to 17 put and passed.

Clause 18: Power to summon witnesses and take evidence on oath—

The Hon. R. F. CLAUGHTON: At an earlier stage Mr Oliver asked what clause contained the power of inquiry—the power of a perpetual Royal Commission was the term I used. I now inform him that clause 18 is the clause, and he will also find the provision in section 11 on page 11 of the Public Service Act.

Clause put and passed.

Clause 19: Administrative Instructions and their effect—

The Hon. R. F. CLAUGHTON: As we have failed to convince the Government of the need to make the alteration to the term "administrative instructions" I do not now intend to move the amendment standing in my name to this clause, and the other subsequent amendments.

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

The Hon. GRACE VAUGHAN: Despite the alleged assistance that the Leader of the House has had from Mr Tozer and Mr Oliver in saying to me when I raised this matter during the second reading debate that there was a very simple answer to it, I still do not understand why the detailed reference to administrative instructions had to be included in the body of the Bill. Surely it should be sufficient to say that the board, in order to be more flexible, will have the right to carry out some of its functions and powers by using administrative instructions. Subclauses (2) and (3) of this clause are almost identical with those appearing later under the regulations clause. This measure has been pared down so beautifully, streamlined, shortened, and simplified, so why is it necessary to include these provisions twice?

The Hon. G. C. MacKINNON: The honourable member's comments sound just like those made by the Public Service Board to the

Parliamentary Counsel. The board did not think it was necessary to include this twice but the Parliamentary Counsel did. If this is not done, difficulties may be created in regard to legal interpretations if any action is taken. The simple answer is that the lawyers demanded it. The same thing occurs in many other Acts and regulations. There is nothing at all to become suspicious about. It is purely and simply to clarify and to make absolutely certain the items which can be the subject of administrative instructions.

The Hon. GRACE VAUGHAN: I understand that if the provision relating to administrative instructions was included, the other provisions had to be included also. However, I want to know why the reference to administrative instructions had to be included in the body of the Bill. After all, administrative instructions have been given by the Public Service Board in the past so why do they now take on such significance? This is the point that makes me feel that Ministers will be looking to use these instructions to carry out objectives which will not come before this Parliament for ratification.

The Hon. G. C. MacKINNON: Perhaps this provision should not have been included again, but that would not have been quite honest. Subclause 14(1) states—

The functions of the Board are to promote and maintain effective, efficient, and economic management and operation of the Public Service of the State.

That subclause provides for the administrative instructions to be made, but when the Public Service Board explained to the Parliamentary Counsel what was required, the Parliamentary Counsel decided that the way to proceed was to list the whole matter in detail, and I agree with him. Rather than being something to become suspicious about, members of the Opposition should congratulate us because we have made crystal clear those matters about which we want action taken.

The Hon. J. C. TOZER: When I made my speech during the second reading debate, I also wondered why the provision in regard to administrative instructions should be in the Bill at all because I felt these instructions would be used in such a way that it was not necessary for it to be spelt out. I think the Leader of the House has well explained that it is necessary because the Parliamentary Counsel—the person who prepares legislation—thinks it is necessary and desirable. We must accept that.

The Hon. R. F. Cloughton: You are very easily satisfied.

The Hon. J. C. TOZER: Members of the Opposition may have overlooked the nature of the matter to be embraced in these administrative instructions, and this arrangement could well react in favour of the Civil Service Association or the staff generally; they can approach directly the Public Service Board in the case of an anomaly or where something needs to be straightened out. On many occasions simply by issuing a further administrative instruction, such anomalies can be cleared up. If it is necessary for a matter to go through the process of gazetting regulations, it is not then so simple for the CSA or staff members to correct what may be an undesirable situation.

The Hon. R. HETHERINGTON: I may have been less suspicious of this provision if I had followed the advice of my leader and just read the Bill. Unfortunately, I also read the Premier's speech, and this is one of the things that worries me. Perhaps the Premier's intentions are different from those of the Public Service Board, and I certainly hope so. He talked of the necessity to streamline and modernise the Public Service, and his attitude was that the whole structure of the service could be changed by administrative instructions. It seems to me this is another example of the Premier's tendency to be impatient with checks and balances. As he so often says to us: Let us get our coats off and get on with the job. He wanted the Public Service Board to be able to get on with the job without Parliament getting in the way, being a nuisance, and holding things up.

Had I not read that speech perhaps I might have felt differently, but certainly I find that the Premier's utterances show he is becoming more and more impatient with people. I suppose I should be grateful that the Public Service Board will administer the Act rather than the Premier himself. The possibilities that the Premier seems to see in it perturb me and the impression I gained from reading his speech was that administrative instructions would be broadened in such a way that it would be very difficult for Parliament adequately to check matters of substance. Apart from that is the fact that I do not think a Bill such as this without checks written into it is appropriate for the Public Service. All this has made me have very grave doubts, and even the honeyed words of the Leader of the House have not dispelled them. His leader has frightened me more than his own words have reassured me.

The Hon. G. C. MacKINNON: That comment was grossly unfair to the Premier, who is meticulous in his observation of such matters which are the due right and role of Parliament.

The Bill is designed, as I repeated over and over again, to remove the minutia of day-to-day detail from the need to go before the Governor and the Parliament. Surely I do not have to repeat that the committee which examines these things actually included the recommendation that this should happen. The very example quoted by Mr Cloughton earlier was quoted by the committee.

The Hon. R. F. CLAUGHTON: The reasons given by the Minister simply do not seem to be reasons at all. I would be most surprised if an opinion given almost casually were taken up so solidly by the Government. If so it would be the first time this Government has done so.

The Hon. G. C. MacKinnon: Don't get me wrong; we didn't bring in the Bill because of that report.

The Hon. R. F. CLAUGHTON: That is the impression that was given.

The Hon. G. C. MacKinnon: I am sorry if I gave that impression. I merely mentioned it in support of what we have done.

The Hon. R. F. CLAUGHTON: I believe that comment is just as much a justification for not having the Bill. Certainly we put too much into the regulations which is not needed there. This could be included in a manual or a set of instructions to the Public Service. But the Government, having said it does not want this in regulations, is putting it in something that is almost in the form of regulations. That is our objection.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by the Hon. G. C. MacKinnon (Leader of the House).

House adjourned at 11.15 p.m.

QUESTIONS ON NOTICE

TRANSPORT: ROAD

Frozen Goods: Complaints

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

- (1) Has G. J. Coles and Co. expressed dissatisfaction over the conveyance of freezer traffic by private road transport operators to their country stores?
- (2) Did the firm request that the carriage of frozen foods revert back to Westrail?
- (3) Will the Minister accede to the request of G. J. Coles?
- (4) If not, why not?

The Hon. D. J. WORDSWORTH replied:

- (1) Neither the Minister for Transport nor the Commissioner of Transport are aware of any expression of dissatisfaction towards the private road freezer/chiller services to Coles country stores.
- (2) The Minister is not aware of any such request.
- (3) and (4) Not applicable.

RAILWAYS

Grain

332. The Hon. H. W. GAYFER, to the Minister for Lands representing the Minister for Transport:

- (1) For each of the last five years, what revenue has been attracted by Westrail from the movement of wheat, oats and barley?
- (2) What percentage proportion is the yearly total of (1) above to the annual total freight income of Westrail?
- (3) What extra freight income is anticipated by Westrail from wheat, oats and barley for 1978-79 following the increase of 10 per cent on rail freights as announced earlier this year?
- (4) What are the current freights for wheat over comparable distances, say 100, 200, 300 kilometres in each of the mainland States?
- (5) What has been the individual percentage increases in freight rates in Western Australia over the last eight years?

The Hon. D. J. WORDSWORTH replied:

	\$ million
(1) 1974.....	15.130
1975.....	24.417
1976.....	30.660
1977.....	26.394
1978.....	31.384

	Percentage
(2) 1974.....	22.5
1975.....	28.2
1976.....	28.4
1977.....	23.5
1978.....	25.6

(3) \$2 780 000.

(4) This information will take some time to compile and I will forward it to the honourable member as soon as it is available.

	Percentage
(5) 1971.....	Nil
1972.....	Nil
1973.....	15
1974.....	17.5
1975.....	17.5
1976.....	Nil
1977.....	17.5
1978.....	10.00

EDUCATION: TEACHERS

Holiday Pay

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

Can the Minister advise if, in the last 10 years, any teachers have forfeited their pay from the 1st January for failing to report for duty on the first day of term?

The Hon. D. J. WORDSWORTH replied:

The one case which is known to the Minister received a concession on compassionate grounds.

See answer to question 316 of the 20th September, 1978.

WATER SUPPLIES

Water Resources Council

334. The Hon. H. W. GAYFER, to the Minister for Water Supplies:

- (1) Is it envisaged that the Western Australian Water Resources Council will be disbanded following the completion of their present investigations?
- (2) If so, when is this likely to be?
- (3) If not, what are to be the terms of reference of the Western Australian Water Resources Council?

The Hon. G. C. MacKINNON replied:

- (1) No.
- (2) Not applicable.
- (3) (i) To advise the Minister in relation to the assessment, development, conservation, management and protection of water resources of Western Australia;
- (ii) to advise the Minister on policies regarding water resources; and

- (iii) to consider any matters referred to them by the Minister.

EDUCATION

Early Childhood Committee

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

Can the Minister advise what has been the result of the deliberations of the investigations of the Early Childhood Committee (0-4 Committee)?

The Hon. D. J. WORDSWORTH replied:

In December, 1977, the 0-4 Committee presented the Minister for Education with its interim report which identified the range of early childhood services currently available and outlined certain further investigations which should be undertaken. These further inquiries have been pursued, including an independent report on overlap between various Government departments where educational matters were concerned. It is anticipated that Cabinet will consider firm recommendations during November.

ROAD

Gosnells Road

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

- (1) Does the Main Roads Department, in conjunction with the City of Gosnells, have any plans for the widening of Gosnells Road, Maddington, in the future?
- (2) If so, can he supply details of any such proposition?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) Answered by (1).

EDUCATION

School: White Gum Valley

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

- (1) Will the third stage of the White Gum Valley Special School include a manual arts block and a hall/gymnasium?
- (2) When is the proposed third stage of this school due to be completed?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) The planning of a stage 3 has not been commenced at present. The construction of a stage 3 at the school will be dependent upon future fund availability and, as a consequence, it is not possible to advise an estimated completion date at this time.

ENERGY

Tidal Power

338. The Hon. F. E. MCKENZIE, to the Attorney General representing the Minister for Fuel and Energy:

- (1) Why was the installed capacity of 570 megawatts adopted for the Secure Bay study?
- (2) Would not such a low output increase the estimated unit cost per kilowatt hour for tidal power?
- (3) Can he list the page and paragraph numbers from SOGREAH's Report which he considers justifies the installed capacity of 570 megawatts?

The Hon. I. G. MEDCALF replied:

- (1) As stated in reply to the Hon. R. Hetherington's questions on the 3rd May this year, the installed capacity of 570 mw was established by the firm of French consulting engineers SOGREAH

in a very detailed study carried out in 1965. This figure was also confirmed by Maunsell & Partners in the Secure Bay study completed in January, 1976.

- (2) No. An installed capacity of 570 mw was determined to be the optimum capacity and thus would result in the lowest cost per unit for tidal power from Secure Bay.
- (3) Section 9 of the SOGREAH report details the plant optimisation methods used in the studies and gives details of the resultant optimum scheme. For more details on the optimisation methods used I would refer the member to the State Energy Commission.

CULTURAL AFFAIRS: ART GALLERY

Opening Exhibition

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

- (1) Is it a fact that a special, presumably large and very costly, exhibition is being planned for the opening of the new art gallery?
- (2) Who is organising it, and from where is it coming?
- (3) Have any professional opinions been sought regarding the standard of works selected, or to be selected, and if so, from whom?
- (4) How much will this exhibition cost and who is financing it?
- (5) Is this exhibition to tour other Australian galleries?

The Hon. D. J. WORDSWORTH replied:

- (1) to (5) Several special exhibitions are being planned for the opening, and the period immediately following the opening, of the new art gallery. The Western Australian Art Gallery currently is undertaking all these arrangements.