Legislative Council

Wednesday, the 13th September, 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.

STANDING ORDERS COMMITTEE

Report

THE HON. V. J. FERRY (South-West) [4.48 p.m.]: I desire to present a report of the Standing Orders Committee which, after several meetings, has recommended certain amendments. These are included in the report, together with reasons for such amendments, and a schedule is appended to the report. At this juncture, it is proposed to submit two motions to the House, the first of which will be that the report be received, and the second to provide that it shall be printed and distributed to the members for consideration by the Council at a subsequent sitting.

I move—

That the report be received.

Question put and passed.

THE HON. V. J. FERRY (South-West) [4.49 p.m.]: I move—

That the report be printed and that consideration of the report be made an Order of the Day for a subsequent sitting.

Question put and passed.

BILLS (2): THIRD READING

1. Real Estate and Business Agents Bill.
   Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and returned to the Assembly with amendments.
2. Weights and Measures Act Amendment Bill.
   Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

STATE ENERGY COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th September.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.53 p.m.]: I regret I was absent for most of the debate on this measure last evening. I hope I will not repeat any of the arguments put forward already.

This is a very important piece of legislation which members of the Labor Party have opposed for the good reasons set out by previous speakers from this side of the House. The Bill permits the SEC to enter into contracts with non-Government persons or bodies to acquire electricity, to hold and acquire or dispose of property, and for the control and management of any matter or thing. Those are the provisions contained in clause 2. The Bill covers a very wide area. It gives the SEC a great deal of latitude in the actions it may take.

Obviously the authority to enter into contracts with private citizens or corporations is a power which is bestowed on the commission already. We could have no objection to that provision on those sorts of grounds. However, the Bill goes on to provide a greatly increased borrowing power for the commission and we have heard a good deal of comment from the Premier about the problems associated with this.

I have in front of me two Press articles, one from the *Daily News* of the 7th September headed "Court may campaign on loans" and the other from *The West Australian* of the 7th September also which is headed, "PM acts on loan delays". That article refers to the suggestion that approval for State Governments to borrow overseas was being held up within the Federal Government Treasury.

It is as well to remind members that hazards are associated with this sort of operation. The Victorian Government would probably be able to offer this Government very pertinent advice, because it was caught with a $200 million guarantee in respect of the Westgate Bridge and it enjoyed a certain amount of notoriety in respect of the collapse of the bridge. That illustrates the sorts of difficulties a Government can find itself in if some of the proposals which have been suggested outside the House are entered into. For example, I could mention the proposal which has been put forward that a power station should be constructed using private capital and the company or companies which provide that capital should manage the generation of the power. Clause 2 of this Bill provides that the commission would then be able to purchase that power without itself operating the plant. That is one of the actions envisaged and obviously provided for in this legislation. I am not aware of the comments made by Government members in relation to such a suggestion in the debate in this House so far, and

I have certainly not read the report of the debate which took place in the Legislative Assembly in an endeavour to find out the Premier's comments; but we must understand that such a process can be undertaken if this Bill is passed.

The suggestion is always made that private enterprise is far more efficient in carrying out operations. That is nothing more than a very bold assertion, because in any number of instances private enterprise can be shown to be grossly inefficient in the way it carries out its affairs. The Victorian Government was caught substantially when it ventured into this field.

The Government has not provided information which should have been provided to members of this House in their consideration of this Bill. I believe the legislation is somewhat premature at this time, because the Federal Government has not given approval for State Governments to borrow funds overseas and we cannot be certain that such approval will be forthcoming. It would have been wise for the Government to delay this legislation until such time as that approval was given, then we would be aware of the conditions which would be attached to it.

The suggestion has been made that the funds can be borrowed only from a very restricted field in the United States, a field which the Premier assures us is a very costly market from which to borrow. The Government should have waited and should have given members information as to the conditions which would be attached to the matter.

I think it would be sensible for the Government to do so in order to obtain the goodwill of members from all parties in support of its proposals. I do not think that is an unrealistic attitude to take. We are supposed to be a Government through the Parliament, but so often it seems it is more a state of Government by the Executive and the Parliament becoming a very lowly appendage to the Executive. I think this is one instance where the Parliament is being denied its true role in arriving at a sensible judgment on this piece of legislation.

We cannot assess the scheme sensibly without the sort of information I have suggested. In other words, what sort of conditions would be attached by the Australian Government on overseas borrowing; what sort of markets would we be allowed to borrow from; and what sort of interest rates would be available to the State when it does manage to secure funds? We also are unable to assess whether it would be advisable to go ahead and borrow at the rates which are to apply.

Another matter not answered in the legislation is whether the Government will borrow for its own purposes only; in other words, will the Government locate where the funds are available overseas and then proceed to enter into consideration of those funds itself, or will it simply act as an agent for a private company? Will the Government simply use its good offices to obtain access to funds overseas, and then act in the nature of a guarantor for those interests in case of default?

I have already pointed out the sort of dangers that are inherent in this type of scheme—that the Government would not have full control. Although a company may have good intentions when it commences its operations, and the Government may enter into an arrangement in good faith, things do go wrong. There is this danger and a lack of control if the Government is to borrow, or is to support borrowing on behalf of some other person or group in the community in order to have this proposed work done.

We have to be aware that the Government has some degree of anxiety of its own self image as to whether it has been shown favourably to the public in providing economic activity in the State. The Government has an anxiety, we believe, as to whether the work which is to be commenced will take up unemployment in the community, and provide work opportunities. The Government has an anxiety to provide infrastructure to allow other industries to commence or to expand. I think these sorts of things are pertinent in considering this legislation. In my view the Government would be suffering from a great deal of anxiety with regard to what is likely to happen to it in the political sense if it is left to make unwise decisions.

To look on the bright side of things, the Government may enter into arrangements which, in the past, it might have shied away from or to which it might have given more consideration.

There is also the aspect of the lack of experience on the part of the Government in borrowing on the external market. It is one thing to borrow funds within the State or within the Australian money market, as a whole, but it is a very different thing to go outside the country and compete with people who have a far greater experience and who are far more wily in the ways of the financial world than would be the people who will be involved in this activity from Western Australia.We should not delude ourselves and believe that we have the sort of people with the necessary experience to cope with that sort of situation. I believe it would be far better if the borrowing was done on our behalf by some Federal Government agency which has experience in handling loans outside Australia.

The Hon. O. N. B. Oliver: That suggestion has some merit, but Mr Whitlam decided to do it himself.

The Hon. R. F. CLAUGHTON: We can expect that sort of comment from Mr Oliver.

The Hon. O. N. B. Oliver: It is not a comment; it is fact.

The Hon. R. F. CLAUGHTON: Mr Oliver is wearing large blinkers, and is prepared to believe all sorts of things remote from the truth. Despite all the efforts by Mr Whitlam's political opponents to prove he had done something illegally in his efforts to obtain overseas loans, no such evidence has come forward. If Mr Oliver is able to present me with some sort of proof then I would concede his point. But I challenge him to deliver that proof to us so that we can hear the last of these smear tactics aimed at the Whitlam Government. There were no shady deals.

The Hon. O. N. B. Oliver: How naive can you be?

The Hon. R. F. CLAUGHTON: It is one thing to be naive, but it is quite a different thing to act unethically, illegally, or improperly. Perhaps the Whitlam Government may have been challenged on the grounds of being naive in its approaches, but I do not think challenges can be made on any other sort of ground. As I said, I challenge Mr Oliver to produce evidence so that we can hear the last of that sort of remark which he has made. If Mr Oliver is concerned about what took place in respect of those overseas loans, then I think he should be concerned about what might happen in respect of this legislation if it goes through.

The Hon. O. N. B. Oliver: You missed my point. I am talking about negotiations by Ministers, but you are talking about expert advice.

The Hon. R. F. CLAUGHTON: The member suggested that the Government should use people of experience. I agree with that suggestion.

The Hon. O. N. B. Oliver: That is exactly what you are suggesting.

The Hon. R. F. CLAUGHTON: Then there is no difference of opinion on that particular point. I am glad Mr Oliver agrees with me in regard to my remarks on this legislation.

The Hon. O. N. B. Oliver: I do not agree with your previous remarks.

The Hon. R. F. CLAUGHTON: In respect of experience being necessary?

The Hon. O. N. B. Oliver: No. You said you felt that expertise should be involved and I referred to the fact that in the case of the Whitlam Federal Government the Ministers were negotiating, rather than people with expertise.

The Hon. R. F. CLAUGHTON: The Ministers had to be involved, and I believe Ministers would be involved in any dealings which would take place under this legislation.

The Hon. O. N. B. Oliver: Certainly.

The Hon. R. F. CLAUGHTON: People of expertise would do the work.

The Hon. O. N. B. Oliver: I would assume that.

The Hon. R. F. CLAUGHTON: I do not see what the member is arguing about. All I can say is that he is agreeing with me. I believe we should also express some regret that people like Mr Oliver, and other members of his party, were not more supportive of the Whitlam Government at that time, because there is no doubt that if the funds of the nature now sought had been obtained then they would have been of great benefit to Australia. I think even Mr Pike would agree that if those funds were coming into Australia through the Australian Government we would not have to be dealing with this legislation, for example, because the funds would be available already.

We are some years behind on this point in having available the sort of funds necessary for the further development of Australia. It is largely brought about by the rather stupid political opposition to the efforts of the Whitlam Government at that time.

I would say it should be understandable that the Labor Party is not opposed to the notion of obtaining overseas funds. The question, or the opposition, that we raise is related to the other matters I have already spoken about. We should have a great deal of reservation about what is likely to take place. Among other things, we should be aware of the fact that when funds are borrowed from overseas, those funds add to the money supply within Australia. In the past we have heard a great deal of criticism of what Mr Oliver would refer to as "the printing of money". While the member may not agree with me on this point, to borrow money overseas is to print money in Australia because the Australian currency is swollen to that degree. The member does agree?

The Hon. O. N. B. Oliver: No, I do not. I say that if funds are needed it is far better to borrow overseas than compete in the local market which may put pressure upon the Government.

The PRESIDENT: Order!

The Hon. R. F. CLAUGHTON: Yes, that is quite true. If the Australian market simply cannot supply the funds we have to go overseas. I have pointed out that the Australian market supplies

90 per cent of investment funds in Australia. It is only the remaining 10 per cent, in approximate figures, that comes from overseas. Most of those funds have gone into financing large mineral exploitive operations which means those very profitable areas are not Australian owned in the main.

The Hon. O. N. B. Oliver: Are you proposing a policy to buy back the farms?

The PRESIDENT: Order!

The Hon. R. Hetherington: The member has already made three speeches by way of interjection. The member on his feet can afford to ignore him.

The Hon. R. F. CLAUGHTON: I was hoping to educate Mr Oliver a little.

The Hon. R. Hetherington: He is uneducable, I am afraid.

The Hon. R. F. CLAUGHTON: We can hope that is not so, and that he has some openness in his mind to receive a more extensive range of ideas.

The Hon. D. K. Dans: You would have to beam them at him with a laser gun.

The Hon. R. F. CLAUGHTON: One of the effects is to increase the money supply in Australia, and that would have some inflationary influence in increasing the funds flowing through the Australian economy. Members would agree that if all States had a free hand to borrow overseas, there could be very severe repercussions on the Australian economy. So we need some co-ordination between the various Governments in Australia even thought any State Premier in his own interests would like to have a free hand. We do not live in isolation; we are part of the whole Australian market and we are affected by what happens in the other parts of Australia.

There must be an awareness also that the interest rates alone are not the only costs involved when funds are borrowed. Fluctuations in the Australian rate of exchange influence the cost of these funds to us, and another factor is the movement in the overseas money market itself. So what can appear to be a very attractive interest rate may not in fact be so. If one reads the financial reports of the large companies one is aware that borrowing overseas can be a quite expensive business.

I would like to make one further comment on this matter. We must secure new power stations one way or another, and the arrangements that are entered into in regard to finance will be reflected in the cost of power produced by these stations. Eventually these costs must be met by the consumers so that any borrowing of funds from overseas must be undertaken with a full awareness of the repercussions to the consumer.

We must remember also the 3 per cent revenue levy on the income of the commission. This money is paid into the Consolidated Revenue Fund and it seems to me to be a most unwarranted imposition on the consumers of electricity. Perhaps the commission would have been in a far better position to provide for its forward needs if that charge had not been imposed.

I reiterate: the Labor Party is opposing this legislation because it feels concern about the way in which the powers contained in it may be implemented by this Government.

THE HON. W. M. PIESSE (Lower Central) [5.20 p.m.]: I support this Bill. Firstly we must ask ourselves: Do we need any expansion in our State energy services? Looking around my area the answer is that we are very much in need of this expansion. People in my area have been waiting 10 to 15 years for a connection to the electricity supply. Many reasons have been put forward for this delay.

When those people first applied for a connection, they were told they must place their names on the waiting list. They complied with this request, and they were told that when a cable of sufficient size was available, their homes would be connected to the power supply, and they were given approximate figures of the costs of the connection. However, when the cable was upgraded, they were told that the costs would be much greater than anticipated and many of the people were unable to meet the increased costs and they were not connected to the power supply. So we do need expansion urgently in those areas.

The next question is: Do we need the money for this expansion? It is patently obvious that we do. Over the years the people of Western Australia have been very generous and sensible in the way they have supported loans. I believe they will continue to support loans, but we need still more money than is generated in that way.

Will there be any benefit to the whole community if our energy programme is expanded? In my opinion the answer to this question is an emphatic "Yes". Our State covers a large area, and there is a great deal of development still to be undertaken in order that we may be somewhat less dependent on the States on the other side of the continent. To do this we need an expanded energy supply.

I support Mr Baxter in his remarks about proposed new section 22(6). This appears on page 4 of the Bill and it reads as follows—

(6) The Commission shall give proper consideration and, where possible, preference, to Western Australian suppliers, manufacturers and contractors when letting contracts or placing orders for works, materials, plant, equipment and supplies having regard to the quality, delivery and service obtainable.

That I think goes without saying. I do not think Western Australians tend to overreach, and if the materials, the plant, and the equipment are available here they will be utilised. I do not feel we really need that provision in the Bill.

Clause 6 relates to the validation of some of the charges imposed by the State Energy Commission. I know there has been a great deal of unhappiness in my own area in relation to the manner in which certain charges have been added to domestic accounts. Generally people take a responsible attitude to the fact that services must be paid for, and that charges must be increased from time to time. However, the people are very irate, and justly so, when they believe they have been incorrectly or unjustly charged for something. Accounts from the SEC now contain an extra charge for the reading of meters, and in cases where the consumer reads his own meter he is quite irate to see that he must pay an extra $6 or so for a service which he has completed himself. I hope this matter will be examined.

The Hon. G. W. Berry: He should get a refund.

The Hon. W. M. PIESSE: Well he should do, but of course he will not. Other people have contacted me in regard to this charge for the reading of meters. In one case a group of 10 pensioners who live in senior citizen flats where there is one meter for the supply of power to those flats, each was charged $6 for the reading of the one meter. This is upsetting people unnecessarily. While I agree that services must be paid for, I hope that in the future the method of charging will be more reasonable and understandable.

I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.25 p.m.]: There have been two main lines of criticism of this Bill which is now before the House. While the Bill contains three main items, there have been only two main points of criticism; namely, the borrowing powers and the charging powers of the State Energy Commission.

Generally speaking the members of the Opposition who have spoken in this debate have opposed the borrowing powers of the SEC as proposed under this legislation. They have opposed also the charging powers of the commission. Not much has been said about the third part of the Bill; everybody seems to be reasonably happy for the SEC to have additional contractual powers. So I will confine myself to the two main lines of criticism; that is, the borrowing powers and the charging powers of the SEC.

Opposition spokesmen have said that the SEC should not have these powers to borrow money. We heard a number of variations in this theme, and I do not think that all Opposition speakers adopted exactly the same line of argument. Mr Cooley seems to have assumed that the powers to borrow as proposed in this Bill relate to borrowing overseas. Of course that is not so. The powers to borrow are general powers to borrow which the SEC does not enjoy in that form at the present time.

The Hon. D. W. Cooley: Including overseas?

The Hon. I. G. MEDCALF: At the present time the commission does not have the particular powers mentioned in this Bill. It does have other powers, but they are rather out of date now. They are not comprehensive powers, and they are not as complex as the powers in this Bill which have been brought up to date in line with what we might call more modern practices than were in operation when the powers were written into the Act originally.

Members will appreciate that there have been changes in the commercial practices in borrowing money. Indeed, there have been many changes in recent times. We hear now about revolving funds; a term which we had not heard about 10 years ago. We hear now about all sorts of new practices in borrowing and naturally, the SEC, as a business organisation and as a corporate body charged by the State to provide energy for the citizens of the State, has to use these practices if it is to carry out its functions.

It seems to me that some members of the Opposition were about 50 per cent in favour of the borrowing powers as prescribed. Certainly Mr Cooley indicated that he had no objection to the early part of my speech. I think he said he agreed with it up to page 5, and he can correct me if I am wrong. I even detected, I thought, a hint that one Opposition member was actually in favour of borrowing overseas. I may not have heard this properly, but I thought I heard the last Opposition speaker say that the Labor Party had no objection to borrowing overseas. This certainly was not what was said last night.

As I have pointed out, this Bill does not relate to borrowing overseas as such; it relates to borrowing from any quarter, from any source, but

it is not restricted specifically to borrowing overseas.

The Hon. D. K. Dans: It does give the SEC the power to borrow overseas, doesn't it?

The Hon. I. G. MEDCALF: Indeed, this will give the commission the power to borrow overseas, and to borrow locally using the same power. I think Mr Cooley's opposition was not so much to the borrowing—and I may be wrong but I was trying to detect exactly what he meant—but that he was really afraid that somehow or other, because of the borrowing, private enterprise would gain control of the SEC. I thought that this was his real argument. He was suspicious of the devil hiding behind the door. Although this devil was not mentioned in the Bill, he felt it was waiting there ready to pounce the minute any borrowing was embarked upon. It seemed to me that he was afraid of something which he suspected, but which was not in the Bill.

The Hon. D. W. Cooley: I was worrying about what Mr Mensaros said about handing Muja over to private enterprise.

The Hon. I. G. MEDCALF: I will come to Muja in a moment. It seemed to me that Mr Cooley was saying, "I am not going into that room because I think there is somebody hiding in the closet."

The Hon. D. W. Cooley: If the devil were there I would not go in; he might get on to me!

The Hon. I. G. MEDCALF: The devil might be in the closet. I thought that was what the honourable member was thinking. He was not prepared to go into the room at all, because there might be someone in the closet.

However, Mr Cooley did want cheaper power for the people; he agreed with that proposition. I agree with it, because it is Government policy. I am sure we all want cheaper power. But Mr Cooley was not prepared to grasp that nettle which may have given him the opportunity to see lower power charges.

There are times when we must venture forth into the room, otherwise we will simply remain where we are, with the existing facilities. I am afraid that Mr Cooley's fear of private enterprise dominated his thinking and the thinking of some other members of the Opposition who contributed to this debate.

Mention was made by Mr Cooley and others of Muja. The fear was expressed that if the Muja proposal had proceeded, it would have been the beginning of the end of the State Energy Commission being owned by the State. The Muja proposal came about for one simple reason, and that was that proposals were put up by the State Government to the Loan Council for funds for the Muja power station, and the Loan Council rejected them. What I am saying is correct; it has all been verified; the Loan Council rejected our application for funds.

It was made quite clear to the State Government that it would not get these funds. Of course, these funds do not actually come through the Loan Council; the Loan Council has the say in what is called the "gentlemen's agreement", which is an arrangement which the States and the Commonwealth have whereby all semi-governmental borrowings must be approved. However, the Loan Council said, "No, these funds will not be available" and Western Australia's application was rejected.

For those reasons, the State devised the Muja proposal, to which reference has been made in this debate. It was to be financed by private enterprise. It was to be built by the SEC on behalf of private enterprise, which would provide the finance, and then lease the facilities back to the SEC. The object of that exercise was to provide the expanding facilities in Western Australia which we could not provide by any other means. That was the beginning of the Muja proposal.

This proposal was put forward to the Commonwealth Government and when they saw it, they changed their minds. They relented and said, "We will now authorise the borrowing from Australian sources in the normal way." So, the Muja proposal was shelved. There was no need to proceed with it and the funds were made available through normal market borrowing in the normal way, with the approval of the Loan Council. That is the story of the Muja proposal.

However, it seems to have plagued the thinking of members opposite in relation to what this Bill is all about. The Government must take a serious view of its responsibility to provide power for the people, and it must get its priorities straight. If it is told that it does not have sufficient borrowing powers, it must get them. The object, of course, is to provide power as cheaply as possible. The Government does not want to provide expensive power.

The Hon. D. W. Cooley: To date, it has not done a very good job.

The Hon. I. G. MEDCALF: The SEC must provide the tools, the technicians, the workmen and the equipment; it must all be provided and paid for, and this is an expensive process. Just as it has to provide the tools, equipment, technicians, workmen and all the other facilities which are

necessary, so we have to provide the legal powers to find the money to provide all these things.

The Hon. D. K. Dans: Would not this all have been better contained in the second reading speech, so that you would not have to go through this now?

The Hon. I. G. MEDCALF: I did not write the speech.

The Hon. D. K. Dans: I know you did not.

The Hon. J. C. Tozer: That is what debate is all about; you raised queries and the Minister is answering you.

The Hon. I. G. MEDCALF: As a result of the comments made during the debate last night, I adjourned the debate so that I could give careful consideration to the various matters which had been raised, and that is what I have done. I agree with Mr Tozer; that is exactly what debate is all about.

In addition to providing the borrowing power, we must provide safeguards. Just as the SEC must provide safeguards in its electrical connections—which I do not understand, but which I have seen—so we must provide safeguards on our borrowing. I believe we have and in a moment I will describe what are some of those safeguards.

There seems to be an inherent distrust of private enterprise which is fogging the minds of the Opposition in considering this Bill and which has prevented it from thinking clearly about the terms of the legislation. The New South Wales Government is not afflicted with this disease; it is proceeding willy-nilly with its plans. However, old prejudices are still ruling, and this makes the task of a legislator difficult, although it puts one on one's mettle to justify what one is doing. I suppose in that respect the Opposition is doing its job in making the Government look to the fundamentals of what its procedures are.

The Hon. D. K. Dans: That is what this debate is all about.

The Hon. I. G. MEDCALF: Having looked at them, I am more than satisfied that those procedures which are in this Bill will adequately answer the arguments we have heard. This Bill does not say anything about control by private enterprise. I hope I have explained the Muja proposal to the satisfaction of members opposite. I know of no plans for the SEC to be sold to private enterprise. This Bill simply empowers the SEC to borrow.

The Hon. R. F. Claughton: You are saying that clause 2 does not refer to private enterprise?

The Hon. I. G. MEDCALF: I say to those members of the Opposition who simply oppose this Bill and who might be tempted to state that the duty of an Opposition is to oppose that I think the Hon. Ron Thompson quite clearly expressed it when he said he did not believe it was the duty of an Opposition simply to oppose. I am sure Mr Dans has said that himself.

The Hon. D. K. Dans: No, I said that the duty of an Opposition was to obtain assurances from the Government on certain matters. I have made that statement on a number of occasions.

The Hon. I. G. MEDCALF: But Mr Dans has also said on a number of occasions that it is not the duty of an Opposition simply to oppose.

We want to supply power to the people, and we want to supply it as cheaply as possible. But where do we get the money? This is where members of the Opposition will have to tell me, because they have not told me so far. I am addressing these comments to those members of the Opposition who were simply opposed to the SEC borrowing overseas, because I can tell them that they will not get the necessary money in Australia, and I will tell them why in a moment.

I have already mentioned the strictures imposed by the Loan Council in the case of the Muja station, and that the Loan Council subsequently came to the party. In 1976, the SEC borrowed $41 million on the Australian market; in 1977, it borrowed $58 million; and, in 1978, the figure is likely to be around $83 million for normal borrowing. So, it has doubled in only two years.

As to the future, when they talk about a pipeline from Dampier to Perth, they are talking about a cost of somewhere between $300 million and $400 million. That is an estimate, but it will be of that order. We have been advised by experts in these matters that it is very unlikely the Australian market will be able to supply that money. My informant on this matter is a Treasury officer whose task it is to assist the Government and act for the Government in this area. He says it is most unlikely this money will be forthcoming in Australia.

The Hon. D. K. Dans: For that project?

The Hon. I. G. MEDCALF: Yes, that amount of money for that project. That is what the SEC has in mind at the moment, hence the need to have power to borrow, which will include overseas borrowings. The SEC believes it will have to go overseas for that money, or for a substantial part of that money, because in addition to that it will still have its normal requirements, which have doubled in two years from $41 million to $83 million. That is the main problem—in fact, the

big problem—and it is the basic reason behind these proposals.

The Hon. D. W. Cooley: What—the construction of a pipeline from Dampier to Perth?

The Hon. I. G. MEDCALF: That is right; it is mentioned in the Minister's second reading speech. I think the position was very adequately expressed by Mr Pratt. He said he did not intend to speak in the debate, but I thought he spoke a lot of sense when he said the Muja proposal was an option to obtain capital. He indicated that the proposals contained in this Bill are to provide the facilities for the borrowing, and not to extend private enterprise into the SEC. The Bill contains nothing which refers to private enterprise taking control of the SEC; it is designed simply to provide facilities for borrowing money on the overseas market, because we do not believe we will be able to obtain that money in Australia. The SEC must have capital.

I would like to tell members who may not be aware of it that the first of these new rules for overseas borrowing is that we must test and exhaust the Australian market before we go overseas. In other words, the Government must try to obtain the money locally before it will be allowed to go overseas. If it cannot raise the money in Australia, it can then ask permission to approach overseas markets; it does not mean the Government automatically can go overseas.

The Hon. D. K. Dans: It does not mean you are going to get permission, either.

The Hon. I. G. MEDCALF: Exactly. We face that hurdle, as has already been pointed out. All we are seeking here is permission to borrow overseas. We are asking the House to give us that power so that it is available should we need to approach overseas markets in the interests of providing the facilities we must have in this State.

I ask the Opposition in all seriousness: Are we to deprive our own SEC of this power, whilst New South Wales and all the other State Governments use it for their own requirements? The answer is obvious: Of course not; we could not possibly contemplate doing that. How could we espouse that proposition? A State cannot be governed in that way and it certainly is not the way this Government proposes to govern this State. The SEC must have that power.

Mr Dans asked about the safeguards contained in the legislation. There are so many safeguards in the Bill that even Opposition speakers—including Mr Dans—have expressed doubt on whether some loans in fact will get off the ground.

Firstly, there are the rules of the Loan Council and I have mentioned the first of them which is that one has to exhaust the Australian market; secondly, one has to get Commonwealth Government approval; thirdly, one has to get the Treasurer's approval; and fourthly, one has to get the approval of the Governor.

The Hon. D. K. Dans: Is that the State or Federal Treasurer?

The Hon. I. G. MEDCALF: The State Treasurer, but one has to go to the Commonwealth first; one has the Loan Council, the Commonwealth Treasurer, the State Treasurer, and the Governor. Those are the four approvals necessary but there is another one. The final approval is political sanction. This is not in the Bill and it is not in any Bill; it does not have to be, but the project must be economically viable because the Government that sponsors it will have to answer for it.

A Government cannot throw guarantees around. If it does it has to answer for it. If a Government throws guarantees around on uneconomical propositions it will be in trouble with the electorate. The public very quickly perceives financial irresponsibility.

The Hon. D. K. Dans: You also would be in trouble with the lenders.

The Hon. I. G. MEDCALF: I think I have said enough on the subject of borrowing powers. It is obvious we must do something about this.

The other line of objection by the Opposition was in relation to the charging provisions of the Bill; in other words, the aspect of giving the SEC a fairly broad range of possibilities for charging. The Parliament does not lay down the charges. The SEC, which is a corporate body, may decide from one month to the next or from one year to the next what its charges are going to be. In July, 1977, it decided it was not going to have deposits any more and it decided on an account establishment fee. They are two quite separate things.

It should be noted that one was not to replace the other and that they are indeed two separate things. The account establishment fee was to cover charges for the transfer and the starting of new accounts and for connection fees, together with a number of other things which were included in the charge.

The powers which we will give the SEC are very comprehensive; more comprehensive than before. No-one could deny that expenses having to be met by the commission are higher than ever before. Those members who have seen the equipment the SEC has—I am sure quite a number of members have seen the equipment even

if it has only been seen on the side of the road—will have noticed the trucks and mechanical devices used for digging holes and erecting the poles and so forth. This equipment is quite apart from the technical instruments and other mechanical and engineering equipment it uses in meeting the highly complex task of providing electricity in a safe way to the consumers of the State. The SEC is a major enterprise.

The SEC has to guarantee men for emergency situations. Instead of having just the usual number of men who can do a job it has to have extra men on call. I am sure honourable members know this. When there is an emergency situation members will be aware of the excellent job the SEC does. We saw this when cyclone "Alby" struck.

The commission has to have men available at all times. When people complain about there being too many people in the SEC and too many men just hanging around they should not overlook the fact that the SEC has to carry extra staff for emergencies. All these extra technicians, drivers, engineers and all the other workmen cost a lot of money. The SEC is a Government enterprise which has to pay its way. It has to charge, and as a corporate body it has the right to fix its fees.

The Hon. D. W. Cooley: It can do that.

The Hon. I. G. MEDCALF: Someone has to pay. The SEC has to get more money to cover its huge expenses and costs. No-one can deny that costs are going up all the time and that the SEC needs to have flexibility in its charging provisions.

This does not mean that we are necessarily approving all the charges it makes, but the power is needed in any case. The commission might vary the charges from time to time as it has done, such as when it cut out the deposit. It might make other changes in its rules which answer some of the points some members have made. That is a matter for the SEC.

What we are asking of the Parliament is to give the SEC the power to make these changes to fund this enormous and well-run enterprise. If any member says we should not give it this power I will have to ask: Where is the money to come from?

It would be nice if the SEC could refund the account establishment fee to all its customers and return the $15 they are now required to pay. But the fact is that the SEC needs the money and has earned it.

The Hon. D. W. Cooley: Why was the situation different before?

The Hon. I. G. MEDCALF: Costs were not so high and services were not required in so many areas. At one stage the deposit was quite small. In addition, we now have inflation with which to contend and costs and charges have gone up.

The Hon. D. W. Cooley: That does not answer the change in principle.

The Hon. I. G. MEDCALF: The member is complaining about the SEC administration charges. The Government is putting before the House a Bill to give the SEC the power to charge. The commission may change its charges from time to time, but members cannot deny it has a very heavy financial outlay which it has to fund from its own resources. Where else is it to get the money which it needs?

The SEC provides a service to everyone in the State and it is entitled to be paid for that service. If some people cannot afford to pay for that service that is a most unfortunate situation. But those people must be supported by other sources; we cannot expect the SEC to provide the source of its funds. A business enterprise is entitled to charge for its services.

If the Government adopted the attitude of the Opposition which is that there should be no borrowing unless it is done within Australia, then we would have to limit the powers in this Bill. The Government would not be prepared to do that simply because we are afraid there could be someone lurking in the closet who we cannot see; some problem we are not aware of. We believe the nettle has to be grasped and that we have to have this power. As far as the charging by the SEC is concerned, we believe such power to charge is necessary.

It is essential the SEC has complete flexibility. There is no saying it will not change its charges from time to time and that perhaps it will not drop one charge and adopt another, but that is up to the SEC. The commission, has been given a complete business range of charging powers; powers which are held by other organisations in private enterprise without the need for a Statute.

If people want electrical power, and they do, then it is the SEC's task to give them that power. As a Parliament we have to see that the SEC has the legal powers to do what it is required to do under its Statute.

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. I. G. Medcalf (Attorney General) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Deposits, or guarantees, to secure accounts—

The Hon. D. W. COOLEY: This clause is one of the principal reasons that we oppose the Bill. Any corporation has to increase its charges if it finds its expenditure is exceeding its income. We acknowledge this; we do not blindly oppose the increase of connection charges. We have said a lot about the excessive increases in SEC charges and had we been the Government we believe they would not have been as severe as they have been in the past.

It is true the SEC levies its charges and not the Government. I venture to say that the Government has a great influence in this matter and that the Minister must be consulted before decisions are made in respect of charges which will affect the entire community. Surely Cabinet would have to give some sort of approval before the SEC went ahead with its increased charges.

However, our objection is to the change of a long standing principle of having refundable deposits. The system of deposits has stood the test of time and over the years the SEC has continued in operation and has not lost money. I believe that from time to time the commission shows a profit despite the fact that every year it is required to pay 3 per cent of its income into the Consolidated Revenue Fund. The metropolitan subscribers of the SEC are subsidising people in outer areas in respect of its expenditure.

Why is it necessary to alter this long standing practice of refundable deposits? In his second reading speech the Minister asked why other subscribers to the SEC should subsidise people who have their power disconnected from time to time. If the Government is against the principle of subsidies, why are metropolitan subscribers providing a subsidy equal to $10 million for the purpose of having uniform rates throughout the country areas?

The Hon. R. G. Pike: Because we favour the policy of decentralisation.

The Hon. D. W. COOLEY: It took a long time for the Government to favour that policy. Metropolitan subscribers are paying $10 million in subsidy—I wish Mr Gayfer were here—to the long suffering people in the country.

Several members interjected.

The Hon. D. W. COOLEY: People in the country have facilities which are almost equal in every respect to those of city dwellers and people who talk about the hardships of those in the country are not speaking the truth. Some people are far better off living in the country than they would be living in the metropolitan area.

Several members interjected.

The Hon. R. G. Pike: You do not care for the farming community.

The Hon. D. W. COOLEY: I do not care what people say about the matter; the truth will out. Members should always keep in mind that if they speak the truth they cannot get into trouble.

The point I am making is that metropolitan subscribers are subsidising the country subscribers. The Teachers' Union is complaining about the fact that its members, who are called upon to move from house to house under the direction of the Government, must pay these charges.

Several members interjected.

The Hon. D. J. Wordsworth: Are there no workers outside the metropolitan area?

The Hon. D. W. COOLEY: There are plenty of workers outside the metropolitan area, but they are not all farmers.

The Hon. D. K. Dans: Mr Gayfer thinks the only people who work are farmers.

The Hon. D. W. COOLEY: There are many people outside the metropolitan area who are workers but are not farmers, so the Minister should not be parochial in his attitude.

The Hon. D. J. Wordsworth: I am not being parochial.

Several members interjected.

The DEPUTY CHAIRMAN (the Hon. T. Knight): Order! I am having difficulty in hearing the member on his feet.

The Hon. D. W. COOLEY: The honourable member who just interjected should not sit on his backside and make a speech. He should stand on his feet to do so.

Several members interjected.

Point of Order

The Hon. D. K. DANS: You are allowing the debate to continue, Sir, with a member usurping your authority. Mr Pike is asking the member what he is going to do.

The Hon. R. G. PIKE: I did not ask the member that at all.

The DEPUTY CHAIRMAN (The Hon. T. Knight): There is no point of order. The honourable member will resume his speech.

Committee Resumed

The Hon. D. W. COOLEY: I would be the last person to make things uncomfortable for you, Sir.

My point is that there has been a change in an old-established principle of deposits being refunded to people when they have the service disconnected. As I said in my second reading speech, not only was the deposit refunded, but also interest was added. When a person closed his account he was refunded the deposit plus a reasonable interest. Now the SEC is departing from that principle by making people pay what we consider to be an exorbitant fee of $15 which is not refundable.

Sitting suspended from 6.04 to 7.30 p.m.

The Hon. R. G. PIKE: I relate my remarks to the comments which have just been made by the Hon. Don Cooley, this clause being the guts, shall we say, of the proposed amending Bill. I want to say in a very clear way that I am concerned at the absolute statement made by that honourable member regarding the attitude of his party, in the context of this clause, to decentralisation—or, in his terms, subsidisation. He said the city is subsidising the country to the tune of $10 million.

That is approximately correct and it is totally in accord with the principles of the party I represent, but we also believe the rural community in many areas of this State is still punitively dealt with in the matter of services and facilities compared with the metropolitan area. We are on record in our policies as always saying and recognising that and endeavouring to rectify the problems.

The Hon. Don Cooley has made a categorical statement that he and his party are opposed to this provision, and in view of the fact that this is a public forum for all the people of Western Australia I submit it is of vital importance that the public know just where the honourable member's party stands in this matter.

Therefore it is not incorrect that we should ask at this time: Does the leader of the honourable member's party in this Chamber support the proposition that it is wrong and bad that city consumers should subsidise country consumers of electricity, or does he support the comments made by the honourable member? Inasmuch as it is a public forum, I would like the leader of the honourable member's party in this Chamber to tell us just where the Labor Party stands in regard to the provision of electricity subsidies to the country people of Western Australia, so that the country people may judge the merits of the policies of both parties. The proceedings of this Chamber are recorded by *Hansard* but seldom by the Press when it is dealing with a matter of substance concerning party policies. This is such a matter of substance and I support the clause.

The Hon. R. THOMPSON: The last speaker has not been in the Liberal Party for very long—

The Hon. R. G. Pike: Twenty years—longer than Dunstan and Wheeldon. Wheeldon, of course, was once in the Liberal Party. How long have you been in the independent party?

The DEPUTY CHAIRMAN (the Hon. T. Knight): Order! I would like to hear the honourable member who has the floor.

The Hon. R. THOMPSON: He has not a very good memory of the period during which he claims to have been a member of the Liberal Party. During the time of the Brand Government, which was in office for 12 years, numerous motions were moved expressing the policy of the Labor Party in relation to equalisation of electricity charges throughout Western Australia.

The Hon. R. G. Pike: You are contradicting the Hon. Don Cooley.

The Hon. R. THOMPSON: That was the policy of the Labor Party. There is no argument about that. I cast the minds of members of the Chamber back to a motion which was moved in another place, when Mr Arthur Bickerton read out a letter written to him by a girl in Port Hedland. It was perhaps the most humorous letter I have ever come across. The girl said that because of the price of electricity her family would not be able to come to Perth for their holidays, but there was at least one consolation—that she would become an olympic sprinter, because each night when she went to bed she had to switch out the light and sprint down the passage to get into bed before the glow of the light disappeared.

The motion that was being debated at the time was an attempt by the Labor Party to force the Brand Government to adopt an equalisation policy, and it was only through the efforts and persistence of the Labor Party that the Liberal Party adopted that policy and eventually put it into effect.

The Hon. R. G. Pike: I accept that. I want to know where you stand now.

The Hon. R. THOMPSON: In 1963, when the Hon. Norman Baxter and I were members of an Honorary Royal Commission inquiring into the crayfishing industry, we went to Dongara where I was confronted by the man who ran the local power station. He asked me to do something about having the power station taken over by the Government. He wanted to get out, because the price he had to charge to supply electricity was unfair to the community he was servicing. It was quite a long time before the Liberal Government arranged for the SEC to take over that station.

Equalisation was Labor Party policy; it was never Liberal Party policy. It was forced upon the Liberal Party by the Labor Party's persistence in this matter. I applaud the Government on adopting that policy. I do not think there should be a differential rate between country and city in the supply of such important commodities as electricity and water.

We have heard it said in this Chamber that a committee is looking into water supplies. We find that the water supplies in Moora are owned by the Northam Town Council, not by the local authority in Moora. The people in the area pay all their rates to the Northam Town Council. I have previously mentioned this matter in the Chamber but the Liberal Party has taken no action on it.

I want to ask the Attorney General the same question as was asked by Mr Cooley. I know of people who have been occupying houses in the Fremantle area for 50 years. When they moved into their homes they paid a deposit of 15s. to have electricity connected. In those days, when the meter was disconnected the deposit was reimbursed with interest. The deposit later rose to £2, then to $10, and I think it is now about $15. Will the deposits which were paid so long ago be refunded when those people move out?

This clause is rather savage. Over the years I have dealt with people who have not had the means to pay bonds on rental houses or even to pay deposits on State Housing Commission houses when they had received urgent approval. Hundreds of times I have paid the deposit for them. What will be the situation when such people have power connected, and they do not even have the wherewithal to pay a deposit to the State Housing Commission? Will the State Energy Commission ask for a deposit equivalent to the cost of normal power supplies for a month or six weeks? Has any thought been given to this matter?

There is no mention of it in the second reading speech or the Bill, but the Bill says on page 10—

> (a) in respect of energy to be supplied on the basis of the domestic tariff prescribed, such amount as has been deposited with the Commission in respect thereof prior to the coming into operation of this section or such other amount as may be prescribed;

If people are to be asked for a deposit in advance equal to the cost of electricity for a month or six weeks, or any other amount of deposit, in the event that they are in arrears on vacating the premises, will the deposit be deducted from the amount of arrears? We must consider people who do not have this sort of money.

The Hon. D. W. COOLEY: I appreciate that there has been a diversion to take our minds away from this impost. It almost makes me want to go outside and be sick when I hear the hypocrisy of Mr Pike. As a member of a political party he is standing here and asking us what our policy is on equalisation.

The Hon. D. K. Dans: Decentralisation.

The Hon. D. W. COOLEY: We know all about that. As Mr Thompson has said, it was we who pressed for its introduction against opposition from the Liberal Party.

The DEPUTY CHAIRMAN (the Hon. T. Knight): I draw the attention of members to the fact that clause 7 relates to deposits or guarantees to secure accounts.

The Hon. D. W. COOLEY: Mr Pike is a member of a party which supposedly has so much concern for the comfort of the people living in the country. I did not at any time in my speech say I opposed equalisation of charges in the country. All I said was that if metropolitan consumers can subsidise country consumers to the extent of $10 million a year it is reasonable that somebody should provide a subsidy to allow deposits to be refunded.

Mr Pike belongs to a party which has increased charges four times since 1974; a party which for the first time introduced a fixed quarterly charge of $1.20 which has now gone up to $7.50. That is $30 a year, and he has so much concern for the country people! The Government is ripping them off right, left, and centre. The Liberal Party will introduce into this Chamber time and time again legislation which rips off the working people, takes away pensioners' concessions, and gives boundless concessions to the wealthy. He stands up in this place and says the Labor Party is advocating a policy which is detrimental to working people in country areas. It is really sickening to hear that sort of stuff coming from the other side of the Chamber.

To get back to the clause, I appreciate Mr Pike's contribution was a diversion. We still maintain it is unfair and unjust to alter a long standing principle. I know the Attorney General will give a more balanced explanation than the one we heard a while ago. I would be grateful to hear from him the absolute reason that this principle is being altered at this time. I hope the honourable gentleman will give the Attorney General the courtesy of enabling him to reply.

Point of Order

The Hon. R. G. PIKE: I ask in accordance with Standing Orders that the *Hansard* report be produced and studied so that the comments of the

Hon. Don Cooley in respect of the amount of $10 million for the subsidisation of the country area by the city can be produced which, I think, will prove that what he has just said is incorrect. In accordance with Standing Orders I ask that the report be produced.

The Hon. D. K. Dans: What Standing Order?

The Hon. R. G. PIKE: I do not know the number, but I know it is there. I ask the Clerk to find the number.

The DEPUTY CHAIRMAN (the Hon. T. Knight): Would you name the Standing Order?

The Hon. R. G. PIKE: I am aware a Standing Order exists but I am not aware of its number. I ask the Clerk of the House to let us know the number. I think that is in order.

The Hon. D. W. COOLEY: Perhaps I could clarify the situation. Is the honourable member suggesting that the figure of $10 million which I used is wrong?

The DEPUTY CHAIRMAN: I think he is asking for your statement to be recorded by *Hansard* as being incorrect.

The Hon. D. W. COOLEY: I have a copy of *The Western Teacher* dated the 18th August, 1978, which contains a letter written by the Deputy Premier (Mr O'Neil) stating that the commission, or more correctly, the metropolitan customer, is already subsidising country customers to the extent of $10 million per annum through the application of State-wide uniform tariffs. He has said it is quite unrealistic to suggest that the State Energy Commission can further subsidise one section of the community, no matter how deserving their cause or function.

The Hon. D. K. DANS: Mr Deputy Chairman, I would imagine that if a member wants to refer this Chamber to a particular Standing Order he should quote the Standing Order. One of the requirements of being a member of this place is at least to know something about the Standing Orders. If we were allowed to proceed along the lines of Mr Pike anyone could spring to his feet and say, "I think there is a Standing Order that does so and so, and I ask the Clerk to find it for me." You can imagine, Sir, what would happen if that happened when the galleries were full. Not only this Chamber, but also every member in it would be brought into disrepute. There is a *Hansard* reporter present and uncorrected copies of *Hansard* are available within a certain time. I do not think we can proceed in this manner, because we are only wasting the time of the Chamber.

The DEPUTY CHAIRMAN: Standing Order 91 states—

> When any Member objects to words used in debate, and, after stating them, desires them to be taken down, the President shall direct them to be taken down by the Clerk accordingly.

Then Standing Order 92 states—

> Every such objection shall be taken at the time when such words are used and shall not be afterwards entertained.

Therefore, there is no point of order.

Committee Resumed

The Hon. F. E. McKENZIE: I oppose the clause on the same grounds as my colleague, Mr Cooley. The Hon. R. G. Pike should be aware that yesterday I, too, referred to the amount of $10 million which city people are paying to subsidise their country cousins.

I also pointed out that in his second reading speech the Minister said the costs include additional administrative costs of preparing and processing information to update the customer files and the cost of various field operations, such as additional meter readings, and reconnecting the supply. He went on to say that it is not reasonable that these costs be subsidised by other customers. How can it be reasonable for metropolitan customers to be expected to subsidise country people? That is the context in which I referred to what the Minister said.

I do not think $15 is a reasonable charge. I believe we should have something similar to that which we had previously; that is, a deposit which is refundable. I am opposed to the fee of $15, because I do not think the Minister justified it in his second reading speech. It is no justification to say it is already in force. There is already subsidisation of country people, of which I approve, and I am sure the Labor Party approves of it. I would hope that the $15 non-refundable charge is seriously considered by the Government and that steps are taken to ensure it is not a form of gathering extra revenue. If it is, then let the Government clearly say so.

The Hon. I. G. PRATT: I want to mention two misconceptions. One is the confusion between a refundable deposit and a charge for a service. It amazes me how the Opposition, even after the matter has been explained by the Attorney General, continues to argue about the same thing and continues to ask for a charge for a service to be refunded. When a charge for a service is refunded it ceases to be a charge for a service. This is a charge; there are things that must be

done when the occupancy of a dwelling changes, such as the reading of a meter and the changing of files and opening of accounts. If members opposite want the charge for that to be refunded subsequently then it will not be a charge. It is not a deposit, but a charge for a service.

The other misconception is the ridiculous business on which we have been wasting our time in respect of subsidising services for people who happen to live different distances from the generating source. We are talking about the metropolitan area and country areas, and it does not take much common sense to realise that if a person lives within 100 yards of a power station the cost of supplying electricity to him is much less than the cost of supplying it to a person who lives 20 miles away, in which case the electricity must go through high voltage mains, transformers, and switch yards and be broken down again through transformers to 240 volts.

So this talk about some people subsidising others is a load of rubbish, because in fact no two consumers in the metropolitan area will have exactly the same electricity supply costs. If we do not want a person to subsidise another person, then somehow we will have to equate the cost of supplying electricity to a person living next door to a generating source, with the cost of supplying electricity to a person living many miles from the power station, and that is just not on.

The Hon. D. K. DANS: Mr Deputy Chairman (the Hon. T. Knight), I am getting a little confused. Are we really discussing clause 6 or clause 7? Clause 6 seems to deal with the establishment, conditions, and discontinuance of supply, and clause 7 deals with something completely different.

The DEPUTY CHAIRMAN: I have drawn the attention of members to that fact.

The Hon. D. K. DANS: I would agree with Mr Pratt that there is a fair amount of rubbish floating around.

The Hon. I. G. MEDCALF: What Mr Dans has said is absolutely correct. I considered trying to get the call a little earlier, because it seemed to me we were completely on the wrong track and wasting time. The clause we are discussing deals only with deposits and guarantees. If members read the clause carefully they will find that is all it refers to. I am afraid some members have been led astray by the fact that they have confused the deposit and the account establishment fee. They are in fact two entirely different things, and that must be made clear.

In case members are not prepared to take my word, I would like to quote from notes I obtained as a result of the comments made yesterday. In view of the latitude you have allowed so far, Mr Deputy Chairman, I am sure you will permit me to quote the notes as follows—

> The account establishment fee was introduced last year in line with this policy. It covers the average costs incurred by the commission when a domestic account is established or transferred. Previously these costs were met from overall income of the commission.
>
> The costs include the additional administrative costs of preparing and processing information to update the customer files and the cost of various field operations such as additional meter reading and reconnecting the supply. It is not reasonable that these costs be subsidised by other customers.

The notes, referring to the comment of a certain member, continue as follows—

> The honourable member is obviously confused with a deposit of $2 and the account establishment fee of $15 which are two completely separate items. At the present time the commission does not charge a deposit for domestic consumers.

The notes contain various other references, but they all amount to much the same thing. I think the confusion has arisen because the deposit was cancelled in the same month that the account establishment fee was created.

The Hon. R. Hetherington: That is a rather unfortunate coincidence, is it not?

The Hon. I. G. MEDCALF: Yes, but it happened, and it was in July, 1977. As a result of that I think a feeling has grown up that the deposit is now simply the account establishment fee. In fact there is no deposit charged at the moment to domestic consumers.

Proposed new section 43A (2) refers to the domestic tariff deposit. There is no domestic deposit at present. This simply gives the authorisation to make a charge, but there is not one being made by the SEC at the moment. There is no deposit charged, and I will come to Mr Thompson's question in a moment.

When we consider paragraph (b) of the same new proposed subsection—and perhaps this is one that was also found to be a little confusing by the Hon. Don Cooley—we find it refers to commercial accounts. The provision refers to "any other tariff prescribed"; that is, people who are on some other tariff apart from the domestic tariff. These are mainly commercial and industrial

premises which are on special tariff rates. Members will notice the deposits are much larger. Some are monthly, some are bi-monthly, and some are quarterly; and they are all larger types of account involving bigger deposits.

If members look at proposed new subsection (5), it becomes quite clear that the account establishment fee is refundable. It is clear to me by implication at any rate, although not expressly, that all account establishment fees are refundable, including the domestic account establishment fees. If there was a domestic account establishment fee it would be refundable, but at the moment there is not one.

In answer to the question asked by the Hon. Ron Thompson, the deposits paid in former times, before July, 1977, were refundable. Those deposits started off at 15s. and gradually increased. Those deposits were taken under an express contract which said they were deposits and were refundable with interest in the case of those which bore interest. I do not know whether they all bore interest, but those under a contract bearing interest were paid interest if the consumers left their premises and asked for their deposits to be returned. If the service was discontinued, they would have their deposit returned, plus interest at whatever the appropriate rate was.

There have been a lot of changes in practice by the SEC over the years. There will still be more changes. These are arrangements that the SEC makes, as the Hon. Don Cooley was quick to acknowledge. The arrangements are not made by us in this House. They are the arrangements of the SEC, and the SEC can change them. It will probably change them again.

I want to make it abundantly clear that there is no deposit charged at the present time to any domestic consumer. I hope that that answers the query.

The Hon. D. W. COOLEY: We were aware of the domestic charge. In its place there will be an account establishment fee. Surely the deposit arrangements could have been continued so that a person shifting from his place of residence could have the arrangement continued. It is only playing with words to talk of a deposit and an account establishment fee.

The deposit, as I understand it, served the same purpose in the past as the account establishment fee is now serving, except for the fact that the account establishment fee will not be refundable. Surely the deposit principle could be applied to the future.

I appreciate that the charges are set by the commission, but I think they have to have the approval of Cabinet. I wonder if the Minister can enlighten us on that particular aspect. I would not imagine the SEC could raise charges willy-nilly, without the approval of either the Minister or the Cabinet.

The Hon. R. THOMPSON: If we turn to proposed section 43A(1) and (2) we find the amount of security which the commission may require a person to furnish shall not exceed a certain amount. The Bill is dealing with domestic supplies now. After studying proposed subsections (1) and (2)(a), I cannot accept what the Minister said, and I would like further clarification. I draw attention to the wording in proposed new section 43A(1). I ask the Minister how much the security will amount to.

What will happen to the people who cannot afford to pay? The commission can say it wants security for at least the amount used in a month or two months in electricity or gas, as the case may be. That is the deposit the consumer will pay. That is the question I ask.

The Hon. I. G. MEDCALF: In answer to Mr Cooley's question, I do not believe that the Cabinet is required to approve the fees set by the SEC. I believe that the commission can set its own fees. The commission is subject to the Minister for Fuel and Energy; and if he wishes he may exercise some discretionary control. Nevertheless, the SEC is an independent corporate body. It fixes its own fees. To the best of my knowledge, there is no necessity for those fees to be approved of by the Cabinet.

In answer to Mr Thompson's question, the simple answer that he perhaps will not accept is that at the moment there is no domestic consumer's deposit. Deposits are charged to business consumers. They may also pay the account establishment fee as well.

The account establishment fee is not to secure the payment of the account. That is what the deposit is for. Proposed new subsection (1) was quoted. According to that, there may be a deposit. The commission does not take the deposit from domestic users, but it takes the deposit from industrial users and those whose accounts are large.

The Hon. R. Thompson: We are using the word "deposit" whereas the Bill is referring to "security"—the amount of security the commission may require.

The Hon. I. G. MEDCALF: In practice, when we look at it, it is mainly talking about cash. That is why, when we talk about the deposit—

The Hon. R. Thompson: So we know what we are talking about.

The Hon. I. G. MEDCALF: It is a security. In fact, they can accept a bank guarantee if they want to. Proposed subsection (4) refers to a bank guarantee. That may be taken from a large industrial user such as Brisbane & Wunderlich. That firm must have an enormous monthly electricity account. The whole of this proposed section, apart from proposed subsection (2)(a), deals with commercial or industrial consumers.

The Hon. R. Thompson: But I am not asking you about proposed subsection (2)(a).

The Hon. I. G. MEDCALF: I am explaining that members must look at it in that context. We are talking about refundable deposits at the moment. There are no deposits paid by domestic consumers.

The Hon. R. Thompson: I asked you what is meant by "security"—

The Hon. I. G. MEDCALF: There is no security taken.

The Hon. R. Thompson: —that the domestic user will have to lodge.

The Hon. I. G. MEDCALF: None.

The Hon. R. Thompson: I differ.

The Hon. I. G. MEDCALF: The domestic consumer does not have to lodge a security.

The Hon. R. Thompson: Look at the provisions at the end of proposed subsection (2)(a).

The Hon. I. G. MEDCALF: The SEC has not prescribed any. There are none prescribed.

The Hon. R. Thompson: But there will be.

The Hon. I. G. MEDCALF: I am saying there is none prescribed now. This Bill gives it the opportunity to prescribe amounts.

The Hon. R. Thompson: When this proposed subsection comes into operation, the commission will prescribe amounts.

The Hon. I. G. MEDCALF: I do not know that it will. I have no information it is about to do that.

The Hon. R. Thompson: Why have it in the Bill?

The Hon. R. Hetherington: Because the commission might want to do it.

The Hon. I. G. MEDCALF: I said in the beginning this was a comprehensive Bill to allow for all of the charges the SEC may have to impose in order to carry out its functions. One of those charges may relate to that particular matter. The commission has used it in the past, but it has not used it since July last year. It might use it again.

The Hon. R. Hetherington: It will wait until we have become used to the $15, and then slap it back again.

The Hon. I. G. MEDCALF: The honourable member would know more about the affairs of the SEC than I do! I am not saying I know anything about that. He may have some knowledge of it.

The Hon. R. Thompson: Proposed section 43A(1) is a new provision which secures payment of the account if the consumer leaves his residence and does not pay the electricity bill. The commission would have this security—

The Hon. I. G. MEDCALF: It does not have a security. It would have a security from the honourable member, because he is an old consumer. It has one from me, and it would have one from Mr Cooley. It has not received any security from anyone who became a domestic consumer after July, 1977.

The Hon. R. Thompson: You are not explaining what proposed section 43A means in the context of the Bill. I am disappointed at your reply.

The Hon. I. G. MEDCALF: Proposed section 43A empowers the SEC to take a security for the payment of its account; that is, money which is now owing or is likely to become owing on any account. The security taken may be in various forms. Proposed subsection (2)(a) lays down the type of security it may take from a domestic consumer; that is, somebody on the domestic tariff schedule. That security is expressed to be by way of a cash deposit. That proposed subsection clearly refers to a cash amount.

The SEC has not taken any additional amounts from consumers since July, 1977. That is a matter of fact. That is a matter which is not contained in the Bill, because the Bill is only an enabling or an empowering Bill.

What the SEC does with the Bill is its business. It can use one section this year and another section next year. That is a matter for the commission to decide, because it is running its own affairs.

The rest of the proposed subsection provides for securities from commercial or industrial consumers which are on a different tariff. Those consumers may not be required to give cash deposits. Some of them may not be; but if the SEC wishes, and the consumer elects, the consumer can give a bank guarantee or some other security to the satisfaction of the SEC.

The Hon. R. Thompson: I am not arguing about that. I understand that.

The Hon. I. G. MEDCALF: Where the supply

is discontinued or for some reason the deposit becomes refundable and the consumer cannot be traced, the deposit is paid into Consolidated Revenue. That is the explanation of the proposed section.

The Hon. R. THOMPSON: I think the Attorney General has missed the point completely. He is quite wrong in saying that what is contained in this Bill is the business of the SEC. Whilst we are dealing with this legislation, it is our business. It is our business to find out what the legislation means. It is not the business of the SEC at this time.

I do not think we should pass the legislation until we know exactly what is intended to be the prescribed fee. If the Minister says the words are not necessary, I will move to delete them, so that there will be no prescribed fee.

The Hon. I. G. Medcalf: There is no reference to a prescribed fee.

The Hon. R. THOMPSON: I will read it to the Attorney General again. Proposed new subsection (2)(a) reads as follows—

> ... in respect of energy to be supplied on the basis of the domestic tariff prescribed, such amount as has been deposited with the Commission in respect thereof prior to the coming into operation of this section or such other amount as may be prescribed;

We have to read proposed section 43A(1) to have the matter in context. It is not within reason for the Attorney General to say there is no prescribed fee and that if there is a prescribed fee, it is the business of the SEC, and not our business. It is our business. We should not be passing this legislation unless we know what the prescribed fee will be. If there is to be no prescribed fee, we should take the words out of the Bill so that the SEC cannot prescribe a fee.

The Hon. D. W. COOLEY: I hope we have not made an error, but if we have I trust the Minister will move to rectify it, because it is a very important principle as far as my party is concerned. I am referring to the creation of the establishment fee. We know the discipline and cruel weight of numbers will be used against us when it comes to the vote and we shall register our protest by way of a division.

Despite what the Minister said, I thought clause 7 was broken up into two parts. It provides for the amount the person has to pay in respect of domestic tariffs and also the amount he has to pay in respect of other tariffs. That is the reason we oppose the Bill. I understand the reason for introducing clause 6 or clause 7 of the Bill was that somebody challenged the legality of the account establishment fee.

I should like the Attorney General to enlighten me as to which part of the Bill overcomes that legal challenge. If in fact it is clause 6, I should like that clause to be recommitted so that we may register our vote against it. However, if it is contained in clause 7, we intend to vote against it.

The Hon. I. G. MEDCALF: I hate to say it, but I am afraid that Mr Cooley has inadvertently confused this matter. He has been talking about the account establishment fee, whereas this clause deals with the deposit. It has nothing to do with the account establishment fee.

The Hon. R. G. Pike: You are looking at Bill 68 instead of Bill 67.

The Hon. D. K. Dans: You should not try again, or you will slip again.

The Hon. I. G. MEDCALF: I referred to the account establishment fee in some detail in order to clarify the point. I am sorry my efforts have not been successful. There is no connection between the deposit and the account establishment fee. It is true clause 6 refers to all the fees which the SEC can charge. It does not refer to the deposit, because that is not a fee. The deposit is the security for the account and that is covered in clause 7 which we are discussing.

It is true all these fees are mentioned in clause 6; but the question Mr Cooley raises about challenging the validity of the fee has nothing to do with this legislation. This legislation is in fact the State Energy Commission Act Amendment Bill, 1978. The State Energy Commission (Validation) Bill is the Bill to which he is referring. I hope I have clarified the situation. I suggest we pass clause 7.

The Hon. F. E. McKENZIE: It is clear to me clause 6 refers to the account establishment fee. I wonder why we are discussing legislation in respect of the deposit when it no longer applies. The Government removed the refundable deposit. Why did the Government take it away? It was a security against people failing to pay their accounts when they left their premises.

The Hon. I. G. Medcalf: We did not take it away.

The Hon. F. E. McKENZIE: It has gone. Did the Government intend to take it away temporarily so that it can be reintroduced at a rate of $15 and so that the people can be confused? On the other hand, did the Government have a genuine reason for taking this action at the time? I am suspicious. In my opinion the

Government intended to remove one charge and introduce another to confuse everybody.

I expect the deposit was payable from the time of the inception of the SEC. The Government has replaced that with a new charge of $15 which I believe is a means of obtaining extra revenue. Why did not the commission come clean with the people at the time? From my dealings with a few people, I have come to the conclusion that they are confused, and it is little wonder that we in this Parliament have become confused between clauses 6 and 7. I should like to ask the Attorney General whether next year the commission will reintroduce the deposit so that we shall have to find another $15.

The Hon. R. THOMPSON: The Attorney General has not answered my question in relation to the prescribed fee. We should stop playing around with this clause. It gives the power to the State Energy Commission to levy a security payment on a person who has a service connected to his house. The reason for the security is that the account shall be secured to some extent if a person leaves the house without paying his bill.

The provision says that the commission "may" require a person to pay the deposit. It does not say everybody must pay it. The situation could arise where the SEC may take the attitude, if I applied for a new connection to my house, that I had paid my bills for the past 30 or 40 years, therefore they would not require security from me. However, a person who is on social security and who has drifted around the country to some extent may ask for electricity to be connected to his house and the SEC could say, "You shall pay the prescribed fee of $30 as security." This is what can happen.

I am surprised the Attorney General has not been briefed sufficiently so that he is able to tell us the situation. If he does not know, he should report progress on this Bill, obtain the information, and let us have it tomorrow so that we all know the meaning of this clause. I do not blame the Attorney General for not knowing the answer. He is handling the Bill on behalf of another Minister; but it is his duty to report progress.

The Hon. D. J. Wordsworth: He is quite capable of reading a clause though.

The Hon. R. THOMPSON: He has not answered my question on three occasions.

The Hon. D. J. Wordsworth: That is your opinion.

The Hon. R. THOMPSON: I am trying to be friendly to the Attorney General. I am trying to be helpful so that the Committee can understand the meaning of the legislation. If the Attorney General cannot answer, he should report progress and come back and give the answer tomorrow.

The Hon. I. G. MEDCALF: I can assure the Hon. Ron Thompson I understand this clause as well as I understand any clause, and I am sorry I have not been able to explain it to the honourable member.

The Hon. R. Thompson: You have not tried to explain it.

The Hon. I. G. MEDCALF: The last time I tried to explain it, the member was sitting at the back of the Chamber. I regret I have not been able to explain the meaning of the clause to his satisfaction. I have been right through the clause. I have paraphrased it. I have all but read it. The member himself said the meaning of the clause was so obvious that it did not need to be read out.

The Hon. R. Thompson: I said for you; I did not say it for the rest of the Committee.

The Hon. I. G. MEDCALF: The meaning is quite obvious. I think the member is still thinking in terms of the account establishment fee.

The Hon. R. Thompson: I am not even considering that. I am talking about the security the SEC can ask you to deposit before the service is connected.

The Hon. I. G. MEDCALF: The SEC can ask for that and this clause gives it the power to ask for a deposit.

The Hon. R. Thompson: I would not use the word "deposit". I would use the word "security", because you confuse the issue.

The Hon. I. G. MEDCALF: The power for the SEC to ask for security is contained in that clause.

The Hon. R. Thompson: What will be the amount of that security?

The Hon. I. G. MEDCALF: This is simply an empowering Bill. It gives the SEC the power to ask for it. I have already said the SEC may not have that power at the moment, but it wants that power. The SEC may use this power at a future time. I am not saying whether or not it will use the power. I do not know what the SEC will do. It runs its own affairs. It will make its own decision about this. No doubt the SEC will discuss the matter with the Minister; but that is as far as it will go. We are not called upon to decide that and I cannot tell the member whether at some date in the future—next year or in five or 10 years' time—the then members of the SEC board will decide to invoke this provision and ask for a deposit.

There are people who are already involved with

this clause. This does not only affect the future; it affects the present deposit of the member opposite.

The Hon. R. Thompson: I am concerned about it.

The Hon. I. G. MEDCALF: This affects the honourable member's deposit.

The Hon. R. Thompson: I am concerned for the people I represent; not for myself.

The Hon. I. G. MEDCALF: This provision protects the deposits paid, because it indicates clearly by implication that deposits will be refundable. That can be seen in proposed new subsection (5). It refers not only to future deposits, but also to those deposits which have been paid already. It is not something we can take out of the Bill.

The Hon. R. Thompson: I understand what is in the Bill. Make no mistake about that.

The Hon. I. G. MEDCALF: Then we both understand it.

The Hon. D. K. Dans: You are making progress.

The Hon. I. G. MEDCALF: If I were to ask that this provision be taken out of the Bill, what would happen to people's deposits?

The Hon. R. Thompson: My deposit would not be affected; what I objected to are the words "or such other amount as may be prescribed". We are talking about securities.

The Hon. I. G. MEDCALF: The member does not want the SEC to have the power to prescribe some other amount?

The Hon. R. Thompson: I want to know what is to be the amount of the security.

The Hon. I. G. MEDCALF: I do not believe anyone can tell the honourable member; I do not believe it has been decided.

The Hon. R. Thompson: Then it should be taken out of the Bill.

The Hon. I. G. MEDCALF: I do not think we are entitled to ask the SEC what it is likely to do this year, in five years' time, or in 10 years' time. The SEC has asked for the provision to be included in the Bill because at some future date it may want to use it. I think that is legitimate. The honourable member would not expect the SEC to come to Parliament every time the amount of the deposit was changed by $2 or $3.

The Hon. R. Thompson: It will be more like $30 or $40.

The Hon. I. G. MEDCALF: The member must have inside knowledge, similar to that of his colleague on the other side of the Chamber.

The Hon. R. Thompson: It is a security against the amount of electricity consumed.

The Hon. I. G. MEDCALF: That does not make it an amount of $40. A security merely means something given in order to secure an obligation of some sort. The fact that the word "security" is used does not mean that it will be a sum of $40 or $50. The member is using his imagination, and I cannot hold up the progress of the Bill because of that.

The Hon. D. W. COOLEY: I am perplexed. I have asked the Minister what part of this amending Bill gives the commission the power to impose an account establishment fee. I said that somebody challenged the legality of the fee some time ago, and this Bill had to be introduced. The Minister, in reply, said I was reading the wrong Bill, and that the next Bill to be discussed was the validating Bill.

The Minister in another place said that at the time of the introduction of the amending Bill—the Bill we are now dealing with—it became necessary to broaden the borrowing powers of the commission and to define more clearly the legal basis for its tariffs and charges. The provisions of the amending Bill do that and have put future powers in these areas beyond doubt.

The Hon. I. G. Medcalf: Future powers.

The Hon. D. W. COOLEY: Yes, and to validate the powers to cover illegal acts before the coming into operation of the Bill we are now dealing with. I again ask the Minister what part of either clause 6 or 7 makes provision for the account establishment fee, or the application of the account establishment fee, to become legal? I have looked at the validating Bill and it does not contain that provision. The Bill refers to matters which occurred before the coming into operation of the present measure.

The Hon. I. G. Pratt: Perhaps the member is reading from the wrong clause.

The Hon. D. W. COOLEY: My smart aleck friend opposite considers I am reading from the wrong clause.

The Hon. I. G. MEDCALF: I understood Mr Cooley to be referring to the challenge which appeared in the Press when somebody said people should not be paying this fee.

The Hon. D. W. Cooley: That is right.

The Hon. I. G. MEDCALF: That is something which happened in the past.

The Hon. D. W. Cooley: And the validating Bill will fix that.

The Hon. I. G. MEDCALF: This is in relation to future charges.

The Hon. D. W. Cooley: So that they are made legal.

The Hon. I. G. MEDCALF: After this Bill is proclaimed. It has a long way to go yet before that happens. That is why I thought Mr Cooley was speaking about the other Bill. Clause 6 does contain authority for prescribing fees of various amounts, including the account establishment fee. I really do not think we should continue to discuss this clause, because it sets out the fees and charges, accounting procedures, etc.

I think it will be found that those references do, in fact, cover the particular fee which is called, for the sake of convenience, an "account establishment fee". Those exact words do not have to be used in order to legalise it.

The Hon. D. W. Cooley: Would the Minister be prepared to recommit clause 6?

The Hon. R. THOMPSON: That will have to be done after the Bill has been reported. It does not look as though we will get anywhere with the Minister. I intend to vote against clause 7, because its provisions are unfair and completely unjust. The Minister has given no indication of what the prescribed fee will be. If a prescribed fee is not in operation now, it might be used in the future; within five years' time or 10 years' time. It can then be brought back to Parliament for a simple amendment to the Act.

This goes beyond what Mr Cooley was speaking about; the legality of the fees which was raised by a man living in Mandurah. Of course, this Bill is before us as a result of that query so that the fee can be made legal. The Government has gone a little further than that and has instituted a security, which is totally different from what Mr Cooley was speaking about. I feel there could be discrimination from person to person in this matter. If it is to be a uniform fee when it is introduced, let the Minister now tell us what it will be.

The Hon. I. G. MEDCALF: The Hon. Ron Thompson is still talking about a fee instead of a deposit and he clearly has not grasped the significance of the provision.

The Hon. R. Thompson: Well, a security.

The Hon. I. G. MEDCALF: In any event, I do not believe that anything I could say would change his mind. I feel it would be a waste of time to continue this discussion.

Clause put and passed.

Clauses 8 to 10 put and passed.

Title:

The Hon. D. W. COOLEY: I wonder whether the Minister would consider my request, in view of the misunderstanding during the course of the debate, and agree to the recommittal of clause 6?

The Hon. I. G. MEDCALF: Yes, I am quite prepared to recommit clause 6 on one condition only, because we have been debating this subject at some length. The condition is that Mr Cooley and I will speak, and that terminates the discussion. I am afraid that if we are to continue we will hold up the time of many other members and I do not think we will get anywhere. There will be another opportunity for the honourable member to speak on the other Bill.

The Hon. D. W. COOLEY: I am sure, for my part, there will not be any waste of time. Whatever we wanted to say has already been said.

Title put and passed.

Bill reported without amendment.

Recommittal

Bill recommitted, on motion by the Hon. I. G. Medcalf (Attorney General), for the further consideration of clause 6.

In Committee

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clause 6: Section 43 amended—

The Hon. D. W. COOLEY: In keeping with my undertaking to the Minister, I express my appreciation to him for having the Bill recommitted.

The Hon. R. F. CLAUGHTON: I think we should just make the point that it is not possible to make a recommittal conditional in the way outlined by the Attorney General. There is no procedure whereby the debate can be limited in the way suggested.

The Hon. I. G. Medcalf: That is quite true; I did not intend to try to stifle debate.

The Hon. R. F. CLAUGHTON: We accept the principle of what was done.

Clause put and a division taken with the following result—

Ayes 13

Hon. N. E. Baxter	Hon. N. F. Moore
Hon. G. W. Berry	Hon. R. G. Pike
Hon. V. J. Ferry	Hon. I. G. Pratt
Hon. M. McAleer	Hon. J. C. Tozer
Hon. T. McNeil	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. G. E. Masters
Hon. I. G. Medcalf	*(Teller)*

Noes 8

Hon. D. W. Cooley	Hon. R. T. Leeson
Hon. D. K. Dans	Hon. F. E. McKenzie
Hon. Lyla Elliott	Hon. R. Thompson
Hon. R. Hetherington	Hon. R. F. Claughton
	(Teller)

Pairs

Ayes	Noes
Hon. G. C. MacKinnon	Hon. Grace Vaughan
Hon. R. J. L. Williams	Hon. R. H. C. Stubbs

Clause thus passed.

Further Report

Bill again reported, without amendment, and the report adopted.

STATE ENERGY COMMISSION (VALIDATION) BILL

Second Reading

Debate resumed from the 7th September.

THE HON. D. W. COOLEY (North-East Metropolitan) [8.46 p.m.]: This Bill is consequential to the measure we have just passed. It is to validate actions taken by the Government in the past, illegal actions in collecting fixed charges and the account establishment fee about which we have had so much debate already.

We oppose the Bill because we do not agree with the principle involved. When people have been charged a fee illegally, the money ought to be refunded. It is becoming a common practice in this Parliament in recent times to see legislation of this type, and from our point of view it is not desirable.

Once it became known that charges had been imposed illegally, the public was not advised about this in any way. In fact, there was a fair degree of secrecy about it. I can appreciate the remarks of the Attorney General when he said that it is really a case of Tweedledum or Tweedledee as to whether or not this legislation is passed. If by some miracle we could persuade the Government that this legislation should not be passed, the money that would have to be refunded to the many thousands of consumers would be levied against them in another way. That point of view is appreciated, but we do not agree with the principle that where money has been collected illegally it should not be refunded.

For those reasons we oppose the Bill.

THE HON. R. HETHERINGTON (East Metropolitan) [8.49 p.m.]: I too want to oppose this Bill. Since I came to this Parliament I have been a little surprised to find out how often we have been validating illegal acts in this House. This kind of retrospective legislation is becoming far too prevalent. It does not make very happy reading to see the following set out on page 2 of the Bill—

> Notwithstanding that the Commission has, prior to the coming into operation of this Act, purported to exercise powers not then conferred upon the Commission of a kind that by virtue of the amending Act are now conferred upon . . .

And so it goes on. In other words, the commission has been acting illegally for some time and the people who have suffered from these illegal actions have no redress at all, because now we are validating the illegal actions by retrospective legislation. First of all we pass a Bill to give the commission powers, and then we pass a validating Bill to say the commission has always had these powers, or that any powers it exercised when it did not have those powers will now be legalised. It seems to me to be highly undesirable.

In my opinion it is about time that Government instrumentalities found out just what their powers are, and exercised them. If a Government instrumentality has exercised its powers illegally, instead of our patting its officers on their heads and saying, "Really, I suppose you were well-intentioned", we should do something about the matter. Perhaps there should be some kind of discipline exercised.

The officers of an instrumentality should know what their powers are, particularly in a case such as the Attorney General mentioned earlier in the evening where there was the unfortunate coincidence that a deposit was removed and in the same month a confusing charge was added to the account. We now find apparently that it was not a legal charge anyway.

It would be a good idea for the commission to do something about refunding the money collected improperly by illegal charges, and then it could start off *de novo*, so at least it would know what it could do from then on. I just hope it does not do what I am afraid it might do under the legislation we have just passed, and that is to reintroduce a deposit. However, I do not want to discuss that now. What I do want to do is to oppose this Bill. It is quite clear the commission has purported, by means of a published tariff schedule or table, to fix a fee that it was not entitled to fix. There is no doubt about this at all now apparently. So the commission has demanded money that it was not supposed to demand, and we say that is all lovely and that the people who were charged illegally will not be charged again.

If I broke the law and I was punished with a fine, I wonder whether the Government would

then say, "What a pity; we do not like that happening to you, so we will introduce retrospective legislation on your account." I do not think it would do that, and I would be very upset if it did, because it is bad in principle.

For these reasons I oppose the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [8.53 p.m.]: There was some very loose talk from the two previous speakers about the illegal acts which have occurred. I would like to remind them that that is a supposition. There was a challenge referred to by Mr Cooley—

The Hon. R. Hetherington: Why did you not let it be challenged at law and find out whether or not it was illegal?

The Hon. I. G. MEDCALF: Nobody has challenged it. Anyone could have challenged it if he had wanted to. The honourable member could have issued a writ if he had so desired, but I did not see him doing so. The legality of the charges has not been challenged at law.

The Hon. Don Cooley referred to the challenge which was by way of correspondence, letters to the Press, and Press comment. However, there has been no legal challenge whatever. Had there been a legal challenge, it might have put a different complexion on the matter; but there was no proof of any illegality. Doubts have been cast upon the imposition of these charges, and I wanted to remind members of that. In view of that we cannot take any risks, because there is too much at stake.

It is all very well for members opposite to talk glibly about refunding the money, but we must remember we are talking of millions of dollars of public money. Mr Cooley is well aware of that fact, and he indicated it would be difficult to refund the money; and if it was refunded the amount would have to be made up in some other way. Let us be practical. It is easy to talk about public moneys, and it would be nice if we were able to refund it, but I remind members of these two facts: firstly, no illegality has been established. Legal doubts have been raised, and that is the reason for the Bill. Secondly, if the money is refunded, where do we get it from?

We are talking about a public utility; we are not talking about a private enterprise organisation that can be sued, and that can take the money out of shareholders' funds or accumulated reserves. We are talking of a Government or a semi-Government utility which belongs to the State. We must take a responsible attitude.

I want to remind members opposite of one further fact. If there has been any illegality involved, that illegality has happened over a long period of time under many Governments. Nobody yet knows how far back these actions go, and I do not know of any previous Government that has taken any action to validate them. It is time this was done. We are now living in a different era, and I would like to point out to the Hon. R. Hetherington that we have left behind that period when such matters went unquestioned. We now have a Parliamentary Commissioner and we are taking steps to endeavour to correct such matters, hence this Bill is before us. I do not think we should be criticised for that. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

TEACHERS' REGISTRATION ACT REPEAL BILL

Second Reading

Debate resumed from the 7th September.

THE HON. R. HETHERINGTON (East Metropolitan) [9.00 p.m.]: The Opposition opposes this Bill. Before I deal with the Bill at any great length—not that I can deal with the Bill itself at any great length, but with what it is trying to do—I wish to register a protest at the length of the second reading speech which this House was given. Of course, I am not taking issue with the Attorney General, who was acting here as agent for a Minister in another place. When I checked, I found that the second reading speech delivered in another place was no longer, and no more informative.

It seems to me that, if it is intended to repeal legislation, we should be given rather more information than in fact we were given by the Minister on this occasion. It is all very well to claim that, since the intention to repeal the Act was made known last year, there has been a great deal of discussion on the matter, as was claimed in another place. At the same time, I believe that a Minister who intends to repeal an Act should give some sort of substantive reasons.

We are told that the decision to repeal the legislation was the result of significant changes in educational administration since the Act originally was passed. Just what that has to do with the need to repeal the Teachers' Registration

Act, I do not know. It would seem to me that it would not matter very much how the administration of the department was changed, when the key thing about the Teachers' Registration Act was the registration of teachers, and not about anything to do with the administration of the department.

Perhaps there is some reason that the changes in educational administration since the Act originally came into force have had some effect on the Act. If there are reasons, I would certainly like to know what they are. With due respect to the Minister sitting opposite, I doubt if he will tell me, because I do not think the Minister for Education has yet revealed these reasons anywhere, as far as I can see.

The Hon. D. J. Wordsworth: I think he revealed them in the debate in another place.

The Hon. R. HETHERINGTON: I will come to that in a moment, because I was interested to see whether I could find some reasons. I have looked into this matter and I will expand on it in due course, I hope to the edification of the Minister for Lands.

The other thing the Minister for Education said was that there was "an increasing awareness that many of the supposed objectives would not be fully satisfied within the legislation". Good heavens! I wonder of how many regulatory bodies this can be said.

When this Act became law and the Teachers' Registration Board was established there was a number of regulatory bodies in Western Australia. I happen to have a list of them, which I will read to the Minister just in case he does not know. They are as follows—

Architects' Board of Western Australia
Barristers' Board
Betting Control Board
Board of Examiners for Coal Mining Managers
Board of Examiners for Mining Managers
Builders' Registration Board of Western Australia
Chiropodists' Registration Board
Chiropractors' Registration Board
Cinematograph Operators' Board
Companies Auditors' Board
Dental Board
Electrical Contractors' Licensing Board
Electrical Workers' Board
Finance Brokers' Supervisory Board
Greyhound Racing Control Board

We need to control greyhounds, but not teachers. The list continues—

Hairdressers' Registration Board
Hire Purchase Licensing Tribunal
Industrial Training Advisory Council
Land Agents' Supervisory Committee
Land Surveyors' Licensing Board
Licensing Court
Medical Board
Motor Vehicle Dealers' Licensing Board
Nurses' Board
Occupational Therapists' Registration Board
Optometrists' Registration Board
Painters' Registration Board
Pharmaceutical Council of Western Australia
Physiotherapists' Registration Board
Psychologists' Registration Board
Taxi Control Board
Veterinary Surgeons' Board
Western Australian Teacher Registration Board

I know that we have removed some of those and added some.

The Hon. D. J. Wordsworth: Do you feel they have all satisfied their objectives?

The Hon. R. HETHERINGTON: I would be very surprised if they all had, but has the Minister noticed the Ministers responsible for those particular boards getting rid of them? I noticed that the Land Agents' Supervisory Committee recently was replaced by what was hoped to be a more efficient body. However, the Teachers' Registration Board, having been set up, now is to be just abolished.

The Hon. D. J. Wordsworth: Wait a minute; that has not been said.

The Hon. R. HETHERINGTON: The board was set up; it is in existence. If the Minister for Lands reads what the Minister for Education said in another place, he will find he said not only was the board in existence but also its members voted themselves out of existence. They took a vote, and then approached the Minister. The board certainly does exist and it will go on existing until such time as this legislation is passed; there is no doubt about that at all. It may not be operating but it exists.

The board could be operating if the Minister for Education allowed it to go on existing. What we are told is that a committee was set up under

the chairmanship of Dr W. D. Neal, and that the committee made several recommendations. It looks as if what the Minister for Education is more interested in at present is some method of assessing teacher competence, and some method of sacking incompetent teachers. I will have more to say on that later.

The Minister for Education promises us legislation in due course. I would have been happier if the Minister, having decided that the Teachers' Registration Board was not going to serve the intentions it was originally established to serve, had introduced amending legislation or a new Bill, together with his repeal Bill, so that we could have something to replace the Teachers' Registration Board.

The Teachers' Registration Board was established in 1976, after 10 years of negotiations, yet last year its operations were suspended and now we are debating legislation to repeal it. Of course, since 1976 there has been a change of Minister; I do not know whether that has anything to do with it. Certainly, I think it is very doubtful that the change has been of any great benefit to this State. We might have been better off had the original Minister been left in charge of the portfolio. Certainly, since the present Minister has been in charge of the portfolio we have had a series of confrontations with the Teachers' Union which have led to the announcement in this morning's newspaper that the teachers are thinking about conducting rolling strikes. It is a very sad day that this position has been arrived at and I believe it could have been avoided with adequate consultation. However, after 10 years of consultation a board was set up and after only one year the Government has decided it is going to throw it out again.

The Hon. D. J. Wordsworth: Why do you think it took 10 years? There was a Labor Government during that time. Surely that indicates it was a matter of great complexity.

The Hon. R. HETHERINGTON: It took 10 years because there was a lot of debate and many problems which had to be thrashed out.

Having read the Minister's second reading speech in another place, and having heard the second reading speech in this place, I wondered if there were any other reasons for the repeal of the legislation. So, I decided to read the Minister's reply to the debate which took place in another place. I was interested to see whether the Minister gave any more reasons to support the repeal of the legislation; certainly, no reasons were advanced in the second reading speech in this Chamber.

I found the Minister claimed there had been considerable public discussion since he announced his decision—not before he announced his decision to get rid of the board, but since he announced it. This seems to be the style of the Minister for Education; he makes a decision and then sits back and listens to the public discussion. However, he certainly never changes his mind.

The Hon. D. J. Wordsworth: He indicated this about 12 months ago, which is a considerable time ago.

The Hon. R. HETHERINGTON: I advise the Minister for Lands to read what the Minister for Education said because he will find it very interesting. I have the advantage that I have read it. The Minister said—

> Ever since that decision was made last year there has been considerable public discussion both in the Press and in this Chamber, where the matter was raised by the Opposition.

By "this Chamber" the Minister was referring to another place.

The Hon. D. J. Wordsworth: It sounds to me as if he has left quite a lot of room for debate and discussion.

The Hon. R. HETHERINGTON: He is leaving no room for debate or discussion on whether the Teachers' Registration Board stays. I am arguing that, in fact, the Minister for Education has given no adequate reasons for the abolition of the board or for the introduction of this repealing legislation. He does say—I presume this is true, although the Minister certainly would not produce the minutes of the board meeting—that the board voted itself out of office and that before the board was established, various groups representing independent teachers, Government teachers, the Teacher Education Authority, and so on all participated in discussions leading to this Government bringing in the Statute in 1976.

Now the Minister claims that, on the advice of those self-same people—although he is not quite sure of that, because he says later that the representatives on the board were different; let us state accurately what the Minister really is saying—the legislation is to be repealed because the Statute has been found to be inadequate. The Minister claimed—

> . . . the basic concept of ensuring that only adequately trained, efficient teachers stand in front of classes is still valid and must still be pursued.

Certainly, the key to the Teachers' Registration Act and the establishment of the Teachers'

Registration Board was to make sure that the one group of people who are consumers without rights in the sense that they cannot choose not to consume—I refer to the school children, who are forced by Act of Parliament and by their parents to go to school—should be protected and should have adequate teaching. This was the first step; namely, the establishment of the Teachers' Registration Board along those lines.

The Minister finds the Act introduced by his predecessor to be inadequate, because he says that the greater number of teachers in this State would be absorbed straight into the system without assessment. I find this to be a very dubious argument because, obviously, we must start somewhere. If we abolish this board, the people in teaching will still be there without assessment and nothing that is proposed by the Minister or by the committee which was established to advise him—I will refer to that in a moment—suggests any other way of handling the situation.

The Minister objected to the fact that the Statute implied that all who had been employed as teachers for two years would be registered, regardless of their ability.

Mr Deputy President, I am trying to set out the Minister's arguments as fairly as I can. I am not trying to say anything that he has not said; I want to give him the benefit of all the doubts, because I still think he is wrong and I want to tell the House why I think he is wrong and why I disagree with the reasons the Minister for Education and the people who are advising him have put forward to support the abolition of the Teachers' Registration Board.

The Minister also argues that one of the changed circumstances is the changed situation regarding the association of teachers and teachers' colleges. Another was the difference regarding the methods being pursued by the Education Department today. Another was the change of attitudes in the education system, apart from the State system. The Catholic system discussed various aspects with him as did the independent schools.

If I may revert to when I was a university lecturer, let me say that if the Minister's second reading speech was an essay I would not give it very good marks as it just makes statements and gives no real reasons explaining what are the changed circumstances regarding the association of teachers which make registration no longer necessary. The Minister does not explain.

The Hon. D. J. Wordsworth: I thought he did.

The Hon. R. HETHERINGTON: I cannot see that he has.

The Hon. D. J. Wordsworth: One of the circumstances was that a number of years ago all teachers were accepted and now we have heard complaints from the Labor Party that not all are accepted.

The Hon. R. HETHERINGTON: Perhaps the Minister has explained elsewhere. The Minister talks about different recruiting methods being pursued by the Education Department. What interests me is the changing attitudes within the education system, apart from the State system. I would like to know what these changing attitudes are. If I had time I could write to the Catholic Education Commission and find out what their changing attitudes are. In due course I hope to do that. Certainly at the present time I am trying to arrange a meeting with the Parents and Friends Association to discuss their attitudes on certain things, but it all takes time.

I would be interested if the Minister, who gives these as reasons for bringing down this Bill, would spell out the reasons a little more fully so that I can know what he is talking about. We should take note that the Minister said that the Teachers' Union has indicated to him that it sees some weaknesses in the original concept of the legislation and its application. He seems to suggest that the union is not terribly unhappy with the Bill.

The Hon. D. J. Wordsworth: Your debate seems to be following the debate in another place.

The Hon. R. HETHERINGTON: That is not strange, because it is the same Bill we are discussing. I have read the debate in another place and certainly the member for Gosnells, who led the debate for the Opposition, and myself are on a committee which has discussed this very fully and we are in total agreement. As a matter of fact, when the member for Gosnells was a member of the Teachers' Union he was on a committee which discussed the establishment of the Teachers' Registration Board before it was set up. Therefore his recollection of some of the things that were discussed is very significant.

I suggest that some of the reasons suggested by the Minister and the committee which the Minister set up were matters that were discussed fully at that time and there is nothing new about them. I am not sure who was Minister for Education at the time. It may have been the Hon. Graham MacKinnon, but who was Minister is irrelevant. As the Minister opposite pointed out, it is something that went on for 10 years under both Labor and Liberal Governments. The issues were heavily thrashed out and now, suddenly, we find

the Minister along with other people has had new ideas.

After I had looked through what the Minister had said I was still not much wiser. He set out a list of things but did not really explain them in any depth. The Minister referred people to the report of the committee set up by him which consisted of Dr W. D. Neal as chairman, and he is Chairman of the Western Australian Post-Secondary Education Commission; Dr J. de Laeter, who is chief of the School of Applied Sciences at WAIT; and Mr S. Drake-Brockman, who is executive officer of the National Cash Register Company of Australia.

The Hon. D. J. Wordsworth: None of them schoolteachers.

The Hon. R. HETHERINGTON: It is fairly obvious that none of them teach in the classroom. I suppose it is considered they know better than schoolteachers. Those men included a great deal of discussion in their report about the inability to legislate for teacher competence and just what competence and incompetence are. I will come back to this when I discuss the Act, because I want to go back and talk about the actual Act we are trying to repeal.

I wonder if some of the things are not adequately covered in the Act or could not be covered in the Act. I am not sure, even if we take some of the criticisms seriously, and I am not dismissing them, that there is still any reason for the repeal of the legislation.

The report makes the point made by the Minister that the terms in the initial registration concept are so broad that anyone teaching before the 1st February, 1978, can be registered. Their argument is that registration is not protecting children from incompetents already in the education system.

I think if we do not start somewhere with a process of registration we will go on doing this. The committee members make certain other suggestions which I will first outline and then criticise. They mentioned the employing of part-time teachers in the technical education division and the employing of individuals in specialised areas where full teacher qualifications are not necessary. They seem upset about this, but it is not new. It is the very point that Mr Pearce, who was a member of the Teachers' Union, discussed on a special committee some years ago before the Act was brought down.

So it is not an objection that has suddenly come up. It was an objection discussed and thrashed out before the legislation was brought down. The matter was discussed very fully.

The Hon. D. J. Wordsworth: That didn't make it go away.

The Hon. R. HETHERINGTON: No, but it did mean the Education Department and the Minister for Education in this Government accepted that the difficulties were there and felt they were encompassed by the legislation. I do not disagree with the previous Minister in his acceptance of this. I wonder, if he had stayed with the portfolio, whether this could have been made to work, because he might have had the will to make it work. I had hoped the legislation would work but it looks as if this is not going to happen.

There are all sorts of alternatives offered, according to the report. Some emphasise improved pre-service programmes and the Catholic Education Commission has assured the committee that it will ensure that only suitable teachers are employed in the Catholic education sector. The Catholic Education Commission could not see why other bodies could not do the same. The commission argued that the responsibility for selecting only suitable teachers would rest on employing authorities, and this would make the registration board unnecessary.

I do not think that is so. What some submissions to the committee then had to say was deplorable, and it seems the committee has followed this to some extent. The report says—

> Several submissions returned to first principles and questioned the need for teacher registration. A widely held view suggested that, at least in present circumstances, an oversupply of teachers provided a sufficient safeguard. In such a condition, employing authorities could afford to select only the best teachers.

One of the problems is: What criteria do we use to establish the best teacher?

The Hon. D. J. Wordsworth: The same goes for registration.

The Hon. R. HETHERINGTON: That is the very point and I will come back to that when I talk about the powers of the registration board. An employing authority does not necessarily use the same criteria that a registration board would use when looking for teachers' qualifications.

One of the problems with an oversupply of teachers, or any group of people for that matter, is that they can be refused employment not because of their incompetence but because of their appearance; the beards they wear, their clothes, or their haircuts. It has been suggested by a Government member in another place that now that there is an oversupply of teachers perhaps a bit of discipline could be brought in. This is very

subjective and this is why we need a registration board that tries to look for objective criteria which do not dwell on appearances and so forth.

One of the things I have been interested to find since I have been Opposition spokesman for education is that I have had the chance to visit many primary schools. I have been delighted to discover things that have made me a little surprised and perhaps a little sad in that I was not now a child again in some of the present primary schools in Western Australia instead of going to primary schools in the 1920s and 1930s. I have found bearded young men and some without beards, dressed in jeans and pullovers, sitting on the floor talking to young children who were obviously interested in what these young men had to say. It seemed to me that these children were happy and busily occupied in relating to their teachers.

I have the impression, which I cannot prove as it is necessary to be careful of subjective impressions, that schools are better than they were and that the education system in many ways is better than it was. I have said before there are many good things going on in the Education Department. I do not regard it as the duty of the Opposition spokesman on education to knock everything being done under the present Minister or by the Education Department under the present Government. This would be foolish because there are very many good things being done under the present Minister and in the present Education Department. That does not mean I agree with everything he does.

The Hon. D. J. Wordsworth: You did highlight the difficulty in judging qualifications.

The Hon. R. HETHERINGTON: There is difficulty. I will not forget that point; I will come back to it when I am discussing the Act which I want to do before I conclude.

For this reason I think the solution does not lie in allowing the employing authorities merely to select teachers, particularly in times when there is an oversupply of teachers. In these times it might be a good idea for a registration board to get to work to try to establish criteria to use again when there is an undersupply of teachers. Perhaps we would not be choosy enough, but we still would have criteria by which to judge people. When there is an oversupply of teachers it is a good time to establish standards instead of using them to put pressures on teachers, or say that it solves all our problems. We know there are many people queuing up, so the department is choosy. It is a good time to establish permanent criteria and to have a registration board which will do this very difficult thing.

Over a period of years I hope the criteria will be established in some kind of meaningful way because what the report does say, even when it recommends the repeal of the present Act, is that there is a difficulty in setting out in legislation the criteria of competence. I would think there would be this difficulty if we decided to set out in legislation the criteria for medical practitioners or the criteria for any number of other people who have their peers in registration boards. It would be foolish.

The Hon. R. F. Claughton: Any legislation of that sort usually carries a grandfather clause.

The Hon. R. HETHERINGTON: That is right.

The Hon. D. J. Wordsworth: You illustrated how foolish we were by listing the number of registration boards we have.

The Hon. R. HETHERINGTON: I am not against them. They are absolutely essential. I will not make the point made in another place about the land agents, but the Minister knows about it anyway.

In the report there is a passing reference to opposition to any moves which might swell the size of the Government machinery dealing with such matters. This seems to be fatuous. If a registration board is necessary, do not let us get rid of it just so that we can stop the numbers growing. This is a lot of nonsense.

I heard someone on television make a sweeping blanket statement that one-quarter of the Australian work force comprised public servants. He meant that somewhere between 20 and 25 per cent of the work force were employed by Governments, which is different altogether.

The report points out that the object of the Act is to safeguard the public interest by ensuring that the teaching, and administration of the teaching, of courses of instruction to pupils in schools are undertaken only by competent persons. This, of course, is difficult. However, I do remember that when I read R. H. Tawney's book on equality he talked about the need to get greater equality in our society and he used the analogy that if just by washing we do not get ourselves absolutely clean we must not roll in dung heaps. Merely because we cannot overcome the problem, we do not wash our hands of it and give it up. This is the wrong way to go about solving a problem.

As the report states, being competent might entail a number of things including being a fit and proper person, and having certain qualifications

and experience. I would suggest that one of the dangers of a system of registration—but I think there are other dangers it balances—is that sometimes too much stress is placed on paper qualifications. I am not convinced that the person with the best paper qualification at any level of teaching is necessarily the best teacher. Sometimes the people with no paper qualifications are excellent teachers. The Act makes allowance for that, but perhaps not sufficient allowance. Possibly it needs amendment.

The report refers a great deal to the public interest. Of course once we talk about the public interest we can float off into terms of difficulty, philosophy, and definition. The report talks about the community needing to be served by getting adequate return for the expenditure it makes on education. I do not know what that means because I do not know what "adequate returns" on expenditure are. Some people want to put a cash value on education. Others believe that people are educated if they acquire skills to perform certain tasks or to occupy certain vocations. It seems to me that what is adequate education includes a number of imponderables about the development of people and sometimes, of course, adequate education will turn out people who, for at least some time, look more like rebels than people who conform with our society. This makes people shrink away. It depends on criteria and whether we recognise some healthy criticism when we see it or whether we think that people who do not conform should be forced to submit and made to conform to discipline.

So some members of the board—some of three members would mean at least two I suppose—would argue that the question of assessment of competency must be left to the employing authority. I disagree with that argument entirely. It is best left outside the employing authority in the same way that as departments get larger and as decisions multiply they need a bit of cushioning from outside.

I was quite distressed because the other day I made a statement and it did not get into the Press. I said that although the ALP was committed when it got into Government to establish an arbitral and mediation body for teachers we hoped we did not have to do it. I certainly hoped that Cabinet would agree to do it this week, because it seems to me to be reasonable that any Minister acting on the advice of a vast number of people in the Education Department is likely to make mistakes, and it is not a bad thing to go to arbitration. A Minister should not feel he is defending himself somehow and I do not see why teachers should not go to arbitration as do other members of the community in connection with salaries and conditions.

The Hon. D. J. Wordsworth: Do you think it is all right for teachers to go to arbitration to disagree with Dr Neal and others who were not teachers making a report on this?

The Hon. R. HETHERINGTON: Yes. We do not always have to agree with a committee.

The Hon. D. J. Wordsworth: No, the formation of the committee.

The Hon. R. HETHERINGTON: I would think that if we did establish an arbitral and mediation board and the time ever came—I am talking in hypothetical terms—that I were Minister for Education I would not always agree with the decisions of the arbiter. Of course, I would not. I would argue against them sometimes and sometimes it may be—I do not know—that I would slip a clause in to ignore one or two of them. I hope I would not, but we all tend to be human. This is one of the things we are trying to guard against with the bureacracy, and I am not using the term pejoratively. It is because of the size of our bureacracy that we have an Ombudsman or Parliamentary Commissioner, in an effort to try to increase checks and balances, because of the multitude of decisions which have to be made by very large and efficient departments, they can and do make mistakes.

This is one of the reasons I would be happy if this House were what it claimed to be; that is a real House of Review looking at detail of legislation and split into committees to do this. We need the kind of scrutiny of government we do not always get in our present system.

The Hon. D. J. Wordsworth: Perhaps your party could have a policy of a politicians' registration board and list the qualifications required.

The Hon. R. HETHERINGTON: This is one case where I think the employers should decide, and they do. I have tried to think of the qualifications required. We used to play little games like that in tutorials based on, "what are the qualifications for politicians?"

The Hon. D. K. Dans: Don't tell anyone for heavens sake!

The Hon. R. HETHERINGTON: It is interesting because the one thing we find out if we are working in a university—and Mr Gayfer will agree with me wholeheartedly here—is that there is a collection of well educated people. We cannot get them thicker on the ground. However, as far as political matters are concerned some of them

are babes in arms or children—not all—but some could make good politicians.

The Hon. D. J. Wordsworth: You have convinced me.

The Hon. R. HETHERINGTON: Some like to try their hand. It is very difficult to establish criteria for politicians. One of the things I discovered early in my interest in politics—both academic and practical—was that a large number of experienced trade unionists could tell me a great deal about political situations when an academic could not do so. We will not try that for politicians. But I allowed myself to be diverted and had better get back to the Bill.

Many of the things recommended by the committee are not agreed to by me, although I think the question about probation and deregistration being spelt out in the Act is perhaps dubious.

The report talks about a third alternative resting with employing authorities being required to satisfy stricter criteria about teachers they employ. I do not regard this as an alternative. I do not see that because we have a board, this means that the employing authorities—and the largest employing authority and the one about which we are largely worried is the Education Department—must set up checks and balances. Of course we want the employing authority to satisfy strict criteria about the teachers it employs, but certainly this is supplementary to a board. I cannot see that it has any opposition to it.

Anyway, the committee does recommend—and this is its major recommendation—that the Act be repealed and that registration not be implemented. At the same time the committee recommends that steps be taken to introduce legislation that will place a stronger obligation on employing authorities with respect to such matters as teachers' qualifications, professional development, and competence, though it talks about how to get rid of teachers, about probationary periods, about review and assessment, and about the possibility of modern assessment practices which involve self-evaluation and peer evaluation. This is all very desirable but it still gives no reason to say we should get rid of the board.

I therefore want to have a look at the Act which we are being asked to repeal, but I hope the House will not pass the legislation. The board was established and it comprised a chairman nominated by the Minister, two people nominated by the Director General of Education, three people nominated by the Teachers' Union, one from the Catholic Education Commission, one from the Independent Schools Salaried Officers Association, one representing institutions providing teacher education, and one from the Association of Independent Schools of Western Australia.

The Minister tells us all of these except the three representatives of the Teachers' Union voted for the abolition of the board.

The Act says as far as the registration of teachers in concerned—and the words are general—

> 13. (1) Subject to this Act, a person who applies to the Board to be registered as a teacher and satisfies the Board—
>
> (a) that he is a fit and proper person to be registered as a teacher; and
>
> (b) that—
>
> (i) he holds the prescribed qualifications and has had the prescribed experience as a teacher;
>
> (ii) he holds qualifications and has had experience as a teacher that are adequate for the purposes of registration; or
>
> (iii) in the case of a person who applies for registration before the first day of February, 1978, he has had experience as a teacher in this State, over the period of two years immediately preceding the date of his application, that is adequate for the purposes of registration,

This grandfather section says that all those who were teachers before the 1st February, 1978, may be registered. That may be regarded as an objection, but if we want to get rid of some of the people we must set up machinery for getting rid of unsatisfactory teachers. This is provided for in the Act at present, although it might be argued that the Act needs strengthening. But of course we have to start somewhere, and we could not now go through all the teachers in Western Australia and start culling them out—throwing back the little ones, as it were—because we would now know what we would have left and it would waste a great deal of time and cause chaos.

If we start registering teachers now, all the people coming in will be registered or temporarily registered in due course, particularly if we establish methods of assessment of the competence of teachers. Everybody will be registered because everybody will have satisfied the criteria of the board. If we do not do this we will not change anything by failing to set up the registration board. We will leave all the teachers who are there and start winkling them out,

putting the responsibility back on a number of disparate authorities—the teachers' colleges and the various employing authorities—to ensure they employ the right people. I do not know whether we will then set up an authorities commission to try to make all the criteria uniform, but we would not need to do that if we left the registration board in existence.

The Act further provides—

> 14. (1) Where a person applies to the Board to be registered as a teacher, pays the prescribed fee, and satisfies the Board that he is a fit and proper person to be registered as a teacher, but is unable to satisfy the Board that he—
>
> (a) holds qualifications and has had experience that would render him eligible for registration under subparagraph (i) or (ii) of paragraph (b) of subsection (1) of section 13; or
>
> (b) has had experience that would render him eligible for registration under subparagraph (iii) of that paragraph,
>
> the Board may provisionally register that person as a teacher under this section for such period, not exceeding three years, as it determines.

The board can extend the period for another couple of years so that a person who looks as though he will be a good teacher but has not the qualifications will have five years to get them or be on the way towards getting them. That seems to be quite sensible. It means the board starts registering people and establishing criteria. The board decides who will be good teachers.

The board may make some mistakes, as employing authorities may and have done in the past, but it will be establishing criteria within the particular principles set out in the Act. This is done quite often by many registering bodies. I think it is very desirable that this should happen because there would be a set of qualifications and criteria which are standardised.

I am not saying "standard". I would not want members to run away with the idea that I believe all teachers should be the same or should be poured into the same mould. If teachers are good teachers they do good things in different ways. As far as I am concerned, one fundamental criterion is that a teacher likes children. This is hard to measure but in my experience I have found that teachers, varying from permissive to authoritarian, who like children can quite often get discipline and work from children and can relate to them and get them interested.

There is a whole range of other criteria, because today school teachers are basically trying to do two things. They are trying to give children a group of skills to enable them to cope with the world, and they are trying to help them develop as people to enable them to cope with the world. They are trying to develop the children's personalities so that they will be able to deal with the world and at the same time develop fully as human beings. It is very difficult.

The task of a teacher is not an easy one, and a good teacher is well worth having. Good teachers are almost beyond price. Even the run-of-the-mill teacher is worth having, but bad teachers are very dangerous because they can do irreparable harm to children in their early years. We should ensure that all the teachers in our school system are the best possible teachers.

Section 17 of the Act states—

> 17. (1) The Board may, on its own motion, or on the application of any person made to the Registrar, inquire into—
>
> (a) the eligibility of any person registered as a teacher to be so registered; or
>
> (b) the fitness of any person registered as a teacher to continue to be so registered,
>
> or both.

Some people may regard this clause as not being adequate, but let us try it and see. Let us see what the Teachers' Registration Board can do. Let us see whether we need to amend the Act. Let us see whether we can make it better. However, if some problems have arisen, about which everybody knew some time ago, and if some teachers who found they had to pay $15 to register suddenly found registration was not as attractive as they thought it would be, this is not anything new or surprising. Surely it is to be expected.

Therefore, I cannot see why there is any necessity whatsoever to repeal the Act. If the Minister in charge of the Bill can give me valid and cogent reasons and full explanations—which is more than I have had from other sources I have consulted, including the speeches of the Minister in the other place and the report of the committee set up by the Minister, which I do not find very satisfactory—perhaps I will change my mind. In the meantime, I suggest the Act be not repealed and that the registration board be allowed to continue in existence and establish its criteria so that we can see whether we need to amend the Act. We should have a board to establish criteria for all branches of teaching in this State, both public and private.

I will conclude by quoting from a letter which I presume all members have received and which I hope all members have read. It is dated the 27th

October, 1977, and comes from the General Secretary of the State School Teachers' Union. The Minister claims the union is not being entirely fair to him in its letter. I have no way of knowing that but I will quote what it says—

> As a Member of Parliament you should be aware that prior to Mr Jones' decision, no contact had been made with the Teachers' Union, officials of the Independent Teachers' Association, and the many other interests represented on the Teachers' Registration Board before the decision was made to suspend the operation of the Teachers' Registration Act.

The Minister says the decision was made on the recommendation of the board by people who were appointed to the board to represent those bodies, and not by the bodies themselves. To continue—

> My Union is concerned that the Minister's action, which may soon be sent to the Governor for approval, may spell the end of the concept of registration of teachers. You are probably aware that the financial operations of the Registration Board were to be such that no Treasury finance would be required to maintain registration of teachers and thus the activity would be self supporting.
>
> The Minister seems to indicate, as one of his reasons for suspending registration, the fact that he had been receiving increasing questioning from teachers as to the necessity to have registration.
>
> My Union is well aware that in any positive reform introduced for the welfare of society, there is always an alternate point of view. However, until the alternate point of view is in the majority, my Union believes no action should be taken to suspend indefinitely a reform which has majority approval. You should be informed also that my Union, in company with representatives from not only the state sector of Education but other sectors, is currently attempting to see Sir Charles Court, the Premier, on the matter but, at the time of writing, no information has been received from the Premier's office. Therefore, on behalf of the Union, I beseech you to raise this matter in Parliament with a view to gaining sufficient support to have the Teachers' Registration Act suspended only until the 1st April, 1978.

I contacted the union after I received that letter and was again assured by its assistant secretary that it was still the union's view that it wanted the registration board to continue in existence; it felt that nothing but good could come from it.

Let the experiment be tried. Let us do what has been done in the other States. Let us have a Teachers' Registration Board. It is nothing new. We are lagging well behind the other States, which have such boards. Let the board continue in existence and then we can see whether the legislation needs amending. If we throw it out, heaven knows when the new legislation the Minister is talking about will come into being—perhaps in another 10 years' time, when many of the present teachers who are worrying the Minister and the committee will have passed out of the education system anyway. The majority of teachers would be registered and we might find the system is working well. The legislation can be amended in the future if it is found necessary.

For those reasons I oppose the legislation very strongly and invite members to vote against it with me.

Debate adjourned, on motion by the Hon. N. F. Moore.

House adjourned at 10.00 p.m.

QUESTIONS ON NOTICE

TRAFFIC

Lights: Great Eastern Highway-Abernethy Road Junction

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

(1) Is the Minister aware that—

(a) Hardey Road, Abernethy Road and Orrong Road, are the only through roads that provide a direct access between Great Eastern Highway and Leach Highway, in the Belmont/Rivervale area;

(b) of the three roads concerned, Abernethy Road is the only one which is not equipped with traffic lights at the Great Eastern Highway intersection, yet has traffic lights at the Alexander Road and the Wright Street intersections, and will shortly have them operative at the Leach Highway intersection; and

(c) because there are no traffic lights at the intersection of Great Eastern Highway and Abernethy Road, an ever increasing number of motorists using Abernethy Road as an access road between the two highways, are electing to enter and leave Great Eastern Highway via Belmont Avenue or Belgravia Street because they are both equipped with traffic lights?

(2) As Abernethy Road is a direct through access road between the two highways, will he explain why priority was not given to this road for traffic light installation?

(3) Will he have his department give the provision of traffic lights at the intersection urgent priority because, apart from the inconvenience being caused to motorists because of the "detour" situation, the subsequent increase of traffic past the Belmont primary school in Belgravia Street is creating a safety and noise problem for children attending that school?

The Hon. D. J. WORDSWORTH replied:

(1) (a) Yes.
(b) Yes.
(c) It is quite likely that some traffic is diverting to other junctions.

(2) Normally traffic signals would have had a high priority for installation this financial year. However, traffic patterns are expected to change when certain road works on other shire roads, planned by the Belmont Shire Council, have been carried out. The project was therefore deferred.

(3) The situation will be re-assessed after works planned by the local authority have been completed.

MINING

Wetlands: Environmental Protection Authority Reports

292. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Conservation and the Environment:

(1) Has the Environmental Protection Authority undertaken or received reports on the effect of mining on wetlands?

(2) Will the Minister advise the titles of these reports, if any?

(3) Is a possible consequence of mining on a wetland lake the breaking of the impervious bed and releasing the waters into the lower groundwater strata?

The Hon. I. G. MEDCALF replied:

(1) At the request of the Environmental Protection Authority the Geological Survey of Western Australia has submitted to the Authority reports on the hydrology of Lake Cronin and Wardering Lake. The likely effects of mining and other use activities have been discussed in these reports. The Department of Conservation and Environment has been involved in the assessment of mining at Lake Kogolup and Herdsman Lake.

(2) Wardering Lake—Hydrological Report No. 1427. Lake Cronin Preliminary Investigation of Hydrology—Report No. 1412.

(3) In some special cases yes, such as Lake Cronin which consists of a surface filled depression. In most cases, where the lake is a surface expression of the water table, no.

REGIONAL DEVELOPMENT

Adminstrators: Albany and Geraldton

293. The Hon. W. M. PIESSE, to the Leader of the House representing the Minister for Regional Administration and the North-West:

(1) What is the cost per year of the office of the Regional Administrator in Albany, including salaries paid?

(2) What is the range of salary for a Regional Administrator, including allowances?

(3) What specific benefits have eventuated from having a Regional Administrator in Geraldton?

The Hon I. G. Medcalf (for the Hon. G. C. MacKINNON) replied:

(1) The cost for 1978-79 is estimated to be $82 023.

(2) Regional administrators are employed on a salary of $22 582 per annum.

Administrators based at Kununurra, Karratha, Carnarvon and Kalgoorlie receive a District Allowance in addition to this salary which is $1 906, $1 555, $742 and $115 per annum respectively.

(3) Apart from having assisted local government in many matters and acting as a co-ordinator between the three tiers of government and the public, the Regional Administrator has been responsible for—

(a) establishing a Regional Development Committee which has arranged re-opening of the Geraldton Abattoirs creating 100 new positions in the region;
(b) assisting in the establishment of new industry, e.g. Northern Mining have opened a regional office;
(c) giving encouragement to overseas companies to establish in the region;
(d) arranging the re-siting of the Bluff Point Pre-School Centre to the satisfaction of local residents, Shire and Government departments;
(e) carrying out consumer affairs duties in the region; and
(f) completing a report on manpower planning for the region.

HEALTH

Chiropractors, Dentists, and Medical Practitioners: X-rays

294. The Hon. T. KNIGHT, to the Minister for Lands representing the Minister for Health:

(1) As it has been demonstrated that radiation in excessive doses can be detrimental to health, and whereby any application over and above that necessary for a diagnostic film must be considered hazardous, why is it only necessary for chiropractors in this State, who represent a small section of those utilizing radiation, to demonstrate competence in this area?

(2) Why are dentists and medical practitioners not required to sit for any form of examination?

(3) Why can dentists and medical practitioners hire untrained persons to operate the X-ray machine?

(4) As there is apparently a form of examination, why is this not utilized for every operator of X-ray machines?

The Hon. D. J. WORDSWORTH replied:

(1) The requirement that chiropractors who wish to use X-rays demonstrate their competence by examination was introduced in 1975 by the Radiological Council on the advice of a sub-committee which included representatives of chiropractors. Prior to 1975, licences to use X-rays had been granted to chiropractors largely on the evidence of qualifications which indicated that the chiropractors had received training in the use of X-rays. Notwithstanding this evidence of training, it became apparent that some chiropractors who had been granted licences were lacking in competence in the use of X-rays, and in consequence excessive doses of radiation which could be detrimental to health were being delivered to patients.

(2) Strict minimum standards applicable to dental X-ray equipment have been enforced for many years and have reduced the dose of radiation received by the patient to very low levels in comparison with chiropractic and medical use of X-rays. Dental X-rays are taken by or under the close supervision of the dentist who has been trained in this technique. It is not considered that any further control is needed.

The large majority of medical X-rays are taken by qualified radiographers under the supervision of qualified radiologists, both of whom have demonstrated their competence in examinations leading to their qualifications. A small proportion of X-rays are taken under the supervision of general practitioners. Where these are taken by persons without radiographic qualifications, they are restricted to simple examinations of the chest and extremities.

Many small country hospitals provide an essential X-ray service to the community under the direction of local general practitioners. The operators of the equipment in these hospitals are qualified nursing personnel who are trained, assessed and the standard of their work supervised by Medical and Public Health Department officers. Over 150 persons have been trained in this way in recent years. It is not considered that any further examination is warranted.

Some metropolitan general practitioners have X-ray facilities operated by persons without radiographic qualifications. Some have received training in basic X-ray techniques but the Public Health Department is not entirely satisfied with this situation.

It should be appreciated that chiropractors who hold a licence to use X-rays are permitted to X-ray any part of the body and that in comparision to dental radiography and medical radiography under the control of general practitioners, chiropractic radiography results in much larger radiation doses to the patient. For this reason, it is considered that stricter controls are necessary.

(3) See answer to (2).

(4) The form of examination referred to in the question is specifically designed for chiropractic use of X-rays and would not be appropriate for other groups even if it was considered that an examination was needed.

ROAD

Canning Highway

295. The Hon. D. K. DANS, to the Minister for Lands representing the Minister for Transport:

Further to part (3) of my question No. 253 on the 6th September, concerning the re-surfacing of Canning Highway, will the Minister advise the cause of the break up of the hot-mix surface?

Thr Hon. D. J. WORDSWORTH replied:

A combination of low bitumen content, cool weather at time of laying and lack of compaction.

GOVERNMENT DEPARTMENTS

Flexi-Time

296. The Hon. F. E. McKENZIE, to the Leader of the House representing the Minister for Labour and Industry:

(1) Are "flexi-time" working hours operating in any State Government department?

(2) If so, which ones?

(3) Does "flexi-time" permit a working fortnight of less than 10 days?

The Hon. I. G. Medcalf (for the Hon. G. C. MacKINNON) replied:

(1) Yes.

(2) All departments of the Public Service. The extent of use of flexible working hours within each department is at the discretion of the permanent head.

(3) No.

BOATS

Launching Facility at Mullaloo

297. The Hon. R. F. CLAUGHTON, to the Leader of the House, representing the Minister for Works:

(1) Has commencement of construction on the proposed boat launching facility at Mullaloo been delayed?

(2) What is the reason for this delay, if any?

(3) What is the probable length of the period of delay?

(4) What is the amount set aside for this work by the Shire of Wanneroo and the City of Stirling respectively in the current financial year?

(5) What financial contribution will be made towards the cost of construction by the State Government this financial year?

The Hon. I. G. Medcalf (for the Hon. G. C. MacKINNON) replied:

(1) Yes.

(2) Land for parking area and access to proposed launching ramps is not under the control of the Wanneroo Shire.

(3) At least two months but possibly longer, should an objection be received to the notice of intention to resume the required land, which was published in the *Government Gazette* of 1st September, 1978.

(4) Not known.

(5) Subject to the project commencing before the end of the year, between $800 000 and $1 000 000.

TRADE UNIONS AND GOVERNMENT INSTRUMENTALITIES

Flexi-time

298. The Hon. F. E. McKENZIE, to the Leader of the House representing the Minister for Labour and Industry:

(1) Has any instruction been issued which prevents unions from entering negotiations with State Government instrumentalities for less than a 10 day fortnight?

(2) If so, will the Minister explain the reason why?

The Hon. I. G. Medcalf (for the Hon. G. C. MacKINNON) replied:

(1) Public Service Board circular to departments and authorities No. 15/77 dated the 26th October, 1977, dealing with flexible working hours and 10-day fortnight is set out below.

In essence, the circular directs that there is to be no deviation from the Government's established policy on flexible working hours and the number of days worked in a fortnight.

The only exception of the 10-day working fortnight is in instances where there is a specific provision in an industrial award or agreement which allows for hours of duty to be spread over less than 10 days per fortnight.

The circular does not prevent unions from instituting negotiations with State Government instrumentalities for less than a 10-day fortnight.

However, any such negotiations would be subject to the guidelines set out in Circular 15/77 and should be conducted by authorised industrial officers.

The latter aspect was the subject of parliamentary question 846 dated the 1st August, 1978.

(2) Answered by (1).

Circular to Departments and Authorities 15/17.

Flexible Working Hours and a Ten Day Fortnight.

(1) The Board has discussed the above issues with the Hon. Minister for Labour and Industry following indications received by the Board that in some Departments and Authorities including Government Hospitals, there may be departures from the approved standards.

(2) The Minister for Labour and Industry has directed that in accordance with Government policy on this matter there should not be any deviation from the standards approved and established in the Public Service for flexible working hours and the number of days worked in a fortnight by full time employees.

(3) This Circular is issued to all Government Departments and Authorities including Government Hospitals on the authority of the Minister for Labour and Industry and the Hon. Premier's Circular to Ministers dated July 14, 1977. (A copy of that circular was attached to the Board's Circular to Departments and Authorities 13/77 issued on August 24, 1977).

(4) With regard to flexible working hours, the Government's direction is that no Government Department or Authority including any Government Hospital shall introduce or arrange flexible working hours which are any different to the arrangements approved for the Public Service. These arrangements are contained in Memo to Permanent Heads 30/75 dated October 30, 1975, a copy of which is attached. It should be noted that under the approved arrangements for flexible working hours officers are not permitted to clear any credit hours during core time. Therefore, it is not possible for either full days or half days to be taken in order to clear flexitime credits.

(5) With regard to a ten day fortnight, the Minister for Labour and Industry has directed that—

(a) any arrangements which exist at present in any Government Department or Authority including any Government Hospital, for full time employees to work a nine day fortnight are to be modified as from December 1, 1977, to the usual ten day fortnight unless there is a specific provision in the relevant Industrial Award or Agreement which allows for hours of duty to be spread over less than ten days a fortnight; and

(b) all cases where full time employees are working less than a ten day fortnight in accordance with an Award or Agreement, are to be referred in writing to the Public Service Board by November 30, 1977.

(6) Your co-operation in maintaining Government policy on these matters would be appreciated.

Memo to Permanent Heads 30/75

Flexible Working Hours

Following discussions with the Civil Service Association, the Board has agreed to allow Departments to introduce trials of Flexible Working Hours for a period of twelve months commencing December 1, 1975.

The decision as to whether a trial will be carried out and, if so, the Branches and Sections to which it will be applied should be at the discretion of the Permanent Head.

The conditions to apply during the trials are set out in the attached draft "Staff Information Sheet". It is suggested that copies of this sheet be made available to all staff who will be working flexitime.

At this stage it is recommended that recording of times be made by staff on personal recording sheets (PS 55) which can be requisitioned from the Government Printing Office, rather than by machine recording. The recording sheets are to be controlled at supervisor level.

Further information on the implementation of the trials and conditions to apply can be obtained from Mr K. O'Neil of this office.

LAND

Herdsman Lake

299. The Hon. R. F. CLAUGHTON, to the Leader of the House, representing the Minister for Works:

(1) Has the Metropolitan Water Supply Department or the Public Works Department a reservation on or adjacent to Herdsman Lake of approximately 5 ha?

(2) (a) If so, what is the purpose of this reservation; and

(b) if not, is it intended that a reservation will be made and for what purpose?

The Hon. I. G. Medcalf (for the Hon. G. C. MacKINNON) replied:

(1) and (2) The Metropolitan Water Board has a reserve of approximately 4½ hectares on the northwestern perimeter of Herdsman Lake. This contains the Herdsman Lake metropolitan main drain.

QUESTIONS WITHOUT NOTICE

RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL

Referrable Dams Clause

1. The Hon. A. A. LEWIS, to the Leader of the House:

As the Minister for Works is aware of a meeting held in Manjimup on Monday, the 11th September, from which arose a request for a conference to discuss the referrable dams clause of the proposed amendment to the Rights in Water and Irrigation Act currently before the other House, has he as yet been able to arrange for such a meeting to be held?

The Hon. I. G. Medcalf (for the Hon. G. C. MacKINNON) replied:

I have to acknowledge that the honourable member has kindly arranged for the question to be made available, the answer to which is as follows—

Yes, a meeting has been arranged and will be held at the Donnybrook Shire offices at 11.30 a.m. on Friday, the 15th September. The meeting will be chaired by the Deputy Director of Engineering

(Mr K. Kelsall) who will be accompanied by Mr K. Webster, Engineer for Planning, Design and Investigation. The Shires of Manjimup, Bridgetown-Greenbushes and Donnybrook-Balingup will be represented. The Farmers' Union will also send three delegates to the meeting. Any members of Parliament who could attend at such short notice will be welcome.

COMPUTERS

Education Department

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

What plans does the Education Department have to adapt our education system to deal with the impact of computers on our society?

The Hon. D. J. WORDSWORTH replied:

I suppose it depends on what the honourable member means by "deal with computers". I hope he doesn't mean put a bomb under them! I gather he has given notice of the question to the Minister for Education who, regrettably, has been in the country, and who will supply him with a full reply if he will place the question on the notice paper.

CIVIL RIGHTS

Legislation to Safeguard

3. The Hon. R. F. CLAUGHTON, to the Attorney General:

(1) Is the Government planning to introduce legislation to safeguard civil rights?

(2) If so—

(a) Is consideration being given to the protection of individual rights that are threatened by information contained on automated data equipment?

(b) Is it planned to introduce legislation for this purpose this session?

The Hon. I. G. MEDCALF replied:

I have to acknowledge the courtesy of the honourable member in giving notice of this question, the answer to which is as follows—

(1) and (2) Questions 1463 to 1480 in the Legislative Assembly also relate to this matter.

In response to those questions the Premier indicated that the information being sought was of a wide-ranging nature and would involve considerable time in its collation. It is intended to provide a written response to those questions as soon as practicable and I will ensure that the honourable member receives a copy of that reply.

So as to ensure that the honourable member does not misinterpret this answer, I would like to add that this question in relation to automated data equipment does involve considerable inquiry, and even though there may be no actual connection between his question and those asked in the Legislative Assembly the same inquiries are involved. Hence, the information will be made available to him in due course.

CIVIL RIGHTS

Legislation to Safeguard

4. The Hon. R. F. CLAUGHTON, to the Attorney General:

Do any of those questions, that I must confess I have not read at all, relate to the question of legislation to safeguard civil rights as a general issue?

The Hon. I. G. MEDCALF replied:

I understand that all of those questions do relate one way or another to civil rights.