

# Legislative Council

Tuesday, the 7th November, 1978

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

## QUESTIONS

Questions were taken at this stage.

### PENSIONERS (RATES REBATES AND DEFERMENTS) ACT AMENDMENT BILL

#### *In Committee*

Resumed from the 2nd November. The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clause 4: Section 4 amended—

The CHAIRMAN: Progress was reported on the clause after the Hon. Lyla Elliott had moved the following amendment—

Page 4, line 35—Add after the word “pensioner” the words, “and the rebate was not claimed within twelve months of the rates or charges being paid by the entitled pensioner”.

The Hon. G. C. MacKINNON: In respect of this amendment members will recall the situation we were discussing was whether an entitled pensioner could receive a rebate if he or she had paid the full amount of the rates and then was notified belatedly that a 25 per cent rebate was allowed. The pensioner would then go to the rating authority and say, “I have only just learned of this. Could I receive my rebate?”

I explained the procedure. I was successful in persuading the Hon. Roy Cloughton that the Government’s intentions were honourable and we could do what we said we could do. I was unsuccessful in persuading the Hon. Lyla Elliott. I have had the matter carefully researched and I will give members the benefit of that research in a moment.

The short answer is that each of us was correct. The technical situation is that there is no other way but to write into the Bill that a person who is not registered with the board cannot obtain a refund; that is because of the difficulties enunciated by Mr Cloughton. I was correct when I said the administrative structure is such that

those persons will be given a refund. There is just no other way to do it.

Those members who have held administrative or ministerial positions would have experienced this sort of situation. This is why it was explained in the second reading debate that the Minister has been given discretion. Let me now refer to the research that has been carried out to see whether perhaps someone else can succeed, where I have failed so dismally, in explaining the matter to the Hon. Lyla Elliott.

On several occasions the Hon. Lyla Elliott referred to the distinction between an “eligible pensioner” and an “entitled pensioner”. Although the term “eligible pensioner” is not mentioned in the principal Act or the amending Bill, the distinction she draws is valid in the general sense.

The pensioners defined in clause 3 of the Bill can be described generally as being those who are eligible for the rate concessions. However, although “eligible”, they are not “entitled” to the concession unless they comply with the provisions of sections 4 and 5 of the Act. She was right about that.

Briefly, to become “entitled”, the provisions of sections 4 and 5 require a pensioner to—

- (a) register with the rating authority;
- (b) be in actual occupation of the property as owner; and
- (c) not be in joint occupation or ownership with a person who is neither a pensioner nor a dependant.

Further, in the case of rebates, a pensioner is not “entitled” to such, if—

- (a) the rates were levied prior to the 1st July, 1977 (or the 1st July, 1978 for the new categories being admitted to the scheme by the present Bill);
- (b) the rates were paid before the pensioner becomes an entitled pensioner; and
- (c) the rebated amount of rates is not paid within the period for which they were levied.

I think we all agree with that, and I am sorry I was a little obtuse in respect of the points Miss Elliott presented.

The Hon. Lyla Elliott’s main concern seems to be with the provision relating to those pensioners who pay their rates prior to becoming “entitled” pensioners. This provision, together with that requiring pensioners to register, was included in the legislation last year, at the request of the rating authorities, on administrative grounds.

The aim of the authorities in this regard was to remove the need for time consuming adjustments in cases where rates have been paid and, within

the same year, the ratepayer subsequently becomes entitled to the concession.

Subsequently, changes in entitlement could stem from a variety of sources such as a person becoming of pensionable age, the acquisition of property by a pensioner, and changes in shared occupation or ownership. In the opinion of the authorities, the likely frequency of such occurrences within a year would be sufficient to create difficulties in the operation of the scheme if adjustments were allowed for in the legislation.

At the request of the rating authorities, under last year's amendment pensioners were required to register with the local authorities in order to become "entitled pensioners". This provision was included for administrative reasons. This provision has the effect, on strict legal interpretation, of denying a rebate to uninformed pensioners who pay their rates prior to registering and establishing themselves as entitled pensioners, which is the point the Hon. Roy Cloughton raised—

The Hon. Lyla Elliott: That is the only one that concerns me.

The Hon. G. C. MacKINNON: This is the crux of the situation. There was difficulty in drafting a suitable provision which would meet the requirements of reasonable administration and at the same time protect the interests of uninformed and otherwise entitled pensioners. In practice, the uninformed pensioners have had their entitlements protected as the local authorities have been making adjustments in such cases, even if the rates have already been paid.

This approach seemed necessary in the first year of operation when, due to the limited publicity, many pensioners would have been unaware of their entitlements.

The Hon. Lyla Elliott raised a case of a pensioner who was entitled to the consideration and did not receive it. I am sorry about that; but nevertheless the administrative capacity is available now. That is why this discretionary power has been written into the Bill. That is the point raised by Mr Cloughton. He was subsequently satisfied in relation to that point.

The Hon. Lyla Elliott: Which discretion? Where has it been written into the Bill in respect of this particular section?

The Hon. G. C. MacKINNON: It is a general discretion.

The Hon. Lyla Elliott: That only relates to paragraphs (a) and (b) of proposed subsection (4) does it not?

The Hon. G. C. MacKINNON: I can assure the Hon. Lyla Elliott that, as far as the administration of the water supply is concerned, there is that discretion.

It was not intended originally that this practice should continue beyond the first year of operation. Adequate publicity of the concessions available should have been circulated with the 1978-79 rate notices. As she herself has brought to our attention, this information was included with the rate notices, because she asked if the same system could be followed with all notices.

It is envisaged that the new categories of pensioners to be included in the scheme, many of whom would have paid their rates prior to the amended Act being proclaimed, would receive similar treatment to that received by their counterparts last year. However, good sense dictates that even from the first year the provisions of proposed subsection (4)(c) of the Act as amended should be disregarded in the case of uninformed pensioners who pay their rates without claiming their entitlement and later seek a refund. Such a refund would only apply to the rates for the year in which the claim had been made. It is understood that the local authorities would have no objection to following this practice in the case of the genuinely uninformed. With the passing of time and the growing awareness amongst pensioners of the availability of the concessions, the number of cases that arise should not be so significant as to cause administrative problems through payment of refunds.

The authorities still wish, however, to see this particular provision applied in the case of persons who pay their rates and subsequently, through a change in their status or circumstances, become entitled to claim a concession. I think we all agree on that point. The administrative problems in those instances would be significant.

For the above reasons, I do not favour the amendment proposed by the Hon. Lyla Elliott. The rights of the uninformed pensioners can be protected administratively without introducing an amendment which would place an unwarranted burden on the rating authorities.

Mr Chairman, I hope that the Hon. Lyla Elliott will accept that in the spirit in which it is meant. She has my unequivocal assurance, which underlines the unequivocal assurance of the Premier, that this matter will be cared for administratively in a way in which both she and the Hon. Roy Cloughton desire. Indeed, the leader of their party has also expressed such a desire.

The Hon. LYLA ELLIOTT: I thank the Leader of the House for providing that information to the Chamber. It confirms what I was saying last week.

The matter concerning me is what the Leader of the House referred to as the crux of the question. It was not necessary to give all the further information, as I understood that anyway.

I still find it difficult to understand why the Leader of the House is opposing my amendment. I cannot tie up his unequivocal statement with another statement he made. There is no doubt in the case of a person who pays his rates and then later claims the rebate if he has been eligible by virtue of his age or his financial circumstances. The only doubt is whether the person is eligible if he has paid his rates before he becomes entitled. Is that correct?

The Hon. G. C. MacKinnon: Yes.

The Hon. LYLA ELLIOTT: If a person is eligible in every respect but does not claim the rebate because of lack of information, when he claims the rebate he will receive it?

The Hon. G. C. MacKinnon: Yes.

The Hon. LYLA ELLIOTT: I am happy about that. The Leader of the House went on to say that if the Chamber accepted my amendment it would impose an unwarranted burden on the authorities. Is he not therefore contradicting himself? On the one hand he is saying that it is reasonable for a pensioner to receive the rebate, and on the other he is saying it will impose an unwarranted burden on the authorities. I would like the Leader of the House to clarify that point.

The Hon. G. C. MacKinnon: There is the sort of person who, at the time he paid the rates, was not entitled but becomes entitled shortly afterwards—say, the following week—by selling a property. He goes in and says, "Well, I didn't know about it." That imposes an administrative burden on the authority because the authority has to produce the proof. The situation now is simpler and easier to manage, and there are no loopholes. People do not have legal entitlements. Otherwise people can turn around and say that they were entitled; that they sold the property the day before, or that day, or whatever. I think it is better to leave the provision as it is.

Amendment put and negatived.

Clause put and passed.

Clause 5: Section 5 amended—

The Hon. LYLA ELLIOTT: The Opposition is concerned about this clause, because it seeks to write into the Act a principle that a pensioner—

### *Point of Order*

The Hon. R. G. PIKE: On a point of order, I believe this clause was put and carried. Whilst it is desirable for the honourable member to debate it, I think it is wrong to go back.

The CHAIRMAN: In fact, the clause was not passed. The clause was called, but the question had not been determined. Therefore, I referred back to clause 5 to enable debate on it to proceed.

### *Committee Resumed*

The Hon. LYLA ELLIOTT: This clause seeks to amend section 5 of the Act by writing into it a provision that deferred rates will have to be paid if the pensioner ceases to be in actual occupation of the land concerned and another person becomes entitled to the occupation of that land.

I put to the Minister the case of an eligible pensioner who goes away on holidays, or has to enter a nursing home for a period of six months. This person might not wish to dispose his or her home. In the period that the pensioner is away from the home, he or she could ask someone to look after the house for security purposes, and to care for the garden and the pets. That person might be the son, the daughter, or a friend of the pensioner. I would ask the Minister to look at such a hypothetical case, and to assure me that the pensioner will not be called upon to pay the deferred rates.

The Hon. G. C. MacKinnon: Is this hypothetical pensioner getting paid for the occupation of her home?

The Hon. LYLA ELLIOTT: No.

The Hon. G. C. MacKinnon: If this hypothetical entitled pensioner had to go into a nursing home or away on a holiday, and asked a friend to occupy the premises free of rental and in a caretaker capacity, then the eligibility of the entitled pensioner would not be affected.

On the other hand, where a pensioner arranges for a person to occupy the premises at an economic rent—in other words, to make it an income-earning property—then the pensioner will lose his or her eligibility and entitlement. If the pensioner is not paid, his or her entitlement would not be affected.

The Hon. LYLA ELLIOTT: I thank the Minister for that expression of opinion. Would the Minister give consideration to writing into the Act a general discretionary power? He keeps on referring to the discretion of the Minister; I presume he is referring to the provision in clause 4(a) and 4(b) in which the following appears—

unless the circumstances of the occupation or the ownership of the land are such that the

Minister is of the opinion that a pensioner should be so entitled;

As far as I can interpret that provision, it would seem to me that the discretion is related only to clause 4(a) and 4(b), and not to the other sections of the Act.

It would be desirable to have a discretion written into the Act so that, in cases where an injustice appears to be done, the Minister would have the power to give special treatment in cases of hardship.

The Hon. R. THOMPSON: I can argue for or against this clause. I have dealt with many cases of this type; and I have referred 20 to 30 such cases to the department concerned, as well as many others in writing to the Minister. I have no argument with what transpired in those cases.

However, when we get to clause 5, I am concerned with the following wording—

“the pensioner ceases to be the owner of the land concerned, the pensioner ceases to be in actual occupation of the land concerned and another person becomes entitled to the occupation of that land . . .”

If a pensioner is confined in a “C”-class hospital or a similar institution, he may claim that he is entitled to let the property. However, in some cases pensioners, through illness, go to live with their families for either a short or a long period, and no rent is charged for their properties. I do not know why the words “and another person becomes entitled to the occupation of that land” are included.

The Hon. G. C. MacKINNON: The situation is that another person can become entitled to the occupation of the land by virtue of a contract—a rental agreement, a lease of the property, or a sale of the property. This point was raised in debate in another place. Clauses 5 and 6 run side by side, and provide for the payment of past deferred rates, where a person ceases to occupy a property and the occupation is taken up by others.

This provision, which aims to require payment in the case of income-producing properties, was also included in the Bill at the request of the rating authorities. Although the authorities do not in practice force recovery from pensioners in needy circumstances, they did not want to be debarred from taking action in cases of blatant abuse of the scheme.

As in the past, the authorities would apply this provision to each individual case on its merits. They are quite aware from experience that it is neither practical nor realistic to press for payment

of past deferred rates, where hardship would result.

The amendments proposed by clauses 5 and 6 of the Bill provide for a much more generous approach to the payment of post deferments than existed previously. The provision relating to cessation of occupancy merely retains the right of authorities to act in one particular set of circumstances and it can be assured that good sense will prevail in its application.

As a final comment, I would add that the amendments to the Act as proposed in the Bill should ensure the smooth operation of the pensioner rates concessions scheme. However, there is a limit to how far we can go in legislation to cover every contingency. This is particularly so in an area as complex as the pensioner concessions and where the Act is open to interpretation by so many authorities. To this end, heavy reliance must be placed on sensible administrative arrangements in the operation of the scheme.

One other point I would like to make in answer to the query raised by Miss Elliott with regard to the inclusion of a further discretion is this: I will draw that matter to the attention of the Premier. He has extended this concession quite considerably on this occasion. If the legislation is amended again, as no doubt it will be in the ensuing years, I will ask for consideration to be given to a further widening of the powers. At this stage I think we have gone as far as can be anticipated in view of the financial restraints now imposed on us.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 14 added—

The Hon. R. THOMPSON: My objection is in relation to the penalty which may be imposed. Over the years I have had experience of cases where elderly people had to leave their homes and enter institutions. In this clause no discretion is given in relation to the imposition of the penalty.

Only this morning I was dealing with a case concerning a lady. I arranged for her to go into a “C”-class hospital. This person owns her home, but she has suffered a complete loss of memory. I do not know whether she has any relatives, and this matter has yet to be sorted out.

In all probability in order to cover the question of rates and taxes to be repaid, it is quite likely that this person will be placed in the position of being unable to notify the local authority; whether or not the tenant or the relatives can notify the local authority has yet to be determined. However, there is a mandatory penalty of a \$200

fine. I think this is a little harsh. In the main these cases affect elderly people.

I would ask the Minister to have another look at this clause. He may be able to come up with something that will cover the cases of owners of land who are not in full possession of their faculties, and who are faced with the prospect of a fine. If such people are not in full possession of their faculties, undue strain and a harsh penalty confront them.

The Hon. G. C. MacKINNON: I think the honourable member has made a slight mistake. As a matter of fact, the penalty stated in the clause is the maximum of \$200; the actual fine could be 1c or nothing.

The other point is that the honourable member has forgotten about the complexity of the law. He has mentioned an extreme case where the person concerned was *non compos mentis*. The position is that there would be no trouble at all, because the affairs of such a person must be taken over by competent authorities which would be well aware of the requirements of the law.

The major problem concerns the person who is of sound mind but who has just forgotten about the matter.

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

The Hon. G. C. MacKINNON: If a case gets that far, I have no doubt the magistrate would dismiss it. I go so far as to say such a case would not get that far.

The Hon. R. Thompson: I hope not.

The Hon. G. C. MacKINNON: I agree; I hope not. Nevertheless, human nature being what it is, there is a necessity to provide a deterrent; and in this case the deterrent is a maximum fine of \$200.

If a mistake has been made and the person finds himself before a court, hopefully the case will be discharged or a fine of merely 1c will be imposed for a technical breach. Hopefully it would never get that far, but there is provision for a fine of up to \$200.

Clause put and passed.

Title put and passed.

### Report

Bill reported, without amendment, and the report adopted.

### Third Reading

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

## COLLEGES BILL

### Second Reading

Debate resumed from the 1st November.

THE HON. R. HETHERINGTON (East Metropolitan) [5.17 p.m.]: The Opposition does not oppose the Bill, but it certainly has some reservations about parts of it. The Bill sets out to give the colleges which came under the Teacher Education Authority what is called autonomy, and I want to say more about that at the moment.

There is some feeling—and at one stage I shared it, although one of the college principals told me that if I was prepared to talk to him long enough he would disabuse me on the subject—that it would have been a good idea had the colleges been established as multi-campus colleges in the first place; but they were not. Certainly with the way they have developed it is no good lamenting the fact. There is no good in trying to go back. The colleges have developed independently and now they are to be separated and the Teacher Education Authority will be abolished so that all tertiary bodies will come under the general supervision of the WA Post-Secondary Education Commission or WAPSEC. This seems fair enough.

I am not knocking the new colleges. Some of them are doing good things and I am hoping to visit both Churchlands and Mt. Lawley. I have been to what will be the Nedlands college after the Bill becomes an Act. The colleges are certainly developed; they have facilities and enthusiasm and are producing all sorts of interesting new methods of training; and this is all to the good.

What I am sad about is the demise of the Graylands college and I do not think anyone who has spoken on the Bill anywhere has not been sad about it. It was a good college without the facilities and it is a pity we could not have developed our college system so that the staff of Graylands could have been shifted into a new building on a new site some time in the past; but that did not happen. I suppose all I can do is pay tribute to the work done by Graylands and the Claremont college which looks as though it, too, will be abolished, and regret their passing. However, again, there is nothing much we can do about it. We cannot go backwards or reverse the clock. What has happened has happened, and there it is.

Under the Bill the so-called autonomy of the new colleges will be less than one might imagine. They are in one sense not autonomous bodies, because at all stages the Minister for Education can control them. The Minister can establish new

colleges; he can disband colleges; he can get rid of colleges; he has to approve any courses introduced by the colleges; he must decide conditions and wages and salaries. In other words, the Minister is an overriding, very real presence and it would be nearer to the truth to call these colleges semi-autonomous colleges under the control of the Minister for Education.

I am not arguing that this is perhaps not necessary. Certainly it is essential—as was pointed out in the second reading speech and by the Minister in another place, and it is obvious in the Bill—to ensure that the salaries and conditions are similar in all colleges. This has certainly become a general principle in tertiary education in Australia with the introduction of Federal funding, because in this way the colleges and other tertiary institutions cannot try to buy the best staff by raising the ante as far as the salaries are concerned. If they want to compete they must do so in the way tertiary institutions should compete. They must compete on excellence. They must try to encourage people to come because they have good departments, because they are producing good students, because they have good research facilities, or because in some way they have a form of excellence which will attract good staff which, in turn, will improve their own excellence.

The Hon. O. N. B. Oliver: So you are supporting the Bill.

The Hon. R. HETHERINGTON: I thought I said I was not opposing the Bill. I said I was supporting it with reservations. I am sorry if the honourable member did not hear me.

I was saying that although I was a little perturbed about the fact that the colleges would be only semi-autonomous, I could see reasons for it, and I was agreeing with the reason given by the Minister. Whether or not this is the right way to go about it, I agree with the principle about which he was talking on this occasion. There are other principles in the Bill with which I do not agree, but on this particular issue I am in agreement with the Minister, and as other members know when I am in agreement with the Government I am one who likes to say so. When the Minister submits a principle with which I agree, I like to say this too, because I do not believe I should knock for the sake of knocking. When a principle is accepted by both parties we should point it out and try to maintain it.

It is important that, if we can prevent them from doing so, we do not allow the institutions to buy people merely with better salaries. This is not the way they should do it.

I am concerned a little that the Minister seems to have as much control over salaries and conditions as he does. Admittedly he will act on the recommendation of the board; I am presuming that normally he will accept the recommendations of the college councils and that he will intervene only if one college seems to be getting out of step with the others. If he did more than this I would think he was behaving in an improper manner, not legally but educationally. However, I am assuming he will not do this.

I wanted to mention the reservation and to point out what is in the Bill for the sake of some members who may not have noted it, and I wanted to mention that the colleges are not autonomous bodies except that they will be no longer under the direct aegis of the TEA but will be certainly under greater control from the Minister than are most other tertiary institutions in this State.

The Hon. O. N. B. Oliver: In what way is that?

The Hon. R. HETHERINGTON: I have just tried to explain about ministerial control, and having said it I do not want to have to repeat it. I suggest the honourable member read my speech.

The Hon. O. N. B. Oliver: I thought you might explain to us where it differs.

The Hon. R. HETHERINGTON: Where it differs is that the Minister does not have to approve salaries and conditions or courses in the University of Western Australia, the Murdoch University, or the Western Australian Institute of Technology. They have their own councils and although the Minister has some powers, those institutions are far more autonomous and are far less under ministerial control than the colleges will be.

The Hon. O. N. B. Oliver: What you are saying is that they have no right to arbitration.

The Hon. R. HETHERINGTON: Really I was talking about education rather than arbitration. I will come to arbitration at a later stage.

The Hon. O. N. B. Oliver: The terms and conditions of the staff are not subject to arbitration.

The Hon. R. HETHERINGTON: They are not at present, but that will be put to the test shortly so I will be in a position to answer that remark a little better after the Academic Staff Association of the University of Western Australia has taken certain steps with the log of claims it is serving on the university at present.

If the honourable member wants some sort of explanation, I will say there has been a series of tribunals established by the Federal Government

which fund universities, as the Minister would know, under Mr Justice Campbell. The tribunals have arbitrated and brought down recommendations to former Federal Governments and have acted as an arbitral body. However, the unions have not had continuing arbitration or access to a permanent arbitral body. Perhaps this is a pity.

The Hon. O. N. B. Oliver: That is quite incorrect.

The Hon. R. HETHERINGTON: I am talking about control over courses and conditions of tertiary bodies. To date the older institutions—I do not know whether I should call them the senior institutions—and the universities in particular, have had far greater control and their councils have had far greater independence than the councils of the new colleges will have.

The honourable member apparently did not hear me, but I did indicate that perhaps there is a good reason for this and I am therefore not opposing it. I am just mentioning it and pointing it out to the Minister in this place so that he will point it out to the Minister in another place. I want the Minister for Education to know we will be watching him as he exercises his powers. We expect him to exercise them responsibly, but if he does not then he will come under scrutiny and criticism, certainly from members on this side of the House and, I would hope, from some people on the other side of the House who understand the whole principles of education.

The main thing I want to mention, and I will deal with it in greater detail when we get into Committee, is that I have always been one—and I have mentioned this before in different contexts—who believes that a staff of a tertiary institution as far as possible should be involved in the running of that institution. I have done battle within my own party in another State to try to ensure that staffs are well represented on the Government bodies of tertiary institutions, sometimes without a great deal of success. Since I have been in this place I have mentioned it on a number of occasions and I have always moved for greater staff representation.

What distresses me about the Bill is that the staff of the colleges will have less representation than they have under the Teacher Education Act which is operating at present.

The number of staff representatives will be reduced from five to three. I believe staff should be represented on these councils for two reasons. The first is that they have something to offer; after all, they are the people who are teaching and helping to run the actual institution and,

therefore, they are aware of the problems in a way that other people perhaps are not. On the other hand, if one works in a tertiary institution one can sometimes become so wrapped up in one's own particular discipline that one does not always see the problems as a whole. For this reason I believe that if members of the staff are appointed to the councils of tertiary institutions, they then find out some of the problems, the macro-problems, that worry the institutions and that perhaps they have not been aware of. In this way an awareness filters right down, and there is better input and greater responsibility.

Perhaps because I was educated and taught originally in a university whose senate had a very high degree of staff participation, it is my belief that such a system has a lot to commend it. If there was anything wrong with that particular senate—it was known in that State as the university senate rather than the council—it was that some people regarded it as being too conservative. Certainly, however, the senate members were a highly responsible group of people. I am sorry that this Bill sees fit to reduce the number of staff members on the council. I know the Leader of the House has said, and I see no reason to disbelieve him, that the academic staff associations have agreed to the reduction in numbers, but I believe that greater staff participation on the council would benefit everyone.

The other matter I want to refer to is students. Recently I have said a number of kind things about the Minister for Education, but as far as students are concerned it seems to me he is beginning to emerge as a 20th century Squeers; he is becoming rather one eyed and obsessed with students.

The Hon. G. C. MacKinnon: You are becoming a bit nasty about this.

The Hon. R. HETHERINGTON: I am saying it with all due kindness; that pattern seems to be emerging. I might not have said that if I had not watched *Nicholas Nickleby* the other night and been reminded of Squeers at Dotheboys Hall. The Minister for Education seems rather obsessed with students, and two provisions in this Bill will reduce the rights of students. Firstly, the number of students on the council will be reduced from a maximum of two to a maximum of one. The term of office is for one year only, and I am not cavilling at that. However, a student representative is not allowed to be re-elected, so a student may have one term only.

Let me say something about this matter, as somebody who has had practical experience in this area—for once I can return the sort of

remark that is thrown across the Chamber frequently at me. It takes a great deal of time to get to understand how the tertiary institutions work, particularly when the meetings are held monthly. This same situation applies to faculties and the whole area of tertiary institutions. Students, by their nature, are rather ephemeral; they are not at universities for very long. If we are not careful, this will be a token student representative only; it will be a student who adds nothing by way of input. I have seen this happen on faculty boards at the University of Western Australia. I am sorry that it happened and I tried to make sure it did not happen on the arts faculty board of the University of Western Australia. When my students were asked how many representatives they would like on this board, the reply was "Two". However, I thought it should be three, and this was what actually happened.

It takes a long time to understand what is going on, and usually students are not there long enough. Also, they are rather outnumbered by people who know a great deal. I believe it would be a good idea if, where possible, students could be elected to these boards for a couple of years. This would not happen very often. Also, where possible, I believe two students at least should be on the boards so that they could help each other. They could discuss matters away from the board meetings, and gain a better understanding of what is going on. Such people would not be a great danger to anybody. Sometimes I feel we should wipe out the student representation altogether and stop pretending that we are trying to give them real representation. That would not really be a good idea, because although quite often such student representatives become confused and do not understand what is happening, sometimes there is a student representative who does some good. I am sorry to see that the Bill contains provision to reduce the number of students on college councils.

Another matter I wish to say something about relates to student associations, whether voluntary or non-voluntary, and some of the provisions to be included in this legislation. It rather worries me that under the provisions of the Bill there may be an organised academic staff association and there may be an organised student association, and these associations will do as they are told. I find this undesirable. Of course, it would be desirable to have only one association, but there is a possibility that in the future there will be two student organisations or even two academic staff organisations.

The academic staffs, despite their dedication to inquiry and reasoned argument, are not always

noted, in their own internal politics, for either of those things necessarily, and I do not see why it should be prescribed that there should be one academic staff association and one student association. Of course, any governing body would prefer to deal with one union rather than half a dozen, because it is easier and I think it is more desirable. Certainly I would hope there will be only one academic staff association and one student association, but the provision in the Bill makes anything else undesirable.

Last year the Government passed legislation to make sure that student associations in tertiary institutions are voluntary organisations. In no way are students to be allowed to be coerced into joining. Also, members of the academic staff are not allowed to be members of the student organisation, and this sometimes can produce some odd happenings. I believe it was unfortunate that the Minister for Education in another place, when speaking about an issue that arose at the University of Western Australia, referred to gross irresponsibility on the part of the students. I think this was a bit of an overkill and rather unfair, and something should be said here in defence of the students. Also, the issue concerned illustrates what can happen when we try to put these student bodies into a sort of straitjacket.

Last year the Guild of Undergraduates of the University of Western Australia elected Mr Strahan as its treasurer. This gentleman was then a post-graduate student and a part-time tutor, and therefore he was eligible to belong to the student guild and eligible to be elected treasurer. After the election, he was offered a full-time tutorship. The guild took legal advice on the matter—as it turns out it was bad advice—and this was to the effect that as he was eligible when elected he could continue as the treasurer. In due course—and I am not quite sure of how long it was—the guild discovered that the advice it had received was not good advice. The Minister was informed of the matter, and the person concerned resigned his tutorship; that is, he gave up the position and the money he would have received from it. This does not seem to be a grossly irresponsible act on his part. In fact, the whole affair was rather unfortunate, and rather unnecessary. It seems to me it would not have arisen had it not been for the legislation brought down last year by the Government. However, these things do happen, and when they happen and students report them in good faith, such actions should be treated as responsible rather than irresponsible. I do not know whether this was the incident to which the Minister for Education was referring.

Now Mr Strahan has been elected as President of the Guild of Undergraduates of the University of Western Australia and I gather—although I hope this is not true, because I would find it really too much—it has been suggested that legislation will be introduced to debar post-graduate students from membership of the guild. If this happens I would find it terribly ironic and I hope the Leader of the House can assure me it is not the case. I am mentioning it now in the hope that he will do this. Post-graduate students are the one group of students who do not have to belong to a student guild. Post-graduate students join the guilds voluntarily, as they have done in the past. A post-graduate student has been at a university for a long time; he has a great commitment usually to his discipline and to his university. He is the kind of person who frequently would make a very good guild member, and I certainly would not like to see any steps taken to debar Mr Strahan from remaining as the president of the guild.

The Hon. O. N. B. Oliver: Are you talking about the Colleges Bill or not?

The Hon. R. HETHERINGTON: Mr Deputy President, you know what I am talking about. I am saying I hope that this issue at the University of Western Australia can be sorted out, and that we do not have similar problems arising at the colleges under the provisions of clause 43 of that Bill.

I will be circulating some amendments which I intend to move to the Bill, and I hope the Government may see fit to accept them, because I believe they will improve it and make it better legislation. I do not want to hold up the passage of the Bill. I realise it should be passed. As a matter of fact, when we were discussing the sequential Bill earlier in the year—it is actually a measure to follow this one—I said that I thought this Bill should be passed first. Therefore, I do not want to do anything to hold it up unduly other than to utter my reservations as I have done. With those comments I give support to the Bill with the reservations I have mentioned.

**THE HON. O. N. B. OLIVER** (West) [5.44 p.m.]: I was quite interested to hear the comments of the previous speaker, mainly because he has previously been rather concerned about the autonomy of the colleges in Western Australia. In fact, the comments made in foreshadowing the amendments really have very little connection with the contents of the Bill. I have heard the member speak on previous occasions regarding the requirement of autonomy for universities and his doubts about the autonomy of colleges of advanced education.

I was quite surprised the Opposition made no mention of the Partridge report into post-secondary education in Western Australia which was presented in January, 1976.

The Hon. R. Hetherington: I have mentioned it a number of times before.

The Hon. O. N. B. OLIVER: I would have thought that report was quite relevant to the legislation now before the House.

Mr Hetherington previously has voiced concern about colleges being given more autonomy. However, not a word did we hear on this subject this evening. I am wondering whether, because we have a situation between universities and colleges of, "We are better than they", the Opposition has decided to put this issue to bed.

No doubt members opposite appreciate the legislation the Government is bringing forward, and that when we split campuses we split people. Therefore, we have not heard a word from the Opposition benches about this multi-campus idea, not a word about the effect on colleges of advanced education of a multi-campus arrangement when in fact they are geographically together, providing a comprehensive education programme for the students on a single campus.

The only conclusion I can reach is that the Opposition is in complete agreement with the principle of separate colleges where previously I believe it did not support this concept. I take it members opposite now completely support the philosophy of separate campuses rather than multi-campus within Western Australian tertiary institutions. Members of the Opposition obviously have discarded the Big Brother concept.

I have been somewhat concerned about the Opposition's ideas in this area, because its ideology is quite contrary to the situation prevailing in commercial ventures. I refer to the pyramid effect, where decisions are made at the lowest level of managerial responsibility. Obviously, Mr Hetherington completely agrees with the Government's policy as contained in this legislation, apart from his foreshadowed amendments.

The Hon. R. Hetherington: I am rarely in complete agreement with the Government's legislation.

The Hon. O. N. B. OLIVER: In fact, it would appear the Deputy Leader of the Opposition now is in agreement not only with the Government but also with the philosophies of the Teacher Education Act of 1972. That legislation embodied all the aims, aspirations, and benefits contained in this legislation. Therefore, it would seem there

has been a complete reversal of the Labor Party's philosophy in this area.

It is just one of many such instances. We saw it occur when the alumina Bills were before this House and I am sure we will see it in the future when legislation relating to the mining and export of uranium appears before us. We see a continuing pattern of the Government leading and making decisions—which Governments are appointed to do—and the Opposition following, and putting forward proposals for moratoriums, inquiries, delays, environmental impact statements and the like.

The Hon. R. Hetherington: Are you talking about the Bill?

The Hon. D. W. Cooley interjected.

The Hon. O. N. B. OLIVER: I hear an interjection from behind me; I refuse to reply to it. Recently we saw a situation where a large proportion of teachers were in disagreement with their professional association over planned strike action.

The Hon. I. G. Pratt: Did you notice they changed their minds three times?

The Hon. O. N. B. OLIVER: We also saw disagreement on the Opposition benches in this place in regard to the action taken by those people. I do not intend to use "that" word in respect of some 47 per cent of teachers in Western Australia. In every similar instance in the past when these people—these strike breakers—have been referred to, "that" word has been used. However, it was not used in this Chamber in respect of this dispute.

The Hon. R. Hetherington: If the word you are talking about is "scab", I do not think you have heard me use it in this Chamber.

The Hon. O. N. B. OLIVER: I heard an interjection which contained a word I will not repeat; it was never used in the debate.

The Hon. R. Hetherington: I do not know why you are pussy-footing around it; it is in the dictionary, you know.

The Hon. D. W. Cooley interjected.

The Hon. O. N. B. OLIVER: Mr Cooley was not here at that time. I would have been very interested to hear what he had to say about those teachers. However, he decided not to take that direction. Although I am only a new member of this Chamber, I have heard that word used many times before; however, it was never used in that instance.

The Hon. D. W. Cooley interjected.

The Hon. O. N. B. OLIVER: Mr Cooley seems to have two standards, one standard for one situation and another standard for another situation. Surely he should adopt only one standard in relation to these matters.

As I said, this Bill exemplifies the same aspirations and aims contained in the Teacher Education Act of 1972. The 1972 legislation contained the word "could" as an operative word bringing autonomy to the various colleges, providing that the staff may be restructured and diversified into other fields of education.

I am extremely disappointed members have given no attention to clause 11 of this Bill which vests certain powers in these colleges.

The Hon. J. C. Tozer: Give us time.

The Hon. O. N. B. OLIVER: I will give Mr Tozer time. I made that statement in the light of Mr Hetherington's foreshadowed amendments relating to the restructuring of the college board.

Clause 11 of this Bill exemplifies the Teacher Education Act of 1972. I refer members to page 9 of the Bill where—

The DEPUTY PRESIDENT: Order! It is customary during the second reading debate to refer to items of a general nature. The Bill may be referred to clause by clause during the Committee stage.

The Hon. O. N. B. OLIVER: Colleges will be authorised to provide courses for persons wishing to acquire advanced skills in a trade, or any other occupation of a non-technical nature. This clause also provides for community education. I would have thought the previous speaker would have found great satisfaction in that.

The Hon. R. Hetherington: As a matter of fact, I did.

The Hon. O. N. B. OLIVER: Mr Hetherington certainly did not mention it.

The Hon. R. Hetherington: I am sorry; I will certainly mention it during the Committee stage.

The Hon. O. N. B. OLIVER: It seems to me the approach of the Opposition is to be utterly critical of any legislation which comes before this Chamber. Members opposite do not seem to have regard for the benefits a particular piece of legislation may provide; they are intent only on pointing out the weaknesses of legislation, despite the fact they may agree with certain sections of it.

I was extremely disappointed Mr Hetherington did not see fit to compliment the Government on bringing forward this Bill. I believe Mr Hetherington to be a member who is well capable not only of being critical in respect of legislation but also of assessing any benefits a particular

piece of legislation may provide; in fact, this is the attitude normally adopted by the honourable member. In this instance, however, Mr Hetherington totally disregarded the benefits this legislation will bring, despite the fact he has spoken in support of this form of legislation on repetitive occasions in the past.

The Hon. R. Hetherington: I will try speaking on non-repetitive occasions in the future.

The Hon. O. N. B. OLIVER: The point which concerns me in the area of the Partridge report—

The Hon. R. Hetherington: I discussed the Partridge report when you were new to this Chamber.

The Hon. O. N. B. OLIVER: I am rather disappointed I have not heard any comments from the Opposition about this report; possibly members opposite now realise the status which should be accorded to the various inquiries into education.

In this context, I refer members to the leading article of *The Australian* of the 27th April, 1977. It states as follows—

A university researcher claimed yesterday that a successful college of advanced education was being abandoned because of careless and inadequate education reports.

Dr Neil Nilsson said: "Grave decisions are being made on the basis of what is rubbish.

"In Tasmania, for example, the flourishing and successful Mount Nelson College of Advanced Education, with real estate worth \$20 million, is being dismantled on the basis of reports which contain educational arguments that as far as theorising goes I would not accept even from my own students."

Dr Nilsson is a researcher at Flinders University's School of Education.

The Hon. R. Hetherington: A very good school of education.

The Hon. O. N. B. OLIVER: To continue with the extract—

Dr Nilsson, a researcher at Flinders University's School of Education, and Mr Peter Sheldrake, of the University's Educational Research and Resources Unit, described inquiries into post-secondary education as shocking examples of shoddy educational theorising.

*Sitting suspended from 6.01 to 7.30 p.m.*

The Hon. O. N. B. OLIVER: Prior to the tea suspension I was referring to a statement by Dr Nilsson, a researcher at Flinders University's

School of Education and Mr Peter Sheldrake of the university's Educational Research and Resources Unit. They have prepared a report entitled "Enquiry into post-secondary enquiries" which they have submitted to the Williams inquiry into education and training. The newspaper article went on as follows—

They said they had been examining inquiry reports "as though we were marking them" and hoped to improve the standard of such reports.

Dr Nilsson described as "shoddy" the report of the committee of inquiry headed by Professor Peter Karmel which led to the closure of the Mount Nelson College and the Karmel-Bull committee of inquiry into the establishment of Victoria's fourth university—Deakin.

Mr Sheldrake said inquiries into formal education had become a new national party game.

"In recent years there has been a general belief that it is a great idea to have an inquiry into post-secondary education," he said.

"NSW is about the only State that hasn't had one. But I'm sure the minister there is getting his speech all ready and Karmel is packing his bags.

"But for whatever reasons the reports that emerge from these inquiries contain arguments that are educationally hopeless, inadequate and non-existent in some cases.

"The specific recommendations being made appear to be serving political or economic ends rather than educational ones.

Mr Sheldrake went on to say—

"What this succession of inquiries and reports is doing is arguing about problems without thinking out answers".

It seems to be that if there is any indecision on the part of the Opposition in this State they ask for an inquiry.

The Hon. R. Hetherington: I wonder what speech you are answering; I do not remember it.

The Hon. O. N. B. OLIVER: That interjection indicates Mr Hetherington has changed his political stance.

The Hon. R. Hetherington: What nonsense!

The Hon. O. N. B. OLIVER: Perhaps he has changed his attitude. I can appreciate that he has changed his attitude. I can understand that when he examined his conscience he found there was need to change and, frankly, if that is his attitude

I support him and respect him. I respect the fact that he has changed his attitude and that he understands he was wrong in the past. Any member of this House has a right to change his philosophy.

The Hon. D. K. Dans: What are you talking about?

The Hon. O. N. B. OLIVER: I certainly would not disagree with a member of this Chamber changing his ideas or philosophies in this manner. When we move into the Committee stage I will be most interested to hear the amendments Mr Hetherington will be moving in respect of the change from a multi-campus arrangement that he previously has put forward in this House. I will be very interested to hear how he approaches the relationship of students, academic staff, and non-academic staff.

I will be pleased to listen to the reasoning that he now supports this Bill without the multi-campus situation. He has put forward such a proposal on many occasions in this House and I have listened to him with great intent.

The Hon. D. K. Dans: You might have listened but you did not hear.

The Hon. O. N. B. OLIVER: I will be delighted to listen to Mr Hetherington's remarks as to why there should not be a multi-campus idea, which is the proposal in this Bill, and the manner in which he proposes the students and academic and non-academic staff be represented.

I support the Bill.

THE HON. N. F. MOORE (Lower North) [7.37 p.m.]: I rise to support the Bill and in doing so I must admit I agree with Mr Hetherington in his remarks about the Graylands Teachers' College when he expressed sorrow at the thought that the college is to be closed. I concur entirely with his remarks in that regard.

The Hon. R. Hetherington: I do not think anyone who has spoken has said anything different.

The Hon. N. F. MOORE: It has been a wonderful college which has produced some of the best teachers Western Australia has had.

The Hon. R. G. Pike: Did you go through Graylands?

The Hon. N. F. MOORE: No, I did not. Mr Hetherington said it would have been a good idea if the staff could have been moved *en masse* to another institution. That would have been a very good idea as the staff have provided a very sound base for the education provided by the college. Another sound base has been the students themselves and the conditions under which they

have to study. Members who are familiar with the buildings at the college will be aware of the poor conditions under which the students have to work. The conditions provided the basis for a wonderful spirit at the college. The students had a certain spirit instilled into them; they worked at improving their surroundings; and many innovative programmes were conducted.

For this reason it produced good teachers. The teachers who came out of Graylands were taught to improvise and, if this is possible, they learned imagination. They were excellent teachers and I am sorry to think the college is being phased out.

Mr Hetherington said also that Claremont might follow suit and I have heard similar rumours. I oppose any such moves. The Claremont college has had a very checkered history and for many years contained both primary and secondary trainee teachers. During those years they experienced a very unstable situation with many students going to various institutions and coming back to Claremont for short periods of the year. However, in recent times, with the introduction of the Secondary Teachers' College, Claremont has become something like Graylands; it has become very stable and is producing excellent teachers. I would hate to see the day the Claremont college is closed.

Mr Hetherington also spoke about autonomy and I cannot totally agree with his remarks. During a recent parliamentary visit to Nedlands college, as it will be called, Dr Vickery spent time convincing us of the need to continue the college the way it has been going and justifying the reason that so many courses were being offered at the college. This aspect is subject to some debate, because when we look at the courses being offered at the Secondary Teachers' College and particularly in view of the fact it seems to be bursting at the seams—that became very obvious as we toured the college—I wonder whether all the courses being taught are necessary.

I relate these remarks to the area of social science. It should be remembered that the University of Western Australia confers Bachelor of Art degrees in social sciences. The Murdoch University and WAIT produce various qualifications in the social sciences. I wonder whether the Secondary Teachers' College or colleges of advanced education, which were once teachers' colleges, should be providing courses which are content courses rather than courses in the provision of teaching qualifications. I wonder whether the University of Western Australia, Murdoch, and WAIT should be producing teachers; I wonder whether that is their true role. It was not in the past but we seem to have come

to the stage where every tertiary institution is producing teachers. They are also trying to teach some sort of content courses as well. So we have a multitude of institutions providing the same sort of thing.

As Dr Vickery pointed out, there is justification for various courses being provided at Nedlands. For example, in science there was a need for a type of science course, because it was not provided anywhere else. I wonder if more liaison would not solve this sort of problem with the teachers' colleges so overcrowded.

I was interested to read in the 7th November edition of *The Bulletin* an article written by Charles Barker who was at one time a deputy principal of Bendigo Teachers' College and a former Fullbright scholar in the US. That is all I know of Mr Barker. Therefore I do not say he is an expert on the subject. However, I shall quote portions of his article as follows—

I believe that time has now come for us not only to celebrate our successes in this new-type tertiary education but to front up and remedy its serious failures. Tertiary education has now become an absurdly costly mammoth industry producing too many virtually unemployable people. A close, penetrating look will reveal a scandal right at the heart of all this new academic endeavour.

He then spoke about some of the courses being offered by some of the new types of colleges as follows—

Students are beginning to realise that what nurses, teachers, engineers and social workers actually do all day long is not taught in the colleges they attend.

A study of the new State College glossy handbooks shows that many courses are merely miscellaneous heaps of unrelated scraps of superficial knowledge. In State Colleges futile attempts are made to teach mathematics to students who don't know basic arithmetic.

Inexperienced, poorly qualified lecturers have too much autonomy in designing courses, teaching and testing them.

I do not necessarily agree with all the generalisations which Mr Barker has made, but I believe there is more than a germ of truth in what he said. He goes on to criticise some teaching methods employed in the colleges, and I quote again—

College lecturers talk in polysyllables to give the appearance of profundity. They promote the "discussion" method of learning

where students exchange ignorances and waste hours. Too many lecturers are more concerned with student-mind-manipulation than with mind stimulation.

Reading that, it suddenly occurred to me that this sort of attitude has been filtering down to our secondary schools. Teachers are promoting the critical approach to learning far too early. It is impossible to weigh up an argument and assess the merits of both sides without the benefit of the factual knowledge relating to the argument on which to base a conclusion. If we are to teach the critical approach we must, before that, teach the students that they need to be able to assess both sides of the argument. So, emphasis these days in secondary schools is away from factual learning and is leaning towards concept learning.

I believe that Mr Barker would not have had to complain about the "discussion" method of learning in tertiary colleges, had the factual knowledge been taught in secondary schools. Students from secondary schools would go to tertiary colleges much better equipped for the "discussion" method which is more appropriate to tertiary institutions.

Mr Barker clearly states his contempt for college government. Whilst I do not agree entirely with what he said, and I am certain this situation does not exist in Western Australia, I will quote him anyway as a warning of what should not be allowed to happen here in the future. He said—

College governance is an unresolved problem. Autonomy has caused more problems than it has solved. Most college councils are composed of semi-senile, muddle-headed, well-meaning men who are always the last to know what is going wrong at college. For peace of mind's sake they don't really want to know. A staff nucleus on council too often becomes the self-interested tail that wags the council dog. Academics with idle hours are astute connivers, as many harassed college administrators have found to their discomfort and embarrassment.

Because this sort of thing will continue to happen, I see a great deal of need for ministerial control, something which Mr Hetherington has already opposed during this debate. I oppose the concept of total autonomy for these colleges as much as I favour the need which existed in the past for these colleges to be divorced from the Education Department. I may be wrong but I thought Mr Hetherington believed that lecturers at colleges were poorly paid.

The Hon. R. Hetherington: No, I did not say that at all.

The Hon. N. F. MOORE: I think he said that salaries could not be used in a way to attract staff.

The Hon. R. Hetherington: No, you got me wrong.

The Hon. N. F. MOORE: I said I might be wrong. However, in case Mr Hetherington did harbour this thought—

The Hon. R. Hetherington: I do not, you know.

The Hon. N. F. MOORE: —he may be aware of the fact that there is currently afoot a move by some secondary teachers to regain the parity they once had in salaries compared with teaching college lecturers.

At one time principals in secondary schools were equated with vice-principals of teachers' colleges, for salary purposes. Over the years this has changed and I believe a vice-principal of a college is now \$10 000 better off than a principal in a secondary school. I believe teachers are relatively highly paid, so it can be suggested that the college staff are very well paid. Mr Barker also stated—

Too many highly paid academic staff have virtually nothing significant to do except attend innumerable time-wasting conferences. In 1975 the Education Research Unit of the ANU published, after careful investigation, "A Study of the Non-Metropolitan Colleges of Advanced Education in Australia." Page 265 of Vol 3 of the study reveals that at Bendigo College of Advanced Education the lecturers admitted to teaching only between 5.4 and 7.6 hours per week and to spending, maybe, an extra hour preparing lecture notes. To fill in their endless idle hours, and to combat boredom, many lecturers have developed lucrative and time-consuming outside interests—to the detriment of the jobs for which the taxpayer pays them well.

The academic year is only 26 weeks long.

Allowing for Mr Barker's generalisations once again, it still follows that the academic staff of tertiary institutions are reasonably well off.

I have some reservations about the situation that exists in the tertiary institution field, as it has developed over recent years. I am certain Mr Barker's comments do not apply totally to Western Australia. However, I have quoted them to emphasise what I believe can happen. Therefore, I urge caution in the granting of any further autonomy to colleges of advanced education in Western Australia.

I support the Bill.

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [7.51 p.m.]: I have listened with great interest to the points which have been raised.

The Hon. D. K. Dans: I bet you listened to Mr Oliver!

The Hon. D. J. WORDSWORTH: Not being very versed in this matter of teaching, it was interesting to hear the debate across the floor.

Some reservations have been made, and considerable tribute has been given to the Graylands Teachers' College and those who have passed through it. Some mention was made of the future of other colleges.

The Opposition, and indeed members from the Government side, have highlighted the importance of the role of the Minister, particularly in regard to the salary scale. It has been pointed out that a difficulty could easily arise should the multiple institutions be placed in a position where they actually went out onto the open market vying for lecturers and staff.

There was some debate regarding the actual composition of the college councils which will run the individual institutions, and also comment in regard to participation by the staff and by the students. Indeed, the spokesman from the Opposition claimed some experience in this field. I do not doubt that for a moment. His claim with regard to the student representative not being able to remain on a council for more than one year is rather remarkable. He argued that it took a year for someone to get to know the facts, and that the student representative ought to be able to stay on for two years. However, I can recall the very same member, himself, moving to introduce some major amendments to the running of this Chamber during his very first year.

The Hon. R. Hetherington: I spent 20 years studying the subject.

The Hon. D. J. WORDSWORTH: I think there is some sort of comparison there.

The Hon. R. Hetherington: I would not agree.

The Hon. O. N. B. Oliver: I think Mr Hetherington did 20 years of theorising.

The Hon. R. Hetherington: Twenty years of study.

The Hon. D. J. WORDSWORTH: There has been considerable debate with regard to the composition of the respective councils. I think the proposal of the Opposition might have been to double the number of representatives on the councils. However, as each college will have its own council, I think that perhaps the method set out will be suitable. It could be argued that a

student should be able to serve two terms during a three-year course. I agree that in the first year he would not have very much to contribute, and that in a one-year term he would be likely to contribute more during his last year. I believe the system which has been decided on will be successful, and it can be changed if there is any major problem.

I am not in a position to comment on Mr Strahan with regard to his election to the guild of undergraduates. I feel that is outside this legislation, anyway.

I note some amendments are to be moved during the Committee stage. I did give an indication on behalf of the Minister for Education that a Bill, which is supportive of previous legislation, would be introduced during the current session. I believe this Bill satisfies that commitment. I thank members very much for their support of the Bill, and I commend the second reading.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clauses 1 to 10 put and passed.

Clause 11: Powers of a college. Courses that may be provided by a college—

The Hon. R. HETHERINGTON: This clause covers the things that colleges will be allowed to do. I intended to mention it during my second reading speech, but I had forgotten to do so until I was taken to task by Mr Oliver. I think clause 11 makes the point mentioned by Mr Oliver; the reason we have so many inquiries into post-secondary education.

In fact, in this country we are trying to find out the best way to arrange post-secondary education. We are trying to find out in a changing world—in a post-industrial world—how we should arrange our post-secondary education and what sort of tertiary institutions we should set up.

Clause 11 enables colleges to do almost anything, because the Government is not yet quite sure how the colleges will develop. I am not blaming the Government for that but it means we are in some confusion. The colleges may be like Topsy and just grow—and I might say to the Hon. Norman Moore that, although I pointed out that the colleges were not autonomous, I did say some sort of ministerial supervision might be necessary at the present time.

The Hon. N. F. Moore: We agree again.

The Hon. R. HETHERINGTON: We agree more than the honourable member thought we did. There are grave problems and in this clause the Government is more or less stating some of them. We need courses for people entering professional occupations, we need vocational courses, we need courses for people who want to update their skills or specialise, we need courses of training in technical and para-professional occupations, and—as I have said time and time again since I have been in this Chamber, and I am glad to see the Government agrees with me—it is obvious we need to do something about apprentices, as we need people with advanced skills in trades, and so on.

Then we come to educational courses in home handicrafts, and finally in paragraph (c) of subclause (1) we come to “such other post-secondary education as the Council considers necessary to meet the needs of the community”—in other words, the grab-bag which tells us very little about what the colleges will do.

The Bill is converting teachers' colleges into colleges of advanced education in the very real sense. The Bill does not establish just how they will develop. I am not blaming the Government for this; I am just saying it is something which will have to be watched very carefully.

I take Mr Moore's point that the colleges have already tended to diversify in very many directions. I was a little distressed when the Secondary Teachers' College decided to become very independent and issue its own degrees, and when the education department at the University of Western Australia decided to move into teacher training. It seemed to me we were not rationalising our resources.

The argument for a multi-campus university was the rationalisation of resources so that colleges would not ride off madly in all directions, as I thought they tended to do. Here the honourable member and I are not in disagreement.

I point out to the Hon. Neil Oliver that the fact that I thought in 1972 something should be done does not mean I think in 1978 we can just wind the clock back and do it now. Of course, we cannot. Whatever the arguments may have been for and against a multi-campus college, I do not think they apply any longer. It would be too artificial to try to weld these bodies into a multi-campus college when they have developed in their own way. But I am sure the Minister in another place would be the first to agree that we must

certainly try to rationalise them and get them specialising.

They are already specialising to some extent. Churchlands Teachers' College, for instance, is specialising in drama for primary school teachers. I happen to know this, because someone whom I know quite well and who is interested in teaching drama to primary school children is hoping to go to Churchlands, and I gather such a course at the primary level is not available at any of the other colleges. In other words, some specialisation is emerging, and it needs to continue, instead of all our tertiary institutions competing with one another and saying, "Anything you can do I can do better." This attitude, which has done some harm to our tertiary institutions, should cease. I am not blaming the Government for it but I think the Minister would agree with me.

The things listed in this clause are things which need to be done, but what concerns me is that paragraph (b) of subclause (1) says—

- (b) provide technical and further education in any one or more of the following categories—

We must sort out just where our further and technical education is going. Perhaps we need another inquiry. We certainly need to think about it very carefully. We need to work out the role of technical and further education in our education system. It is vitally important.

I would like to see added to our present scheme of things some community colleges like those which will probably be developed in the Pilbara. The technical college at Albany could well develop into a community college, incorporating some university work as well as technical and further education. We must sort out what needs to be done in our modern community.

We have a whole range of problems. In fact, clause 11, by giving powers to the colleges, sets out most of the problems but it does not really set out the answers to them. The answers will have to be worked out very carefully, I hope by responsible colleges.

We do need responsible tertiary bodies. I have defended tertiary bodies in the past, and I will defend again when I have the opportunity—I certainly will not dilate on the matter now, because it is not germane to this Bill—the need for study leave and other things which are necessities but are regarded as perks.

At the same time, in the big post-war boom and under the benign smile of Sir Robert Menzies when he was encouraging the universities to develop, our development was somewhat lopsided. We now have to try to get balanced development

in tertiary education without unnecessarily putting the screws on the bodies which exist.

For Mr Oliver's information, I say the things in this clause are good things. I hope they can be done successfully. The Secondary Teachers' College which I visited impressed me tremendously. I had a short debate with the principal—I hope I will have a longer debate with him—and I was impressed with much that was being done in that college.

I hope we can rationalise and not be "anti". There is a feeling that tertiary institutions, particularly universities, are full of fat cats who have to be brought down to size. Of course, some people want to use the colleges of advanced education to do that, some want to use them to produce degrees on the cheap, and some want to use them to discipline the universities. I hope we will not do any of those things, but I also hope we will not encourage colleges of advanced education to compete with universities in areas the universities already cover well. We must try to rationalise and supplement, so that we get balanced tertiary education.

I assure Mr Oliver that despite the many reservations I have mentioned—in some matters that I am supporting and not opposing I still have reservations, because unlike Mr Oliver I very rarely use words like "total" and "complete"—I am not in complete agreement with the Bill. I very rarely have complete agreement with anything. That is one of the reasons I am a liberal. I believe we proceed by putting forward in action a thesis; we get opposition to it and a synthesis; and we keep going in an open-ended inquiry, both intellectually and in working this dialectic out in practice. So I do not use words like "total" and "complete".

I have offered for this Bill qualified agreement, and that is pretty good coming from me; but my reservations stay, and I hope the reservations are held on the other side, too, because if there are no reservations about this Bill in the mind of the Minister we might be in trouble. However, I am not accusing him of that.

As far as this clause is concerned, I merely want to comment on it, not to oppose it. I say it sets out problems; it shows us the problems and complexities we have to work out in developing our college system, which is at present very much in an embryo stage.

The Hon. O. N. B. OLIVER: I was very interested in the comments of the previous speaker and in many respects I am in agreement with him. However, I cannot agree that another inquiry is required. This is an ongoing thing. I

have mentioned the inquiries that have already taken place in the field of education.

Furthermore, I am not in agreement with Mr Hetherington that the finalisation of the inquiry of 1972, to which he referred, was put forward on my proposition. It was not 1972; I did not in any way mention 1972. The honourable member said he has been speaking about this matter in this Chamber for the last 17 months. He has used that proposition based on a 1977 report, and I cannot agree with him on that score. I know the honourable member likes to have inquiries.

I am happy that Mr Hetherington is supporting the Bill but I point out that he has made a few irrelevant statements which are not true.

The Hon. R. Hetherington: Is that a fact?

The Hon. O. N. B. OLIVER: He referred to my statement about an inquiry in 1972. That was not true. He said he had been mentioning those facts about colleges for the last 17 months.

I support the previous speaker because he referred to the breadth of the clause. In doing so he repeated the argument he often puts forward in relation to flexibility, and I am in complete agreement with him.

The colleges should have flexibility so that not only technical education is involved, but also community education. Therefore, I can only agree with what the previous speaker said.

The Hon. D. J. WORDSWORTH: After such lengthy support for a minor clause, I can only reiterate the first sentence of the provision: "A college may with the approval of the Minister given on the recommendation of the Commission—". That answers the debate.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Constitution of the Council—

The Hon. R. HETHERINGTON: I move an amendment—

Page 10, line 30—Insert after the words "seven persons" the passage "two of whom shall be nominated by the Premier and two by the Leader of the Opposition".

I hope I will not be accused of bringing politics into our colleges. That is certainly not my intention. We know that when the Governor appoints seven persons to a council he does so either on the recommendation of the Minister or the Cabinet. Under the Westminster system of government this means the Opposition is left lamenting. It seems to me to be desirable, particularly because some kind of continuity is good and because we want balance and a

bipartisan approach, that the Premier and the Leader of the Opposition ought to nominate two members each. This would ensure a balance, because if the present Government is in office—as it will be when the first councils are appointed—the Leader of the Opposition might nominate the kind of people the Premier would not nominate. Conversely, if we were in Government the Liberal Opposition might appoint people we would not appoint.

Certainly we could be fairly sure that once the Government changed at least four out of seven members would be likely to remain unchanged if they were nominated by the Premier and the Leader of the Opposition. This would ensure not only that the council is representative but also that it is seen to be representative. That seems to me to be self-evident.

I hope nobody will say, "Your Government did not do that X years ago" because that is foolish. What we may or may not have done X years ago is not necessarily what we will do now. Parties change, viewpoints change, times change, colleges change, and the membership of councils changes; and what seemed appropriate 25 years ago may not necessarily seem appropriate now.

I do not want to labour the point unnecessarily, because it seems to be self-evident. I hope the Minister will accept the amendment, because it will not upset the council at all. It would make it a better council. Certainly nobody need fear we will have fiercely partisan people on councils who will disrupt the councils because, after all, the Opposition would nominate only two members out of 18.

This does two things. By ensuring wide representation we put on a council people with points of view that we might not otherwise put there. At the same time we also get people who otherwise might know very little about what the colleges are doing. These people are educated and take back to their organisations new views. This educates and broadens their organisations. It is a two-way process.

I believe we should show some recognition of the nature of our political system and of the fact that the Leader of the Opposition is the alternative Premier. He could become the Premier after an election. The Leader of the Opposition is a responsible person and would not appoint members to councils foolishly, lightly, or irresponsibly.

For all those reasons I hope the Minister and the Chamber will see fit to accept my amendment.

The Hon. O. N. B. OLIVER: I have to oppose the amendment, because the mover destroyed his own argument. The fact of introducing politics into the appointment of members of a council of a college introduces a political connotation to the council. Therefore, I am completely opposed to the amendment. I cannot understand why the amendment is being put forward for the Premier and the Leader of the Opposition to appoint several persons to a council for purely political reasons. The previous speaker destroyed his argument, because those members would be put there purely on political grounds. Therefore, on political grounds I am against political appointments to any board at all.

The Hon. D. W. Cooley: You want to talk to your own Ministers about that.

The Hon. D. K. DANS: I support the amendment. I hope in the future I have an opportunity to remind Mr Oliver that he has just gone on record as saying he is against political appointments. I am staggered at Mr Oliver's abysmal ignorance of the political system. All judges are political appointments. Unfortunately a whole range of members of various bodies are political appointments, and often three months after they are appointed they have brainwashed themselves into thinking they were appointed as a result of their own ingenuity.

The Hon. N. E. Baxter: Political appointments are not necessarily party political appointments. There is a big difference.

The Hon. D. K. DANS: I am happy that Mr Baxter took my next words out of my mouth. It is not suggested in Mr Hetherington's amendment that party political appointments would be made. Certainly that would not happen.

The Hon. N. E. Baxter: The amendment points that way a little, doesn't it?

The Hon. D. K. DANS: I do not think it does. Let us consider the Commonwealth Conciliation and Arbitration Commission to which appointments are made from right across the board by the Government in power at the time. The Government makes appointments to the bench, and it appoints the various commissioners. Normally they are drawn from unions, industry, and employers.

The same thing happens in Western Australia in respect of the Industrial Commission. I have seen no reason to quarrel with the appointments made by the present Government in that field. Certainly the two examples I have given represent probably the most important area of Government appointments in this country. I am aware we have amended the Murdoch University Act as well as

other Acts, and that Mrs Vaughan is a member of the Senate of the University of Western Australia.

The Hon. N. E. Baxter: She was not appointed by the Government.

The Hon. D. K. DANS: Admittedly not. She was recommended by a person on the senate who has ideas which are diverse from hers.

The Hon. O. N. B. Oliver: This is in the Bill; there is opportunity for the board to recommend.

The Hon. D. K. DANS: Under Mr Hetherington's amendment the Leader of the Opposition will have the right to appoint two members of a council in a very important field, as will the Leader of the Government. I recall hearing Mr Hetherington say it is about time we adopted a bipartisan approach to this matter. There is nothing sinister in the amendment. I refute Mr Oliver's statement that this is somehow or other political.

The Hon. O. N. B. Oliver: Mr Hetherington brought that in.

The Hon. D. K. DANS: All the actions we take between the time we are born and the time we die are political. If one's mother and father do not get married and therefore do not obey the political dictates which say they should have a marriage licence, one is born with a stigma. If a person's death is not registered—another political direction—his relatives will be in all kinds of trouble. I will not continue on and fill in all the gaps between birth and death in this area.

The Hon. R. G. Pike: Thank God for that.

The Hon. D. K. DANS: No, in this case, thank the Leader of the Opposition! However, one could point out in chapter and verse how all our actions are governed by political decisions. I see nothing wrong with this.

It is about time we started to do a few more things by consensus. If we appointed people to certain boards and councils by consensus, perhaps this country would be travelling in a better direction than it is now. It is significant that when the West German President (Mr Scheel) was here recently, travelling with him were the President of the West German Trade Union movement and the Secretary of the Farmers' Union. Mr Scheel said he did not make any decisions in West Germany, without achieving a proper consensus, and he said the two people accompanying him were the most important in the whole of his country, because he sought their views before he made any moves. It is about time a little of that concept was introduced here. That is what Mr Hetherington is aiming at.

Members may defeat the amendment if they like, but I think it is a sound suggestion and one which is worthy of support.

The Hon. O. N. B. OLIVER: What the previous speaker put forward was completely contrary to what Mr Hetherington put forward. To digress into the realm of the West German Socialist Republic is quite irrelevant to this legislation. In fact, I wonder why I should be speaking to it.

The Hon. D. K. DAns: So do I!

The Hon. O. N. B. OLIVER: Worker participation is a subject very dear to Mr DAns' heart, and it is one which he mentions often. However, not more than 35 per cent of the people of West Germany belong to a trade union. The bulk of the people happen to be by mutual agreement parties to a worker participation situation by virtue of the factors of which the Leader of the Opposition has spoken: co-operation, participation, and communication.

The amendment moved by the Deputy Leader of the Opposition is bringing politics into the matter. Members of the Opposition are reflecting on the members of boards and the appointments of people to college boards. They are suggesting those people will put aside their consciences, their abilities, and their knowledge, and use them in a political way.

The Hon. R. Hetherington: That is disgraceful.

The Hon. O. N. B. OLIVER: This is the difference between Labor philosophy and Liberal and National Country Party philosophy. The Opposition brings that forward every time. I have heard people say in relation to Mr Cooley, "Doesn't he like BHP?" So it happens that every time we look at the composition of a board, this proposal is made and the matter is placed into a political perspective. I am totally opposed to this amendment.

I am totally opposed to the reflection on people that they will be appointed to a board or to a university senate, and they will use their political appointment and persuasion—

The Hon. R. Hetherington: Nobody has suggested that.

The Hon. O. N. B. OLIVER: —to vote in a political way.

The Hon. R. Hetherington: I think you should retract that statement.

The Hon. O. N. B. OLIVER: I completely disagree with that proposal. It is a reflection on the nominations made by a Government, whatever that Government's political colour may be. It is a reflection on those people, suggesting that they

would not act in an independent way but would be required to operate in a political environment. I completely oppose this amendment.

The Hon. D. K. DAns: Mr Deputy Chairman (the Hon. T. Knight), it was not my intention to speak again, but you would excuse me if I was a little confused. Mr Oliver in answer to me used the words "worker participation". I am not quite sure what they mean.

Mr Oliver also said something about 37 per cent of the people not being members of trade unions. I find that thought very difficult to follow. Perhaps if he had taken my advice tonight by way of interjection when he was rambling away that he recite a couple of verses of "Eskimo Nell", it may have been more entertaining and perhaps I would have been able to follow that far better than the tripe that he has been dishing out.

The Hon. O. N. B. Oliver: The reason being that you cannot follow this line of reasoning.

The Hon. D. K. DAns: I certainly cannot follow Mr Oliver. I would be very interested to read the uncorrected copy of *Hansard* tomorrow. It would be like a printed version of the Mad Hatter's tea party.

The Hon. O. N. B. Oliver: It could not be.

The Hon. D. K. DAns: I would not like to be the *Hansard* typists and other people up there trying to put it together tonight. If it comes out in that form—hopefully it will not—

The Hon. O. N. B. Oliver: Mr DAns would not read it.

The Hon. D. K. DAns: I will read it all right.

Notwithstanding those irrelevant remarks, I am still trying to discover what industrial democracy has to do with this debate, or the fact that 37 per cent of the population do not belong to unions.

The Hon. O. N. B. Oliver: Come to the point.

The Hon. D. K. DAns: The fact is that the proposition advanced by Mr Hetherington is a very straightforward proposition. It is one that has been followed in the past, and it has been followed in other States as well.

I have already suggested that it is quite in order for the present Government to appoint people—even members of Parliament—who they think should be placed on boards. This is a straightforward suggestion. What is wrong with it?

Is this some kind of "under the table" dealing? Are we going to say, "I will nominate two people and after you have appointed them I will tell you who they are"? Surely not!

Mr Hetherington made the point that the Premier certainly is a man of common sense. So is the Leader of the Opposition. This amendment would promote the ideal situation of a bipartisan approach to this very vexed question of education.

I was interested in the second reading speeches, and in some of the comments made by Mr Moore. Some of his comments were quite pertinent, and with some of them I did not particularly disagree. If we were to front up to the problems of education and have two people nominated from both sides, instead of an inflexible situation there would be a chance of resolving it.

The Hon. D. W. COOLEY: I was not going to take part in the debate; but after listening to Mr Oliver speaking about political appointments I decided I would say a few words.

Certainly the Governor is non-political. However, is Mr Oliver naive enough to think that the people to be appointed under clause 13(1)(a) will be other than political appointments? If this Bill is enacted, the Liberal-National Country Party Government will appoint seven people by way of a Cabinet decision. That could be interpreted as a political appointment. I wonder whether Mr Oliver thinks that the Governor sits down and selects these people.

The Hon. D. K. Dans: He does.

The Hon. D. W. COOLEY: I believe Mr Oliver does think that.

The Hon. O. N. B. Oliver: Certain people have consciences.

The Hon. D. W. COOLEY: Mr Oliver mentioned worker participation. I note that in the Bill there is provision for two persons who are full-time members of the academic staff and one person who is a full-time member of the salaried staff. They are workers in every sense of the word as they are employed by the college, so—

#### *Point of Order*

The Hon. O. N. B. OLIVER: On a point of order, Mr Deputy Chairman. I ask whether Mr Cooley is speaking to clause 13.

The Hon. R. Hetherington: We would not know, listening to you half the time.

The DEPUTY CHAIRMAN: Order!

The Hon. O. N. B. OLIVER: The point of order is that we are talking about the composition of the board.

The DEPUTY CHAIRMAN (the Hon. T. Knight): I would ask the Hon. D. W. Cooley to continue.

#### *Committee Resumed*

The Hon. D. W. COOLEY: I do not wish to labour the point. Mr Oliver should research the matter a little more before he becomes too critical about what is proposed.

The Hon. R. HETHERINGTON: I think I should make some comment on the farrago of fallacious foolishness we have heard from Mr Oliver tonight. If he could be taken a little more seriously, I would be rather insulted at the suggestion that we are casting imputations against members of the boards.

Let us be realistic. Does Mr Oliver think that a Minister of the Crown who makes representations to Cabinet and to the Governor is not a member of a political party and has nothing to do with politics? After all, this is the game we are in.

All I am suggesting is that we recognise the fact that we are in politics, and that officially and institutionally there are two sides to the House—the Government and the Opposition.

Does Mr Oliver think that we cannot trust the Leader of the Opposition to make sensible appointments? Is he accusing the people, who would be appointed, of the things that he claims we are accusing those people of at present? I certainly would not make that accusation. Mr Oliver is attributing to us his own failings. I would be glad if he did not.

When I was moving this amendment, I said I thought it would be a good thing. It would not bring in bipartisanship. It would mean people would be appointed who otherwise would not have been appointed, no matter who was in Government. This would be valuable to the colleges.

I am quite sure that the people appointed in this way would not act in a partisan way. In my experience, once people become members of a board or a council they become very interested in that body. Often they become ambassadors, in a political sense, to their own parties on behalf of that institution. This is not a bad situation at all. After all, part of our political process is supposed to be the education of politicians.

I resent the inferences drawn and imputations made by Mr Oliver. He does not seem to know what I am talking about. He is accusing me of trying to play party politics when I am recognising the fact that we are in a situation where there is a Premier and an alternative Premier. When an ambassador or a high commissioner visits Perth a reception is held in the city Council House. A Minister and a representative of the Leader of the Opposition attend the function on behalf of both sides of politics. We are not accused then of being

partisan; and normally we are not. We are there to indicate that the representatives of the Premier and the alternative Premier join in welcoming this dignity.

What is wrong with introducing this principle as a matter of course into appointments of this kind? It would be good for the alternative Premier to have a chance to make some appointments. They would no doubt be very good appointments, and they would present great advantages to the colleges and institutions.

I become tired of people accusing me of some mean and Machiavellian form of party politics when all I am trying to do is to improve an educational institution. I take our education institutions seriously. I take our Westminster system seriously. I also take seriously the idea of an institutionalised Opposition, because, where there is an organised and recognised Opposition, that is what differentiates a democracy from an authoritarian system.

In a situation where there is an organised Opposition and an alternative Premier, there could be a great deal of good if the Leader of the Opposition was allowed to nominate two people on a board of 18 or 15. Rather than bringing party politics into the situation, that would be recognising the fact that there were two sides and that both sides were contributing. Party politics would be taken out of the situation by an honest recognition of what was going on.

I do not intend to rise to my feet again, whatever Mr Oliver may say on this question. I just hope that the Minister is a little more reasonable than some of the people on his side of the political fence and that he might find himself prepared to accept this amendment.

The Hon. O. N. B. OLIVER: I must in some ways agree with the previous speaker, but I cannot agree with the Hon. Don Cooley. I cannot agree with the dissertation on the fact that politics will not be brought into college boards. I find it completely incomprehensible that there needs to be the nomination by the Premier of two people and the nomination by the Leader of the Opposition of two people. If that is not introducing party politics into the establishment of college boards, I would like to know what else that is.

The Hon. D. K. Dans: I reckon it would be more like mathematics—two plus two.

The Hon. D. J. WORDSWORTH: We have a proposal before us to increase the size of the board and to allow nominations by both parties.

The Hon. R. Hetherington: A number up to 20 is quite viable. I hope you will not say it is too big.

The Hon. D. J. WORDSWORTH: The Government has looked at the situation. I raised the point in my second reading speech, and I looked at some of the arguments against this.

I raise the point once again that it becomes too big and too complicated. This proposal has been well thought out by the Government of the day. We believe it is most suitable and apt for the occasion. Once two people are nominated for various posts, we can get into great difficulties, because not only do we have nominations, but we have retirements and resignations also.

We have been called upon by the Leader of the Opposition to adopt a bipartisan approach to the whole problem. I believe the manner in which it is dealt with under the Westminster system, where the Governor appoints people, works particularly well. I agree with the Leader of the Opposition when he says it is very hard afterwards to recall which party was in power at the time. I believe these people take on the role they have been given.

This proposal which has been suggested by the Opposition has been considered fully and I regret to say the Government has decided it considers its proposition is better.

Amendment put and negatived.

The Hon. R. HETHERINGTON: I move an amendment—

Page 11, lines 1 to 9—Delete paragraphs (c) and (d) and substitute the following—

(c) five persons who are members of the full-time staff of the college, at least one of whom is not a member of the academic staff, and who are elected by members of the full-time staff of the college in such manner as is prescribed by Statute;

I will not take up the time of the Committee unduly with this proposal. I have canvassed it already in my second reading speech. In fact, all it does is to insert in this Bill what is already in the Act which we are repealing. This paragraph, apart from some slight alterations to the words, may be found in the parent Act which we are about to repeal and replace with the Bill before us.

As I said earlier, I believe the more one can get members of the academic staff to be involved in the running of the institution for which they work, the better it is. We gain advantages from this, because we obtain the input from the people who have to teach, and research, and who know the problems at first hand, which is useful and valuable and has always been found to be so in

institutions which have a number of academic staff.

I am not inclined to think that the more members we have the merrier; therefore, I am erring here on the side of conservatism. I am opting in favour of the status quo. I am suggesting that there should be five persons and that at least one should be a member of the non-academic staff. I do not mind if, in fact, there are more members of the non-academic staff. If the staff decides to elect more than one member from the non-academic staff, I would be in favour of it, because sometimes we find in learning institutions members of the non-academic staff who have a great depth of understanding and ability and have much to offer. They may, in fact, obtain the votes.

The principle of having one member of the non-academic staff has been accepted by the Minister in another place who amended the Bill to insert the present provision that one member of the non-academic staff should be elected by that group. However, I should like the provisions to be much wider.

My amendment would increase the membership of the board to 18 and five persons out of 18 seems a reasonable proportion.

I should like the Minister to tell me why the change has been made; whether or not the present situation is working satisfactorily; whether the staff or the Academic Staff Associations have decided it is too much work for them; or whether it is just arbitrary.

The Hon. O. N. B. OLIVER: The amendment does not take cognisance of the fact that we have academic councils in these particular colleges. I examined these this morning and I counted the number of academic staff on an academic council. I found a total number of 25 people who put forward their views on these councils. I cannot see the reason for the increase in the number of members, irrespective of whether such a provision was contained in the Act.

The previous speaker seems to have a problem in that he may be suffering from a complaint the name of which I do not particularly like to use. I believe the member is suffering from corporation naval, because his proposal is so contrary to the commercial changes which have occurred between the 1960s and 1970s. These changes have resulted in the situation where the composition of boards is made up of people from the outside who are outward-looking, rather than by people who are inward-looking. The amendment put forward by the member is taking us back to the 1960s. I cannot agree with it.

The Hon. D. J. WORDSWORTH: The Government is not in agreement with this amendment. It is felt that the proportions of the smaller council as envisaged in the Bill are more suitable. As Mr Hetherington has said, the number of non-academic staff could increase to five on the larger board he is proposing which would have a total number of 18 members. We consider the proportions proposed in the Bill are more suitable.

I do not believe colleges should get into the position where the staff play such a major part in their activities. The three board members provided are in a position to give the advice which is required. I believe the control should stay more in the hands of the Minister and in line with the proposal in the Bill.

The Hon. GRACE VAUGHAN: I support the amendment, because I believe when one contemplates the government of a college, which is what this council has to do, one has to recognise it is a community of people which is concerned with the education of certain persons. It is necessary, therefore, that there should be a prominent content of persons who belong to the community.

The board as proposed will have a maximum of 15 members. The amendment moved by the honourable member would add another three members to the board and if an extra student is added also, as proposed under paragraph (e), we would then have a maximum of 19 people on the council. This is not a very large council. It is still not as large as the board of the University of Western Australia, Murdoch University, or WAIT.

It is essential to remember the community of interests concept when deciding who is to govern. It is very important to have such an input from persons coming in from outside. I am one who always advocates a good input from the community, of course but an imbalance could result if the number of academic people or staff is cut down.

It seems to me if we are to have only three people on the council from the staff, plus the college principal who is often seen to be an intermediary between the Minister and the institution itself, we can really only say there are three staff members proposed by the Government on the council. This seems to be a very small number indeed compared with the other people on the council.

The Government ought to think very seriously about this, because it seems there is so much which needs to be brought to the attention of the

council that is of a day-to-day nature, and which needs an intimate knowledge of the activities in relation to the conduct of the college.

The Hon. R. HETHERINGTON: I was disappointed in the answer given by the Minister. He did not really answer the question; but I imagine he does not know the answer to it.

One of the matters which I believe some of the members who have spoken do not realise is that tertiary institutions are not all of a piece. Colleges have internal politics and people who teach various art subjects and those who teach the sciences do not necessarily agree. Sometimes they have a difference of opinion as to the allocation of values, and whether rightly or wrongly they disagree. I do not object to people disagreeing. I approve of it. For this reason, I believe we ought to broaden the representation.

I agree with the comment made by the Hon. Grace Vaughan. She always speaks succinctly. However, I should like to add this point, because it is important: when I was in a tertiary institution I did not necessarily feel that a member of a science faculty represented my views. As a matter of fact quite often he and the arts faculty were in direct competition for available funds. Of course, such arguments will occur on academic councils; but it is a good idea also to broaden the representation on the councils so that a better input is obtained. I was reminded by the Hon. Grace Vaughan that a tertiary institution should be a community of scholars and this means they are not exactly like commercial institutions. Of course, we want outside input; but we want also input from inside. Whatever the Minister may or may not say, I still believe college boards would be richer if we expanded the representation of the staff.

The Hon. D. J. WORDSWORTH: The argument seems to rest on one's interpretation of the word "community". If I use the words "community interests" that does not mean necessarily those who are teaching there, but rather the community which contributes towards the university or college and which sends its children to those institutions. It is a matter of interpretation.

It seems the honourable member feels the people within an institution are better judges of what is required. I thought for a moment he might suggest for similar reasons that some members of Parliament might be elected by members of the Parliament themselves. It sounds like a similar position in New South Wales where the Labor Party argued that the situation should be exactly the opposite of the proposals in the Bill.

I believe the proportion of representation outlined in the Bill is quite adequate.

The Hon. R. HETHERINGTON: I did not intend to get up again but after that sort of nonsense from the Minister I thought I should make a brief explanation. Of course, I realise there are two kinds of community. When I talk about a community of scholars I am talking about a very special kind of community which is trying to research and educate.

The Hon. G. C. MacKinnon: There is nothing very special about them, you know.

The Hon. D. J. WORDSWORTH: They have not a mortgage on it, either.

The Hon. R. HETHERINGTON: That is true, but I would have thought the Minister who has just interjected would understand that educationists and people in tertiary institutions have their own peculiarities. They are special in some ways, just as any other people are special in some ways and have peculiar requirements.

When I was talking about a community of scholars I thought the Minister for Lands would understand I was not holding this against the broader community, because I have not argued at any stage that the number of people representing the broader community, which the colleges exist to serve in many senses, should be reduced. I merely said that the nature of tertiary institutions is such, in my opinion and in my experience, that they can contribute a special input to the councils of colleges. I was not advocating that they be a majority but just that they be represented on the council.

If some of those who disagree with what I am saying think that four academics on a board will all agree, they will find that is very unlikely. They will split just like other people, but they will have their own particular input to contribute. I believe people who work in institutions should be represented on boards as far as possible and should be able to contribute an input in the decision-making process.

I think it is a great pity we are abolishing such representation in some institutions where we already have it. I regard that as a reactionary and retrograde step, and when I hear a flippant remark such as that made by the Minister for Lands it only confirms my view that this question has not been given adequate thought, which is an undesirable situation. The more I hear from members opposite the more I think my amendment should be carried.

Amendment put and negatived.

The Hon. R. HETHERINGTON: I move an amendment—

Page 11—Delete paragraph (e) and substitute the following—

- (e) two persons who are for the time being enrolled students of the college, and who are elected by enrolled students of the college in such manner as is prescribed by Statute;

If I may carry on from where we left off in the second reading debate, in which the Minister made some remarks, it seems to me if we had two student representatives it would do a number of things. The first is we would have two points of view from the students, and not all students agree, either. As a matter of fact, if we wanted to represent the various views of students we would need quite a number of student representatives on the council, but it would probably result in an unwieldy council. However, I think we could with profit increase the number from one to two.

If this amendment were accepted and we amended a later clause which prevents a student being a member for two years running, we would sometimes have a second-year student who by the time he reached his third year would be rather more aware of what goes on in the council. I do not know why the Minister should think it odd that students should take some time to find their way around a council. Councils normally meet only once a month and it takes time to learn all the nuances of people, what the issues are, whether people really mean what they say or say one thing and mean another, and the things that normally happen on committees. Students normally do not have a lot of experience in these matters, and if there were two student representatives one would hope they would go away and talk to each other and work things out. It might be an advantage.

I see no reason for removing the optional second one in the present Act. We would not swamp the councils by adding another student. I was tempted to suggest there be three student representatives, but I thought that was too radical for members opposite. So I erred on the side of conservatism to maintain the status quo, except that instead of making two students a possibility I suggest we make it the norm.

I keep feeling I am fighting against feather pillows, because it seems to me I am not advocating anything outrageous, impractical, or stupid, but that I am advocating moderate changes for the better. I am amazed at some of the accusations made against me in putting

forward these changes, unless of course the opposition stems from the fact that a member of the Opposition is putting them forward. However, the Hon. Norman Moore got up and took something I said seriously and ultimately we were not in disagreement.

I keep hoping when I move an amendment someone will get up and take it with some seriousness. They are not outrageous propositions or party political propositions. They are propositions put forward by somebody who is interested in education and would like to see our college boards strengthened and improved. I think this amendment would be a little step on the way and I hope the Government will accept it.

The Hon. O. N. B. OLIVER: I cannot see the purpose in having an additional student representative on the council. The previous speaker has said it is time for change and flexibility. The only thing I can see happening as a result of having two student representatives is that one will watch the other to ensure he is doing the right thing by the student representative council. I cannot see any sense in enlarging a council for the sake of an additional student representative. Surely one is sufficient, unless we need one to report on the other, as though they would not trust one another.

The Hon. GRACE VAUGHAN: I support the amendment. I join with the Hon. Robert Hetherington in his disappointment that in a matter which is not party political the Minister has taken such a cavalier attitude in his replies. It is very important to examine the council which will be the government of a large institution such as this. I am very sorry that the Minister is either not paying attention or is not grasping the concept of community. I had been talking about the community within the college, and I then said it was a good idea to have seven people representing the outside community.

The Minister spoke about the parents of the students attending the college. I do not think the students would like to think the parents were looking over their shoulder. It is important to have representatives who are concerned about the young people, and with the very wide range of interest areas that these colleges will be able to embrace there may well be grandparents attending the colleges, as well as young people.

In relation to the number of students on the council, again we are talking about the people who are in day-to-day contact with the operations of the college, and it is very important to have on the council representatives who are able to advise the people on the council as to the needs of the

college. One student representative on the council is very poor representation of a large population, particularly when there may be need to have mature age students represented in addition to the majority group of school leaving age. Those possibilities should be considered by the Minister when dealing with such an important body.

The Hon. D. J. WORDSWORTH: The Government has thought of these things and has come up with a proposal which it considers suitable and with which I believe the majority of members in this Chamber will agree. Members of the Opposition seem to have the attitude that, because certain provisions are not exactly what they think they should be, they are wrong, but they have not come up with any arguments as to why the provisions are wrong.

We have had lectures about the Westminster system from the spokesman on the other side. The Westminster system is that those who have the majority on the floor end up with their proposal carried. I believe that is exactly what is happening here tonight. The Government has done a lot of research on the matter and I believe the vote will indicate it.

The Hon. R. HETHERINGTON: I rise very briefly to point out to one member of the Chamber that the amendment does not talk about representatives of the student representative council; it talks about representatives of students. To suggest that two students are necessary so that one can report on the other borders on the despicable. In my experience, with very few exceptions, students who are given responsibility are highly responsible people, and I resent any suggestion that I am proposing two student representatives on the council because one has to observe the other. It seems to me we should have two students on the council, because there might be differences of opinion and they might express them. I believe in the dialectic of argument and the expression of differences of opinion.

I am sorry if, when I am talking about the Westminster model, the Minister thinks it is a lecture which can be treated with contempt. I know the aspect of the Westminster model which says the side with the numbers wins and what that side says goes. If that is the attitude of the Government, then perhaps it is a pity it did not consider our earlier amendment regarding some appointments by the Leader of the Opposition to make sure that we are not ruled by crude numbers. Of course, I know in practice the Minister does not live up to his own words, and I am glad of that, because it would make our system rather worse.

I remind the Leader of the House that at the home of the Westminster system at least, in the House of Commons, the Opposition is taken so seriously that the Chairman of the Public Accounts Committee is always a member of the Opposition. The House of Commons has taken the trouble to institutionalise the Opposition. The Leader of the House has pointed out to me a number of times that we do things differently here, the implication being that we do things better and whatever is ought to be. I do not always accept that rather crude and primitive view, but I realise it is no good arguing further; the numbers will roll over us again. I am a little sorry that the debate finished in the way it did.

Amendment put and negatived.

Clause put and passed.

Clause 14: Term of office—

The Hon. R. HETHERINGTON: Subclause (3) says—

(3) The member referred to in paragraph (e) of subsection (1) of section 13 is not eligible for re-election more than once.

That is the sole student; the token student. The token student is allowed to serve on the council for one year only, and then he must go. As I said earlier, apparently the Minister for Education is developing into something of the Squeers of the twentieth century—he seems to be worried by students.

The Hon. G. C. MacKinnon: Why must you go in for character assassination even before the poor fellow is elected? Token student indeed. He might be very good.

The Hon. R. HETHERINGTON: I was not assassinating the student's character. It is a token student as far as the Government is concerned.

The Hon. G. C. MacKinnon: It is not. It is as far as you are concerned. You have labelled him that before he gets there.

The DEPUTY CHAIRMAN: Order!

The Hon. R. HETHERINGTON: The Leader of the House does not impress me with his usual red herring.

The Hon. G. C. MacKinnon: I am not trying to impress you.

The Hon. R. HETHERINGTON: We hope the student will be very good, and certainly some of the students are very good. However, he will still be alone and it seems to me that if a student is elected and he appears to do the job well he ought to be eligible for re-election. I am expecting Mr Oliver to support me here, because my

amendment would give a little more flexibility. I move an amendment—

Page 12—Delete subclause (3).

Amendment put and negatived.

Clause put and passed.

Clauses 15 to 42 put and passed.

Clause 43: Staff associations—

The Hon. R. HETHERINGTON: I wish to make a passing reference to this clause. It provides for an organised association of academic staff and an organised association of other salaried staff. The clause goes on to say that those associations shall be a recognised means of communication between academic staff, and other salaried staff, respectively, but that there will not be more than one such association of academic staff, and one such association of other salaried staff.

If in the future there is a division in a staff—academic or otherwise—and if a breakaway association is formed, does that mean that the council is forbidden by this Statute to speak to one of those bodies, and how does it choose to whom it will speak? Perhaps I am reading more into this provision than I should, but I would like to know what the Minister has to say about this matter.

The Hon. D. J. WORDSWORTH: I believe the honourable member has answered the question himself. If there is more than one association, the Government has to identify one to speak with.

The Hon. R. Hetherington: It might make a mistake and speak with the wrong one.

Clause put and passed.

Clause 44: Student associations—

The Hon. R. HETHERINGTON: I will not weary the Committee by rehearsing all the arguments I advanced on the Bill we passed last year or earlier this year about student associations at tertiary institutions. This provision makes the same mistakes that were made in the earlier legislation. As I mentioned earlier in the Chamber, the legislation previously enacted by the Government has raised certain problems. I found this provision incomprehensible last year, and I find it incomprehensible now. I am referring particularly to subclause (7) which reads—

(7) Any enrolled student of a college (whether a member of the student association of the college or not) may vote at any election held to fill a vacancy in any elective office in the administration of the student association, but a person shall not

hold any office mentioned in this subsection unless he is a member of the student association.

This means that the people who care to join the association are not the only people allowed to vote to fill a vacancy. People who do not wish to join an association, and people who do not want to have any part of it, can then take part in the election of representatives.

I would like to put forward a hypothetical case for the sake of the argument. Let us assume that a minority of students—say, 44 per cent—join the association. These particular students have a high regard for certain people because they have watched them working and therefore they vote for them. It could happen that the other 60 per cent of the students could vote for somebody else who was most unacceptable to the people who were the members of the association.

I do not understand this provision, and I have never understood it. If we are to have voluntary student unionism, why should those who elect not to join the association then vote for the officials of that association? I cannot see any reason for it unless it is to dilute the association. Sometimes this can be achieved in another way; by making membership of an association compulsory in some areas, we can dilute the membership of activists. Here I suppose it is hoped that the apathetic group which does not join the association at least when it comes to electing officials may be able to dilute the members who have taken an interest and who are perhaps active in the association. I will not go over it again; it is the same sorry story. However, I would once again like the Minister to justify this clause.

The Hon. D. J. WORDSWORTH: I do not think any great amount of time need be taken over this provision as it has been well and truly debated on other occasions. Student organisations make decisions which can have a major effect upon the students and the students cannot escape from the effect of such decisions. For instance, sometimes it is compulsory to pay an amenities and services fee, and as all the students pay these fees, they should have a vote in regard to electing those who have to decide on, say, the purchase of certain facilities on a college ground to which all will have to subscribe. The person whose existence at a college is dependent upon a compulsory fee should at least have a vote.

The Hon. R. HETHERINGTON: To place on record the attitude of the Opposition to this clause, I move an amendment—

Page 38—Delete subclause (7).

The Hon. GRACE VAUGHAN: I support the amendment. It is going over old history; obviously the Government has made up its mind on this ludicrous situation. The ridiculous thing is that people who are not members of the association can vote to say who shall supervise the running of that association. One can imagine the Weld Club allowing this to happen, where people can pay money into some sort of fund—not wanting to belong to the Weld Club—and then decide they need to have a vote to resolve who shall be the president of that club.

The Hon. D. J. Wordsworth: If they had a tax on everybody walking up and down Barrack Street, I am sure you would like to vote on who should run the Weld Club.

The Hon. GRACE VAUGHAN: That is a ridiculous analogy, because people in a tertiary institution should be concerned with what is happening in the student body. Students can opt not to have an interest in the association, and still remain members; however, when they are not interested enough to join, it is crazy to bring them in and ask them to vote for people.

If we can devise some other way of doing this which would stimulate people to be interested in their association and which would bring more people in as members so that when a decision is made it could truly be said to be a consensus of opinion, there would be some purpose in what we were doing. However, this is a ludicrous way of providing for it; everybody laughs at it; it is a joke.

The Hon. G. C. MacKinnon: I do not laugh at it.

The Hon. GRACE VAUGHAN: The Leader of the House does not have a sense of humour.

Amendment put and negatived.

Clause put and passed.

Clauses 45 to 55 put and passed.

Title put and passed.

### Report

Bill reported, without amendment, and the report adopted.

### ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West—Leader of the House) [9.33 p.m.]: I move—

That the House at its rising adjourn until Thursday, the 9th November.

Question put and passed.

*House adjourned at 9.34 p.m.*

### QUESTIONS ON NOTICE

#### POLICE

#### *Goods Seized*

422. The Hon. F. E. McKENZIE, to the Attorney General:

- (1) Is the Minister aware of the report on page 21 of *The West Australian* of the 23rd October, 1978, headed "Police Should Issue Receipts—Tennant", and the report on page 5 of the *Weekend News* of the 28th October, 1978, headed "Receipt Call on Seizure", wherein it is made clear that the police have not issued receipts to owners for goods seized, and furthermore, it is not their intention to do so in the future?
- (2) As the issue of receipts for goods, listing the article and its condition, with a provision for countersigning by the person from whom the goods are seized, would provide protection for both parties in the event of disputes arising when a claim is made that the goods were damaged when in the care of the police, will the Attorney General refer the matter to the Law Reform Commission for examination to ascertain whether the Criminal Code ought to be changed to incorporate provision which offers protection to the owner and the police?

The Hon. I. G. MEDCALF replied:

- (1) Yes, I am aware of the reports in question.
- (2) No. The matter is one which is essentially the concern of my colleague the Minister for Police and he has not requested that any such reference be made. Further, as the issue is purely one of policy and does not involve any legal technicality, it would not be an appropriate exercise for the Law Reform Commission.

## ROAD

*Canning Highway*

423. The Hon. D. K. DANS, to the Minister for Transport:

- (1) Is the Minister aware of the state of Canning Highway due to the break up of the hot-mix surface at the Hislop Road intersection?
- (2) When is it expected that repairs will be effected?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) During November. The material which failed at Hislop Road was removed allowing traffic to use the original surface pending replacement with satisfactory material.

- (2) Plans for the future funding and management of Fremantle Arts Centre are currently the subject of discussion between officers of Fremantle City Council, the WA Arts Council, WA Art Gallery, and the Treasury. The aim of these discussions is to determine a mutually agreeable formula which will assure the continuing operation of the Fremantle Arts Centre. On the 12th October, a request was made to the Fremantle City Council to extend the threatened date of closure of the Arts Centre from the 30th November, to the 31st December, 1978, to allow the discussions to proceed, and this request has been repeated. The Government is prepared to consider further financial assistance, but will not make a final decision until an adequate appraisal of the financial management of the centre has been made. This has only just become possible, based on information supplied to the Government by the City of Fremantle, and discussions between officers and administrative staff of the city.

## CULTURAL AFFAIRS

*Fremantle Arts Centre*

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

- (1) Has the Minister or the Western Australian Arts Council been requested by the Fremantle City Council for financial assistance in order to support the Fremantle Arts Centre?
- (2) Will the Government or the Western Australian Arts Council be providing sufficient funds to permit the Centre to continue to operate?

The Hon. D. J. WORDSWORTH replied:

- (1) A request from Fremantle City Council for additional support for the Fremantle Arts Centre has been received by the Minister for Cultural Affairs. For the 1978 calendar year, Fremantle Arts Centre is receiving \$63 000 from the Government through the WA Arts Council.

## NAVAL BASE

*"HMAS Stirling"*

425. The Hon. D. K. DANS, to the Minister for Federal Affairs:

- (1) Is it a fact that there is to be no further development of *HMAS Stirling* Naval Base on Garden Island during the next five years?
- (2) If the answer is "Yes", is the area already bulldozed for the future development for the Base going to be allowed to overgrow once again?

The Hon. I. G. MEDCALF replied:

This is not a matter which comes within the scope of my portfolio, and the honourable member will have to communicate with the appropriate Federal Minister.

**QUESTION WITHOUT NOTICE**

**TRANSPORT**

*Air: Geraldton-Perth*

The Hon. R. Thompson (for the Hon. TOM McNEIL), to the Minister for Lands representing the Minister for Transport:

- (1) Is the Minister aware that MMA has cancelled its 7.15 a.m. flight from Geraldton to Perth, and that travellers must now depart on Monday at 5.15 p.m. or Tuesday at 5.15 p.m.?
- (2) If the Minister is aware of MMA's cancelled flight, will he explain why a licence to fly the 7.15 a.m. time slot by Avior Air Charter was refused?
- (3) If he is not aware of the action taken by MMA, will he investigate the reasons for the flight's cancellation, and the department's attitude in refusing a licence to Avior Air Charter?

The Hon. D. J. WORDSWORTH replied:

I thank the honourable member for notice of the question. The answer is as follows—

- (1) to (3) Due to a downturn in traffic forecasts for the month of November, which is invariably a month of low load factor on this service, to save costs, approval was given by the Transport Commission and the Commonwealth Department of Transport to delete the MMA flight 6.00 a.m. ex Perth, 7.15 a.m. ex Geraldton, during November. This flight will be reinstated in December.

At the time of consideration, in view of the short duration of the withdrawal of the flight and low traffic forecasts, no action was taken for a replacement service.

An application has just been received from Avior and this is under consideration.