Legislative Council

Thursday, 4 November 1982

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

DOUGLAS ROSS THOMAS

Offences: Ministerial Statement

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [2.31 p.m.]: I seek the leave of the House to make a ministerial statement concerning the convicted rapist Douglas Ross Thomas.

Leave granted.

The Hon. I. G. MEDCALF: Douglas Ross Thomas was sentenced recently by Mr Justice Olney to 15 years' imprisonment for rape and sodomy. The Press reports had indicated that Thomas committed the offences while on parole. I have now had the opportunity of examining the facts of the matter , which I set out hereunder.

On 14 March 1974, Thomas was sentenced to four concurrent terms of four years' imprisonment after being convicted of four charges of rape. At the expiration of that sentence he was ordered to be detained in a reformatory prison during the Governor's pleasure.

He was further sentenced on 2 April 1974 by Mr Justice Wallace to concurrent terms of six years' imprisonment for each of two convictions of rape. His honour directed that at the expiration of those sentences Thomas be detained in a reformatory prison at the Governor's pleasure in accordance with the provisions of section 661 of the Criminal Code. He was also declared to be an habitual criminal.

Thomas was sentenced also in March 1974 on several other convictions but, in so far as they relate to his detention, the terms of imprisonment were concurrent with the sentences referred to above. In addition, the sentence passed on 2 April was to be concurrent with that passed on 14 March 1974. The total effect of these sentences was that his finite sentence, subject to remissions, expired on 1 October 1978, at which time he commenced to serve his indeterminate sentence.

Section 41(1)(b) of the Offenders Probation and Parole Act states that a person being detained under section 661 of the Criminal Code shall be detained during a period of two years or such lesser period as the Governor, having regard to the circumstances of the case on the recommendation of the Parole Board, orders.

On 19 September 1980, the Parole Board considered the reports submitted to it concerning Thomas. These reports were of a positive nature. The Department of Corrections had initiated a long-term programme for the reintegration of Thomas into society, a programme to which he had responded satisfactorily.

Thomas was viewed at this time by the department as a minimum security inmate. He had performed satisfactorily on home leave, was said to have a positive attitude towards life and to be an active member of the Mormon Church. Thomas had completed a period of work release without incident, his marriage was said to be stable, and he had an adequate parole plan—employment, accommodation, and finance. The decision of the board was to release Thomas on parole on 1 October 1980 for a period of two years.

On 27 February 1981, a breach of parole report was submitted to the board for its consideration. In this report the board was informed that Thomas had been convicted and fined in the Midland Court of Petty Sessions for the following offences—

9.2.81

Reckless driving—$500 fine, $3.50 costs, MDL suspended 12 months.

Reasonably suspected of possessing things stolen or unlawfully obtained—$40 fine, $1.50 costs.

These offences had been committed on 7 February 1981.

A disturbing feature of the second offence in the opinion of the board was that the goods suspected of being stolen were women's underclothing in respect of which Thomas had given conflicting explanations to investigating officers as to how the articles came to be in his possession. The decision of the board was to cancel parole and on that day the board ordered that a warrant issue for the arrest of Thomas.

This warrant was forwarded on 27 February 1981 to the Police Department. About 10 days before the board hearing a parole officer received a telephone call supposedly from Thomas who said he was in Darwin. Whether or not he was in Darwin is speculation, but there were suspicions that he was, in fact, elsewhere.

The warrant the Parole Board issued was received at the police central warrant bureau on 27 February, and particulars were immediately placed on computer records and notice of the warrant was placed in the *Police Gazette*. Inquiries were made at all addresses known to be frequented by Thomas, but with a negative result.

Further particulars of other warrants of commitment which were in existence for Thomas were gazetted in further issues of the *Police Gazette*, but again with negative results.

It appears from comments made by Thomas's counsel at his recent trial that Thomas obtained employment on a boat operating out of Darwin. According to his counsel, Thomas heard his parole had been cancelled and he then, apparently, moved interstate to Sydney.

His counsel said that Thomas returned to Western Australia secretly on three occasions, the last being the time during which he committed the last rape offence. At that time he was said to be planning to proceed to Darwin again, but changed his mind and decided to cross the Nullarbor.

Thomas's exact movements whether within or outside the State have not been able to be verified. Reliance has had to be placed largely on statements made by him. Had his presence in WA been known during his supposed visits to this State, the warrant for his arrest would have been executed.

On 19 April 1982, Thomas was apprehended by the Norseman police following the offences of rape and sodomy which he had committed north of Geraldton. On 20 April 1982, he was charged with these further offences and was remanded in custody to Geraldton. At the time of his arrest Thomas was not on parole but was unlawfully at large by reason of the decision of the Parole Board, on 27 February 1981, to cancel parole and issue a warrant for his arrest.

The information given to me indicates that it was as a result of quick action that the police apprehended Thomas at Norseman while he was attempting to leave the State following the commission of his latest offences.

I have carefully checked the position and there is nothing contrary to law in the preceding course of events.

I am satisfied that the board acted with care and took into account all available and relevant information before deciding to release Thomas.

Thomas, as a result of the sentence now passed on him, will serve, with remissions, 10 years in prison. Upon completion of that term he will be confined during the Governor's pleasure by reason of the provisions of section 44(3) of the Offenders Probation and Parole Act.

The Government already has indicated that a working party of officers is examining certain proposed changes to the Act. One of the important matters the committee has been asked to consider is the question of the release of prisoners detained as habitual criminals during the Governor's pleasure.

Another is a change in the cycle of reporting on persons subject to life imprisonment, whether commuted or not. Another is the replacement of minimum and maximum sentences with finite sentences.

An object of the new proposals is to achieve more certainty in sentencing, particularly as to the effect of sentences of life imprisonment and of orders for detention at the Governor's pleasure. This would enable the courts to be more sure of the effect of the sentence imposed, and the public to have a better understanding of the relationship between the crime and the punishment imposed.

HEALTH: TOBACCO

Smoking: Petition

On motions by the Hon. P. H. Wells, the following petition bearing the signatures of 77 persons was received, read, and ordered to lie upon the Table of the House—

> To the Honourable, the President and Honourable members of the Legislative Council in Parliament assembled.
>
> We the undersigned doctors at the Princess Margaret Hospital for Children pray that the Parliament recognise and affirm the dangers to health of smoking.
>
> We the petitioners therefore pray that your honourable House will give consideration to—
>
> > . . . recognise and affirm the dangers to health of smoking and its relationship to premature morbidity and mortality. We are especially concerned at the number of children who are taking up smoking.
> >
> > We completely support Dr Dadour's Smoking and Tobacco Products Advertisements Bill. We ask that the Legislative Council give serious consideration and support to this Bill.
>
> And your petitioners, as in duty bound, will ever pray.

(See paper No. 514).

LEGAL AID COMMISSION AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

STAMP AMENDMENT BILL (No. 4).

Assembly's Message

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

STATE FORESTS

Revocation of Dedication: Assembly's Resolution

Message from the Assembly received and read requesting the Council's concurrence in the following resolution—

> That the proposal for the partial revocation of State Forests Nos. 14, 22, 25, 27, 28 and 34 laid on the Table of the Legislative Assembly by command of His Excellency the Administrator on the twenty eighth day of September, 1982, be carried out.

BILLS (2): RETURNED

1. Liquor Amendment Bill (No. 3).
2. Offenders Probation and Parole Amendment Bill.

Bills returned from the Assembly without amendment.

CITY OF PERTH PARKING FACILITIES AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [2.51 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the City of Perth Parking Facilities Act to provide the City of Perth with the power to permit, with the Minister's consent, the use of car parking facilities by community associations.

Members may be aware of the difficulties that arose earlier this year when a certain fund-raising organisation was refused permission to continue using one of the council's multi-storied car park facilities for its monthly activities. Council's action was precipitated by legal advice indicating that it did not have the power to allow other organisations to use the facilities.

This Bill is designed to overcome the legal impediment which presently exists in respect of this matter and will allow the council, with the Minister's consent, to permit a wide range of uses of parking facilities by community associations.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Fred McKenzie.

LOCAL COURTS AMENDMENT BILL

Second Reading

Debate resumed from 26 October.

THE HON. J. M. BERINSON (North-East Metropolitan) [2.53 p.m.]: There is no doubt that many legitimate claims for debts up to $1 000 are simply forgone because of the delays and the risk in costs involved in pursuing the matter in court. On the other hand, to the extent that these small claims are pursued, they must add considerably to the pressures and the backlogs of the local court system. This Bill seeks to provide some relief from those problems by establishing a small debts court as a division of the Local Court. The Attorney General has detailed the proposed jurisdiction and format of the new court and there is no point in covering that ground again. It might be noted, however, that the Bill is very much in line with the recommendations of the Law Reform Commission dated 6 April 1979—so much so, that one can only speculate on the reasons for the 3½ years' delay.

In the same way, considering that a small debts court was promised in the Liberal policy speech of early 1980, it is a matter for some wonder that it has been left to this last stage of the Parliament to implement. Perhaps the delay indicates some reservations by the Attorney General as to the likely effectiveness of the new court. If so, and in spite of my support for this Bill, I would have to express some sympathy with that position. It will not be surprising if this attempt at simplifying procedures turns up a number of complications of its own. The problem is that on the whole, good reasons exist for the various court procedures, as frustrating and as time-consuming as they sometimes are. Their main purpose is to clarify the issues in dispute, and to avoid surprise and ambush at trial.

Unfortunately, this aim is largely achieved through the very preliminary or interlocutory procedures which this Bill abolishes. To take the simplest case by way of example, I invite the House to consider the position where A sues B for $1 000 for repayment of a loan. Under the local court rules, all that B need do in the first instance is to file a notice of his intention to defend. He is not obliged at that point to indicate the nature of his defence, and that could leave A in considerable

doubt as to what the court will eventually expect him to prove. The argument put by B might be that A never gave him any money; that A gave him money but it was not a loan; that A did lend him money, but that is has been repaid, or that A did give him money, that it has not been repaid, but that recovery is Statute-barred. Quite likely, other possible defences exist which one could add to that list.

Under the general rules the plaintiff is entitled long before trial to require particulars of defence from the defendant, but he will not have that right in the small debts court. It is true, of course, that the court itself is given the power to require particulars, but in practice one is left a question as to how that will operate. If the need for the particulars becomes apparent only at the hearing itself, an adjournment would be necessary with considerable potential in time and costs wasted. Alternatively, if the court exercises its right to seek particulars as a matter of course, how and why is that preferable to allowing the parties themselves to seek that directly?

This Bill contains other good intentions which could well prove misplaced. One of them involves a basic question of purpose or concept. The Attorney General said in his second reading speech of the small debts court that its "primary function will be to attempt to bring the parties to the action to an acceptable settlement". That role is analagous to the role of the Consumer Affairs Bureau, or of the Small Claims Tribunal, but in both of those situations room exists for questions of judgment, degree, and discretion. That does not seem to be appropriate to the role of the proposed small debts court because that is to be restricted to dealing with claims for debt or other liquidated demands. In this situation the only question is whether the defendant is liable for the actual sum claimed. If he is liable, the magistrate will make an order for payment, and if he is found to be not liable, the magistrate will dismiss the claim. In this context the scope for so-called "acceptable settlement" would appear to be very restricted indeed, and certainly restricted to a degree which precludes that from being seen as this new court's primary function.

Another good intention which might well go astray relates to the fact that legal representatives will not be permitted in the small debts court except in very exceptional circumstances. This provision has much to commend it, but its effect is likely to be restricted by the ability of parties to be represented by a non-lawyer agent where that is held by the court to be a matter of necessity—that representation by an agent will inevitably be a matter of necessity where a party is an incorporated body. That arises simply from the fact that an incorporated body, while a legal person, is not a person in any other sense.

It is to be expected also that companies very often—probably in the majority of cases—will be the plaintiff in small debt court applications. The inevitable result, I would think, will be the development of a group of expert non-lawyer advocates who will service this new jurisdiction in the same way that non-lawyer advocates have appeared most effectively in the Industrial Commission and workers' compensation tribunals. It is doubtful whether their charges could be much less than the lower scale of the existing lower court scale, in which case it is not at all clear that the exclusion of lawyers will be of very much practical effect.

In spite of these comments, I make it clear that I support the Bill, and that the reservations I expressed are not by way of opposition nor even by way of criticism of it. Clearly, this is a measure which is worth trying, but at the same time we ought to be conscious of the fact that in this new court there will be a great need for close and careful review and scrutiny to ensure that its very sound objectives in practice actually result in what we are aiming for.

THE HON. P. G. PENDAL (South-East Metropolitan) [3.03 p.m.]: I rise to support the Bill, and in doing so, to congratulate the Government for having introduced the legislation. Also, I will use this opportunity to raise several questions with the Attorney General. None of these questions is of paramount importance; but they relate to the practical workings of the new small debts court when it commences in the next few months.

It is probably fair to say that, under the part of the Bill that deals with the small debts court, the creation of that court is best described as some sort of evening-up process. In 1975 the current Government established the Small Claims Tribunal, and the previous speaker referred briefly to this tribunal. I would like to remind members that in the early 1970s—I think the legislation took effect in April 1975—the appointment of the first referee was intended to provide consumers, in that case, with a speedy and inexpensive form of settlement of what were regarded as minor claims. I do not know whether the lodgement fee has increased, but at that time it was possible for consumers who were in dispute about a certain amount of money to lodge an application with the Small Claims Tribunal, for the princely sum of $2. The matter was then adjudicated upon. This system has proved to be of enormous benefit to many consumers throughout WA, and the reports issued by the Small Claims

Tribunal bear adequate testimony to that fact. Consumers who are in dispute over an amount of, say, $200 have not found it necessary to spend $200 in solicitors' fees to pursue the claim. So with the lodgement of an application for the small sum of $2, for the first time consumers had real redress in a very inexpensive way in respect of any alleged grievance.

Having mentioned that the Small Claims Tribunal was intended to be a speedy and inexpensive way for consumers to recover money, it is, therefore, relevant to draw attention to the comments made by the Attorney General when he introduced this Bill in recent days. In his second reading speech he said—

> The aim of establishing a small debts court is to make available a speedy and inexpensive settlement procedure similar to that of the Small Claims Tribunal.

As I said earlier, perhaps this measure is a long over-due evening-up process. A facility which has been available to consumers in consumer-trader complaints for nearly eight years will now be available—under a different jurisdiction, admittedly—to small traders in the community.

Many members will be aware—and the previous speaker referred to this—that in the same way that consumers never wanted to be in the position of paying $200 in legal fees to pursue a claim of $200, many small traders find it uneconomical to pursue small debts. So I suggest that this legislation will be a boon for the small businessmen and small traders throughout the State—I assume the small debts court facilities will one day extend into country areas in the way the Small Claims Tribunal has done.

I could not see in either the Bill or the Minister's second reading speech any reference to the cost of lodging an application. Will there be a parallel with the $2 charged for lodging an application in the Small Claims Tribunal? Some reference was made in the second reading speech to the fact that the fee will be relatively inexpensive. It may well be that the intention of the measure is that the amount one would normally pay to lodge an application in the Local Court will apply to the new small debts division of the Local Court. However, I am not sure of this and I wonder whether the Attorney General will tell us whether the fee involved will be similar to the $2 fee applicable in the Small Claims Tribunal. Again, I suppose it comes down to what one believes is or is not inexpensive. The small traders will be the ones to benefit mostly. Many of these people have not bothered to pursue small debts because of the expense involved in doing so.

I would like also to refer to what appears to me to be some inconsistent thinking in regard to this measure. I repeat that none of the points I raise is of a nature that would move one to seek amendments to the Bill, but they are matters which will have to be kept under rather close review in the next couple of years.

The first question I raise is this: Why is it that, having established the Small Claims Tribunal, it was placed under the broad umbrella of the consumer affairs operations within this State, and in creating the small debts court, we have seen fit to make it a division of the Local Court and not have it operate alongside the Small Claims Tribunal, perhaps in the general consumer affairs area?

To some extent I can see that the small debts court might not necessarily sit comfortably under the umbrella of a broad consumer heading, because its pitch is really in another direction. However, one could use the reverse argument and say a case may exist for transferring the Small Claims Tribunal out of the consumer affairs jurisdiction and into the Local Courts jurisdiction.

For a number of reasons, that suggestion would seem to have something to commend it. Firstly, it is fair to say that, if the tribunal and the court were operating within the same jurisdiction, it may well be they could share the services of the registrar. Members would be aware that the Small Claims Tribunal, since the days of its inception, has had the services of a full-time registrar. I guess he does much the same sort of work as the clerk of courts and the bench clerk do in the lower court system.

It seems to me it may well have been possible—indeed, it is still possible for the future, perhaps in a year or two—to look at the idea of having the two bodies under the one umbrella in order that the services of the registrar and any of his support staff may be shared between the Small Claims Tribunal and the small debts court, with the consequent saving of perhaps some salary and the consequent avoiding of some overlapping which might occur.

That leads me to the second point, which is that one could imagine a situation where a consumer was in dispute with a trader over an amount of, shall we say, $900. The consumer may decide his form of redress shall be to take the trader to the Small Claims Tribunal. However, right at that particular moment, the trader in dispute with the consumer may decide to take the matter to the small debts court. I agree it would be rather unlikely for that to happen simultaneously, but it raises the question in my mind as to whether the

Small Claims Tribunal or the small debts court would deal with the dispute first. Who would hear the dispute? Indeed, which tribunal will take precedence over the other?

That seems to me to be a second argument for the Government to consider in any review the possibility that the two arms ought to be under the one jurisdiction and certainly, if they have a common or shared registrar, it would be relatively easy for a decision to be made as to whether the trader's case should be heard first or whether the consumer's case should be heard first. It seems to me it has the potential, albeit rather remotely, to cause a clash of precedence between the two bodies.

The only other matter I shall raise is that the second reading speech and the Bill make it clear that the jurisdiction of the new small debts court will be up to a maximum of $1 000 and that, of course, is the current maximum for claims to be heard by the Small Claims Tribunal.

Without being hard and fast about the matter, I put it to the Attorney General that perhaps it will not be very long before we will need to introduce an amending Bill to the Parliament to up the ante on that $1 000. With inflation running at the current level and in the way it has run for almost the last decade, I suggest that to restrict the jurisdiction of the small debts court to a maximum of $1 000 is really a little unrealistic. I understand in other parts of Australia where Small Claims Tribunals have been established, the level of jurisdiction in fact has been increased in some cases to a maximum of $1 500. One would assume that, if we intend to even consider raising the jurisdiction for the small debts court to perhaps $1 500, some parallel should be seen in raising the maximum of the Small Claims Tribunal to the same amount.

That is not a pressing problem, but it is one which probably will result in the introduction of an amending Bill in a rather short time, because $1 000 really is not a very large sum of money these days.

Having raised those general queries about the Bill, I repeat that the Government should be congratulated on bringing forward the legislation, notwithstanding that the previous speaker, Mr Berinson, queried why the legislation should have been left until the final weeks of a three-year Parliament. I do not know the reason and perhaps the Attorney General intends to respond to that matter. However, it always seems to me to be a curious comment for any of us to make only because some legislation has to come last and I am sure Mr Berinson agrees with that. Presumably if one put all of a legislative programme to the Parliament in the first three weeks and then had nothing for the last two years, 11 months, and one week that would cause its own problems, so I cannot see any great difficulty in the fact that this legislation has not been introduced until now. I would certainly hope that, since we have had to wait for almost three years for the Government to proceed with the legislation, it will be worthwhile legislation and, in particular, of benefit to the people whom it will affect; that is, small traders and others in a like situation.

I congratulate the Government and support the Bill.

THE HON. W. M. PIESSE (Lower Central) [3.18 p.m.]: I do not wish to cover ground dealt with already, but I add my congratulations to the Attorney General for introducing this legislation. I certainly hope that, in the near future, it will be extended into country areas, because it is needed greatly there.

Perhaps I am a little more optimistic than previous speakers. I believe the Bill has great possibilities of being of assistance to the ordinary person and the small trader.

The Hon. P. G. Pendal: I am very optimistic about that too.

The Hon. W. M. PIESSE: I see this as being the most important aspect of this legislation. The people who will be affected by it are those in a business who have permitted entry accounts to be operated. I have had some experience of this in country areas. Sometimes people who reside in a town for a short time and also, on occasions, permanent residents, will allow an entry account to run up to almost $1 000, then they will change their place of trading and let another entry account run up to almost $1 000 again, and so it goes on. They are not brought to task for these debts, because the cost of litigation is too great to the person to whom the money is owed.

I am very pleased to see a clause contained in this Bill does not allow for the award of legal costs or, under ordinary circumstances, for legal representation to be made on behalf of the people. In other words, the procedure is as simple as possible, and I applaud that because many of the people who find themselves in this difficulty are, so to speak, simple people.

These transgressions are very minor as these people cannot handle their finances and sometimes store owners, out of sympathy for their situation or the desire for future business, allow them to run up such an amount, and for that reason $1 000 is a sufficient limit. As the Hon. Phil Pendal has said, the limit may need to be raised to

$1 500. I am not looking at this Bill as providing relief for only one businessman; I am looking at it in regard to the type of person who runs up little debts all over the place and then moves to another town—it does happen—and again runs up small debts. Such people could be likened to wayward children, and they should be brought to account for their style of living. It is to their advantage that this be brought to their attention as well as to the attention of the person running the business.

I support the legislation.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [3.22 p.m.]: I thank honourable members for their support of this legislation. As the Hon. Mr Berinson said, the Law Reform Commission report goes back to 1979 and one could be forgiven for thinking perhaps the report had been forgotten or overlooked, but I can assure members this is not so. Indeed the Hon. Mr Berinson supplied the reason for the delay in this legislation appearing in the House: it is a complicated issue.

It is no simple task to devise a satisfactory procedure for investigating small debts. The legislation itself differs in a number of ways from the Law Reform Commission report. Members may think that is strange or odd, but it is not, because the Law Reform Commission report is a valuable report which was compiled by lawyers and academics who looked at this matter from certain points of view. The report was then submitted to practical people working in the field of debt collection in the Local Court and these people were asked to examine the report and indicate how it would work.

I will give the House an illustration of this. The Law Reform Commission suggested that all debts below a certain figure should automatically come into the area of the small debts court, but that view was not shared by the working party which examined it. The working party took the view that a plaintiff must elect to make use of the procedures of the small debts court. He must in fact make an election to do so and he must enter a special plea; a special form will be produced which will be used in the small debts court both for the plaintiff and the defendant. That was done for good reason; it was felt that if all these matters automatically went onto the small debts court that would indeed introduce complications, yet that was the recommendation of the Law Reform Commission. I have the greatest respect for the Law Reform Commission whose officers produced a very useful report. It illustrates that one cannot accept what is recommended without referring recommendations to practical institutions and real life situations. That is why no Government can ever say after six months that it will or will not implement a report, in spite of expert advice to the contrary.

The Hon. J. M. Berinson: What about a year?

The Hon. I. G. MEDCALF: No, not even within a year. I would very much like to say that is possible, but it cannot always be done. The important thing is that these reports should be followed up. I assure members that many other reports of the Law Reform Commission are being examined and on which public statements have not yet been made, and they should be interpreted practically in regard to the legislation that might result.

I turn briefly to some comments made by the Hon. Mr Berinson. He indicated support for the Bill and I am grateful for that. He singled out one or two situations which might occur and I frankly admit that there will be problems here and there. There are likely to be problems between plaintiffs and defendants if a defendant, for example, does not want the proceedings to continue in the small debts court. Likewise, there may be problems in relation to the very dubious matter he mentioned where it is not possible to obtain defence particulars because the small debts proposals exclude interlocutory proceedings on obtaining detailed information. As Mr Berinson pointed out, it is open to the magistrate to obtain these particulars. The magistrate has the important primary task of endeavouring to bring the parties together.

The plaintiff or the person suing must make a deliberate choice that he will undertake these proceedings and use the small debts court and I suppose then he cannot complain if he finds it difficult to obtain particulars from a defendant. Perhaps the magistrate should be able to obtain them; that could be the answer.

I admit there will be problems as we cannot possibly have anticipated everything. Problems are arising now under procedures that have been in force for centuries.

The honourable member referred also to the settlement function of the small debts courts which is analogous to the Small Claims Tribunal. Its primary task is to try to effect a settlement. The member wondered whether this was appropriate in relation to the enforcement of trade and other liquidated or cash claims and I can only say that even in cases where people claim a certain debt is owing, many disputes arise as to whether that is actually the amount of the debt; particularly where there is a joining together of various claims there will be many occasions when disputes arise as to the nature of the debt.

The Hon. J. M. Berinson: It normally arises with any liquidated demands, does it not?

The Hon. I. G. MEDCALF: It can easily arise in a situation where there is a question in relation to the payment of interest on the debt, whether terms were granted, whether it was cash or terms, whether a deposit was paid, and so on. There is scope for the use of that settlement function and if the magistrate is empowered, as we have empowered him here, to bring the parties together he will and quickly endeavour to settle this question of whether interest is chargeable. He could settle that fairly easily in most cases in relation to whether any terms were agreed or where there was a difference in price for cash or terms or whether a deposit was paid. I have only cited those situations, but they could be fairly speedily decided without incurring legal costs. It is surprising how expensive it is when one has lawyers on both sides of the table arguing about simple matters. I am appalled sometimes when I contemplate the fact that the legal costs for both sides is sometimes in excess of the amount about which the parties are arguing.

The other day I read about a case in which a judge was claiming damages, and I wondered whether the legal costs would not have exceeded the amount at stake.

These matters will, I believe, be quite fitting matters in many cases; in the case of a liquidated claim where there is no argument about it, the matter could be decided in five minutes and this will avoid a lot of pressures.

As to the question of non-lawyers acting as agents, it would not apply to the companies to which the Hon. Joe Berinson refers—

The Hon. J. M. Berinson: Who can represent them?

The Hon. I. G. MEDCALF: —as long as the company's secretary or company's manager was acting in that particular case.

The Hon. J. M. Berinson: They are agents.

The Hon. I. G. MEDCALF: The honourable member is referring to professionals.

The Hon. J. M. Berinson: Surely you cannot have the magistrate specifying who the agent will be?

The Hon. I. G. MEDCALF: They must ask that the company be represented by its secretary, but that does not mean a professional class of agent because that secretary would not be representing the next company down the street.

The Hon. J. M. Berinson: Your argument will defeat the major part of this Bill and I will raise various matters in Committee.

The Hon. I. G. MEDCALF: If a problem arises in relation to a professional class of agents springing up, it will have to be tackled. At the moment I do not see it as a problem. We do not want in the industry an underground system mushrooming up because that would be an undesirable state of affairs. We have seen this happen in a number of other industries and professions and if we were to find people going into this area and claiming costs in the guise of being professional agents, that would defeat the object of the exercise.

A final point I would like to mention in relation to professional agents is that if someone were to appoint an agent his costs would go to the client; they would not be charged to the other party. As the Hon. Win Piesse said, legal costs do not come into it and can be allowed only in exceptional circumstances such as someone bringing vindictive proceedings. If someone were appointed as an agent the costs would be charged to the client.

The Hon. J. M. Berinson: It would be the same case as if a solicitor was in question.

The Hon. I. G. MEDCALF: I have dealt with that and I do not believe that it would be desirable.

The Hon. J. M. Berinson: All I am putting to you is the fact that if he were a solicitor it would make the costs no more procurable.

The Hon. I. G. MEDCALF: Indeed, but it is considered solicitors might be permitted to one party and not another and that is the basis for not having legal representation. It is never considered proper to allow a lawyer to appear for one party if the other party is not represented and that is mentioned in the Bill. The magistrate has to consider whether it is a disadvantage to the other party.

The Hon. Phil Pendal was right when he said that this is only an evening-out process. There has been a lot of pressure on the Government over many years to bring forward some evening-out legislation. Only consumers may go to the Small Claims Tribunal. Non-consumers are barred and companies are barred, so it is clearly necessary there should be an evening-up process, and this Bill attempts to do that.

On the question of fees it is true that it costs only $2 to bring a claim before the tribunal. The Law Reform Commission considered this question as did the working party. In view of the fact that a decision was made to use the Local Court as the small debts court it was felt it would be inconsistent to bring in a special fee, and that it would be better to have one fee which is the same for all. It will cost $15.30 on the issue of a plaint which is the fee now charged for the issue and service of a summons.The cost of filing a defence will be $10

and that is the fee which now applies in the Local Court. These fees are the only costs that can be recovered and apart from execution costs there are no other legal costs or charges. It is felt that is a reasonable view to take.

It brings one to the more important question which the Hon. Phil Pendal asked as to why this choice was made, and why we could not have done the whole thing in one exercise and take it under the one umbrella of the Small Claims Tribunal or a similar body, with one registrar, in an adjacent court or place.

A great deal of thought has been given to this matter and I refer the honourable member to the report of the Law Reform Commission concerning the small debts court. It sets out at some length—which I will not go into now—the reasons the commission believed a special forum was necessary and that it should not use the Small Claims Tribunal. I suppose that basically one of the major reasons was the commission was persuaded by most of the commentators who gave evidence to it that it was desirable to have a separate tribunal. Practically everyone who gave evidence to the working party indicated he thought there should be a separate court or tribunal rather than to use the Small Claims Tribunal.

One of the reasons the Law Reform Commission was persuaded was that in some parts of the world where Small Claims Tribunals have been used for the collection of small debts, a tremendous backlog has built up because of increasingly large numbers of claims, thereby swamping the tribunal.

That would be an unfortunate situation and the Law Reform Commission was warned that this could happen. It received correspondence from various countries warning it not to fall into that trap and therefore it decided it would not take that action. Another reason was that the commission was concerned about the traders. In the Small Claims Tribunal once a complaint is filed a hearing must be held, whereas it is hoped this tribunal will be far more expeditious on most occasions.

One very good reason the Hon. Win Piesse mentioned in relation to the Local Court being selected as the small debts court was that Local Courts exist throughout the country areas, whereas not many Small Claims Tribunals operate in the country. Therefore, it is possible that in all the major country towns where there is a Local Court small debts may be collected because the local magistrate will be appointed to handle these matters in accordance with the provisions proposed to be included in the Local Courts Act.

The Hon. Phillip Pendal asked why the limit of jurisdiction of the tribunal was to remain at $1 000; I too have thought long and hard about this. The report on this matter was brought down in 1979, and indicated at that time that a figure of $1 000 was appropriate. However, when I looked more carefully into the matter I discovered the information was based on figures supplied in 1977; it was clear to me the figure of $1 000 could well be doubled.

The reason we retained the figure of $1 000 was that the Small Claims Tribunal limit of jurisdiction also was $1 000, and it was thought the limit should be the same in the case of both tribunals. Let us face it: The small debts court, although it is called a court, really is like a tribunal. If we increased the jurisdiction of the small debts court, it would mean increasing the jurisdiction of the Small Claims Tribunal. It was considered that as the co-operation of the commercial community, the legal profession, and various others had been obtained on the basis of a figure of $1 000, perhaps we should not try our luck too far; perhaps we should remain with a figure of $1 000 until the community accepted the new institution.

In due course, what the Hon. Phil Pendal suggested in fact will occur: It will be necessary to increase the jurisdiction of this tribunal. Indeed, what with inflation and one thing and another, it probably already is a little low. However, when an increase in jurisdiction is proposed, I trust it will apply to both tribunals, together. The Small Claims Tribunal is under the jurisdiction of the Minister for Consumer Affairs and any increase will be a matter of liaising with that Minister to ensure the figures are increased together.

I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Part VIA inserted—

The Hon. J. M. BERINSON: I refer to proposed new section 106L. When the Attorney was replying to the debate, I promised by way of interjection I would have something to say on the matter of agents, and professional agents.

The Hon. I. G. Medcalf: I do not mind if you do not say it.

The Hon. J. M. BERINSON: I would not like to disappoint the Attorney, so I shall make a brief comment.

We need to be clear about the role of agents under this new system. The Attorney General suggested in response to my comments in relation to the possibility of a professional class developing, that that really would not happen because in the case of disputes involving companies, magistrates would look to the managing director or secretary of the company, rather than to a professional advocate.

I believe that to be inconsistent with the provisions of proposed new section 106L which, in part, states—

> . . . a party shall not be entitled to be represented by an agent unless the court considers that an agent should be permitted . . .

On my understanding, that will not allow the magistrate to permit only a particular type of agent. It seems to me that the court will be in the position either to accept an agent as appropriate in the circumstances and accept the party's choice of agent, or rule that the agent is not appropriate. For reasons which are apparent, agents must always be appropriate in the case of companies.

The only comment I would add is to elaborate on that part of my interjection which suggested that if the Attorney General were indeed right in what he was saying on that point, a great deal of the purpose of this Bill would be defeated.

The Hon. Phil Pendal talked about redressing the balance and allowing traders and others to claim from their debtors in an easier way than now applies. If we are establishing a situation where a company such as Boans Ltd. must always put forward its managing director or secretary when a small claim is being pursued, I am sure it would rather give the game away than involve its chief executives in that sort of situation. That, I hope, is the other practical reason which, together with the terminology of the Bill itself, will lead the way to regular, if not professional, advocates doing this class of work.

Sitting suspended from 3.46 to 4.00 p.m.

The Hon. I. G. MEDCALF: The Hon. Mr Berinson referred to the question of an agent, and indicated that he thought we might see a new breed of agents under this Bill, and that that was probably the intention of the Bill. I do not know whether he is right—I doubt it—but that is not the intention of the Bill. It may be that one could read that into it, but it was not intended that we should allow another group to come in when we had excluded legal practitioners.

I know that a company would have to have an agent as a matter of necessity, and the magistrate would have to say, "Yes, this company has to be represented by an agent." Even in the case of Boans—I mention Boans only because the honourable member referred to that company—it would have claims officers and it would probably use one of its own staff to represent it as its agent.

It would be undesirable to have professional agents who did nothing but appear in a professional way for people, because that would place the other party in the litigation at a disadvantage. If that happened, we would find that some people had more skill than the lawyers who would appear only occasionally. If that happened, it would be a bad thing, and action would have to be taken.

The honourable member's opinion may well be right. The wording of the Bill might permit this to happen. However, if it happened, some Government would have to take action about it in the future.

Clause put and passed.

Clauses 10 to 13 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. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

WESTERN AUSTRALIAN OVERSEAS PROJECTS AUTHORITY AMENDMENT BILL

Second Reading

Debate resumed from 2 November.

THE HON. ROBERT HETHERINGTON (East Metropolitan) [4.05 p.m.]: The Opposition has pleasure in supporting this Bill.

When the original legislation was introduced into this Parliament, I supported it on behalf of the Opposition. It was and is in line with Labor Party policy; it is an area in which we seem to have a bi-partisan approach.

Since the Act was passed, I understand the authority has done a number of good things. I was interested that a New South Wales member of Parliament who visited Western Australia said that when he visited Iraq he was welcomed with open arms because he came from Australia, and the Iraqis were most pleased with the Western

Australian dry-land farming project, and pleased with the country which supervised it.

The Bill does sensible things. If one felt like making carping criticism, one could have said that we should have realised busy heads of departments needed to appoint members to the board; but I will not say that!

Obviously the Bill is doing something that has become necessary through experience; so the Opposition supports it.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.06 p.m.]: I thank the Hon. Mr Hetherington for his indication of the Opposition's support for the Bill. I never had any doubt that the Opposition would support the Bill, because it supported the original legislation and I know it is in favour of the concept.

The Western Australian Overseas Projects Authority is doing a good job. I was personally concerned to read that members of the authority were in Iraq when the Iraqi war was at its height; but they appear to have come out of it unscathed.

I am sure that members of the authority have been held in high esteem by the local people. I know one or two of the farmers from Western Australia who have contributed in one way or another to the work which has been done in dry-land farming overseas. I believe it has an important diplomatic spin-off for Australia, apart from the economic benefits.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

HOSPITALS AMENDMENT BILL

Second Reading

Debate resumed from 2 November.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [4.09 p.m.]: The Opposition does not oppose this Bill although it could be said to be yet another piece of retrospective legislation—something like the twenty-fourth Bill introduced by this Government since it came into office which carries the principle of retrospectivity in one form or another.

The retrospectivity in this case appears to be in a good cause, and that is to place beyond doubt the legality of the funding of the new Nickol Bay Hospital. The Bill will clarify also the position in respect of the borrowing and expenditure of funds by boards when new hospitals are established in the future.

With those few words, I repeat our support for the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. R. G. Pike (Chief Secretary), and passed.

QUESTIONS

Questions were taken at this stage.

EDUCATION AMENDMENT BILL

Second Reading

Debate resumed from 3 November.

THE HON. ROBERT HETHERINGTON (East Metropolitan) [4.25 p.m.]: The Opposition does not intend to oppose this Bill, but it greets it with no great joy. It seems rather sad that we now must introduce such a measure, as we have managed to do without it for so long. It seems we now find it necessary to give the Minister power to expel students.

There seems to be a paradox in what the Minister has said in his second reading speech when he said—

> . . . a significant advance has been made in the pastoral activities of schools. This caring approach to education which is to be found in schools throughout Western Australia has done much to reduce the problems of indiscipline of students.

Yet at the same time we were told—

> . . . there remains a small number of highly disruptive students who represent a serious and growing problem, particularly at the secondary level.

What we were not told, and what I presume the department and the Minister for Education do not know, is just why this is so. Some attempt should be made to find out why this is so because we

certainly do not want to expel people if we can possibly avoid it, and I assume that the Minister does not want to be in the position of having to expel people if this can possibly be avoided. I assume he will take no great joy from this new power to be given to him or from the exercise of it.

We need to know, if we can, just why this is happening. I would like to know what percentage of students or what number of students are likely to be expelled. In reply to a question I asked recently, the Minister for Education indicated that over the period 1970 to 1982 between 200 and 300 students were suspended per annum, and of those less than a quarter were from primary schools. I was surprised to learn that between 50 and 75 students a year are suspended at primary school level. This is a cause of worry.

I also asked the Minister how many students had been suspended once, twice, and three or more times. I was told that in order to ascertain the number of children incurring multiple suspensions it was necessary to conduct a very laborious and time-consuming task of an analysis of individual records held in the regional offices.

What I would like to know is: Why has this laborious task not been undertaken? If it has become necessary to pass this sort of legislation, surely it would be a good idea were the Minister to be aware not only of how many children are suspended, but also how many are suspended more than once, and in what areas.

I further asked the Minister if he could tell me the incidence of suspensions and whether they clustered in any particular areas. Apparently they do not, but an attempt should be made to find out what is the distribution of suspensions. We should know how many students are suspended more than once. We should know whether those clusters occur in particular areas so that the department might look at those areas and see whether it can isolate any variables that might explain what is happening.

I find the statement in the second reading speech, which was made twice, that now we have such good correspondence education we can expel people and know they will not be cut off from education, to be most unsatisfactory. I would have thought the kind of people who need to be expelled are the kind who are least likely to benefit from correspondence school education. I would have thought that the people most likely to be expelled are those who have some kind of social disability; obviously they cannot fit in socially and are disruptive. I cannot see that we will cure their social maladjustments by keeping them at home, if we can, and thus expect them to study by themselves.

This Bill gives the Minister the power to direct such persons on a course of study. It seems to be a wide power and I would like the Minister in this House to tell me what sort of things are contemplated under this power and what sort of directions he might issue. Perhaps he has not thought about it. I would like to know just what is intended.

One assumes that the kind of people who are so disruptive that they need to be expelled must have some real problems. I wonder what these problems are; I wonder whether there are special problems that could be isolated; I wonder whether any attempt has been made to do this; I wonder whether there is any evidence or statistics along these lines.

I was quite interested when I went to Riverbank to note that one of the people incarcerated there was being taught to read. I did not know of his other problems. Another person was grown up but he could not measure. I know from the inquiries I have made and the people I have talked to about specific learning difficulties and remedial education that a number of people go through our schools and finish up practically functionally illiterate. What are we doing about this? Is this the problem?

It would be a good idea if we had more remedial teachers and better diagnostic facilities so we could find out early the specific educational needs of children. I think it would be better also if instead of building isolated special schools where a new empire is being built to gather people into it we used the people in those schools to go out into the ordinary schools to ascertain what other problems might exist and to find out how they can assist. Most of the people in special classes probably should be in ordinary classes.

Perhaps a whole range of social and sociological explanations exist for this but there is no evidence of that in the second reading speech. I am not blaming the Minister in this place, because he can only give the information he has received from the Minister in another place. There is no evidence in the speech that this question has been thought of.

I will not claim and I hope I am not accused of claiming that these questions have not been considered in the Education Department. I know they have been and I know people in the Education Department are continually thinking of them. I know there are excellent and dedicated people in the Education Department but the fact that we are introducing legislation such as this and that it has become necessary to expel students—I will

not try to deny the Minister this power by opposing the Bill—indicates this may have become necessary because of some kind of malaise in our society and our education system.

I do think that if the Education Department were taking this problem seriously enough it would have been able to answer my simple question about the incidence of suspensions and would have attempted to find out what areas they were in. It should have found out whether they occurred in areas of special poverty or special affluence. It should have found out whether they occurred in an area where there was a high incidence of drug taking or shop lifting.

The Hon. H. W. Gayfer: Or teachers who cannot control them.

The Hon. ROBERT HETHERINGTON: Our Education Department needs to set up superintendents as people who show teachers how not to be frightened of students, because some have quite often provoked disciplinary problems.

I would like to cite the instance of a friend of mine who is five feet two inches tall. She taught in a fairly tough basic class in a suburb I will not mention and set up an alternative course. She walked into the classroom and told the students to call her by her christian name and the people who towered above her never caused her any disciplinary problems. She knew how to relate to them and she was aware of their problems. She was interested in them and their problems.

She never had any problems with the students but one of the senior masters almost had a problem because he was rude to one of the other young women on the staff and one of the basic children almost hit him because he was rude to his teacher.

I am not claiming all teachers should be like this but I do believe that could be the case. I have tried teaching myself and I was no good at it. I was a secondary school teacher but I could not control young people of that age. When I got into the tertiary level things were fine.

Many teachers in our schools are having problems with children and need support. We need to examine the whole problem and need to provide better support services. We need to provide better remedial services. When I asked a question about the services which existed for children who had serious behavioural problems I was told "In the first instance, the school guidance officer; secondly, referral to and/or admission to socio-psycho educational resource centres; or referral to appropriate external agencies". It is not surprising when we consider that term—it sounds like a bad Hitchcock film—

The Hon. R. G. Pike: He didn't have any bad films.

The Hon. ROBERT HETHERINGTON: Well, it sounds like a good Hitchcock film then. One of the problems in our schools—and this is a problem throughout Australia—is that there are many students whose parents do not have English as their first language and it means those children have educational problems. It may reflect in their behaviour or it may have the opposite effect so that they are more dedicated and more hard working than their counterparts whose parents were born in Australia.

I am not saying there is any simple explanation. I just wish I could receive a simple explanation for some of the problems that are emerging in our schools. I would like the Minister to explain to me how he can solve them, but of course that is not possible because it is not a simple problem. Before we have all the answers we have to find out all the questions and problems. To do this we have to draw out some statistical analyses of the problem children and where their problems are. We have to try to find out all the factors which are producing behavioural problems to see if there are any constants or variables.

Perhaps we have to look at the young people who have problems with the courts and the people we are sending to community welfare institutions and to gaol. We have to find out what was wrong in their life because this might throw some light on the matter.

I gave a hitchhiker a lift one day. He was a young person from the northern suburbs. He said the public transport was bad and he could not get anywhere. There were no recreational facilities and nothing to do. He was bored to death. I wondered how many problems there were in that area and I wondered whether our educational problems might be solved by better housing and better recreational facilities. We need a whole range of better services as well as better public transport. I would be much happier about this Bill had I not received the bland information that despite all the things we are doing that are good in this area things seem to be getting worse and the only thing that can be done is to give the Minister power to expel.

I would have liked to see some attempt made to grapple with the problem because it is not enough to say as the Minister in another place said when introducing the Bill—

> Currently, departmental regulations, while providing for suspension, prevent expulsion. Such a restriction is totally—

I wish people would not use the word "totally" because nothing is total except in a totalitarian society. To continue—

> —appropriate where expulsion denies a child access to education, but that situation no longer applies in this State which is a leader in the field of correspondence education.
>
> It is now possible to exclude a student from attendance at a school and thereby prevent him from disrupting the education of other students without denying him access to education.

We are now saying these people should go away and learn by themselves and we just wash our hands of them. That is not good enough.

Despite the alleged agreement amongst teachers, they are not terribly happy about this Bill and perhaps they are not quite as wholehearted about the matter as the Minister would suggest. They are not happy for the same reasons I have given. The Teachers' Union I believe has accepted the necessity for this Bill, but reluctantly, and it wants the provision of more support services. It wants the provision of better diagnostic and advisory services, and I would suggest we need the provision of better negotiation between the education service and the health department as well as the recreation department and others. In other words, having set up a whole range of departments we now need better co-operation and collaboration between them. As we all know, the educationally disadvantaged might produce social misbehaviour or health problems, and health problems can have quite a marked effect on a person's educational ability.

I had a brother who found great difficulty in school, and we always wondered why until we found out he was technically blind—he had no central vision. Once that was discovered all was well in one sense, because people knew what to do with him. Now he is a happy and successful member of society as a welfare officer to the Royal Society for the Blind in SA. He was not going that way until his problem, which was a physical one, was diagnosed. We do not do enough of this.

I think, too, we do not do enough to establish some sort of relationship between schools and parents. A teacher I know broke the regulations and went to see a parent who was a single parent—I do not know what had happened to her husband, whether he had died or had left her; she was a migrant with a problem child. This person was delighted that someone had taken the trouble to see her, and between them they began to work out something that could be done for the child. Teachers are not encouraged to do that; I wonder if they should be encouraged to do it more. I have no doubt teachers should have more time—and this is partly a matter of finance—to do pastoral activities and to get real communication with parents. I have no doubt that is necessary. I am one of those people who does not believe we have reached the ideal of education. We have a long way to go as far as our educational system is concerned. We are not really educating people for the kind of society into which they will emerge at the end of school—a rapidly changing technological society in which we have overcome some of the problems of technology.

While I was driving from here to my office today I heard a talk by Barry Jones which suggests we have not overcome those problems. It was a very interesting and informative talk. I suggest the Minister might be interested to read Mr Jones' book on the problems of technology in Australia and the things we are failing to do.

The Hon. R. G. Pike: I have read a precis of it.

The Hon. ROBERT HETHERINGTON: If Mr Jones' policies were carried out—and many of them could be carried out by a Liberal Government, although they would be better carried out by a Labor Government—it would be for the benefit of our society.

I am straying a little from the Bill, but I feel this is a serious problem. We are giving to the Minister for Education power to expel students—and I am not denying that power may be necessary—but I do not see any evidence in the Bill or in the Minister's second reading speech that once the expulsion has taken place well worked out plans exist to deal with the student who then may become more socially disruptive as he grows up and develops. If we do this we should not fool ourselves that we are solving any problems. We should face the fact that here is a very nasty symptom of a deep and underlying malaise which we have to examine in an attempt to try to cure it. It must now be the aim of any Minister for Education to not expel anyone if he can help it. The year in which no-one is expelled will be perhaps the year in which we are beginning to solve our educational problems. I hope that time is not too far away.

Although the Bill saddens me, I indicate on behalf of the Opposition that I am not opposing it. We support it, but reluctantly, and hope that it is regarded by the department and successive Ministers as a symptom they must get rid of, if they can, by trying to find out the root cause and doing something about it.

THE HON. I. G. PRATT (Lower West) [4.50 p.m.]: I support this Bill because I believe situ-

ations arise at times which call for rather drastic action. Like the Hon. Robert Hetherington I think it is something we would rather not have to do. However, in supporting the Bill, I believe I should express some of my views as to why the situation exists. Two definite factors contribute towards the problem of discipline we are facing in our schools. One is the fact that today many of our young people do not know where they stand. A very good example of this was given by Mr Hetherington when he mentioned a particularly talented young teacher he knew who could relate very well to the people she was teaching, who invited them to call her by her christian name, and related on a person-to-person basis. This is fine in that class with that teacher.

We find then that those children might go to another class and another teacher who does not operate in that manner. From a 40-minute period in which they have been given complete freedom to converse as an equal with their teacher, they suddenly must switch off and enter a rigid situation. The second person could be a good teacher, but may not operate on that level. Some of the children do not have the ability to switch on and off. They may go from the talented young teacher's class to the class of another teacher who tries to do the same but who does not have the ability and understanding of the first teacher. She may say to the children, "Call me by my christian name—I am one of your friends." But she may not have the ability to control the situation and it may get out of hand. She might be an attractive young lady teacher just out of teachers' college—20 years or so of age—perhaps not particularly mature in her approach to the world, and who has pretty well developed 16-year-old boys in the class who think she is a bit of a chick. It is not surprising that they will try her out and put pressure on her.

The situation then arises where she has invited them to treat her as a friend and they act towards her as they would to another girl friend of 16 or 17. The situation gets out of hand; she has to call for help from the first mistress; the boys involved are in trouble. However, if we look at how it happened, it was not of their causing—it was because the lass tried to act in the same way as the one about whom Mr Hetherington spoke. I am referring there to different people in different situations. The seeds of trouble exist. While it is wonderful to have innovation and to have people trying individual approaches to children, one must accept they are dealing with children and that those children perhaps cannot switch on and off from one situation to another.

Some of my former high school teaching colleagues probably would disagree with me. As an ex-primary teacher I have observed that primary school teachers who have gone into the secondary service usually have little difficulty in handling children because they have learned to relate to the child from a situation where they are much more mature and the children have tended to look to them for authority and advice. In my experience these teachers rarely have difficulty in moving to the secondary service to teach.

We may find that the suspension or expulsion can arise not so much through the children, but through the fact that they are dealing with different types of teachers in different situations. I have viewed a report recently—I will not go into detail about whose report it was; members may draw their own conclusions—relating to a certain high school boy who is doing two woodwork classes. The comments of the two teachers are stapled side by side in the report. One says that he is a disruptive student who makes the class unworkable, and the other praises him for the example he sets to the class. It is the same child and two different situations.

The Hon. Robert Hetherington: He is not likely to be expelled.

The Hon. I. G. PRATT: One never knows what is going to happen in the education system today any more than one did in the past.

The Hon. R. G. Pike: Some teachers end up as politicians.

The Hon. I. G. PRATT: It is not a criticism of Mr Hetherington, but he seems to be some years behind the times when he says that superintendents need to stop being the people who go around—and these were not his exact words—virtually as overlords, putting pressure on the teachers.

The Hon. Robert Hetherington: There is room for improvement.

The Hon. I. G. PRATT: It is 15 years since superintendents went around making a detailed examination of classrooms and teachers. They work now through headmasters and senior masters, and discuss problems with the staff and teachers; they are willing to assist. I know what Mr Hetherington spoke of used to happen. I remember one inspector, as we called them then, who used to go into a class, go up to a young teacher, put his hand on the teacher's shoulder and say, "Son, what is the biggest problem you have?" The teacher would then say, "I am having difficulties with this." When the time came at the end of the year for his report the teacher would find he had been dropped two or three teaching

marks and had been slated for his problems. That sort of thing has gone; superintendents today are helpful people. They counsel teachers as Mr Hetherington seeks. I do not think he criticised them intentionally but perhaps his knowledge is not up to date.

The second factor relating to disciplinary problems is that children today are forced to go to school when they have no interest or desire to do so. Some people say it is the teacher's responsibility to make them interested. However, if one takes a football player to a soccer match it is not one's responsibility to make him interested in soccer. There are people who are not interested in soccer or chess, and a lot of young people in the high school system are not interested in going to high school. Nothing can change that. Many will leave school, go into the work force, and find a need to go back and learn at night school and technical school. However, at the stage in their life when they are at high school they will gain nothing from the school situation.

They will learn many negative practices because they are put in a situation they do not want, and they will be disruptive. If one spoke to almost any child in trouble at school and asked why, the child would reply, "I do not like school—I want to leave." He goes to school with the intention of hating it; he will not learn anything. The system says, "You are going to go, and if you do not, you are in trouble." What avenue is left open? They become disruptive, cause trouble for other students and prevent them from learning because the teacher's time is taken up in trying to keep them under control, rather than teaching the rest of the class.

This is probably the kind of student at which this measure is aimed. But should we be looking simply at punishing students, or should we ask ourselves is it the correct thing to do, to force a 15 year old, who is determined he is not going to learn at school, and who has no intention of learning, to continue at school?

In my opinion one of the biggest problems in regard to behaviour in high schools arose when we raised the leaving age from 15 years to 16 years. That led to a great deal of trouble because many 15-year-olds want to get out into the world. It is an awkward time, with high levels of unemployment, to be encouraging children to leave school early. If we turn them out into the world, they are out of work and they have time on their hands. However, when we are considering discipline in high schools we must take this point into account.

To sum up: I believe that one of the factors which led to this problem is the freedom we now have in our education system. Many young people at high school just do not know where they stand, especially when different behaviour may be expected by different teachers. The students have no real behavioural yardstick to measure up to, and they cannot adjust quickly enough. Our laws force children who are determined not to learn to attend school and the only courses available for them are courses which will lead directly to trouble. Reluctantly I support the Bill.

THE HON. G. C. MacKINNON (South-West) [5.02 p.m.]: I felt obliged to make a few comments on this measure. I would like to congratulate the Minister and the Education Department for introducing it—I am not quite sure whether it is indicative of great courage, or whether it is a sign that things have changed a little! Three or four years ago I would have said that the department was swimming against the tide, and going against general public opinion in suggesting such a move.

We have just been through a period when the worst word that could be used when talking about any school situation was the word "discipline", and I believe that situation was brought about by parental influence. We heard of occasional cases of brutal teachers who treat children unduly severely, but mostly there was an almost total withdrawal of stern discipline from the school situation, and certainly the withdrawal of corporal punishment. Indeed, the Hon. Robert Hetherington talked about what we ought to have in terms of ideals. Unfortunately, of course, none of us is ideal. I was fortunate enough to be taught by a little Frenchman.

The Hon. R. G. Pike: Jerry Gerauldt?

The Hon. G. C. MacKINNON: Yes, Jerry Gerauldt. He caught me out on something, and he dealt with me severely. Shortly after this he walked home with me from school one day. He said to me, "Do you want another week of that or are you going to start working?" I have not stopped working since!

The Hon. P. H. Wells: It haunts you, does it?

The Hon. G. C. MacKINNON: I remember that gentleman with love and affection. I can recall another teacher we had in high school. I was a hefty young fellow, like others in the class, and we had a lovely young teacher who lavished love and affection on all her students. We were absolutely crazy about her, and we made her life an absolute misery. We took advantage of her morning, noon, and night—unfortunately we did not have the opportunity at night!

The Hon. I. G. Pratt: I thought you were going to tell us about the nights!

The Hon. G. C. MacKINNON: Mr President, you know the situation I am talking about. You are aware that we must deal with so many variables—variables in teaching capacity and variables in children's irritability. Frequently the teachers are trying to civilise little monsters. In general I believe we do a good job. I believe that no other Government department, has better capacity in the top level administration than does the Education Department. Again most people in administration are caring people who have gone through the system. They have a great affection for their jobs and for the children whom they teach.

Most of the talk we hear about the education system is rubbish. We hear it said that we must have many more guidance officers. One need only look at successive Budgets to see that we have planned for more guidance officers for many years, but they are very hard to get. It is the same situation as the shortage of psychiatrists in Mental Health Services. For the whole three years I held the portfolio of Education we were looking for a guidance officer for Geraldton.

In my opinion the Education Department has taken this approach with all the reluctance for which the Hon. Robert Hetherington would wish. Some students need to face this sort of threat—I use that term for want of a better word. Even then, some do not respond to it. There are different systems and different methods. I can remember an excellent teacher who came to see me at one time. He had worked as a teacher in Burma but he was incapable of handling discipline in our schools. In Burma the system is quite different. He would have a class of 40 or 50 children, and if one student did not work, he would be sent home. The next morning 10 or 12 children would be at the front door of the school waiting to be admitted to the vacant place. That is a fiendish system; very cruel indeed. It meant that the teacher did not need any capacity to control the children. The children needed the education so desperately and they knew how unlucky they could be: If they missed out they would never be educated.

That is the system which operates in some countries, and certainly I do not approve of it. It is noticeable that in some of these places the suicide rate for children is rising alarmingly because of the cruel education system. Our system used to be cruel, but it is now very kind.

If we cast our memories back 50 or 60 years, we recall that children who did not have the capacity to go on to the higher levels remained in the year in which they could cope. Sometimes it would happen that some children in the infant school towered over the others because they did not have the intellectual capacity to move on to high school. Parents left them in the lower school until they were too embarrassed to attend. Nowadays, provided a child is in the so-called educable range, he can go through the system with no stops and yet people will still make statements to this effect, "That child has gone right through the education system and he still cannot read or write".

The Hon. Lyla Elliott: What do you think we ought to do with these students?

The Hon. G. C. MacKINNON: We do exactly what we have been doing; we educate them to the best of our capacity. We have special officers who look after them, take them down town and show them how to purchase goods in shops, and how to interpret street signs. I think our system is marvellous.

The Hon. Lyla Elliott: What do you think will happen when the legislation is passed? I hope they are not just forgotten.

The Hon. G. C. MacKINNON: Several speeches have been made on that point already, and I do not think I ought to reiterate those remarks.

Let us consider the case of a disruptive child. He will be spoken to anything up to six times. The end result of his actions will be pointed out to him without any prevarication. He will know the precise situation he will be in if he does not mend his ways. If he takes no corrective action, he will be aware of the consequences. At any time up to the ultimate point, he can take steps himself to avoid being expelled. He may choose to work a little harder.

The Hon. Lyla Elliott: What about children who do not want to be helped?

The Hon. G. C. MacKINNON: There is not much we can do in that situation. It is the same when a child wants to become an alcoholic, a drug addict, or a layabout. With all the goodwill in the world it is not possible to do a great deal.

We must remember that schools have this system now, although it is almost never used. Sometimes a teacher or a principal is a gentle, soft, kind-hearted person and at the last minute he or she will not take the necessary action. Some schools in this State—very few fortunately—have quite a few students who are very disruptive. I have talked to some teachers and the stories are quite hair-raising. Some of the teachers deserve special allowances for working in these schools. Hopefully this legislation may go a long way towards correcting that situation. I do not know. It may be possible then to extend the school leaving age, although I have always opposed such a

step. One of the biggest arguments against extending the school leaving age is that we would then have a big percentage of children at school who do not want to be there. Mr Pratt is well aware of that problem.

We must bear in mind that our record in regard to the retention of children at the secondary education level is not good by world standards. Strangely enough, if our retention level at high school was as good as that of most of the advanced countries, our employment figures on youth would be very good indeed. However, this particular aspect of our youth situation gives us fairly bad all round figures.

I am very glad that Mr Pratt referred to superintendents. I think the Hon. Robert Hetherington was recalling the days when teachers were marked by the superintendents—

The Hon. Robert Hetherington: I am suggesting they have a step or two to go yet!

The Hon. G. C. MacKINNON: —and the movement of teachers depended on the marks. I believe the practice in this State for a number of years is in line with Mr Hetherington's proposed situation. Whether all teachers take full advantage of it, is another matter, but many tell me that they do this.

The Hon. Robert Hetherington spoke of having all the questions and answers listed before we take action, and the Minister may care to say something about this.

The Hon. Robert Hetherington: I did not say that.

The Hon. G. C. MacKINNON: That would take too long. Something else would crop up next year and the decision would be shelved again.

The Hon. Robert Hetherington: You know I did not oppose the Bill, don't you?

The Hon. G. C. MacKINNON: I know that.

The Hon. Robert Hetherington: I am glad, because I think you have misrepresented me a couple of times.

The Hon. G. C. MacKINNON: The honourable member made some statements that perhaps would have been better left unsaid.

I am delighted that the Cabinet, the Education Department, and the Minister have prepared this legislation. Like everyone else, I hope sincerely its provisions are never used but sometimes they may be necessary. Perhaps if action is taken against one student the other disruptive students will pull their socks up and take advantage of what can be, if used properly, a very excellent system of education in this State.

THE HON. P. H. WELLS (North Metropolitan) [5.15 p.m.]: I do not intend to oppose the Bill, but I wish to express some concerns which perhaps are shared by other members in relation to the introduction of this proposed new section which provides Government schools with a facility that private schools have always had. Indeed, perhaps that is why private schools have been able to say they have better students than Government schools and it may well be Government schools want to have the same provisions.

I am concerned that, to some extent, the introduction of the proposed new section may be the easy way out. I am concerned that, rather than looking after children in this difficult situation, as required under the other sections of the Act, unless regulations under proposed new section 20G are drawn up carefully with due consideration for the child and the parent, an injustice could be done.

The Hon. Tom Knight: What about the teachers?

The Hon. P. H. WELLS: That is right. I do not claim to have the authority of the Hon. Graham MacKinnon or the educational background of the Hon. Ian Pratt or the Hon. Robert Hetherington; but I am concerned about children and, to some degree, I have been involved at different times on the outer perimeter of behavioural problems.

In his second reading speech, when talking about the Teachers' Union, the Minister made the following comment—

> There is unanimous agreement that action must be taken to protect the rights of the majority of students from the excesses of a small minority whose impact is out of all proportion to their numbers.

I wonder whether we are all ganging up against the individual who is underneath crying out for our consideration. Firstly, I accept that some action should be taken and it is natural that there should be a desire for that action. Furthermore, I accept the Minister's statement to the effect that "high schools use a range of professional people and a variety of techniques to deal with disruptive students, but successful rehabilitation of a small number of severely disruptive students frequently is beyond the resources of a school". It is reasonable to accept that statement. However, I am concerned about the end product. I am concerned as to whether our teachers are taught to recognise in advance some of the indications which may well highlight problems which are not really generated by the children. For instance, the child may well be affected by living with an alcoholic family. How much training is given to teachers in order

that they are able to recognise those types of problems before they develop into major difficulties, or will we simply take the easy way out and use proposed new section 20G, because the child is disruptive?

For some years my wife has been the secretary of the organisation of parents of hyperactive children. Although I do not claim to know a great deal about hyperactive children, I have been interested in them for some time. A number of doctors at Princess Margaret Hospital have sought to recognise and treat this problem and claims have been made by various authorities including the medical profession, teachers, and the like, of a lack of understanding of hyperactive children.

The action proposed in this amendment to shift these children out of the school and back into the home will create a chaotic situation for parents who have to cope with hyperactive children. It is already a traumatic experience for them to deal with these children out of school hours and only people who have hyperactive children or have had close contact with families in that situation really understand the pressures on the child. It horrifies me to think that a child of that nature will be left to obtain an education by correspondence.

I hope the Government will be very careful in drawing up the regulations proposed under the Bill. It is interesting to note that section 13 of the Act makes attendance at school compulsory, but proposed new section 20G will give children an excuse not to attend school. I hope the regulations will take account of the type of children involved.

I note sections 20A and 20B of the Act contain provisions for children requiring special education and for those with severe disorders. Section 20D allows for a panel to be established, including a teacher and either a guidance officer or psychologist.

A number of these advisory panels should be established and I am not sure whether psychologists should be appointed. In the case of hyperactive children, it may be necessary that a doctor be involved who specialises in this area and knows about hyperactive children. Sensitivity on the part of the officers of the Education Department will be necessary to ensure the appropriate people are appointed to these advisory councils.

One of the major concerns in relation to this Bill is that the implementation of this provision will depend greatly on the tolerance of the principal involved. It has been clear from debate this afternoon that tolerance differs greatly between teachers, therefore, it is not unreasonable to expect that one principal would apply this provision, whereas another would find ways around the problem.

I draw the Minister's attention to the fact that teachers employed by the Education Department may not be adequately trained in the handling of hyperactive children. It is important that, in drawing up the regulations, problems related to hyperactive children and other behavioural difficulties should be taken into account.

I would have thought that, before exercising the provisions in the Bill it would be desirable in many cases that children be moved to places which may well be better suited to catering for their needs. I do not share the view of the Hon. Robert Hetherington about special schools, because, in terms of handling hyperactive children, teachers who are trained in dealing with them can handle the problems involved.

When I went through the slow learning children's facilities I saw that the mentally retarded were providing a section which they termed the "hyperactive area". That is an area with which many people are not familiar, and it may well be best served by people trained to deal with the problems.

I know a family who moved their child from one high school to another in order to obtain a better situation. I can understand it is necessary that children who are disrupting a whole class should be removed. It is reasonable to take them out of that environment, because it is not conducive to their education. However, I do not think they should be dumped back onto their parents. I know the parents have the first responsibility to the child, but if that occurred, the department would be opting out of its responsibility. I draw a parallel between this situation and that of profoundly retarded children. Where is it said that such children should not be the responsibility of the community? The community accepts its responsibility and provides special institutions in which they are looked after.

We are confronted with a problem here and all possible steps should be taken before adopting the last resort and dumping these children back into the laps of their parents saying, "We wash our hands of you. You go and get some correspondence schooling." I ask the Minister that he ensure care is taken in the drawing up and implementation of the regulations so that they contain the necessary safeguards and this provision becomes the last resort.

Recently a parent came to my office and told me his child had been sent home from school because of the dress she was wearing. It was easy to resolve that problem, but it is clear that, if a child

can be sent home from school because of the dress she is wearing, it may well be an application is made for a child's dismissal because a teacher does not like the colour of his clothes, the shoes he wears, or a hundred and one other trivial things which aggravate.

The Hon. Tom. Knight: They usually have school uniforms.

The Hon. P. H. WELLS: It is not compulsory that school uniforms be worn in Government schools.

The Hon. Tom. Knight: I think it should be.

The Hon. P. H. WELLS: Some people do not have the financial resources to provide uniforms for their children.

Special schools may be useful in this area, but I do not confuse these children with handicapped children, because frequently they are better served by being moved back into the schools.

The Hon. Robert Hetherington: I am not saying we should not have special schools.

The Hon. P. H. WELLS: We should get rid of some of the special schools for handicapped children and move those children back into public schools. However, in the case of hyperactive children, frequently they are best handled by people experienced and trained in dealing with behavioural problems. As a very last resort, if this action is taken, trained people should visit the families involved and provide support for the parents who will be left with the problem. In many cases the parents are ill-equipped to deal with these difficulties and frequently cannot provide the backup required by correspondence courses.

I am concerned also that I cannot see a way in which a child may get back into the school system. Once he is expelled, it may well be he will go through a transitional period, but what does a child have to go through before he is accepted once more in a school? Alternatively, will it be necessary for parents to take the child around various schools in the State until they find a teacher who has the tolerance to deal with him? How will a child get back into the school system once he is expelled?

We should be concerned about this matter and teachers should be trained to recognise these behavioural problems before they develop into major difficulties. I am reminded of the fact that some of these children are prone to playing truant from school. Electronic games have provided a great attraction for these children and when they play truant they tend to go to places where these games are available.

Section 15 of the Act provides for a welfare officer to apprehend children who may well be playing truant from school. The Education Department should take some action to ensure these problems are overcome before they develop into major difficulties by sending welfare officers during school hours to the establishments which house electronic games. The number of these establishments is not so great that it would be an impossible task for an officer to visit them, because frequently parents do not realise their children are playing truant until it is drawn to their attention.

I do not maintain that these electronic games should be banned—

The Hon. I. G. Pratt: How would these officers identify the children who are playing truant?

The Hon. P. H. WELLS: I am suggesting power is contained in the Act for welfare officers to apprehend these children and I ask why they should be given this power if they cannot recognise the children who are playing truant?

If one of these places was full of 10 or 12-year-old children during a school day one would want to know why they were there. Examples have occurred in my electorate of children of that age thieving money to play electronic games. This has created a great problem, and we have heard a great outcry from parents against these machines; but the problem is not so much the machines as it is the children not being at school. Perhaps we should legislate to ensure school children do not use these places during school hours. We have similar legislation in regard to 18-year-olds using hotels.

Very often parents send their children off to school, but find out later that they did not reach the school and had gone to one of these places. I suggest a large number of children play truant in order to attend amusement parlours. Some of the problems could be overcome by conducting meetings of children and their parents with a view to helping both children and parents.

I will not oppose the Bill, but I am anxious to know about the type of regulations and directions to be brought in. Proposed section 20G(3) refers to a recommendation made under proposed subsection (2), which shall be subject to review and confirmation by a panel constituted in accordance with the regulations. I am anxious also to know what type of people will comprise that panel. Will it include a specialist on behavioural problems experienced by children? Will it have present not only teachers, but also parents to make an input.

The final point I make relates to guidance officers. We take school children into our teach-

ing college, and then employ them in schools—from school, to school, to school. They have virtually no outside experience before being appointed to their posts in schools. I wonder whether the department has explored fully the possibility of using consultants with practical experience in the field of child behaviour.

The Hon. R. J. L. Williams: They do.

The Hon. P. H. WELLS: I would be glad if the Minister said that such people are used, as Mr Williams has said. Some children are hyperactive.

The Hon. R. J. L. Williams: That's a new term.

The Hon. P. H. WELLS: Although the member says that term is new, I believe it has been used for the last decade. Quite large organisations have been established in the Eastern States to assist with hyperactive children.

Will the department use outside consultants—

The Hon. R. J. L. Williams: They do that already.

The Hon. P. H. WELLS:—to overcome child behavioural problems? Many children have gone from school to school.

Debate adjourned, on motion by the Hon. Margaret McAleer.

House adjourned at 5.34 p.m.

QUESTIONS ON NOTICE

COMMUNITY WELFARE

Cannington, Gosnells and Victoria Park

678. The Hon. ROBERT HETHERINGTON, to the Chief Secretary representing the Minister for Community Welfare:

(1) Is it the intention of the Community Welfare Department to amalgamate the Gosnells and Victoria Park branches in an office in Cannington?

(2) Would such a change provide adequate services to people living in Gosnells and Victoria Park?

(3) Is the Minister aware that there are at present too few social workers in these two offices for present community needs?

(4) If the amalgamation takes place, is it the intention to transfer all staff from the Gosnells and Victoria Park offices to the new Cannington office?

(5) If not, what will be done with redundant staff?

(6) Is the Minister aware that the proposed new office is in the most congested part of Albany Highway?

(7) (a) Did he consult with the Minister for Transport on the proposal;
(b) if not, will he now do so?

(8) Can the Minister inform me how far women with children will have to travel to visit the new office if it is established?

The Hon. R. G. PIKE replied:

(1) The Public Service Board has been requested to see if suitable arrangements can be made to relocate the Victoria Park office at Cannington. The future of the Gosnells office is under review, but no decision has been made in the matter.

(2) The aim of any change to the location of the Victoria Park office would be to optimise the service to the public in the area serviced by the department's Victoria Park division.

(3) Departmental staffing resources in all offices are subject to budgetary limits; and the best service possible is provided within these constraints.

(4) This will be considered at such time as the review of the Gosnells office is completed.

(5) Not applicable.

(6) The location being considered coincides with the availability of other Government services, transport, and shopping facilities. The location has also been determined largely according to present community needs for the department's services.

(7) (a) and (b) No. The importance of the matters mentioned in (6) above, however, are being carefully considered.

(8) As previously indicated the new location has been chosen to improve the department's services and reduce overall travelling for parents and their children.

PRISON

Roebourne

679. The Hon. PETER DOWDING, to the Minister for Labour and Industry representing the Minister for Police and Prisons:

Following the Minister's information given on 27 October 1982 that three houses for prison staff will be built at the Roebourne regional prison, can the Minister now inform me in which town the other houses for the staff are to be built?

The Hon. G. E. MASTERS replied:

As stated on 27 October 1982, the other houses will be constructed on land owned by the Government Employees' Housing Authority.

Since the Minister for Police and Prisons is unaware of GEHA land holdings, he suggests that the matter be taken up with the Minister for Housing.

ELECTORAL: ROLLS

Incomplete

680. The Hon. GARRY KELLY, to the Chief Secretary:

At the by-elections for South Metropolitan Province, Swan and Nedlands, held on Saturday, 13 March 1982, how many people, in each electorate, filled in electoral claim cards at the polling booths when they discovered that their names did not appear on the roll?

The Hon. R. G. PIKE replied:

The Chief Electoral Officer has advised me that there is no record kept as to the reason for new claim cards being completed at polling booths and so the figures requested cannot be provided.

However, for the information of the member the approximate number of claim cards completed at polling booths, for various reasons, was as follows—

Swan	850
Nedlands	700
South Metropolitan Province—	
Fremantle	550
Cockburn	700
Melville	550
East Melville	500

ABORIGINES: ABORIGINAL LANDS TRUST

Laverton

681. The Hon. N. F. MOORE, to the Chief Secretary representing the Minister for Community Welfare:

(1) Has the old native welfare reserve at Laverton ever been offered to the Wongatha Wonganarra?

(2) If so, what was the result of this offer?

(3) Is the Aboriginal Lands Trust currently negotiating with Wongatha Wonganarra with a view to the trust obtaining the land from the Department for Community Welfare on behalf of Wongatha Wonganarra?

(4) If so, what is the situation in respect of this transfer?

The Hon. R. G. PIKE replied:

(1) and (2) There has been some consultation with Aboriginal fringe dwellers and Wongatha Wonganarra on this matter. Where interest in the transfer of the reserve has been invited, so far there has been no formal response.

(3) Yes.

(4) The Aboriginal Lands Trust is awaiting the presentation of a written submission from Wongatha Wonganarra so that the matter may proceed.

HEALTH

Encephalitis

682. The Hon. PETER DOWDING, to the Chief Secretary representing the Minister for Health:

(1) Is the Minister aware that the Commonwealth Department of Health is coordinating a further national vector control campaign this summer aimed at preventing outbreaks of Australian encephalitis and other mosquito-borne diseases?

(2) Is the Western Australian Department of Health to be involved in the campaign?

(3) If not, why not?

The Hon. R. G. PIKE replied:

(1) Yes.

(2) The Public Health Department already is involved in the administration of a fund for various functions including research into Australian encephalitis and vector control programmes. The budget of $48 000 is contributed to equally by the Commonwealth and the State.

(3) Not applicable.

HOUSING: EMERGENT AND WAIT-TURN

Kimberley and Pilbara

683. The Hon. PETER DOWDING, to the Chief Secretary representing the Minister for Housing:

(1) How many applicants for State Housing Commission rental accommodation are currently listed—

(a) emergent; and

(b) wait-turn; for

(i) two-bedroomed accommodation;
(ii) three-bedroomed accommodation;
(iii) four-bedroomed accommodation; and
(iv) pensioner unit accommodation;

in each town in the Pilbara, and in each town in the Kimberley?

(2) How many applicants are currently on the State Housing Commission's waiting list for rental assistance in the—

(a) Pilbara; and
(b) Kimberley?

The Hon. R. G. PIKE replied:

(1) (a) No emergents currently listed;
(b) wait turn as at 30/9/82—

Pilbara	2 BR		3 BR		4 BR		P.U.		
	C/S	A.H.	C/S	A.H.	C/S	A.H.	C/S	A.H.	
South Hedland	80	8	49	9	1	2	3	5	
Karratha	115	—	70	—	—	2	—	—	
Marble Bar	2	—	—	—	—	1	—		1
Onslow		2	—	—	—	—	—	—	
Roebourne	16	11	2	11	—	2	4	—	
Newman	7	—	4	—	1	—	3	—	
Wickham	26	3	8	1	1	—	3	—	
	246	24	133	21	3	7	13	6	453
Kimberley									
Broome	49	34	15	15	3	4	12	3	
Derby	26	4	13	4	—	3	5	3	
Halls Creek	12	7	2	13	—	—	3	—	
Kununurra	43	4	19	9	2	4	4	—	
Wyndham	9	—	15	1	—	—	1		1
Fitzroy Crossing	—	2	3	—	—	—	—	—	
	139	51	67	42	5	11	25	7	347

LEGEND: C/S—Commonwealth/State Rental Housing Scheme
A.H.—Aboriginal Housing Scheme
P.U.—Pensioner Unit

(2) (a) Pilbara

Commonwealth/State.....395
Aboriginal Housing.....58
453

(b) Kimberley

Commonwealth/State.....236
Aboriginal Housing.....111
347

ABORIGINES

Aboriginal Affairs Planning Authority Act: Proclamations

684. The Hon. PETER DOWDING, to the Chief Secretary representing the Minister for Community Welfare:

What proclamations, and in respect of what land, has the Governor made since 8 April 1974—

(a) under section 25(1)(a) of the Aboriginal Affairs Planning Authority Act;
(b) under section 25(1)(b) of that Act; and
(c) under section 25(1)(c) of that Act?

The Hon. R. G. PIKE replied:

(a) 25(1)(a)
Reserve No. 24344—Jigalong—Increase in area (Adjustment between reserves);
(b) 25(1)(b)
20927—Lombadina decrease in area (road purposes)
16833—Mogumber—decrease in area (road purposes)
22433—Wandering—decrease in area (road purposes)
26329—Esperance—decrease in area (shire purposes)
24344—Jigalong—increase in area (adjustment between reserves)
23431—Jigalong—increase in area (adjustment between reserves);
(c) 25(1)(c)
20927—Lombadina—decrease in area (road purposes)
16833—Mogumber—decrease in area (road purposes)
22433—Wandering—decrease in area (road purposes)
26329—Esperance—decrease in area (shire purposes)
23431—Jigalong—decrease in area (adjustment between reserves)
28019—Newdegate—cancellation of reserve (creation of freehold title).

GOVERNMENT EMPLOYEES

North of 26th Parallel

685. The Hon. PETER DOWDING, to the Leader of the House representing the Premier:

(1) How many Government Employees are working north of the 26th Parallel?

(2) What is the average length of service of the employees?

(3) What is the average age of the employees?

(4) How many are over 50 years of age?

The Hon. I. G. MEDCALF replied:

(1) to (4) The Premier is not prepared to divert staff at the Public Service Board and in many departments who are otherwise fully committed to undertake the substantial research associated with this question.

HOUSING: INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING AUTHORITY

Rentals

686. The Hon. PETER DOWDING, to the Chief Secretary representing the Minister for Housing:

(1) What is the rent on Industrial and Commercial Employees' Housing Authority in Port Hedland for each of the authority's houses during the following years—

(a) 1978;
(b) 1979;
(c) 1980;
(d) 1981;
(e) 1982; and
(f) current rent?

(2) By whom, and upon what basis, is the rent assessed?

(3) What was the basis of the rent increases in 1980, 1981, 1982 and to the current level?

The Hon. R. G. PIKE replied:

(1) (a) Rentals 2-1-1978—$62.50 p.w.
1-11-1978—$68.76 p.w.
(b) 1-11-1979—$71.00 p.w.
(c) 1-11-1980—$77.00 p.w.
(d) 1-11-1981—$87.00 or $103.00 p.w.
(e) 1-11-1982—$120.00 p.w.
(f) Current Rent—$120.00 p.w.

(2) By the Government on the recommendation of the authority.

(3) The rents are assessed to recover operating outgoings.

PRISON

Roebourne

687. The Hon. PETER DOWDING, to the Minister for Labour and Industry representing the Minister for Police and Prisons:

(1) What is the estimated number of staff needed for the new Roebourne regional prison?

(2) In the event of the Industrial Arbitration Amendment Bill (No. 2) being passed and rental payments ceasing to be part of industrial awards, what will be the basis on which the GEHA will charge rents?

The Hon. G. E. MASTERS replied:

(1) The staff requirement for the new Roebourne regional prison has not been finalised.

(2) Rental rates for houses allocated to State Government workers are set by the Government Employees' Housing Authority. Rents vary according to the type and size of each house.

PRISON

Roebourne

688. The Hon. PETER DOWDING, to the Minister for Labour and Industry representing the Minister for Police and Prisons:

What does the Government propose to do with the present Roebourne regional prison when the new regional prison has been built?

The Hon. G. E. MASTERS replied:

The buildings will revert to the Public Works Department and the Minister will then decide their future usage according to usual Government procedures and requirements.

GOVERNMENT CONTRACTS

Motor Vehicles

689. The Hon. PETER DOWDING, to the Leader of the House representing the Treasurer:

(1) Is it a fact that Government contracts for the supply of motor vehicles state "Special Conditions of Contracts, final payment will be made within thirty days of advice that delivery has been received"?

(2) Is the Minister aware that three vehicles were supplied on Government Stores order No. 633988 requisition No. 003556 for the purchase of three Commodore sedans?

(3) Is the Minister aware that two were invoiced on 9 September 1982, and as at 1 November 1982 had not been paid for by the Government?
(4) Will the Minister advise—
(a) why was payment delayed;
(b) are such delays in payment a regular occurrence?
(5) Is the Minister aware of the heavy burden that such delays in payment place on small business?
(6) What action will the Minister take to see that this delay does not occur again?
(7) When will these two motor vehicles be paid for?

The Hon. I. G. MEDCALF replied:

(1) Yes.
(2) Government Stores purchase order No. 633988, initially stated one vehicle; however, this was later amended to three vehicles.
(3) The Premier has ascertained that this is the position.
(4) (a) The delay was due to the change in the number of vehicles required on this order and the late receipt by Government Stores of acknowledgement of delivery of the vehicles;
(b) no, however, some delays have been experienced in payment where vehicles are supplied to departments in remote locations.
(5) Yes. The Premier is aware that delays in the payment of accounts can cause problems for suppliers.
(6) The Controller of Stores is aware of the need to expedite the settlement of these accounts and is taking steps to ensure that the terms of the motor vehicle contracts are met.
(7) A cheque for the payment of the two vehicles was issued on 2 November 1982.

HEALTH: DRUGS

Depo-provera

690. The Hon. PETER DOWDING, to the Chief Secretary representing the Minister for Community Welfare:

(1) Is Depo-provera used in any institution of the Department for Community Welfare?
(2) Is it used for any persons in the care of the department?

The Hon. R. G. PIKE replied:

(1) Depo-provera is not being used at any institutions of the Department for Community Welfare.
(2) Unless the girl concerned is in the direct physical care of the department, the matter is between the girl and her doctor. Thus it is not possible to know whether or not it is being used for any person in the care of the department.

HEALTH: DRUGS

Depo-provera

691. The Hon. PETER DOWDING, to the Chief Secretary representing the Minister for Health:

(1) Is the Minister aware that in 1978 the United States Food and Drug Administration banned the use of Depo-provera as a contraceptive?
(2) Has the Minister or his department received any reports on its use in Western Australia?

The Hon. R. G. PIKE replied:

(1) No.
(2) The member is referred to a number of questions on this subject which were answered in the Legislative Council on 1 April 1981 and the Legislative Assembly on 8 April and 15 April 1981.

TRANSPORT

"Monitoring the Effect of the New Land Freight Transport Policy"

692. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to the Transport Commission document titled "Monitoring the Effect of the New Land Freight Transport Policy" (Monitoring Report 8 September 1982), will the Minister advise—

(1) Who conducted the survey?
(2) What was the cost of the survey?
(3) Were the questions put to those being asked for comment of an oral nature or written?
(4) What questions were asked?
(5) How many persons were employed on the questioning aspects of the survey?

The Hon. I. G. Medcalf (for the Hon. G. E. MASTERS) replied:

(1) Officers of the Transport Commission.

(2) No specific cost allocation was made, as the survey was conducted as part of the ongoing monitoring function of the Transport Commission.

(3) A questionnaire format comprising specific written questions was used by survey officers, who delivered the questions in an oral interview.

(4) Briefly the questions asked were as follows—

(a) Main types and approximate annual tonnage of goods transported by Westrail prior to July 1982.

(b) Service arrangements for the transport of these goods prior to the third stage of new policy.

(c) Who currently transports the goods and the nature and cost of service?

(d) Compare the adequacy of current frequency of service available to that available prior to introduction of the new policy (July 1982).

(e) Has Westrail offered contracts for transport of goods?

(f) If user still uses Westrail, the reason for remaining with Westrail.

(g) User preference for new or old system.

(h) Does the user consider the current system has any advantages/disadvantages, over the previous system?

(i) Overall, does the user consider that the transport services currently available to him since the introduction of the third stage of the new policy have: improved, deteriorated or remained the same?

(j) Any other comments.

Where applicable a local carrier information sheet was also used.

(5) Six.

TRANSPORT

"Monitoring the Effect of the New Land Freight Transport Policy"

693. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to the Transport Commission document titled "Monitoring the Effect of the New Land Freight Transport Policy" (Monitoring Report 8 September 1982), will the Minister advise the names of the businesses contacted at each centre listed in appendix 3?

The Hon. I. G. Medcalf (for the Hon. G. E. MASTERS) replied:

As the report indicated, the survey embraced 123 centres and 400 businesses. However, the names and views of the businesses contacted is confidential to the Transport Commission.

RAILWAYS: FREIGHT

Joint Venture: Line Haul Operations

694. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

(1) Has Total West used Westrail for the line haul portion of its transport task since it commenced operation on 1 July 1982?

(2) If so, what has been the monthly tonnage hauled by Westrail for—

(a) July 1982;

(b) August 1982; and

(c) September 1982?

The Hon. I. G. Medcalf (for the Hon. G. E. MASTERS) replied:

(1) Yes.

(2) (a) to (c) Because Total West is required to operate in a competitive business environment the information must remain confidential.

RAILWAYS: SLEEPERS

Standard Gauge

695. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

(1) What is the length of the standard gauge sleeper?

(2) Are any sleepers of this size in the south-west main line between Perth and Bunbury?

The Hon. I. G. Medcalf (for the Hon. G. E. MASTERS) replied:

(1) 2.4 metres.

(2) No.

HOUSING: PURCHASE

Valuations

696. The Hon. FRED McKENZIE, to the Chief Secretary representing the Minister for Housing:

(1) For State Housing Commission tenants wishing to purchase their homes, what

method is used in determining the valuation of the property?

(2) If a tenant disagrees with the valuation placed on the property, because he considers it too high, can he obtain a valuation from a sworn valuer and thereby dispute the State Housing Commission's valuation?

(3) What avenues of appeal on the State Housing Commission's valuation are open to tenants?

The Hon. R. G. PIKE replied:

(1) Generally the State Housing Commission uses the services of the Valuer General to obtain sale prices on valuations on rental properties available for sale to tenants. Where the Valuer General is unable to provide this service an independent valuer may be used.

(2) Yes.

(3) The normal avenues of appeal such as to the general manager, board of commissioners, or the Minister for Housing.