I now turn to proposed subsection (3). This is a desirable safeguard and we see nothing objectionable in it. Proposed subsection (4) provides that where an order made under this section declares a state of emergency, the occasion thereof shall forthwith be communicated to Parliament. We do not dispute this provision, and the same comment applies to proposed subsections (5) and (6) as well.

The Hon. GRACE VAUGHAN: Despite the fact that it is now such an unearthly hour of the morning, and I believe the practice of continuing debates after a certain time at night is against all the principles of work methods, I feel I cannot let this clause pass without voicing my disquiet over its wording.

Despite the Minister's protestations, nobody has satisfactorily answered my feelings of disquiet about this subjective type of wording. The key phrase that alarms me is that the "Governor must be satisfied". Mr Medcalf said the Bill could not be worded so precisely as to allow for all contingencies under which the Governor would be satisfied. It seems to me that many other aspects of the Bill about which the Minister spoke mean nothing when one considers that the court, when requested to rule on whether a state of emergency exists or not, has to rule on whether the Governor is satisfied. We do not go from the Minister, or a person to whom he has delegated powers, to a higher authority to decide whether a state of emergency exists. What we are doing is asking the judicature to come into the picture and say, "This is what the Act says and the court must now determine whether the Governor is satisfied about the state of emergency."

The provision certainly goes on to state some specific instances in which a state of emergency can be declared, but it then continues in vague terminology referring to disruption of other transport, whether outside or within the State, natural disasters, or other events, circumstances, or causes affecting or likely to affect the provision, supply, or distribution of fuel.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! I would remind the honourable member that this part of the Bill has already been canvassed by the Opposition and answered by the Minister. I would remind her that her speech is bordering on tedious repetition.

The Hon. GRACE VAUGHAN: I am relating this to the decision of a court as to whether the Governor is satisfied. I am introducing as a side issue the fact that the wording is vague. I am indicating my disquiet at the task facing a judge who must decide whether a state of emergency is a valid state of emergency and that the Governor has in fact been satisfied on the recommendation of the Minister.

The DEPUTY CHAIRMAN: I can see no reference to the judiciary in any respect in this part of the Bill.

The Hon. GRACE VAUGHAN: I am speaking about the word "satisfied", Mr Deputy Chairman.

The DEPUTY CHAIRMAN: The clause makes no reference to the judiciary.

The Hon. GRACE VAUGHAN: The word "satisfied" relates to whether or not the Governor can declare an emergency and I am relating this to the fact that a judge must decide whether the Governor is in fact satisfied. The wording of this Bill is very similar to the wording of the Weimar Constitution which says where public security and order are seriously disturbed or endangered the President may take the measure necessary for their restoration. The word "necessary" is one the Minister has used. I register my disquiet at this provision and again appeal to Government members to think carefully about what they may be doing; they may be having their names written in the history book in a manner of which they would not be proud.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. G. E. Masters
Hon. N. E. Baxter	Hon. M. McAleer
Hon. V. J. Ferry	Hon. N. McNeill
Hon. H. W. Gayfer	Hon. I. G. Medcalf
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. J. Heitman	Hon. W. R. Withers
Hon. T. Knight	Hon. D. J. Wordsworth
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. D. W. Cooley
	(Teller)

Pair

Aye	No
Hon. G. W. Berry	Hon. R. H. C. Stubbs

Clause thus passed.

Progress

Progress reported and leave given to sit again, on motion by the Hon. G. C. MacKinnon (Minister for Education).

House adjourned at 2.48 a.m. (Wednesday)

Legislative Assembly

Tuesday, the 8th October, 1974

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

PRIVATE MEMBERS' DAY

Continuation of Speeches: Statement by Speaker

THE SPEAKER (Mr Hutchinson): For the information of the House and in particular new members, the procedure to be

adopted following the passing of the motion to close private members' business at 6.15 p.m., on each Wednesday, is as follows—

In the House at 6.15 p.m.

I will interrupt the debate and ask the member then speaking to seek leave to continue his remarks in accordance with Standing Order 152. If he fails to do so, or leave is not granted, I will put the main question to the House and accept an adjournment motion, or the question will be decided by a vote of the House.

In Committee at 6.15 p.m.

The Chairman will accept a motion that progress be reported in accordance with Standing Orders 336 and 347 or, alternatively, if such motion is not moved, he will interrupt the Committee and report progress in same form.

This procedure is similar to that adopted in 1973 when a fixed time for the cessation of private members' business first operated.

QUESTIONS (15): ON NOTICE

1. MEAT INSPECTION

Charges

Mr MOILER, to the Minister representing the Minister for Health:

(1) Has the inquiry into meat inspection fees been completed?

(2) If so, will the Minister table a copy of the report and recommendations?

Mr RIDGE replied:

(1) Yes.

(2) Negotiations regarding the contents are still proceeding. The report will be tabled after these have been completed.

2. GOVERNOR STIRLING AND EASTERN HILLS HIGH SCHOOLS

Fourth-year Subjects

Mr MOILER, to the Minister representing the Minister for Education:

Would the Minister list those subjects available to fourth-year students attending Governor Stirling Senior High School which will not be available to fourth-year students attending Eastern Hills High School in 1975?

Mr MENSAROS replied:

It was only in August of this year that the Education Department, in response to strong local pressure, reversed the previous decision and agreed to the establishment of fourth-year classes at Eastern Hills High School in 1975.

It was pointed out at the time that additional facilities would be required and these would possibly not be available in February 1975. The absence of these buildings could limit the availability of some subjects.

Recently, the principal circularised parents requesting information as to student choice of subjects. The results are still being analysed but indications are that the demand for some subjects, such as foreign languages, does not warrant the establishment of classes in 1975. Discussions are proceeding as to the choice which might be extended to parents of students so affected, to allow them to enrol at the Governor Stirling Senior High School.

A final decision has not been reached but there is no reason why the range of subjects available at the Eastern Hills High School will not eventually be similar to that offered in other schools of comparable size.

3. EDUCATION

Sex Education

Mr T. D. EVANS, to the Minister representing the Minister for Education:

(1) In how many primary schools is sex education being formally taught?

(2) Has an evaluation been made of the 1973 experience of teaching sex education in a small number of pilot schools?

(3) If (2) is "Yes" would he make a statement thereon?

(4) If (2) is other than clearly in the affirmative, would he make an explanatory statement relating thereto?

Mr MENSAROS replied:

(1) There are six "pilot" schools in a programme testing a unit of the health education syllabus called "Growth and Development".

The teaching approach is partly an integration within the existing areas of health, social studies and science and partly direct teaching on human sexuality.

(2) As sex education must continue over a period of many years of a child's growth, it is not possible to make a complete evaluation as to its effectiveness after less than two years of the course. Every endeavour is being made to evaluate and profit from the present experiences.

(3) and (4) The 1973 evaluation concentrated on the junior and middle primary grades. Since that assessment the course has been extended and is now growing through further grades. Both

teachers and parents have expressed satisfaction with the progress at these different levels. Further evaluations will be carried out at the end of each year until such time as the full seven years of primary education have been involved. On this basis progress reports can be issued annually but a complete appraisal of the course as a whole and covering all grades of primary education will not be possible before the end of 1976.

4. FITZROY CROSSING

Resiting

Mr BRYCE, to the Minister for North-West:

(1) (a) Has the Government reached a decision to resite the town of Fitzroy Crossing;

(b) if so, will he indicate the precise location of the proposed new townsite?

(2) (a) Has agreement been reached regarding the resiting of the hospital at Fitzroy Crossing;

(b) if not, will he indicate the reasons for a lack of decision in respect of the hospital?

(3) What is the estimated cost to the State Government of resiting the town of Fitzroy Crossing?

(4) (a) Has an approach been made to the Australian Government for funds to assist with the resiting of the hospital at Fitzroy Crossing;

(b) if so, will he provide details?

Mr RIDGE replied:

(1) (a) At present there is not a gazetted townsite at Fitzroy Crossing and suitable flood-free land is not available in the vicinity of the existing settlement for housing, civic buildings or industry.

An area for a small townsite is presently being examined by departmental officers.

(b) The location is south-east of the airport and adjacent to, and north of the Great Northern Highway.

(2) (a) Yes. The hospital is to be located on a flood-free area away from the river and in the location referred to in (1) (b).

(b) Plans of the hospital were prepared and tenders called some months ago. The successful tenderer went into liquidation almost immediately after the acceptance of the tender.

Inability to obtain firm advice from the Commonwealth Government that the additional funds needed were available for the establishment of the hospital on the new site, caused a delay in commencement.

The buildings are now being prepared by the PWD who are using the sub-contractors nominated in the original contract document.

(3) This has not been estimated as it is not proposed to move buildings other than those associated with the hospital. It is planned that all new buildings will be erected in the proposed townsite.

Initially, this includes a police house and a doctor's residence.

(4) (a) Yes.

(b) Transfer of two existing buildings—$20 000.

New plans include—mortuary, store, workshop and visitors quarters—$120 000.

Roads and drainage—$29 000.

Recreation facilities—$11 000.

Water supply, landscaping, reticulation and contingencies —$140 000.

5. FREMANTLE PRISON

Landscaping

Mr FLETCHER, to the Chief Secretary:

Since the City of Fremantle is the reluctant host of the State's principal prison, and as the area between Hampton Road and the eastern wall of the prison is adequate for landscaping with lawns and gardens, will he seek the co-operation of the Minister for Works with a view to financially assisting the Fremantle City Council to reticulate and beautify in the manner suggested this otherwise uninspiring area?

Mr STEPHENS replied:

Yes.

6. SCHOOLS

Geraldton District: Survey

Mr CARR, to the Minister representing the Minister for Education:

Further to his answer to question 27 of Wednesday, 2nd October, and the map provided with his answer, will the Minister advise the number of children in each grade, residing in each of the following areas—

(a) the Tarcoola area;

(b) that part of the Rangeway area, south of the road known as the Mullewa slip-road;

(c) that part of the Bluff Point area east of the ring road?

Mr MENSAROS replied:

Enrolments as at November, 1973

	Grade								
	1	2	3	4	5	6	7	Special	Total
(a	29	21	23	22	10	20	*	....	125
(b)†	65	65	55	54	66	56	*	3	364
(c)†	15	13	20	23	14	11	*	....	96

*Information was not recorded on the then enrolled grade 7 pupils.

†Excludes children who are conveyed to school by school bus.

7. LAND

Victoria Location: Acquisition for Housing

Mr CARR, to the Minister for Urban Development and Town Planning:

(1) Has an approach been made to the Government suggesting that lots 1954, 1955, 1883 and 1885 of Victoria location be purchased by the Government for subdivision into low cost housing blocks?

(2) If so, will he indicate the attitude of the Government to such proposition?

Mr RUSHTON replied:

(1) and (2) The Minister for Housing has advised me that the land was offered directly to the State Housing Commission and the offer was declined in view of the extent of the commission's present land holdings at Geraldton.

8. KWINANA FREEWAY

Southern Extension

Mr MAY, to the Minister for Urban Development and Town Planning:

(1) How many objections have been lodged against the proposed southern extension of the Kwinana Freeway?

(2) How many were on the prescribed forms?

(3) How many were not on the prescribed forms?

(4) Will the objections not on the prescribed forms be recognised as indicated by Dr Carr at the Tree Society Hall, South Perth, on 11th June, 1974?

Mr RUSHTON replied:

(1) 1 292 objections have been registered within the time prescribed. 37 objections have been received subsequent to the closure date.

(2) All objections referred to above are in the prescribed form.

(3) No separate register of informal representations is maintained and because of duplication of formal objections, checks are still being made.

(4) I understand that Dr Carr was referring to cards being received by the Minister for Town Planning. These could not be regarded as objections lodged in accordance with the metropolitan region scheme provisions and endeavours have been made to advise writers of the requirements. A spot check indicates that many have in fact done so.

I also understand that only objections that are correctly lodged may be dealt with in the manner prescribed by the Act. Notwithstanding, the Metropolitan Region Planning Authority is aware of the representations and will no doubt consider them along with the views expressed at various public meetings.

9. RETARDED CHILDREN

Hospital Care

Mr T. J. BURKE, to the Premier:

(1) What action is the Government taking to provide residential care for profoundly retarded children at present at Princess Margaret Hospital?

(2) Would he assure the House that provision of residential care for profoundly retarded children is given the highest possible priority in view of the considerable strain placed on families with these children?

(3) In view of the great demand for residential care for these children would he assure the House that the profoundly retarded children at Tresillian Hospital, in Nedlands, will be allowed to stay there?

Sir CHARLES COURT replied:

(1) There are considerable pressures for accommodation for profoundly retarded children, including those currently in Princess Margaret Hospital for Children.

The children in Princess Margaret Hospital, except those who require the specific facilities at that hospital, preferably should be moved to suitable units elsewhere but currently, the only suitable units are the Dorset, Scarborough and Tresillian Hostels.

The Mental Health Services are constantly endeavouring to acquire land on which to build suitable facilities and also to obtain suitable existing buildings. This programme will continue, subject to the allocation of funds.

(2) The Government acknowledges the considerable strain placed on families with these children, and will give the matter as high a degree of priority as is practicable, having regard for its overall responsibilities in questions and problems of public health, and other commitments.

The domiciliary section of the mental deficiency division was expanded earlier this year in an attempt to provide support and assistance to families with intellectually handicapped persons living at home.

(3) I would not be prepared to give an assurance that the profoundly retarded persons would remain permanently at Tresillian. The area of the land of the hospital site is a disadvantage, and if suitable premises on a larger area of land are found, it would be in the interests of the residents of Tresillian to be re-located.

10. HEALTH

Medical Students

Mr DAVIES, to the Minister representing the Minister for Health:

Of those medical students who successfully passed first year in 1973 and could not be admitted to second year in 1974, can he advise if it has been determined—

(a) how many will be able to take the second year course in 1975;

(b) how these students will be selected;

(c) when these students will be selected and advised?

Mr RIDGE replied:

(a) Over and above the 10 additional places for medical students in second year in 1975 there may be further places available depending on the pass rate for first year students in 1974.

(b) Selection will be according to resolutions passed by the senate at a recent meeting.

(c) Early in 1975, which is in accordance with normal practice.

11. DENTAL THERAPISTS

Amending Legislation

Mr DAVIES, to the Minister representing the Minister for Health:

Referring to question 20 of 20th August, 1974 regarding employment of dental therapists, can he now advise if any action will be taken this session of Parliament to amend the Dental Act?

Mr RIDGE replied:

Action is being taken in an endeavour to introduce amending legislation this session.

12. TRAFFIC

Pedestrian Crossings: Manjimup

Mr H. D. EVANS, to the Minister for Traffic:

(1) On what date were pedestrian crossings obliterated and signs removed in the town of Manjimup?

(2) How many crossings and signs were removed?

(3) What was the reason for their discontinuance?

(4) Is there a formula for the establishment and retention of pedestrian crosswalks, and if so, what is it?

(5) Can crosswalks be established where the requirements of any such formula are not met, and if so, on what bases or criteria?

(6) Where a hazardous situation exists outside a school or kindergarten and the formula requirement is not met, what safety provisions can be made for the protection of the pupils involved and what is the procedure for establishing such measures?

Mr O'CONNOR replied:

(1) During period 28th September-1st October.

(2) 32.

(3) They did not meet accepted warrants for their retention.

(4) Yes. The warrant reads—

A pedestrian crossing may be installed across a roadway if for each of 2 hours of a typical week day—

(a) the number of pedestrians (P) crossing in close proximity to the proposed site (generally 50-100 ft) exceeds 60 persons per hour, and

(b) the number of vehicles per hour (V) which pedestrians have to cross in one manoeuvre exceeds—

(i) 600 in metropolitan areas, or

(ii) 500 elsewhere,

(c) the product of P x V exceeds—

(i) 90 000 in metropolitan areas, or

(ii) 60 000 elsewhere.

(5) No.

(6) A guard controlled school crossing may be provided. The procedure for establishing this type of crossing is shown on pages 4, 5 and 6 of a Main Roads Department circular which has been made available.

13. APPLES

Cool Storage

Mr H. D. EVANS, to the Minister for Agriculture:

What is the estimated cool storage space which has been available in country and metropolitan areas, for the storage of apples in Western Australia in each of the past three years?

Mr McPHARLIN replied:

The following figures indicate cool storage space available in country and metropolitan areas—

1971-72 season—1 509 600 bus.

1972-73 season—1 547 500 bus.

1973-74 season—1 650 000 bus. (est.)

This space would be almost wholly available for apples, pears and quinces in country areas. Some of the metropolitan storage space would be used for soft fruits.

14. RABBITS

Commercial Farming

Mr SIBSON, to the Minister for Agriculture:

Further to my question 14 of 3rd October concerning controlled farming of rabbits on a commercial basis, and particularly regarding part (2) (b), could he please supply me with the reason or reasons that this proposal is not acceptable?

Mr McPHARLIN replied:

(1) The vaccination procedures which would be necessary to protect domestic rabbits against myxomatosis might result in reducing the effectiveness of this disease in controlling wild rabbits.

(2) There is a danger of escape and this has acquired a greater significance now that rabbit numbers have been greatly reduced in most areas of the State.

(3) Previous experience has shown that the anomaly of having persons liable for prosecution for having rabbits on their land whilst others are permitted to keep rabbits, causes resentment amongst farmers and makes wild rabbit control more difficult.

(4) Previous experience does not indicate that a commercial rabbit industry would be sufficiently economical under existing cost structures to justify any of the risks mentioned being taken by allowing such a venture.

(5) All Australian vermin control authorities are opposed to the keeping of rabbits for commercial purposes and the few permit holders left in one State (if any) are believed to be being allowed to run out.

15. EASTERN HILLS HIGH SCHOOL

Extensions

Mr MOILER, to the Minister representing the Minister for Education:

I refer to my question without notice of 3rd October and also question 7 of Wednesday, 14th August, both appertaining to necessary improvements to the Eastern Hills High School—

(1) In view of the fact that the $100 000 allocated to the school, provided by way of Australian Government grant, has been available since January 1974 and the availability of the building trade workforce, will the Minister advise why his department has not been able to arrange for the commencement of the improvements anticipated in his answer of 14th August?

(2) Will the Minister take steps to ensure that the proposed works are completed in time for the commencement of the 1975 school year?

Mr MENSAROS replied:

(1) Documentation of this work has been difficult due to the number of different areas within the school in which remodelling, alterations and new works are being undertaken.

(2) Depending upon the result when the work goes to tender, the earliest completion time possible will be aimed for. This is expected to be during first term 1975.

QUESTION WITHOUT NOTICE

UNEMPLOYMENT

Local Government Submissions

Mr HARMAN, to the Minister for Labour and Industry:

This question really is without notice, but knowing the Minister's concern for the unemployed, I am

sure he will be able to answer it. My question is—

(a) Is the Minister aware that on the 24th September, a little over a fortnight ago, the Australian Minister for Labor and Immigration announced that the municipalities in the Perth region would be able to make submissions to the Regional Employment Development Scheme Projects Committee for employment-making projects?

(b) Is it also a fact that up till the end of last week, the Western Australian Minister for Labour and Industry had not approached any of the municipalities in the metropolitan area, firstly, to ensure that the municipalities were aware of the Commonwealth announcement and, secondly, to offer his assistance by way of liaison and support?

Sir Charles Court: You put the question to the wrong Minister.

Mr GRAYDEN replied:

The member for Maylands has directed his question to the wrong Minister and, in the circumstances, I ask that he place the question on the notice paper.

DISTRESSED PERSONS RELIEF TRUST ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Sir Charles Court (Treasurer), and read a first time.

JUNIOR FARMERS' MOVEMENT ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr Mensaros (Minister for Industrial Development), and passed.

ALCOHOL AND DRUG AUTHORITY BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [4.53 p.m.]: I move—

That the Bill be now read a second time.

I feel privileged to introduce this measure and believe that this feeling would be experienced by any member of the House if he were in my position.

The Bill, and a companion measure, the Convicted Inebriates Rehabilitation Act Amendment Bill, which will be introduced by the Chief Secretary, represent an attempt to do something positive about the problems of alcoholism and drug dependence in our society.

One cannot be certain of the number of persons in this State whose condition of life has been adversely affected by alcohol or drugs, but persons close to the problem suggest that there could be 50 000 individuals with an alcohol problem in some degree. Drug dependence, while not so widespread, is so destructive as to present a hard-core problem demanding special attention.

The problems are not the same, but there are many common factors relating to the disease process, treatment, and rehabilitation that it is convenient and possible to deal with both in the one piece of legislation.

I would like to refer to some of the events which lead to the drafting of this Bill. Firstly, the matter was raised in another place, and this resulted in the appointment of a Select Committee. In November, 1972, the members of the Select Committee were appointed members of an Honorary Royal Commission.

The commission carried out a wide investigation of alcoholism and drug dependence, and took note of factors which apply in this and other States, and overseas. Its findings and recommendations were published on the 1st May, 1973. This Bill seeks to reflect many major recommendations and concepts endorsed by the commission.

Following submission of the report the then Minister for Health (the Hon. R. Davies) appointed Dr John Pougher as his special adviser to develop a programme consistent with the report of the commission.

Following Dr Pougher's initial work, an interim committee was appointed by the present Minister for Health to act as a working party to formulate proposals which are now reflected in this Bill.

Before dealing with the Bill in detail I would like to outline the practical measures which the Government proposes to initiate the programme. As a first step a counselling service and outpatient centre will be set up. This will enable communication to be established between the authority and the community. It will deal with individuals, and voluntary and other organisations who contribute in some way to one or more of the many facets of this problem.

This centre will conduct assessment procedures to determine the nature and severity of individual dependency and social problems and to see that appropriate facilities are provided. It is expected that the Commonwealth Government will provide financial support for this aspect of the authority's work.

The Medical Department will establish a special hospital to cater for those patients whose condition requires inpatient treatment. The hospital will operate as a public hospital but its purpose will be

solely to give specialised service to persons suffering from alcoholism and drug dependence.

The third proposal is that the Byford centre, now operated by the Department of Corrections and administered by the Inebriates Board, will be administered by the alcohol and drug authority as a medium and long-term rehabilitation facility to prepare people for return to society with their dignity restored and equipped to rejoin the work force as effective members.

Future planning envisages the development of "halfway houses" as a means of promoting the early return to full social contact of those whose rehabilitation has reached a point where they are able to resume employment with the aid of supportive services.

Dealing now with the Bill which is before members, I feel that only the briefest reference is required to the first four clauses; that is to say the title has been chosen for simplicity, and avoids the use of terms such as addicts and drug dependence which have been adopted elsewhere.

Clause 5 provides for the constitution of an authority comprising four members appointed by the Governor. At least one member would be a medical practitioner. The clause further refers to the standing of the authority as a corporate body, and outlines some of its powers.

Clause 6 fixes the maximum term of appointment as three years, but under clause 7, a member may be appointed for a further term or terms.

Clauses 8 to 12 make necessary provision for leave, termination of appointment, the filling of casual vacancies, and the appointment of acting members.

Clause 13 requires the authority to hold meetings and provides for conduct of such meetings. Clause 14 protects the actions of the authority in the event of there being a vacancy or defect in appointment of a member.

Clause 15 empowers the Governor to fix fees to be paid to members of the authority for services and for the payment of travelling and similar out-of-pocket expenses.

Clause 16 provides that acceptance of appointment of the office of member of the authority shall not be deemed an office of profit under the Crown.

Division 2 of the Bill commencing at clause 17 sets out the functions, powers, and duties of the authority. These are comprehensively stated, and I think give a clear picture in words of what this Bill is about. In my earlier remarks, I have given examples of the way in which it is proposed to exercise these powers.

The authority will enjoy substantial autonomy, but as a necessary safeguard the power of the Minister to direct the authority is made clear.

It should be noted that it is not the intention that the authority should assume total responsibility for all measures needed to assist with the treatment and rehabilitation of affected persons. The authority will seek to use, stimulate, and support voluntary and other agencies which can contribute to the aims of the authority. The authority will report annually to the Minister.

Division 3 commencing at clause 21 covers a range of matters concerning the employment of staff. All officers of the authority will be appointed subject to the approval of the Public Service Board, which will determine salary rates and conditions of employment.

The authority will directly employ wages staff, such as farm workers, drivers, and domestic employees, but their conditions will be governed by existing industrial awards or negotiated by the Public Service Board.

There is provision for the co-option of officers already in the employ of Government agencies and for the preservation of their rights.

It is expected that the benefits of the Superannuation and Family Benefits Act will be extended to all employees of the authority, but membership of the fund will not be compulsory.

The Bill also provides for persons to be engaged under contract, should this be found convenient. It is envisaged that in the initial setting up of the authority certain persons already employed in Government departments in areas of work which is to be undertaken by the authority will be recruited to form a nucleus of experienced staff.

Special provisions relating to alcohol and drug centres are contained in part III—I refer to clauses 25 and 26. The authority will maintain residential and other centres. It will be essential that there be rules relating to admissions and conduct in these establishments. In some cases fees will be charged, but as the majority of residents will be in receipt of social service benefits, these are likely to be low.

There is also a requirement for the authority to inquire into every injury or death which occurs in a centre. The intention is not to intrude into the special province of the Coroner in any way, but to ensure that no such episode arises from an avoidable cause within the control of the authority.

Financial matters are dealt with in part IV of the Bill which encompasses clauses 27 to 33. It is hoped that arrangements

will be concluded to have the State Treasury process all accounting for the authority. This will reduce the need for staff. Such an arrangement has worked well in the case of the Health Education Council.

An annual financial statement is required to be presented to the Minister. Accounts will be certified by the Auditor-General. The report will be presented to both Houses of Parliament.

Sources of funds are specified in Clause 28, including funds which may be borrowed with the approval of the Treasurer, should this be desirable at any future time. The authority will be required to prepare estimates of expenditure for submission to the Treasurer after they have received the approval of the Minister.

The remaining clauses of the Bill contain miscellaneous provisions authorising the recovery of moneys due to the authority, and protecting members who act in good faith, or who are subject to the Public Service Act.

There is also power delegated to the Governor to make regulations, mainly in relation to the maintenance of good order and discipline at centres operated by the authority.

I commend this measure to members as a progressive step towards the solution to a problem which bears heavily on many citizens in our society. Alcoholism and drug dependence undermine the dignity, health, and social independence of so many people in the community that the problem deserves the best attention that we can give to it.

This is an earnest attempt at a solution, which I hope will attract the support of all members of this House.

Debate adjourned for one week, on motion by Mr Davies.

Message: Appropriations

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

CONVICTED INEBRIATES' REHABILITATION ACT AMENDMENT BILL

Second Reading

MR STEPHENS (Stirling—Chief Secretary) [5.04 p.m.]: I move—

That the Bill be now read a second time.

Members have already heard the explanation given by the Minister for Lands when he introduced the new legislation which seeks to set up an alcohol and drug authority.

It will be recalled that the purposes of the authority included the establishment of relations with all agencies involved in the management of persons suffering from alcoholism and drug dependence.

It may be that, given time to study the matter, the alcohol and drug authority may recommend at some future stage that the convicted inebriates act be extensively amended, or repealed, and replaced by some other legislation. Indeed, a review of such areas of law will be a function of the authority.

Meantime, as a step towards the co-ordination of effort, this Bill is presented. Its principal purpose is to replace the existing Inebriates Advisory Board by appointing the members of the alcohol and drug authority to undertake the duties of the board. This is achieved by the substitution of the definition "authority" for the previous definition of "board" in section 3 of the principal Act.

Clauses 4 and 5 of the Bill amend sections 6 and 7 of the principal Act so that these sections will be adapted to the change in composition of the board.

The opportunity has been taken to update references to the Director of the Department of Corrections. The principal Act refers to that officer by his previous title which was comptroller-general of prisons. The Bill includes amendments to apply to the several references to the director throughout the Act.

Apart from the matters to which I have referred the Bill seeks no other changes at this time. It would nevertheless establish a direct link between the alcohol and drug authority and the Director of the Department of Corrections, and the institutions which he controls.

Debate adjourned for one week, on motion by Mr T. J. Burke.

TEACHER EDUCATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th September.

MR A. R. TONKIN (Morley) [5.07 p.m.]: This Bill, dealing with teacher education, introduces a measure of crucial importance to education. In fact, I would think that the teacher is the basis of good education, and is far more important than buildings or equipment. This is the first time this subject has been debated since the Act was passed during the last Parliament. For that reason, I would like to make a few comments on the general problems associated with teacher education.

Professor Borrie, who is the Director of Research in the School of Social Sciences at the Australian National University, has commented that the pressure of enrolments is less in the 1970s and, therefore, there is an indication that the pressures on education will, perhaps, be somewhat abated in the 1980s. Professor Borrie also suggested that during this time of less pressure on education we could attempt to put the matter right by

addressing ourselves to some of the problems facing education. The expected rest will give us this opportunity.

One of the major problems affecting teacher education, and student teachers at the colleges, is the large number of subjects which the student teachers have to undertake. This was more understandable when there were two-year courses, but I do not think the position has improved markedly with the introduction of three-year courses. One would imagine that a three-year course would give a greater scope for the colleges to reduce the number of subjects, but students are still taking up to 16 subjects—and maybe more —at a time. The main problem associated with the great number of subjects is, of course, that students cannot give full attention to them and the subjects are dealt with at a rather superficial level. It seems to me that teachers' colleges could serve their function better if they were to enable students to concentrate on fewer subjects, so that the subjects could be gone into in greater depth.

Innovation is vital in any industry, but innovation with regard to education has been sadly lacking, generally speaking, from the Australian educational scene. It is encouraging to see the Australian Government now making money available for innovation as a result of the Karmel report. Unfortunately, some people associated with education hide behind various scapegoats in order not to innovate. I have heard the comment that innovation was not possible in the secondary school field because of the straitjacket systems of the Junior Certificate and the Leaving Certificate. It has been said that with the removal of those straitjackets innovation would be possible, but it does not always follow.

It would seem to me that teachers' colleges have the answer in their own hands through their examination procedures and the courses they conduct. There is really no reason that they cannot innovate because examinations are not imposed on them to prevent them from innovating. However, I know some people in teachers' colleges have had a tough time trying to innovate and they have had to give up because of the rigidly hierarchical structure of the hierarchy.

Mr Clarko: Would the member agree that there has been a total revolution in colleges during the last decade?

Mr A. R. TONKIN: No, I would not agree. I would like to be able to agree. Of course, the tendency is for people of my age to talk about teacher education in the light of their own experiences. I am aware of that possibility of error and that is why I have gone to great lengths, during the last two years, to try to discover where, in fact, teacher education has changed markedly. However, I have found with people I have spoken to at the various colleges—and I am in contact with students at every college and many of them are my own ex-students whom I consequently know fairly well—that the criticism of teacher education is the same as it was when I was at a teachers' college 20 years ago. The complaints are the same. There is a tendency to treat the students the same as high school students. The students cannot take part in the decision making process, and the general treatment is that they are not adults. The students are not treated as adults as they are at the university, for example, and I feel that that is one complaint which needs to be taken seriously.

Mr Clarko: The student councils do not tend to support that view.

Mr A. R. TONKIN: I know members of the student council of the college to the staff of which the member opposite belonged would agree because they made those comments to me. Of course, I have not sought out special people to get a certain point of view, but I have tried to get an opinion based on random sampling of students. Generally speaking, the comment which has been made is that students are not treated as adults.

I do not think there is any cause for complacency. The tendency is to sit back in a smug way. I know one person whom I believe had a great contribution to make to teacher education with a worth-while innovation, but life was made impossible for him and that person had to leave because it was not possible for him to combat the inflexible method which had been in operation for 30 years. It was not possible for him to get anywhere.

There is also room for debate on who should teach the teachers. It has been suggested that universities should take over the role of teacher education. If I could comment on the standard of teaching at the University of Western Australia I would state quite clearly that in my opinion many of the faculties at that university would have to demonstrate their teaching ability far more convincingly if they expect to take over teacher education; because I believe the standard of teaching in many of the faculties at the university—and I will not go into details in this debate —is deplorable. Too often people at the university have attained their positions because of research they have been able to do and because of articles provided in learned journals. There has been no requirement to show that they had any teaching ability at all.

There are very encouraging signs—although these are early days—that the Murdoch University will depart from this practice. It will be a university which is far more concerned about the welfare of the students than some of the traditional universities have been, and I believe the

Western Australian Institute of Technology is also showing a refreshing departure from the attitude of the University of Western Australia.

Many attempts have been made in Australia to extend teacher training into country areas. I believe this is desirable but I hope any such extension will not be for political reasons. In Western Australia and elsewhere, education institutions have too often been established because the local member of Parliament has wanted a feather in his cap. Institutions which cannot be properly staffed have been established and they militate against the proper education of young people. I hope we will not see this type of development occurring, as it has quite clearly occurred at, say, Bathurst and Wagga.

When the Teacher Education Act was passed by this Parliament it provided for the administrative and academic autonomy of teachers' colleges, which I believe was potentially a great step forward. It gave to those institutions the capacity to take great steps—and I have already indicated I am not satisfied that all the colleges are taking those steps—with regard to worth-while innovations. In some instances teacher education is still in the hands of the people in whose hands it resided 30 years ago. I believe a breath of fresh air is greatly needed; with autonomy jobs have been thrown open to people from all over the world, as has occurred in other institutions.

I believe we have had inbreeding in teacher education in Western Australia. There is a very good chance that a person teaching at a teachers' college went to primary school, secondary school, and a teachers' college in Western Australia, and that he then taught in a school in Western Australia and went back to teach at a teachers' college. This leads to an inbred and smug belief that we have the best education system in the world.

Intellectual development comes from the meeting of minds from different systems—from an intellectual rubbing together. This is to be seen when people from overseas come to our university. Most, or all disciplines are international in character, and in this way new ideas and a breath of fresh air are brought into our education system. I am hopeful that this development will take place not only in teacher education but also in all other education institutions, because it will lead to intellectual vigour and the letting in of sunlight, which are so badly needed. I hope this will be one of the spin-offs from autonomy.

We have seen in other fields—I am not necessarily speaking of teacher education—a reluctance to accept autonomy because with autonomy comes responsibility and the capacity to make mistakes. I know that successive leaders of the Education Department at various levels have complained that principals of our high schools and headmasters of our primary schools have not used all the authority they have been given. They have been timid and have referred matters of quite minor significance to the department or the Director-General of Education, rather than take responsibility upon their own shoulders.

I am hopeful this is not the case with the teachers' colleges. I hope they are seizing with both hands the opportunity to be autonomous, to make mistakes, to step out boldly, and to try new ideas in order to find the best way to teach our teachers.

The type of teacher education I had was certainly not the finest. It could have been better. It was pathetic.

Mr Clarko: You turned out all right.

Mr A. R. TONKIN: That is not logical thinking. It is true that some people turn out all right in spite of circumstances. Many people are driving on the roads today, but that does not mean our driving is perfect. Many of us live from day to day in spite of the road toll. In the middle ages most of the population survived in spite of various diseases that were rampant.

Mr Clarko: I thought you would modestly disagree with me.

Mr A. R. TONKIN: I am speaking in general terms. I believe the teachers' colleges should seize with both hands the opportunity to make ours a very fine teacher education system. This is the potential which is offered them by autonomy.

One of the main criticisms levelled at teacher education institutions in this State is the low failure rate. It has been almost impossible to fail at a teachers' college. We cannot say our screening systems are so wonderful that the only people who are admitted into the colleges are those who will make excellent teachers. There is insufficient screening, and it is not realistic to speak of proper screening until we have far more people coming forward for places at the colleges than the number of places available.

Mr Clarko: That is the case now.

Mr A. R. TONKIN: Yes, unfortunately. But when it has not been the case over the past decade, the criterion used has been the Leaving Certificate. About 10 years ago teachers' colleges were rejecting students because the number of applicants for places was greater than the number of places available. Students were rejected on the number of Leaving subjects obtained and sometimes on their passes. I do not believe they are the best criteria. They are the safest, of course. There are no arguments if those with three Leaving subjects are knocked back and those with four Leaving subjects are accepted. However, teaching involves far more than the ability

to pass examinations. In our teaching service we must have the ability to reject people who are not satisfactory.

I might mention the rather terrible experience in Tasmania when teacher training in that State was handed over to the university, and the university, as universities tend to do, said it would fail everyone who was not worthy. The Hobart Teachers' College was closed down, and the number of teacher trainees being failed was so great that there were not enough teachers for the schools. It became necessary to open the Launceston Teachers' College and train people quickly so that the schools could be staffed.

It is a difficult problem but it is important that teacher trainees who are not suitable be eliminated for their own benefit as well as for the benefit of education, generally. Until more people come forward for education at teacher education institutions, we cannot be selective; but it is necessary that we be selective and say to certain people, "We are sorry, but you are not really suited for teaching." As I have already indicated in this House on a number of occasions, once a person becomes a teacher it is almost impossible to get rid of him.

Mr Clarko: Unless he goes into politics.

Mr A. R. TONKIN: Yes.

Mr Shalders: Do you anticipate that the failure rate will go up under autonomy, or do you hope it does?

Mr A. R. TONKIN: I am not hoping it does. I do not believe that only a certain percentage must be passed, although that has been the situation for years. If 100 per cent of the students are worthy, they should be passed; but we know that not 100 per cent are worthy, yet about 98 per cent are passed. I hope unsatisfactory personnel will be eliminated before entering teachers' college, while studying at teachers' college, and on completion of the course. I think that under autonomy the failure rate could increase. The teachers' colleges and the education system must grapple with this problem because our children are defenceless and cannot object if they are being taught by teachers who are not fit to teach them.

Mr Clarko: Are you suggesting that because of the very high pass rate teachers are coming out of the colleges academically qualified but in practice in the schools they are not up to standard?

Mr A. R. TONKIN: Yes.

Mr Clarko: What action would you take to alter this?

Mr A. R. TONKIN: I say people who are not up to standard should not be employed.

Mr Clarko: An average of the two factors—you would not take a good academic who was a poor teacher but you would take a poor academic who was a good teacher? That is what I am getting at.

Mr A. R. TONKIN: I think one of the poorest ways to judge a teacher is on his academic qualifications. There are other factors which are not so easily measurable but which should be measured. Some people who can collect academic qualifications will never be teachers. It is wrong to say that because a person has a degree or a teacher's certificate based on academic qualifications he should therefore be able to teach. There are other qualifications which are probably more important than academic qualifications.

It depends upon what the academic subjects are. I know teachers of nine-year-old children—who do not need a very high academic level—who have an excellent understanding of children and who are excellent in their person-to-person relationships with the children. They are first-class teachers and I think anybody would be happy to have their children taught by such teachers, although they may not have high academic qualifications. Questions of aptitude, temperament, and a genuine desire to be a teacher should be considered as being perhaps more important than academic qualifications. Personality is very important in teaching, to be able to empathise and interact with children. I have seen academically brilliant teachers with whom students could not identify in any way and who could not help their students to learn because of personality factors.

Mr Shalders: That is probably more relevant to primary school teachers where such a high academic level is not required.

Mr A. R. TONKIN: Let us not kid ourselves that a high academic level is required for teaching at high schools, either. One does not have to be very brilliant to teach 13-year-olds.

Mr Sibson: Do the 13-year-olds agree with you?

Mr A. R. TONKIN: Of course not. I would like to refer very briefly to the bond. It has been widely agreed throughout Australia that the bond should be scrapped. There are many arguments against the teaching bond, one of which is the hesitation of single people to commit themselves to a career at the age of 17. Teaching is almost the only career in which they are required to commit themselves. In other careers, if they do not like it they can leave. This applies to the law school, the medical school, apprenticeships, and so on.

The bond has been used in education in Australia in order to force people to carry on teaching through a financial penalty. I note that *The West Australian* of Thursday, the 3rd October, carried a report of a public meeting which referred to the low morale among young teachers being aggravated because they are bonded to the Education Department on completion of their studies. The report continued—

"Teaching is a profession which demands commitment," it says. "Commitment is not encouraged by bribery—

That is, the payment of allowances. To continue—

—followed by blackmail."

In other words, the insistence on the repayment of bonds. I would agree with the comment that commitment to a profession is not encouraged by bribery or the payment of a living allowance, even though that may be necessary because we all have to live. Commitment is certainly not encouraged by blackmail. I notice submissions to the Senate inquiry into teacher education were almost unanimous in their agreement that the bond should be removed.

The SPEAKER: Let me interrupt you. I am not fully *au fait* with the Bill—and I am most interested in what you are saying—so I would ask whether your remarks are appropriate to the terms of the measure itself.

Mr A. R. TONKIN: I believe they are because this Bill deals with teacher education, and this is a really vital aspect of our education system. This is the first time a Bill has been brought to the Parliament to amend the Act since its passage.

The SPEAKER: I would like you to relate your speech to the terms of the Bill. I think you should try to avoid ranging too wide in this field, although I say again I have been interested in what you have said.

Mr A. R. TONKIN: Thank you, Sir; I will most definitely relate this to the Bill. If I could finish the point I was making about the bond: some students are unsuitable for teaching, and the teachers' colleges should perhaps ease out such students. This does not occur very often and the student himself is the first to realise he is unsuitable; but he does not leave because of the bond. I have had cases of this and I have no doubt members opposite also have experienced it.

The Karmel report into the South Australian Education system opposed the whole principle of the bond, as did the education research unit at the Australian National University. Therefore, I believe the Teacher Education Authority, the Education Department, and the Minister for Education when considering the whole question of teacher education should consider the problem of the bond and, if possible, its complete removal.

One of the problems complained of is that if we do not have a bond teachers will not go to the country to teach. This is a big problem, because great disadvantages exist for them in the country. I believe we could get teachers to go to the country by granting special allowances, by ensuring that adequate housing is made available, and even by providing them with incentives such as special leave. The whole question of the bond must be closely considered.

One of the problems of the Teacher Education Authority—and the Bill contains amendments in this regard—seems to be that although provision has been made for a council and for each college to have a board, we still have a situation in the colleges which emanates from the old days of the Education Department; that is, a hierarchical structure of a principal, a deputy principal, and so on. This situation has been inherited from the days when the Education Department was in control, and I do not believe an effective breakaway from it has been made to achieve a truly democratic structure. I think it is necessary to educate our teachers in a democratic structure if they are to be expected to go into the schools and inculcate democratic ieals in our students.

If our student teachers are educated in a hierarchical structure—in an authoritarian establishment, with the principal being supreme—I believe we will merely pass on authoritarian values to them, and their classrooms will have an authoritarian structure. This will mean students will not be encouraged to participate in decision-making but, rather, will be treated in an authoritarian way. For this reason I believe we should make a greater attempt to democratise our teacher education institutions.

I refer to section 38 of the Teacher Education Act—

Mr Mensaros: The Bill contains no amendment to that section.

Mr A. R. TONKIN: No, but we are referring to college boards and section 38 states that there should be not less than one and not more than two students on each college board. I know each college board has on it the maximum number of students, and this is a very desirable arrangement.

However, I point out that it is not sufficient merely to have two students on each board; students should be involved completely in the decision-making of the college so that a genuine partnership exists. I say that because such a democratic structure will help to develop a love and an understanding of democratic principles and procedures in the minds of the teachers, and in turn this will be taken into the classroom.

Mr Clarko: Are you suggesting a 50-50 representation on each of the boards?

Mr A. R. TONKIN: No, I am saying that having student representation on the boards is not where the matter should end; we must have a genuine involvement of students in decision-making. Giving representation to the students under the present hierarchical arrangement does not mean a great deal.

Mr Clarko: What is the solution?

Mr A. R. TONKIN: The solution is that the administration of the college must be genuinely filled with a belief in democratic procedures and the pursuit of democratic principles so that genuine attention is paid to the students, thereby enabling them to participate in decision-making. For example, at high schools at which I taught students were not represented on school boards because there were no such boards. Yet in actual fact they could participate in decision-making, but that depended on the will of the principal, the senior master, or the teacher concerned.

The Soviet Union is a classic example of the provision of such institutions. When one reads the Constitution of the Soviet Union one thinks it is very democratic and desirable; but that is not so in practice. I am saying there is a great difference between practice and theory. Unless there is the will to make things work democratically, all the constitutional provisions one could think of will make no difference.

Mr Clarko: If a school has 1 700 students and 100 staff, you would not want to have a 17-1 student representation.

Mr A. R. TONKIN: I am not suggesting that we need have more than two student representatives on each board.

Mr Clarko: I agree.

Mr A. R. TONKIN: I am suggesting that the provision of student representation on the boards is not sufficient in itself.

Mr Clarko: The problem is that usually the student representatives are also office bearers of the student body, and are already busy. This handicaps most of those students who are actively involved in the decision-making process.

Mr A. R. TONKIN: Yes. That occurs in many fields; often the most able people are over-committed.

I refer now to clause 3 of the Bill, which amends section 10 of the principal Act. It states that four members of the council shall be teachers, two of whom need not necessarily be engaged in teaching and shall be nominated by the State School Teachers' Union. I understand the two teacher representatives on the council at the moment are excellent persons who are well known in the Teachers' Union. I refer to Mr Harry Bennett, president of the union, and Miss Nenny Harken, vice-president.

However, I am concerned at the fact that only two of the four teacher representatives need be actually engaged in teaching; and those representatives, not by the provisions of the Act, but by administrative decision, come from the non-Government school sector. I do not quarrel with that, but the other two representatives to be nominated by the State School Teachers' Union need not necessarily be engaged in teaching. So there is no provision to place on the council teachers actually engaged in teaching to represent the Government school sector.

I think that is a weakness. If we agree —and there is some legal opinion to suggest this—that "a person actually engaged in teaching" could include a principal, then although I would like to have a principal on such a council, I would really like to see an ordinary class teacher in the Government school sector on the council. It is far too easy for an administrator to lose contact with the real classroom situation, even though he may have been the best teacher in the State at one time.

I would like to see on the council and on each of the college boards representatives of classroom teachers from the Government schools. We already have that representation from the non-Government schools, and I believe it should be provided for in this case. The classroom teacher should not be neglected because frequently he is a practical person and is in intimate touch with the consequences of teacher education. The council must be aware of the criticisms levelled at it, and one of the best ways to meet criticisms is to listen to those who level them and to be prepared to accept suggestions. Although I am not suggesting an amendment, I think it is a weakness that it is not possible to have on the council a teacher who is actually engaged in teaching. I am aware that Miss Nenny Harken is a part-time teacher, but I feel provision should be made for this aspect.

I note in passing section 38 provides that the college boards should have not less than two nor more than four members representative of the outside community. I note two of the colleges have not taken full advantage of this. I would think it is in their best interests to take full advantage of it by having the maximum number of representatives of the outside community. I have said on other occasions this is one of the criticisms one could level at the University of Western Australia; that its senate is not sufficiently widely representative of the outside community. I know the Graylands college has only three such representatives, and the Mt. Lawley college has two.

Proposed new section 55 is welcomed. It provides for one association of academic staff throughout the State with branches in each college, rather than each college having its own association. I believe that having one association of academic staff, one association of other salaried staff, and one association of students, throughout the State will strengthen the respective organisations. I hope the academic association will not concern itself with industrial matters only—that is, matters concerning promotion, remuneration, and conditions—but will deal with the professional problems facing the teachers' colleges. I believe it

will do this. It has a very important role to play in the continuing development of teacher education in the State.

The Opposition also welcomes the amendment to section 72 of the Act, because it gives tangible expression to the autonomy of the colleges by permitting their boards to invest funds on their own account. I believe this is a desirable provision. It was an oversight that it was not included in the previous Bill—just as oversights occur in respect of all Bills.

In conclusion, I would stress two matters briefly. One is, I believe, that teacher education must be like all education; that is, recurrent. In other words, we should see a closer liaison with the school; we should see, after the students have been so-called trained, their returning to the teachers' college, or some other appropriate institution, for a week, a month, or some such period of time, so that a trainee would get the idea of continuous training rather than the idea of his hearing many lectures in college *in vacuo* and then being expected to put the principles into practice. With the introduction of a three-year term for training in a teachers' college a student spends a longer period in school. We must do more to facilitate the commingling of theoretical and practical work.

The present system has not gone far enough and I believe that this system of commingling shall increase. I also hope that, more and more, teachers' colleges will step out to innovate to improve teacher education and will introduce into their college structures and their courses a greater measure of democracy in order to encourage students to participate in decision-making, because it will only be with that kind of training that teachers will be produced so that they can go into schools and be able to teach the practice and principles of democracy. If a teachers' college has an authoritarian structure we tend to turn the trainees into devotees of an authoritarian institution.

The Opposition has no reservations about the Bill and believes that the amendments contained in it are most desirable.

MR MENSAROS (Floreat—Minister for Industrial Development) [5.47 p.m.]: I thank the member for Morley for supporting the Bill, although he based most of his comments on the parent Act and its philosophy rather than on the Bill before the House. Consequently, I hope that you, Sir, will allow me to reflect on his remarks which otherwise would, I believe, be somewhat of a breach of Standing Orders.

Commenting on the teaching methods, the member for Morley said that perhaps the students in individual colleges have to take too many subjects and they are treated more as high school or primary school students than teachers. I would not say that I have had experience with all the teachers' colleges, but I have had experience with one at least, of which I am a board member, and I can assure the member for Morley that, in my humble experience with this particular college the position is exactly opposite to that which he mentioned. That college has a large and wide selection of compulsory subjects which are indeed very interesting, together with others which are selected more on the volition of the students themselves.

In speaking of the authoritarian system in colleges, I can assure the honourable member that students indeed have quite a say in the various decisions that are made, even on the curriculum and other matters.

The member for Morley also dealt with the question as to whether teachers' colleges, as such, represent the right system, or whether the education of teachers should be extended to universities. It is an extremely old question as to whether or not we should have single purpose colleges for teaching.

I would imagine that both systems could live next to each other. Indeed, in the newly-created autonomous colleges the trainees could spend some time not only on their normal teacher education but also on education in some other fields which would be useful to the teachers and which in due course, in some of the colleges at least, will include other disciplines as well.

As I understood him, the member for Morley then went on to say that, firstly, the education system in these newly-created autonomous colleges is the same as it was 30 years ago and that the same personnel are teaching there. Indeed, I can assure the honourable member that not only in the particular college to which I was referring, but also in the other colleges, there is a huge intake of overseas and interstate teaching staff, and there is no sign of their being inbred. Indeed, I would suggest that, if this criticism were correct, we might reach the danger point where we would be almost discriminating against those who were educated in Western Australia, because some of the colleges have more imported teachers on their staffs than those who have been educated in this State. I am not saying that, one way or the other, that is bad. I am simply saying that there is a balance, and I do not think we should go to the extreme—as so often happens—of leaning too far the other way.

The member for Morley mentioned that autonomy might not be accepted gladly and the responsibility which goes with autonomy might not be carried. Again, I can assure you, Mr Speaker, that my experience is quite to the contrary. Indeed, what happens through the boards of these various new colleges is that they are more and more anxious to fend off perhaps the paternalistic attitude of the Teacher Education Authority. The trend is that

more attention should be given to individual colleges, especially as the TEA is now endowed with not an insignificant amount of money by the Government which results, of course, in its trying to spread its authority.

There is an interesting contradiction in that the member for Morley gladly accepted the last amendment which, of course, instead of granting autonomy, combines the identity of the students' and the teaching staff's representation. I wonder how these two philosophies go with each other. The Act is being amended as a result of representation by the associations, but I would have thought that pure logic would lead the member for Morley to say that if he agrees with autonomy of colleges, then at the same time he should agree with autonomy and, as he rightly said, the responsibility which goes with it should fall on the representative bodies.

Although I only represent the Minister for Education who sponsored the Bill in another place, I would think that healthy bodies, representative of staff and students, should have the responsibility which the honourable member so rightly says goes with autonomy, but on the other hand it appears that there are certain industrial policies represented in this particular field rather than well-expressed ideas.

The member for Morley also said that, in his opinion, there might not be sufficient screening of the student teacher intake. Again, this does not agree with my personal opinion. It is rather fitting that I met a number of students who want to be taught at these colleges, and it is also rather fitting that there is a larger number who wish to enter them without entering into a bond. I do not intend to enter into an argument on the merits or demerits of the bonding system. I agree with the member for Morley that it is not a good system *per se*.

At the same time, the honourable member pointed out the difficulties of placing teachers in remote areas, but the overriding principle is that those in these remote areas should have education equal to that provided in the metropolitan and other areas. This is what is very hard to achieve. If anyone could come up with an appropriate suggestion I am certain that an effort would be made to implement it. I am sure that during his term of office as Minister for Education the member for Kalgoorlie tried to find a solution to this problem but he was unsuccessful. No-one can find a solution in practical terms and that is the reason the present system continues. We all may condemn it in principle but we have to continue using it for want of a better system.

Mr A. R. Tonkin: We have not tried an alternative. We have not tried paying really adequate allowances in remote areas.

Mr MENSAROS: Not that type of alternative, but I understand the honourable member was in Parliament when the Minister for Education at that time tried a system of loans, but I think he received only two or three applications. So attempts have been made to find an alternative system. Many have tried, but it is not easy to reach a solution. The ideal situation would be achieved if members of the teaching profession realised they should give their services in remote areas without being enticed with either a loan or a bonding system. That would be the time when we could talk of teaching being a real profession.

The SPEAKER: I point out that we are straying from the subject matter of the debate. Previous speakers have strayed also, but I think I have allowed enough latitude.

Mr MENSAROS: I quite agree, Mr Speaker. I am simply trying to answer the contentions of the honourable member. Another comment made by the member for Morley was that, in his opinion, as a consequence of the Government sector being represented on the council of the Teacher Education Authority, no teaching members were appointed to the council. This is really not the case. This amendment has been brought forward as it was requested to be brought forward from the previous Minister for Education—who considered that he could not introduce an amendment so soon after the Act had been proclaimed—in order to accommodate the wishes of the State School Teachers' Union. There is nothing in the provisions of the Bill to compel the Teachers' Union to nominate nonteaching teachers as members, but this can be done of its own volition. If the union wishes to nominate people who are nonteaching teachers that is its business. If the honourable member can convince the Teachers' Union that his approach is the correct one, it will probably do something about the matter.

Mr A. R. Tonkin: I do not have as much influence with the Teachers' Union as you have.

Mr MENSAROS: I am not disagreeing with the honourable member's policy; I am simply saying that this is the policy of the Teachers' Union. I have already dealt briefly with the question the honourable member raised in regard to amending section 55 concerning the combination of the representative bodies. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Mensaros (Minister for Industrial Development) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Heading for Division 4 of Part III amended—

Mr HARTREY: I see no reason for the deletion of the word "Academic", and I think this might be a suitable occasion to make some observation about the meaning of the word and its application to teacher education.

I do not believe we should reflect adversely on the word; and we should not agree with great enthusiasm to the idea that university professors must be school masters trained in the special subject of imparting knowledge rather than in the intellectual pursuit of discussing knowledge. In my university days very few of my lecturers or professors would have been classed as being as good a school teacher as I was myself—and that was not very good. However, they were much more intellectual men, more gifted, better informed, and, in many ways, wiser. I have in mind particularly the late Sir Walter Murdoch who was no teacher. We always used to say he looked at a fixed spot on the wall, but he also looked always into our hearts and spoke to us in the language of wisdom and culture and with every academic qualification.

I do not like the word "Academic" being removed from the Act because academic qualifications are important, not in the sense of passing examinations or getting degrees, but in the sense of appreciating the cultural and intellectual qualities and the wise, gentle, sympathetic, and human qualities of the academic. This is precisely what we did gain from the university.

It was suggested a while ago by the member for Morley that we should have teachers trained by teachers who, as long as they could lay down the law and know their subject and teach, would be ideal university professors. I do not think they would be.

Mr A. R. Tonkin: I did not say anything of the kind.

Mr HARTREY: Members can judge for themselves. I will not argue with the member for Morley.

Mr A. R. Tonkin: Do not misrepresent me.

Mr HARTREY: They have their uses, but they are not the people who should reproach university professors who have established a reputation for themselves in this State over many years. Some of them are no longer with us; they have gone to their reward. Those who are still with us ought not to be judged by whether they can lay down the law and impart the knowledge which is required in technical colleges, tertiary institutions, or even secondary schools.

It is important that we do not lose sight of the objective of a university which is academic in the sense I have defined it. I therefore object to the deletion of the word "Academic" because the implication is that we want our teachers to be anything but academic.

I agree with the member for Morley who said that a teacher who has no academic qualifications at all may be an excellent teacher in a class where academic qualifications are not required. A man does not need Greek to teach fifth grade because it is not studied in that grade. In fact I do not think it is taught in any grade now. Professor Adams, then a very eminent United Kingdom authority on education, visited Western Australia in 1924 and made a very sagacious statement when he said that in order to teach Latin to John one does not only have to know Latin, but also to know John. That is quite elementary, academic, and sound and for that reason I have taken the opportunity to object to the deletion of the word "Academic" in order that I might give my impression of what I think the word means. I want the Committee to know that we do not all agree that we should convert our universities into mere teacher factories.

Mr MENSAROS: I agree with perhaps all the honourable member said, but it so happens that he did not take into consideration the machinery reason for the amendment. In the original section 55 mention was made only of an academic staff organisation and a student staff organisation. The amended section 55 brings in three organisations; that is, the organisation of the academic staff, which is still called the academic staff; the organisation of the salaried staff; and the organisation of the students.

Apparently the draftsman believes that if the word "Academic" is deleted from the title, it will then encompass the three types of associations. In order to satisfy the honourable member the solution would be to make the title of the division more cumbersome by referring to the academic staff, the salaried staff, and the student organisations. I do not think the draftsman was against the idea enunciated by the honourable member, but wished to express it in a simple way.

Mr HARTREY: I accept the Minister's explanation for which I thank him, and I withdraw my objection.

Clause put and passed.

Clause 5: Section 55 repealed and re-enacted—

Mr CLARKO: One point which concerns me a little—and I ask the Minister representing the Minister for Education to explain it to me if he can—is whether the individual person who belongs to the academic staff, the salaried staff, or the student organisation shall have the right individually to communicate with the council. I would hope he will not be restricted to working solely through the particular combined association.

Also I am a little concerned that a change has been made from the provisions in the Act which opened the way for each college to have its own academic staff. This Bill makes it possible for the salaried staff to have an association.

When I was a member of a teachers' college I chaired the original meeting from which the Academic Staff Association of the Secondary Teachers' College was formed. I tried to put the point that we would have much greater strength if we were to be of a federal or non-federal nature because in our college we were concerned with something like half the students, but only one-fifth or one-sixth—I forget which—of the number of colleges. It always seemed to me that the chances were that the people of that particular college were not likely to be fully represented and that their views at times might not be heard.

In the early days that situation did prevail, but generally, in time, it was watered down and the move was towards an overall body. Could the Minister make some comment on these matters?

Mr MENSAROS: I am not quite sure that I understood the honourable member correctly in regard to his first query. I understand that he wants the individual members of the student association to be able to go to the council, or did he want it so that the individual branches—as they will be after the Bill is enacted—will be able directly to represent themselves or the students of that particular college—*vis-a-vis* the council—as opposed to the total student council organisation?

If it is the first case, I do not think that even before the amalgamation of the student representations an individual student went even to the board of the college, let alone to the Teacher Education Council. He made an approach through his own association or its executive. For all practical purposes I think the student organisation of a particular college will still make its approach through its branch; but, being a practical man, I believe this will be the situation less and less and finally there will be one representative for the whole student association including all branches of the individual colleges.

As to the honourable member's second query, indeed I share his view very much as I tried to indicate during my reply to the second reading debate. It might seem somewhat odd that, representing the Minister for Education, I almost appear to speak against the provisions of the Bill; but this amendment has been inserted at the direct request of the associations and I can only say that had we been deprived of the pleasure of having the member for Karrinyup with us, he might have been successful in bringing to fruition his ideas with which I quite agree.

Mr CLARKO: I omitted to ask one other question. Is it likely that individual members, such as in the student body or in the staff or salaried organisations, would be compelled to belong to those associations?

It has been a practice for many years in colleges that if a person has not paid his student fee by a certain date his student allowance is held and is not paid to him. I have never been satisfied with that particular approach and when this legislation was discussed originally in another place an honourable member there stated that in his opinion—and he was a legal man—this practice was not legal. Nevertheless that has been the system in the past. It is tantamount to compulsion; and I would ask the Minister whether that matter should also be looked at, even if he is not able to reply at this stage.

Mr MENSAROS: Indeed I am not able to reply with full authority. I would have to rely on my memory. However, I will ask the Minister to state the position; but whatever that might be, the unfortunate fact is that in practice the tendency is that it might develop to be sort of compulsory unionism. Whether this is an authoritarian or democratic way, I leave to the member for Morley to decide.

Clause put and passed.

Clause 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Sitting suspended from 6.15 to 7.30 p.m.

EVIDENCE ACT AMENDMENT BILL

Council's Message

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

ART GALLERY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th September.

MR T. D. EVANS (Kalgoorlie) [7.31 p.m.]: I seem to be the No. 2 batsman going in first; apparently the No. 1 batsman has been a little delayed.

This Bill is to amend the Art Gallery Act. It has two main purposes, one of which is to enable the board to operate in its own right; and, secondly, it seeks to vest in the board authority to invest any moneys it may have from time to time. This would, necessarily, be in the short term.

Both of these are worthy objectives and not only do we not oppose them, we do, indeed, support them.

I would, however, like to raise the point that the Bill seems to be quite silent on the issue as to what the position would be if in any one year the board is to exceed in its borrowing the sum of $400 000—that being the maximum level permitted by the Loan Council of Australia for local authorities to borrow without the express approval of the Loan Council.

I assume the Art Gallery Board would in fact be termed one of the small authorities, along with all local authorities in Western Australia and with such other bodies as, for example, the Country High School Hostels Authority and the various port authorities.

It is to be noted that in the case of these small authorities—the Country High School Hostels Authority and the various port authorities—their enabling Statutes require that they shall not borrow in some cases I think the sum of $400 000 is stipulated—without express approval. In the case of the Country High School Hostels Authority I think this is the amount which, from time to time, may be approved by the Loan Council.

However, I would like the Minister to clarify the position as to whether the Art Gallery—which unlike these small authorities will now apparently not need the specific approval of the State Treasurer—will be termed a small authority. After all it would appear to be carrying out the functions of the Government by administering to the needs of the community and having art treasures at its disposal. This being the case I feel it would be either a big authority or a small authority.

In such a case I consider the Bill is perhaps deficient in not making the point that it is a small authority which, from time to time, may borrow an amount not exceeding $400 000 without the express approval of the Loan Council.

The No. 1 batsman having now arrived, I will content myself by indicating the support of the Opposition for the Bill before us.

MR B. T. BURKE (Balga) [7.36 p.m.]: The Opposition supports the Bill because it promises increased autonomy for an expert body operating in a specialised field.

However, as the member for Kalgoorlie has pointed out the Opposition would seek some assurance from the Government that the plans foreshadowed in the Bill will not involve any breaking down of the financial arrangements which exist between the States and the Australian Government.

Western Australia is, perhaps, blessed by a larger number of small local authorities which come within the ambit of the meaning of local authorities, as laid down in the agreement between the Australian Government and the States, and under which those authorities, at the beginning of each Loan Council meeting, are granted permission to borrow up to $400 000 without referrence to the Loan Council, without threatening the arrangement by which the Loan Council operates in its relations with the States.

There has been some indication at a number of meetings between the Australian Government and the State Government Ministers that perhaps the other States view the position in Western Australia, and our proliferation of small local authorities, with some concern. For this reason—and because the Art Gallery may be classed as a small authority, which perhaps at some time may wish to borrow more than $400 000, thus becoming a direct drain on loan funds—we would seek some assurance from the Government as to the exact intention of the Bill as it relates to this aspect.

Also, in view of the tremendous publicity which has been occasioned by the Australian Government's activities in the field of art, I think it is appropriate to seek some sort of notion from the Government as to whether its intention is that this measure will allow an extension of the Art Gallery's activities to fields such as those in which the Australian Government has operated and in which its operations have brought upon that Government considerable criticism from many quarters.

In other words if this measure is one which is aimed, probably quite properly, at increasing the ambit of influence and the operation of our Art Gallery Board, we would then like from the Government some idea of its policy with regard to the purchase of art treasures, and also the fields in which the board might now be able to move seeing it has this increased financial autonomy.

Apart from saying we would like advice on those two points I would only repeat that the Opposition supports the Bill.

MR STEPHENS (Stirling—Chief Secretary) [7.39 p.m.]: I would like to thank the member for Kalgoorlie and the member for Balga for their contributions to the debate on this Bill and also for indicating the support of the Opposition to the measure which, we will all agree, is very worth while.

I think it is generally conceded that at the moment the Art Gallery is rather restricted in its ability satisfactorily to store all the material it has and also to display such material, and it is, therefore, very desirable that these facilities be extended.

Both the member for Kalgoorlie and the member for Balga made the same point in connection with the possible limitations in the board's borrowing powers. I will check this aspect out before the third reading, but my understanding of the position at the moment is that the board has no borrowing rights whatever. It is

subject to the Treasury, but with the provisions envisaged in this amending legislation it will have a statutory right to borrow up to $400 000. If it desires to exceed that amount, I understand the authority would come within the ambit of the normal Loan Council operations and be subject to the approval of the Loan Council.

Members will appreciate that I am handling the Bill on behalf of a Minister in another place, but I think the position is as I have explained. However I will check it out.

With those few remarks I again thank the members of the Opposition for their support of the measure.

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.

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd August.

MR BERTRAM (Mt. Hawthorn) [7.43 p.m.] The purpose of this measure is to repeal the last section—that is, section 15—of the principal Act, No. 88 of 1970.

When the Minister introduced the measure, on the 22nd August last, he intimated that he would delay further debate and keep the Bill down on the notice paper, because he expressed the hope—or, as the Minister said, the pious hope—that certain events may occur at the Australian Government level which would make the passage of the measure no longer necessary.

Some time has now elapsed, and it is perfectly obvious to all who have looked at the situation that the hoped-for developments have not eventuated and will not transpire. It is therefore necessary to proceed with this measure, and I will refer briefly to one or two points.

The Opposition supports the amendments proposed in the Bill. The principal Act which the Bill seeks to amend was introduced into this House on the 10th November, 1970. Those members who are interested in the reasons for the introduction of the parent Act may like to read page 2003 of *Hansard* for that year. The Act was necessary because of a High Court decision in a rather well-known case—the Worthing case. The decision in this case was a majority one of four to three. It was held that certain land was land—or to use the more appropriate term "a place"—acquired by the Commonwealth for public purposes within the meaning of section 52 of the Commonwealth Constitution.

Prior to that decision—and for the best part of 70 years—it had been thought that the State had the ability to make laws for the whole of the State, including Commonwealth land, except, of course, in so far as the State laws may be in conflict with Commonwealth laws. In any event Worthing's case swept that belief well and truly aside. The decision meant that State laws do not extend to Commonwealth places, and an example of a Commonwealth place is a Commonwealth post office.

The 1970 parent Act complements Australian Government legislation, and similar legislation has been passed in every other Australian State. The objective of the principal Act—although it is by no means easy to read or to comprehend—is to restore the law, as far as it is possible to do so, to the position which it was thought obtained during the best part of the 70 years since Federation; that is, up till the time of the Worthing decision.

When the original Bill was discussed in 1970 it was stated that all States took the view that the only adequate way to meet the denouement produced by the Worthing case was by an amendment to the Australian Constitution, although the Australian Attorney-General at that time was by no means sure that it was the right way to tackle the job. It was hoped that some other way to overcome the dilemma might come to light. That being so, the parent Act was required to operate only until the 31st day of December, 1971, on which date it would expire. Before that date arrived, the parent Act was amended by Act No. 38 of 1971, and the expiry date of the 31st December, 1974, was substituted for the original expiry date of the 31st December, 1971. I imagine it was still hoped that something might occur which would make it unnecessary for the principal Act to remain on the Statute book.

We are now coming to the end of 1974, and as I indicated earlier the Minister's hopes for something to occur—for instance, an amendment to the Australian Constitution—have not been realised. In the light of the attempts over the last few years to amend the Australian Constitution, even very worth-while amendments are by no means certain to receive the support of the required number of Australian people. One of these days the actual requirements to amend the Australian Constitution may themselves be altered by some fluke, in which case some very necessary amendments to the Constitution may become a reality.

At this stage there seems to be no real point in bringing this legislation back to Parliament every few years to amend the period of operation of the parent Act. The deletion of section 15 is in harmony with this idea. The amending Bill will allow the principal Act to continue to operate until an alternative method is found. Then and

only then will it be necessary to bring the matter before Parliament again. As I indicated earlier, we on this side of the House support the measure.

MR O'NEIL (East Melville—Minister for Works) [7.54 p.m.]: I wish to thank the Opposition spokesman who indicated the support of the Opposition for the measure. When introducing this Bill it was proposed that it should remain on the notice paper in this Chamber until such time as further consideration was given to the matter by the Standing Committee of Attorneys-General. This committee is meeting in Canberra on Friday, but I understand that this matter is not listed for consideration on the agenda. However, the State Minister for Justice has told me that he will discuss the situation with his colleagues, if not officially at the meeting, certainly on some other informal occasion.

It is perfectly clear that an amendment to the Australian Constitution is required to overcome the problem which became apparent after the decision in the Worthing case. In my view it is not physically practical to hold a referendum to alter the Constitution before the date on which the parent legislation will cease to operate. However, with the assistance of the Opposition we will pass the legislation in this Chamber, and the Minister for Justice will steer its passage through another place after having consulted with his colleagues in Canberra next Friday. I again thank the Opposition for its support, and 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.

AGRICULTURAL PRODUCTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd October.

MR H. D. EVANS (Warren) [7.58 p.m.]: The purpose of this amending Bill is to assist the administration of the Agricultural Products Act. It is suggested that several anomalies exist in the Act, and the five provisions included in the amending Bill are to enable the policing of several industries, and in particular that of fruit and eggs, to be expedited.

The Bill does not indicate the true situation which pertains in regard to the fruit industry, and it does not indicate either the unsatisfactory provisions for quality and quantity control in that industry. Up to this time a provision of another Act has been used, although perhaps not really dishonestly, to police one section of the operation of the industry. Under the terms of the Agricultural Products Act certain advisory committees were set up to advise the Minister on the total quantity of fruit to be allowed onto the market each year. By way of illustration I would like to refer to the Apple Sales Advisory Committee. Eight members comprise this committee; four members are growers, one is the chairman who is the Director of Agriculture or his nominee, and the other members are shippers, consumers, and merchants.

Each year they endeavour to assess the total amount of fruit which will be available and they then place restrictions of certain sizes and quantities. In this way, they enable to come onto the market sufficient fruit to meet the demands of the local market without a glut situation occurring. In this sense, the provisions which essentially determine quality are used to control the quantity that comes onto the local market.

The difficulty has only just started and, indeed, it is one to which the present Opposition paid close attention at the time the apple export authority Bill was introduced into this House. I am referring principally to the apple industry because it is the industry for which we must have the greatest regard, as it involves so many growers and many millions of dollars each year and is a significant industry in the economy of this State. This industry has been subject to certain pressures from a number of directions. Firstly, pressure has been applied by competition from overseas countries—South Africa and South America in particular—which have made heavy inroads into our traditional United Kingdom market, to which we export each year something of the order of 750 000 bushels.

This market is being further threatened by two other forces. One is the expansion and policies of the European Economic Community, which represents a direct threat to our industry. Improvements in the technology of storing mean that the time difference of which we have been able to take advantage is diminishing. In the Northern Hemisphere, apples can be kept for a longer period and, so, reduce the period during which the apples are in dire need of cool storage.

The other problem relates to increases in costs, the principal item of which probably would be in sea freight. When one considers that the cost of fuel oil has increased fourfold in the last year, one can see that freight charges can make or mar the whole industry. Indeed, this year, the growers would not have survived had it not been for the price support provided by the Tonkin Government, in conjunction with the Commonwealth Government last year. Unless price support is introduced this year, there will not be any apple export industry. It looks as though next year will be the year of truth; the moment of revelation is fairly close at hand.

The significance of this circumstance is that the other avenue for the sale of apples—that is, the local market—must use all the apples for juicing. It is hoped that 5 000 tonnes, or about 250 000 bushels will be used next year in the Manjimup cannery. However, if the 750 000 bushels which normally go to the United Kingdom market are available for sale locally we will have a very serious problem with which to contend. It will mean that not only will the export market be undermined but also there will be a glut on the local market of such proportions that it will be uneconomic for producers to continue in the apple industry.

This is compounded by the fact that there has been an escalation of cool storage space available in Western Australia. This was foreseen. Indeed, in the initial apple and pear Bill brought before this House it was indicated that this problem would become intensified. The cool space available in 1971-72 was 1.509 million bushels; in 1972-73, 1.547 million bushels or an increase of almost 500 000 bushels of storage space was available; and, in the 1973-74 season, 1.650 million bushels of space, or an increase of about 100 000 bushels on the previous year, was available to the grower. The total State requirement is about 600 000 to 700 000 bushels, 500 000 bushels of which are consumed during the period from April through to about January. When they are consumed, naturally, they must come out of cool storage.

It will never be possible to resolve the harvest period. But this is for a matter of only a few months, and has been disregarded. It has been shown that the 500 000 bushels required in the State, generally, are dependent upon the cool storage industry to ensure that the product is kept in an acceptable order for the consumer. So, this is the situation on which we are focusing. We have the possibility of a glut situation because of the vanishing United Kingdom export market and we have an escalation of cool storage space to the extent where we can now cater for something like double the State's requirements. Therefore, the situation which we foresaw in fact will occur and will affect every apple producer in this State.

The then member for Dale referred to the fact that something like 47 per cent of the hills growers depended entirely upon their orchard operations. At present, Granny Smiths have dropped to as low as $2 a case—an unprecedented price for October. Three years ago the price went to $12 and, indeed, $15 a case. The price now being received for apples barely returns the cost of packaging, let alone the actual growing of the apples. This is the sort of situation with which we can expect to be confronted.

Mr Thompson: Would your apple and pear Bill have made any difference to the present situation?

Mr H. D. EVANS: It certainly would have made a difference, to the extent that it would have provided the growers with an intelligence service; this was the object of the Bill. At present, there is no accurate accounting of the amount of available cool storage, where it is and the extent to which it is available. At the same time, no opportunity exists for growers to use a co-operative system to provide for their cool storage rather than capitalise for their own individual requirements in the orchard.

Mr Thompson: Would your Bill have increased prices by 1c?

Mr H. D. EVANS: Just a moment. This escalation of cool storage to some extent has come about because of the unprecedented number of cool storage facilities being erected. When driving to Perth each week, I can see three major cool store facilities which have been established in the past season.

To a large extent, this occurred because growers were unaware of the situation with which they were confronted. At the same time, they did not have the benefit of the intelligence that would have been built up by the recording of the available storage. Of course, this is apart from the inspection factor to ensure that only quality fruit is marketed. Indeed, records show that substandard fruit has been put into cool store with the direct intention of supplying the local market. The growers have not had the benefit of the service we would have provided for them.

A disservice was done to these growers and this will be underlined in the prices they will receive for their fruit. The prices now being received are most unseasonal and unusual, and I cannot see the problem being resolved at present, considering the extent to which it has grown.

This leads me to refer to clause 7 of the Bill which I believe requires further elaboration by the Minister. In my opinion, it is at some variance with the Minister's second reading speech. The Minister stated that the intention of the Bill was to amend section 8 so that, to a limited extent, onus of proof would be placed on the seller that any particular fruit on the premises was not for sale. This in itself is not a very readily acceptable tenet of law. However, the Minister provides a qualification that the prosecution must establish a prima facie case that the premises had been used consistently for the sale of fruit, even though that may not be the case at the time. The Minister stated—

> However the prosecution is required to show that the premises were being used at the time for the sale of fruit or had been regularly or frequently used for the sale of fruit.

It would appear that the inspector must be able to show that the premises were used for the sale of fruit, if not at the particular time, then in the past. Once that has been established, the owner of the premises must

show that the fruit was not for sale. This will cause some difficulty. I have in mind the several places—indeed, I counted 19 on one trip between Manjimup and Perth last apple season—along the road where apples are sold. Several of these places have large cool storage facilities alongside the stalls which carry the fruit. What will occur under the terms of this Bill? Will the cool stores be the subject of inspection? Can the inspectors go into the cool stores and carry out inspections while not entering premises alongside, where there is no indication of fruit being available for sale?

This appears to be one aspect which requires clarification. I would imagine that the terms of this Bill would apply to the situation where the fruit—again, I am using apples as the illustration—is sold in premises where some sort of storage facility exists alongside. The supermarket situation comes readily to mind. Probably, this will serve to assist in the control of quality in these areas. The inspector will have greater powers and opportunities to operate in those areas. However, a considerable number of cool stores from which fruit can be purchased either in single bushel lots or in plastic bags still exist.

It is very difficult to determine whether they fit into the terms of this legislation. I do feel that some further elaboration is required on this point, and on the rather tainted approach to the question of placing the onus of proof on the seller. I do not know how this provision will operate, because I can visualise situations arising where very grave anomalies and certainly very wide areas of misunderstanding could be created. This does not seem to tie down the situation adequately in a legal sense.

Mr Nanovich: Are these cool stores along the road controlled by the growers?

Mr H. D. EVANS: In at least three cases I can think of.

Mr Nanovich: The onion growers also have cool stores, yet they have never been so well off.

Mr H. D. EVANS: I will not argue the question about the onion growers. I want to deal with the difficulty of cool storage of fruit and the future legal situation that will arise.

Mr Nanovich: Onions are another agricultural product.

Mr H. D. EVANS: I do not think the Opposition would cavil at some of the amendments in the Bill. The first simply provides for bringing the definition of "sell" into conformity with the Fruit Cases Act. This seems to be a desirable amendment, and there should be no problem in that regard.

The second amendment in the Bill will ensure the appointment of inspectors under the Agricultural Products Act. Previously they were appointed under the terms of the Plant Diseases Act. I suppose the same sort of element will exist—not quite dishonestly—whereby the quantity of apples coming in can be controlled by the provision governing quantities. This amendment will clarify to a satisfactory degree the appointment of inspectors.

It would be desirable to know the attendant questions which will arise from this amendment. Is it proposed that the number of inspectors will be increased? Will their operations or appointment alter to any degree? In practice will the situation remain as it was, and will the number of inspectors and their *modus operandi* remain as they were previously?

The third amendment in the Bill seeks to bring the Agricultural Products Act into conformity with the Fruit Cases Act in respect of the term "marked". There should be no problem in that regard.

The three amendments I have referred to are concerned with definitions, and they have been introduced in a desire to bring the definitions in the two Acts into line.

The major area of concern is to be found in the provision in clause 7. For the reasons which I have indicated many anomalous situations could arise in respect of the very many places which sell apples and the widespread order of cool storage. This is a matter which the Minister should clarify before the Committee stage is dealt with.

I do not know what provision will be made to assist the apple industry. There does not seem to be any practical solutions forthcoming from the amendments in the Bill. The apple industry is one of the hardest hit, and it is obvious that unless it receives some very marked degree of assistance it will be confronted with great difficulties in supplying the markets which have become traditional to it.

With the reservation I have mentioned on clause 7, I support the Bill.

MR McPHARLIN (Mt. Marshall—Minister for Agriculture) [8.21 p.m.]: I thank the member for Warren for the comments he has put forward and for his support of the Bill. As he has indicated, there are some anomalies in the Agricultural Products Act which require adjustment. The amendments in the Bill seek to rectify those anomalies. As the honourable member also said a number of advisory committees give advice to the Minister on certain aspects of the fruit industry. I refer to committees such as the Apple Sales Advisory Committee, the steering committee, and the Citrus Fruit Advisory Committee. These committees render a very useful service.

The amendments in the Bill will adjust the points which have been mentioned, and will bring the Agricultural Products Act and the Fruit Cases Act into conformity, so that the legislation governing the sale of fruit can be made more streamlined for the benefit of the industry.

Inspectors are not appointed under the Agricultural Products Act, and the Bill seeks to adjust this anomaly to allow their appointment. Regarding the point raised as to whether or not there will be an increase in the number of inspectors, I should point out that no increase is envisaged at the present time. The question of an increase in the number would depend on the industry itself, and whether the growers think there ought to be an increase.

The question as to whether or not inspectors should be empowered to enter cool stores to inspect the fruit has been of much concern to the industry. This point was also considered by the industry when the previous Bill was before the House.

The amendments contained in this Bill have been discussed in detail with the fruit-growing industry. The growers have examined the amendments and have agreed to them. My latest information is that the industry is quite happy with them. Furthermore, officers of the Department of Agriculture have spoken to the growers about these amendments.

The growers are concerned, because of the falloff in overseas sales, and they fear that a tremendous amount of fruit will be placed on the local market. Arising from the loss of the export markets the fruit growers want to maintain stability and quality on the local market, because they think they will be threatened with increasing pressures of supply.

The fruit growers want to maintain a standard which gives them a good return; they do not want to see inferior fruit placed on the market, because this would give the fruit a poor reputation. The producers believe that the proposed amendment to section 8, contained in clause 7, will help in maintaining a better standard.

Mr H. D. Evans: How would that work?

Mr McPHARLIN: It provides that the onus of proof be placed on the seller to show that the fruit on the premises is not for sale. That means if they have fruit in storage, which is not displayed but held behind the displayed fruit in large quantities, they will have to prove that that fruit is for their own use, and not for sale. The inspectors will be able to make a check, and they will be empowered to ask the growers to prove that the fruit, which might be of a lower grade than that on display, is not for sale. If an inspector is not satisfied he will launch a prosecution.

I understand that some fruit sellers at roadside stalls and with trailers engage in this practice. The growers claim that a stop ought to be made to this sort of sale. The amendment in clause 7 will give the inspectors greater power to make sure that such fruit is not for sale. This amendment has been agreed to by the growers, because they believe that the existing provision ought to be tightened.

The member for Warren has mentioned that this industry is in rather difficult circumstances. This is so, because of the decline in sales on the export markets, particularly the United Kingdom market. It is an industry which is suffering from very serious difficulties at present. The Apple and Pear Corporation was established recently at Canberra. It is a nation-wide organisation, and has been formed to assist the industry on a national basis, in an endeavour to promote export sales of fruit. It has made some effort to promote sales to countries to our north, particularly to Japan.

The Japanese have been most reluctant to buy what they term infected fruit, as they believe that Australia is one entity when it comes to fruit production. They think that when there is fruit-fly infestation in the Eastern States, it applies to fruit produced in the rest of Australia. To prove that fruit grown in Western Australia can be made free from fruit-fly infestation, tests have been carried out by the Department of Agriculture. These tests prove quite conclusively that fruit grown in Western Australia can be completely free of infestation. This is a step in the right direction.

As a result of such action, it is hoped the Japanese can be influenced to accept Western Australian fruit. By transporting the fruit under certain temperatures, it can be sent to Japan free of any infestation at all. We are hoping that there will be a breakthrough in our negotations with the Japanese. The question is still under examination, and steps are being taken to attempt to capture this market. At least there is a promise of success, because the Japanese have indicated that if our fruit can be made completely free of infestation they will be interested.

This may not be a market which can be developed rapidly; but at least we are attempting to promote it, and hope that in future we will be given some chance of increasing that market. I understand that the Apple and Pear Corporation is endeavouring to promote sales in Japan. By following this up we may be able to promote better sales from Western Australia.

This is something we must not neglect because the industry is certainly in need of assistance, and it will continue to need assistance. Help amounting to $1.2 million has been provided in the form of subsidies, or payments, from the Federal Government and the Western Australian Government on a dollar for dollar basis. If we are unable to increase our export market it is quite apparent that this matter will have to be reviewed further in an attempt to find some additional form of assistance to help the growers. We are all proud of our fruit, particularly the Granny Smith

apple, and we should endeavour to keep the industry viable and encourage the growers. None of us want to see the industry fail; we want to see it kept as viable as possible.

The growers themselves are concerned with the quality of the fruit, and for that reason they are quite happy with the amendments to the Act. Therefore, there will be an endeavour to maintain the standard of the fruit. Except for one or two points, no opposition has been raised to the Bill, so I will not take up any more time of the House.

Mr H. D. Evans: What about the growers who are selling fruit from their own properties? They have their own cool store facilities, and even have notices on the roadsides. How will this amendment affect them? They will continue to sell fruit and will virtually admit the fact because they will have signs erected. A prima facie case will already be established. I have no doubt any inspector going onto such a property would find substandard fruit in the normal package shed situation. At that point the owner will have the onus of proof on him. In such a selling situation he will have no chance of getting out of a charge. It will come back to the quality of the fruit on the premises which is not necessarily for sale. Two separate issues are involved.

Mr McPHARLIN: The industry is concerned with the quality of the fruit, and that is the reason for the inclusion of clause 7 in the Bill. It is an attempt to maintain the quality.

Mr H. D. Evans: A grower could have undersized fruit which he would claim was strictly for his own use, and that he was not going to sell it; but the onus is on him to prove that he did not intend to sell the fruit. I feel that this is not the best approach to the problem—putting the onus of proof on the grower.

Mr McPHARLIN: That is the way the Bill is framed; that is quite right. The onus of proof will be on the person selling the fruit. That is the way it was intended. I do believe there have been one or two objections raised with regard to this problem in certain areas. There are one or two points I want to clarify and, for that reason, I do not intend to complete the Committee stage of the Bill tonight.

Mr H. D. Evans: That is fair enough.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr McPharlin (Minister for Agriculture) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

Mr McPHARLIN: The points made by the member for Warren during the second reading stage of this Bill have been raised by one or two people in another area. I do not wish to conclude the debate on the Bill at this stage and I will request that progress be reported.

Mr H. D. EVANS: The attitude shown by the Minister is most reasonable and I am sure the Committee would rest much easier if this point was looked at before the passage of this Bill is completed.

Progress

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

ACTS AMENDMENT (JUDICIAL SALARIES AND PENSIONS) BILL

Second Reading

Debate resumed from the 3rd October.

MR J. T. TONKIN (Melville—Leader of the Opposition) [8.37 p.m.]: The purpose of this Bill is clear and definite. It is to increase the salaries of judges by 20 per cent, the increase to operate from the commencement of this financial year. There is every justification for the proposal and we support it.

The last increase which the judges received was on the 1st January, 1973. Since then, judges in all other States have received increases in salaries and we, in this State, have increased the salaries of magistrates. So we have the position that the present salary of a District Court judge is below that paid to a country magistrate in his third year of service. That is a situation which should not be allowed to continue and, of course, it must be remedied.

If we make a comparison with other States—and I think it is reasonable to do so when we adjust salaries—we find that the Chief Justice in this State receives a salary which is $2 700 less than the most junior District Court judge in New South Wales. So it is clear, by way of comparison of the salaries paid in this State and those paid in other States, that an adjustment is overdue.

The trend in more recent times has been to set up tribunals for the purpose of adjusting salaries. I think this is a more desirable method and doubtless, in due course, that is what will happen with regard to salaries of senior public servants and judges as, indeed, is being done with the salaries of members of Parliament. However, we cannot afford to wait until the necessary legislation is passed by Parliament to establish a tribunal for that purpose. Therefore, it is necessary to take the action now proposed by the Government.

For the reasons I have outlined we give our full support to the Bill. We see that these increases are completely justified and should not be withheld. I repeat: the increases will commence as from the beginning of this financial year—the 1st July.

I think that is reasonable and so far as we are concerned we will assist the Bill in its passage.

SIR CHARLES COURT (Nedlands—Premier) [8.40 p.m.]: I thank the Leader of the Opposition for his support of the Bill. I only wish we could have more legislation such as this. The way he stated the case, of course, is strictly in accordance with the facts and I appreciate the attitude of the Opposition because we were in something of a cleft stick, particularly in respect of magistrates. The situation highlights, more than any single example in recent times, the importance of having a single tribunal so that we will not have this conflict and anomaly which occurs from time to time. I thank the Leader of the Opposition for his support.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

LIBRARY BOARD OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd October.

MR T. D. EVANS (Kalgoorlie) [8.44 p.m.]: May I commence by thanking the Premier for enabling me to dispose of my contribution to this debate this evening as I do not intend to be here when Government business resumes tomorrow after the tea suspension, nor on Thursday.

The Bill is to amend the Library Board of Western Australia Act, the principal Act being denoted by the years 1951-1965, and provides for statutory recognition of a system which has long been tested in experience relating to the custody and preservation of State archives. The Bill is also said to relate to other purposes.

My examination of the Bill indicates that perhaps the most significant of the other purposes is the change of name of the library to be effected by the measure. Prior to 1955 the library was known by Statute as the Public Library of Western Australia. In that year the name was changed to the State Library, and under the Bill now before us it is to be known as the "State Reference Library".

I will pose two questions and attempt to answer them. The questions are: Have the changes in name meant more than a change in name? Do they indicate, firstly, a change in the attitude of the community towards the central library; and secondly, do they reflect a change in attitude on the part of those administering the library by making its facilities more attractive and more accessible to the public? I would like to think the answers to both of those questions are in the affirmative.

The main purpose of the Bill is to provide statutory recognition of the practice which has developed over many years and has been directed by administrative decision but lacked statutory approval. The practice appears to have worked quite well and I agree the time has come when statutory approval should be extended to that system of management of our State archives.

It is interesting to read the definition of the term "State archive", which is to be found on page 4 of the Bill and reads—

> "State archive" means a non-current public record which has been selected for preservation under the provisions of this Act;

Perhaps for the first time in the history of this State, when this definition is incorporated in the Act, people will have a source of reference for the meaning of the term "State archive". Over the years I have heard people referring to the State archives as being the place where the records were kept rather than the records themselves. The definition clearly states that a State archive is a document which has taken on a special status and will be preserved under the terms of this legislation.

It is also interesting to note that the proposed new subsection (2) of section 3 of the Act makes reference to the Premier. I cannot recall any Statute on the Statute book of Western Australia prior to last year which made reference to the Premier. There are many references in the Statutes to the Treasurer but I am advised that, as far as is known, prior to the Murdoch University legislation no Statute made reference to the Premier as such.

The Bill now before us gives statutory recognition to a practice which has grown up in relation to administering the State archives. In the past, the Premier of the day, together with the Public Service Board, had taken a leading role in the preservation of the State archives. If this practice is to be authorised by Statute, it is only natural that we would find reference to the Premier in the Library Board of Western Australia Act. The proposed new subsection (2) of section 3 refers to the obligation of the board to refer certain matters to the Premier from time to time.

I have one or two queries to raise with the Minister. In his second reading speech, on page 1958 of *Hansard*, it is stated—

> In England, for example, the national records have always been under the jurisdiction of the Master of the Rolls, the judge next in seniority after the Lord Chief Justice of England. This has always been the situation in Western Australia.

I think the sentence, "This has always been the situation in Western Australia", is wrongly placed because, the way it is

written, it implies that in Western Australia a person known as the Master of the Rolls, being the judge next in seniority after the Lord Chief Justice of England, has some jurisdiction in Western Australia and has something to do with the preservation of the State archives.

That is not what is meant. What was intended to be stated is that there has been a separation between the executive power and the actual preservation of the archives in Western Australia. I draw the Minister's attention to the fact that his speech is somewhat misleading in that respect.

I also refer to subsection (1) of proposed new section 32, on page 11 of the Bill. The marginal note is "Secrecy" and the proposed subsection reads—

> 32. (1) Notwithstanding any other Act or law, whether coming into operation before or after the coming into operation of this provision of this Act, which prohibits any person from disclosing or divulging any information contained in a public record . . .

I will not read the rest of it. I make the point that it purports to override under certain circumstances any Statute enacted in the past, and it also proposes to have prospective application to any future decision of this Parliament. I do not know what would happen if a future Parliament decided to override this provision. Another Statute would need to have a provision stating, "Notwithstanding section 32(1) of the Library Board of Western Australia Act, 1974", and on reference to the Library Board of Western Australia Act one would find a provision reading, "Notwithstanding any other Act or law, whether coming into operation before or after the coming into operation of this provision". Perhaps the Minister's advisers will have a look at that matter.

Finally, I draw attention to clause 4 of the Bill, which deals with the restructuring of the board. The proposed new subsection (4) of section 5 of the Act reads—

> (4) Each of the bodies named in this subsection has the right to submit to the Minister a panel of the names of three persons from whom the Minister shall select one to be the member of the Board representing that body, that is to say—
>
> (a) the Library Association of Australia, Western Australian Branch;
>
> (b) Perth City Council;
>
> (c) Fremantle City Council;
>
> (d) The Country Shire Councils Association of Western Australia;
>
> (e) The Country Town Councils Association; and
>
> (f) The Local Government Association of Western Australia,

In paragraphs (d), (e), and (f) the Minister has made a gallant attempt to cover the whole spectrum of interests throughout the State. I wish him well in that regard but I ask why two local authorities —namely, the Perth City Council and the Fremantle City Council, which are certainly large local authorities—have been given special rights to be represented on the board. I am not here to present the case of any other large authority, such as the City of Stirling, but those in the City of Stirling might feel they have strong if not equal rights to be represented. The Perth City Council and the Fremantle City Council have been singled out for special attention, while provision has been made in paragraphs (d), (e), and (f) for across-the-board representation of all other local authorities.

With those few remarks I indicate the general support of the Opposition for this measure.

MR STEPHENS (Stirling—Chief Secretary) [8.56 p.m.]: I thank the member for Kalgoorlie for his contribution to the debate and for his indication that the Opposition supports the measure. The honourable member has apparently studied the Bill very thoroughly, and although he raised one or two queries he did not indicate that he intended to oppose those matters.

I offer the suggestion that I consult with the Minister on these points and perhaps at the third reading stage give the answers to the queries he has raised.

Mr T. D. Evans: That is always expected.

Mr STEPHENS: I do accept the point the honourable member made with regard to the wrong placement of a sentence in the second reading speech. The sentence "This has always been the situation in Western Australia" quite clearly refers to the preceding paragraph.

I thank the Opposition for its support of this measure, which makes statutory provision for a de facto situation which has existed for many years.

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.

ADJOURNMENT OF THE HOUSE

SIR CHARLES COURT (Nedlands—Premier) [9.00 p.m.]: I move—

That the House do now adjourn.

Might I remind members of the changed sitting time for tomorrow.

Question put and passed.

House adjourned at 9.01 p.m.