

Legislative Council

Tuesday, the 31st October, 1978

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

BILLS (8): ASSENT

Message from the Deputy Governor received and read notifying assent to the following Bills—

1. Betting Control Act Amendment Bill.
2. Teacher Education Act Amendment Bill.
3. Abattoirs Act Amendment Bill (No. 2).
4. Stock Diseases (Regulations) Act Amendment Bill.
5. Local Government Act Amendment Bill (No. 3).
6. Marine Navigational Aids Act Amendment Bill.
7. Liquor Act Amendment Bill (No. 2).
8. Fire Brigades Act Amendment Bill.

WATER SUPPLIES

Denham: Petition

THE HON. N. F. MOORE (Lower North) [4.34 p.m.]: I wish to present a petition from property owners and electors of the township of Denham in protest at the charges laid down by the Public Works Department for the boundary service which supplies desalinated water to individual properties.

I move—

That the petition be received.

Question put and passed.

THE HON. N. F. MOORE (Lower North) [4.35 p.m.]: The petition contains 104 signatures and bears the signature of the Clerk of the Legislative Council certifying that it is in conformity with the Standing Orders of the Legislative Council.

I move—

That the petition be read, and ordered to lie upon the Table of the House.

Question put and passed.

THE HON. N. F. MOORE (Lower North) [4.36 p.m.]: The petition reads as follows—

To the President and Members of the Legislative Council of the Parliament of Western Australia.

We, the property owners and electors of the township of Denham in the State of

Western Australia, do humbly petition the Honourable Sir Charles Court, Premier, in protest at the charges laid down by the Public Works Department for the boundary service which supplies desalinated water to each individual property.

We beseech you to take the necessary action to have these charges withdrawn or considerably reduced.

Our reasons for such a protest is as follows:

People in Denham have always paid water rates in addition to the charge for all water used. This water is salt and while it can be used for some domestic purposes, it is not potable and causes serious and rapid deterioration to appliances such as washing machines and hot water systems, as well as to plumbing generally.

The initial proposal for desalinated water from the Public Works Department included a charge of \$10 per year. While we did not feel this was justified we had to agree to pay this. It was described as "being in accordance with By-law 95 of the Country Areas Water Supply Act". Having less than one year at \$10, we were charged \$25 the following year.

Our supply of desalinated water is limited to 50 gallons of water per day which is not adequate for a reasonably sized family. Salt water is used for flushing toilets and for outside taps.

Denham's position regarding water is unique, being the only town in the State that is compelled to have two separate water services installed on each property at considerable expense. This further cost is adding to an already high cost of living in a town where a relatively high proportion of the population consists of low income earners.

Your petitioners will ever pray that their humble and earnest petition would be acceded to.

The petition was tabled (see paper No. 385).

QUESTIONS

Questions were taken at this stage.

LEAVE OF ABSENCE

On motion by the Hon. R. F. Cloughton, leave of absence for six consecutive sittings of the House granted to the Hon. R. H. C. Stubbs (South-East) on the ground of ill-health.

EDUCATION ACT

Disallowance of Regulations: Motion

Debate resumed, from the 26th October, on the following motion by the Hon. R. Hetherington—

That the amendments to Regulations 171 and 193, and new Regulations 174A and 192A relating to the school year, made under the Education Act, 1928-1977, published in the *Government Gazette* dated 29th September, 1978, and laid on the Table of the House on Tuesday, 3rd October, 1978, be and are hereby disallowed.

THE HON. R. HETHERINGTON (East Metropolitan) [4.55 p.m.]: Firstly I would point out to the House that the motion in front of us makes no reference whatever to the change in the Royal Show holidays, which I think two members mentioned, Mr Pratt having dealt with it in some detail. All I am trying to do is to have changed the regulation referring to the end of the school year and the beginning of the following school year.

I would like to read a letter written to *The West Australian* by Dr Tregonning, headmaster of Hale School, because I think it puts a sensible case reasonably. I wish that many members, in speaking to the debate, had been as reasoned and sensible as the letter. Dr Tregonning said—

The strike by the government schoolteachers is a matter of concern to all educationists, indeed to the entire community. It may be of some help if the procedures of non-government or independent schools were known.

Two of these in particular might be considered relevant to the current issue. Their adoption might avert other strikes.

1. Conditions at independent schools are governed by an award of the West Australian Industrial Commission. Thus when there is a dispute the parties involved have an independent arbitrator to decide on it. The Teachers' Union might consider seeking a similar award, for this then would give it the independent arbitration it maintains is a major factor in the strike.

2. Independent schools, while opening on a Monday, admit students to school at the beginning of the year on a Tuesday, not a Monday as do government schools. This enables schools to have full staff meetings and department meetings on the Monday, while heads of departments and other senior staff hold their meetings on the previous Friday.

The Education Department might consider this procedure starting on a Monday but admitting students on the Tuesday, thus enabling the rank and file to meet before teaching began, but after the last weekend of their holiday.

As both these issues appear to be bones of contention, possibly these suggestions may serve a useful purpose.

Indeed they may. I am sure that if the Minister had adopted such a proposal all the trouble might not have occurred. However, I want to come back to that aspect later. I merely want to set the tone of what I want to say later, because now I wish to refer to some things said in the debate which should not have been said.

When I began the debate I did not think I would find myself today defending the character of a gentleman whom previously I had not met. I have since met him. I wish to refer to some things said by the Leader of the House in reference to Mr John Roberts, and a general letter he wrote. I can regard the statements by the Leader of the House only as an attempt to draw a red herring across the whole procedure by what appears to be no more than a sordid exercise in something like character assassination. What he said added nothing to the debate and did nothing to contradict what had been said by the gentleman concerned.

Let me first refer to the letter Mr Cloughton quoted and which started this whole sorry affair. Mr Roberts had written a letter over his name about the holiday issue and had said a number of things which were relevant to the whole dispute about why it was better to leave the conditions as they were. Then he said he would recall his school history for the past four years.

I now quote from his letter as follows—

1975. 13 classes formed, with several split grades but due to an unknown increase of 10 in Year 6, 14 straight classes were authorised. A week later, the extra teacher for the additional class was appointed.

A Year 7 class was placed in a washroom, which was not converted to a classroom until later in Term 2.

1976. The Deputy Principal commenced Long Service Leave for 6 months. After many requests from November 1975 until February 1976, a relief teacher—a first year ex-college arrived at 11.00a.m. having received his appointment by telegram at 9.00a.m. on the first day of the school year.

In 3rd Term, the Principal Mistress also received 3 months L.S.L. No relief was provided, as our enrolment was slightly below the staffing level, the teacher handling remedial work had to conclude her activities and take over the vacant class for the balance of the year.

1977. Because of an increase in the projected enrolment an extra class was formed one week after school commenced. An extra teacher was appointed.

1978. A teacher was transferred to another school 3 days before school commenced, although we had spent considerable time in preparation at the end of 1977 for her to take the Year 1/2 class. This meant the movement of another teacher who had planned for Year 4, to this grade.

The new Library resource teacher received news of his selection for the course on the second last day before the end of the 1977 school year. This coupled with the loss of the teacher transferred to another school and the L.A.T.S. teacher who received news of his appointment late in January 1978, meant that all the planning I had made in 1977 was scrapped and the school was due for another chaotic commencement.

The two new staff members were notified by telegram on Wednesday before school commenced, although their application for transfer was submitted by August, 1977.

The Deputy Principal's relief was appointed on the day he left for his 3 months L.A.T.S. course, 2 weeks after the start of this school year.

The Leader of the House asked why Mr Cloughton had read out the letter from Mr John Roberts, the principal of the City Beach Primary School, in support of what he said. He then quoted Mr Cloughton as having brought up the point that Mr Roberts was the doyen of the principals, and he read his letter as proof positive. In fact, that is not correct. What Mr Cloughton

said was something rather different. What Mr Cloughton said was, "I would like to read this newsletter in full, because it is one of the best expressions I have read of what the matter is all about."

He later said, "I am not judging the case; I read the letter because I believe it set out the sorts of difficulties which all headmasters are aware occur in their schools. It explained why teachers have come to the point of going on strike."

Mr Cloughton then pointed out that the headmaster was a man of long experience; he said no more than that. That is an important point, and it was the point that I and other members had made. One of the reasons that people object to the change in the regulations is that it is difficult for any school to know in the first couple of weeks what will happen. This letter was quoted in evidence.

Indeed, Mr Pratt uttered words which supported what I said, although he came to a different conclusion. Mr Pratt said—

Some people have said, "We will not know the class sizes" and, "What is the use of putting children into classes two days before school starts when more kids will arrive on the Monday?" This happens any way if the staff arrive on Monday and sort out the classes then. Very often classes must be rearranged once, and perhaps twice, within the first couple of weeks. Therefore, that argument does not hold water either.

The point, which I tried to make by interjection and which I had made before, was that if this series of changes occurred in the first couple of weeks it might be a good idea to accept Dr Tregonning's suggestion, and start the Monday without students and have a child-free day to sort out what happens.

Even the Minister when he argued across the Chamber said, at some stage, that people have accidents; that people do this and that, and there are unforeseen things. Of course, there are, and that is one of the points I am making. Even in the best of departments there will be accidents and some amount of chaos in the first week. Because some schools seem to be running well on the first day, that does not mean they will have a trouble-free week.

What does perturb me—I had better turn away from the main argument to deal with this one—is that the facts set out by Mr Roberts in his letter were not dealt with by anybody in the Chamber. There was merely an attempt to avoid those facts, by suggesting that the headmaster was a person in whose words one need not take any credence. The

Minister said at the time it was beyond belief that all these circumstances should have happened to one headmaster. Mr Pike then interjected by saying, "It seems the only thing he did not experience was an earthquake, according to members opposite." In fact, I have been informed by Mr Roberts this school has undergone a repair and renovation programme, and that the toilet block sustained damage from the Meckering earthquake. So, it did suffer from an earthquake, as many other schools did.

The Leader of the House then went on to say, "However, this particular headmaster is regarded by the parents of the area as the greatest disaster to the school." He made no qualification to that statement. He then went on to quote the terrible things which the headmaster was alleged to have done. The Leader of the House said—

This school used to have a series of boards on the wall, all of which have been removed by Mr Roberts. He decided to discontinue all extra curricula activities in which the parents had great participation.

That is not correct. In fairness, I think I should put Mr Roberts' case, seeing he cannot speak for himself in this Chamber. Before I put his case I should set out his record, seeing that it was alleged that Mr Cloughton had referred to him as the doyen of headmasters, which of course he is not. His record is as follows—

1943-1946 service with the Royal Australian Navy.

1947-1948 trained under the Commonwealth Reconstruction Training Scheme.

I know about this training course, because that was how I received my training. To continue with his record—

1949-1963 he served in country schools as headmaster.

1964-1967 he was headmaster at Ashfield School.

1968-1970 he was headmaster of North Perth School, where he scrapped certain classes and set up new courses. He was particularly interested in the problems of migrants. The new classes and the new courses he set up are still operating in that school. Apparently they were regarded as satisfactory.

1971-1974 he was headmaster of Kapinara School, which grew from a 420-pupil school to a 640-pupil school in four years. It finished up in 1975 as a "1A"-class school.

1974 onwards he has been headmaster of City Beach Primary School, where extensive improvements have been made to the buildings and grounds, and extra staff have been used for subjects such as music, art, LATS, Japanese, and first aid.

In other words, he is a teacher of some ability. In 1977 there was a panel inspection of the school, and he was found to be satisfactory. It seems to me that it would be easy for a Minister to find that out.

The Leader of the House said that Mr Roberts removed the boards from the wall. These were the honours boards in the foyer which set out the duxes of the school. When he went to the school he found the boards were loose and dangerous, and he had them removed. He arranged with the Parents and Citizens' Association to have the gold lettering on them replaced, and this took time. Then he had the boards placed in a new open area room he had established. This does not seem to me to be a case of removal of the boards.

Let us look at some of the things which he did and which offended some people. When he went to City Beach Primary School he got rid of the yearly award of dux of the school, which many educationists regard as educationally undesirable. He got rid of the annual school camp, because he found the staff were not in favour of it, and he regarded it as not very helpful educationally.

He got rid of the progress association's citizenship award, because he claimed that the criteria were a little difficult. In conferring a citizenship award, the following factors are taken into consideration—

1. Educational achievement and potential.
2. General conduct and demeanour.
3. Personality.
4. Sporting prowess.
5. Co-operation and reliability.
6. Adjustment to other children (social).
7. Emotional stability and maturity.
8. Initiative and adaptability.
9. Directing influence—ability to lead.
10. Appearance and deportment.
11. Involvement in community activities.

What he did was to suggest that students might apply to the progress association, and it would have the onerous task of making the award under those criteria, because the staff of the school did not want to do that work.

In regard to policy, this was done by Mr Roberts in consultation with his staff. I have seen the letters which the staff have written in support of his policy. The practice he adopted was to consult with his staff, and they made collective

decisions which he would carry out as headmaster.

He also got rid of the, what he would term, extravaganza at the end of the year; this was a concert held at night. He replaced it with a more modest graduation ceremony in the afternoon. He sold a kiln in the school, which he regarded as a fire hazard, to a community group.

The Hon. N. E. Baxter: Will you tell us what relationship this has with the subject matter of the motion?

The Hon. R. HETHERINGTON: It has something to do with the debate on this motion. I did not bring up anything extraneous. Seeing that members opposite have done that, I wish to reply to them.

The PRESIDENT: Order! Will the honourable member address his comments to the Chair?

The Hon. R. HETHERINGTON: I am sorry, Mr President. I am telling the member, through you, that I thought I should reply to their comments.

The PRESIDENT: Order! What the honourable member should do is direct his comments to the Chair. The Chair will decide whether his comments are in order.

The Hon. R. HETHERINGTON: Thank you, Mr President. I am sorry I was remiss. What I am trying to point out is that this headmaster did something which offended some people. I have no doubt about that. However, the things he did were not necessarily the things which other people would not approve; in other words, the kind of things he did at the school are the kind of things which many educationists think are improvements on what went before.

I am not here arguing for or against what Mr Roberts did. I am saying that if he did offend some parents, there is no evidence to indicate he offended all the parents in a whole range of areas.

He has increased organised sport at the school. He has introduced netball and other sports that were not there before. His school is now participating in sports against other schools. Parents are acting as coaches, and other parents are assisting. There is a great deal of parental involvement and activity. This can be checked, and I have no reason to disbelieve it. In other words, from what I have heard of the actions of this headmaster, he acts according to the rules. He thinks that if rules are there he should obey them, but I can see nothing in what he has done that would suggest he is not a competent headmaster. I understand, according to a panel

report on him and his school, it is suggested that he is a competent headmaster.

The Hon. F. E. McKenzie: The Leader of the House said that.

The Hon. R. HETHERINGTON: He said he was competent academically; that was the rather grudging comment. One of the things that perturbs me is that the Minister said he was petitioned to remove the headmaster. Mr Roberts claims that he had not heard of this before; that he had not heard of any petition to remove him. Of course, if a formal petition in writing had been submitted, under the rules of the department Mr Roberts should have been informed of it. He did receive one complaint in writing from a parent against certain actions he had taken, and he told the superintendent why he had taken these actions.

I find it most disturbing that the Minister, by implication, said he was petitioned to remove the headmaster and did not inform him of it. I do not know what he meant by using the word "petitioned"; was this a written petition, or merely a series of telephone calls? Apparently he made some inquiries and found he could not remove him, as well he might have found, because all the evidence suggests he is indeed a competent headmaster. He may not be the Minister's favourite headmaster, but I am sure that he is not the worst headmaster in the education system, and that many people would regard him as highly competent.

The reports on this headmaster reveal that his teachers stand in front of the classes; they do not go in for the new modern open school system. By doing certain things he has offended some of the conservative parents, and by failing to do other things he has offended some of the so-called progressive parents. However, it is a terrible thing to say that all the parents regard him as a great disaster. Certainly I think Mr Roberts is quite typical; he is competent and typical. I do not think that in his letter he berated the department. He set out the problems he had experienced, and these problems are not dissimilar to problems I have heard about from other headmasters and school teachers. In other words, he set out to support what the union is doing and he is then described by the Minister in terms that suggest although he could not sack him he very much would like to have sacked him, because he was not the kind of headmaster he liked to have in his schools. I think this is a most improper attack, and I can find no evidence to sustain it. The evidence is against it. I do not want to say any more about the matter, and certainly I would

rather have said nothing, but the matter was raised in the debate and I felt I had to reply to it.

I hope we will not see the position develop where a headmaster, or any other school teacher, who dares to write something publicly criticising the department, has to face this kind of personal criticism, this kind of attack on his character. This is taking away civil rights, basic democratic rights, under the privilege of Parliament, and I am very sorry that the Leader of the House did this.

What was the end result? As I said, the end result was that the Leader of the House said nothing at all about whether Mr Roberts' statements were factual or not factual. Mr Roberts claimed they are really a truthful account. I see no reason to disbelieve this, and certainly the Leader of the House brought no evidence to this Chamber; all he did was to suggest by implication that this headmaster could not be believed.

Mr Roberts has met the Minister briefly once or twice, but he said that the Minister did not visit his local school. He would certainly like his local member (Mr Mensaros) to visit his school for half a day to see what goes on. Having spoken to Mr Roberts, I would not regard him as dishonest, and I would not regard him as incompetent. As a matter of fact he has given me some copies of his school magazine; and the letters that he sends out to parents give some sort of evidence of his organisation and his competence. When I have finished my speech, I will ask for leave of the House to table these magazines for the information of members. I believe this would be fair enough.

Other questions about the union and arbitration were raised, and I feel I should refer to one of these because again I feel the Leader of the House erred on the side of uncharitability in his references to the President of the Teachers' Union (Mr Harry Bennett). The Leader of the House said—

One is entitled to be alarmed that the President of the Teachers' Union (Mr Harry Bennett) has set great store on the holiday issue, and a number of things were quite contrary to the usual procedure with regard to the teachers' conference in that for the first time ever a strike situation was arrived at without a complete referendum of all the teachers. In the face of this somewhat revolutionary trend,—

I ask you, Mr President, to note the language—somewhat revolutionary trend! That

implies that something a little improper is being done. The Leader of the House continued—

Mr Bennett, as President of the Union, got the motion he required—

So we get the picture of a Machiavellian mastermind. To continue—

—I suppose, and promptly went on long service leave, leaving the organisation of the whole matter to Miss Harken.

I do not care what anybody says or how much anybody likes to argue the point about it: in a situation as extraordinary as this has been declared to be—serious enough for the parade outside this House and all the meetings, and for a motion to be moved in this Chamber by the Hon. Robert Hetherington who is the spokesman on education for the Opposition—the leading personality in the Teachers' Union in this State, whom I know personally, sees fit to have the whole matter resolved and then take his long service leave.

Then he said later—

What Mr Bennett did in this situation is very reprehensible.

I found his statement very reprehensible. I would like to make two points. The first is that anyone who has had the most cursory dealings with the Teachers' Union would know that Mr Bennett does not invariably get his own way. He is not the dictator of the Teachers' Union. Sometimes he can win the executive over to his point of view, and quite often he cannot. The decisions made by the Teachers' Union executive, as with all other unions, are collective decisions made by majority votes, and they are then carried out by the officer who is either the president or the acting president.

Mr Bennett has in his possession a letter from the Director General of Education which directs him to take his long service leave because he has delayed too long in taking it. In fact, Mr Bennett did not take his long service leave for a long time. Unfortunately that letter is in his personal file, and I cannot quote it, but I can quote a letter I have here which gives us some of the facts. This letter reads as follows—

General Secretary
State School Teachers' Union of
Western Australia (Inc.)

23rd August, 1978

13 Murray Street
PERTH WA 6000

Dear Sir,

I acknowledge receipt of your letter of 2nd August, reference 153/69/E. 1404.

Mr Bennett became due for six months long service leave on 10th February, 1975. He took up full-time duties with your Union on 27th September, 1974.

The letter goes on with other details that are not really germane to this point, but I will read them. It says—

Therefore, 19 weeks of his qualifying service for his long service leave was spent as a Union employee. The Union, therefore, becomes responsible for $\frac{19}{13 \times 52}$ of the 26 weeks' salary due to Mr Bennett at 10th February, 1975.

As Mr Bennett is only taking 13 weeks' leave at this time, the Union will be asked to contribute $\frac{19}{13 \times 52}$ of the 13 weeks' salary being paid to him. The Union will still owe the Department $\frac{19}{13 \times 52}$ of the remaining 13 weeks' leave due to Mr Bennett when he is paid for that leave.

Mr Bennett has been accruing long service leave from 10th February, 1975 but that accruing will cease on 10th February, 1979, and will not resume until Mr Bennett has cleared the remaining 13 weeks of his entitlement. This period has all been spent in the service of the Union and the Union at 10th February, 1979, will be responsible for four years' service, less the 13 weeks' long service leave currently being taken, towards Mr Bennett's accruing long service leave.

I would be pleased to receive your confirmation of these calculations.

Yours faithfully,

D. Mossenson.

DIRECTOR-GENERAL OF EDUCATION.

In other words, Mr Bennett has taken his long service leave because he had to take it. He had to stop accruing leave that he had postponed since 1975. He found that he could not avoid taking this leave any longer, and he was directed to do so. I wonder why the Leader of the House is so upset by this, and why he is making the accusations against Mr Bennett? One of the things of course that can no longer be said is that Mr Bennett, having masterminded this motion through the executive, is now leading and masterminding the strike.

The Hon. G. C. MacKinnon: You are making the most wildly extravagant accusations it is possible to imagine. Nothing like that was inferred by me.

The Hon. R. HETHERINGTON: The Leader of the House read inferences into my remarks. I am sorry I caught the habit from him.

The Hon. G. C. MacKinnon: You have been lecturing long enough, and telling us about it with boring monotony—

The Hon. R. HETHERINGTON: I am sorry that the Leader of the House objects to my inferences, but one of the things he cannot say is that Miss Harken is a wild militant.

The Hon. G. C. MacKinnon: Excuse me, I told you quite clearly that Miss Harken was nothing like a wild militant.

The Hon. R. HETHERINGTON: I know, and we agree about that. What I am saying is that even the Leader of the House cannot regard Miss Harken as a wild militant. Nobody can. She is a responsible person who, as vice president of the union, has carried out her job as acting president well, and with dignity.

The Hon. G. C. MacKinnon: With admirable dignity.

The Hon. R. HETHERINGTON: Mr MacKinnon knew Mr Bennett was leaving his union in good hands, and he certainly has said this.

It has become quite apparent since Mr Bennett has been away that the union still thinks the same way. Mr Bennett is not some Machiavellian mastermind, and in fact—

The Hon. G. C. MacKinnon: Nobody ever suggested he was. That is a fabrication of your fertile imagination.

The Hon. R. HETHERINGTON: That is a decision which is now being carried out by Miss Harken as acting president. Certainly, when I have seen Miss Harken speaking on the steps of Parliament House and on television, I have considered she has been doing quite a good job in representing the point of view of the union adequately and well.

Much play has been made by various speakers of the fact that the union was calling strikes without holding a referendum of its members. The Leader of the House mentioned that, as did Miss McAleer and Mr Lewis. The suggestion was made that perhaps that action was unconstitutional. I am assured by the union that the provision which used to allow for referendums was not in the constitution, but was a conference decision. Of course, the last conference altered the previous conference decision, as it was entitled to do.

It is no doubt true that, at conferences, a majority of the delegates are the people who make

the decisions. After all, in this House a majority of members are the people who make the decisions; and in the other House that is true, too. In other words, in a democratically-run union one cannot have a "Greek democracy" situation when one gathers the 1 100 members of the union in one field and has debates. The members send delegates who act on their behalf.

This procedure is followed in the Australian Labor Party and also in the Liberal Party. In other words, this is a normal way for bodies to behave.

At the last conference, the delegates made a decision for rolling strikes. The conference amended item No. 169 to read—

That the following action be taken on the Holiday issue:

1. (i) That resolution No. 2 of the Mass Meeting be endorsed.

Resolution No. 2 reads as follows:

This meeting of teachers deplores the action of the Minister for Education in paying insufficient attention to the overwhelming majority opinion of teachers in the recently announced changes in school holidays. This meeting demands that the Minister withdraw his decision and replace it with one which accurately reflects teacher opinion as expressed in the Union survey conducted last year.

- (ii) That the following clauses in resolution No. 7 of the Mass Meeting be endorsed.

That if the Minister for Education and the Director-General of Education fail to meet the above demands, the Union Executive will initiate the following membership actions:

- (a) Mass protest outside Parliament House.
 - (b) Rolling strikes of up to one day's duration.
2. Call a general stoppage of work if any member is penalised by loss of pay greater than the number of days on strike or in any other unfair manner including cessation of employment.

Inform the Minister, the Director-General and the media in the strongest possible terms that the reasons for teacher dissatisfaction in the W.A. State Schools concern the lack of meaningful consultation between the Minister, teachers and parents in recent changes made to the school year; and the deterioration in working conditions for teachers which has resulted from this lack of consultation.

3. Executive undertake a programme in third term to assist branches with explaining the current issues to parents and other community groups.

169.1

That the Union withdraw opposition to W.A.Y. 1979.

I hope, Mr President, that I am not boring the House unduly with this. I think it is important that members have the facts placed before them.

Conference item No. 167 states—

That the Teachers' Union deplores the deterioration in communication between the Government and ourselves, and in the light of recent decisions contrary to the professional advice by the majority of teachers, demands that suitable machinery for the independent arbitration of all disputes which cannot be resolved by negotiation, be set up immediately.

The Executive may also call one day stoppage under the provisions of the Teachers' Charter, Section 6 of which was amended at the 1978 Conference—

I will not read that section of the charter.

A great deal has been said about arbitration. It would be appropriate for me to make members aware of what the Education Act says about the powers of the Government School Teachers Tribunal. In section 37AE(3) the Act reads as follows—

- (3) The Tribunal has jurisdiction—

- (a) to hear and determine any appeal by a teacher or the Union against the salary and allowances of any teacher or class of teachers as determined by the Minister under subsection (2) of section twenty-eight of this Act;

In case members are wondering to what that refers, section 28 (2) (a) reads—

(2) (a) Subject to the provisions of section thirty-seven AE of this Act the Minister shall determine the salaries and allowances payable under this Act to teachers, and other officers and the allowances payable to students pursuing teacher education courses and receiving financial assistance pursuant to section thirty-seven A of this Act.

The powers of the tribunal are set out in section 37AE (3) (b) as follows—

- (b) to hear and determine any matter in dispute relating to the salaries and allowances of teachers and the allowances of students or a group of students pursuing teacher education courses and receiving financial assistance pursuant to section thirty-seven A of this Act which, after negotiation between the Minister and that Union, is unresolved and which is referred to the Tribunal on the joint application of the Minister and the Union;

In other words, the union cannot make the reference on its own. It has to be a joint application. The Act continues—

- (c) to hear any application by the Union for a review of the salary and allowances of teachers and to make a recommendation to the Minister after hearing and considering the application;
- (d) where a vacancy in, or a new office created in the Education Department has been filled after it has been advertised in accordance with and as required by the regulations by the promotion of a teacher who has been recommended by the Director-General for the vacancy or new office, to hear and determine any appeal against that recommendation by a teacher who applied for appointment to or employment in the vacancy or new office and who has not been recommended therefor;

Paragraph (e) has been repealed. The Act continues—

- (f) to hear and determine an appeal by a teacher or by the Union against, or a matter referred to it by the Minister concerning, any decision involving the interpretation or application of any

determination of the Minister pursuant to this Act in respect of salaries or of any Act or regulation governing the service of the teacher or group of teachers;

- (g) with respect to the allowances payable to teachers teaching in Government schools situated in prescribed districts and in remote areas of the State, to travelling and transfer allowances payable to teachers and to allowances payable to teachers where a teacher is relieving another teacher—

- (i) to hear and determine an appeal by the Union against the determination of the Minister in respect of any such allowances in a particular or general case;

- (ii) to order on the application of the Minister or the Union that any agreement between the Minister and the Union in relation to any such allowances be confirmed and determine any matter in dispute relating to any such allowances, which after negotiation between the Minister and the Union is unresolved, and which is referred to the Tribunal on the joint application of the Minister and the Union;

- (iii) to hear and determine an appeal by a teacher against any decision involving the interpretation or application of any determination of the Minister in respect of any such allowances that are payable to that teacher;

- (h) to hear and determine any appeal by a teacher who, for alleged misconduct, gross inefficiency or breach of the regulations, is—

- (i) fined any amount in excess of four dollars;

- (ii) transferred at his own expense;

- (iii) reduced to a lower class or grade;

- (iv) reduced from any position to a position carrying a lower salary; or

- (v) suspended or dismissed, against any such penalty or punishment.

Paragraph (i) has been repealed. Paragraph (j) reads as follows—

- (j) to hear and determine an appeal by a teacher against the amount of rent payable by him to the Education Department pursuant to the regulations in respect of quarters provided for him that were completed and ready for occupation prior to the first day of January, one thousand nine hundred and forty-six, which has resulted from a valuation or revaluation of those quarters made pursuant to those regulations;
- (k) to hear and determine, or determine, such other matters as may be prescribed.

Now, this is what the tribunal is able to do. As far as conditions are concerned, it can hear an application only if the Minister agrees with the union, or as prescribed by the Minister.

In 1975 or 1976 the salaries of part-time temporary teachers or part-time relieving teachers were reduced by 22 per cent. The then Minister for Education—the present Leader of the House—refused to allow an appeal, although the union thought there should be an appeal. In relation to appealing against loss of conditions, the union cannot appeal without a reference from the Minister.

This brings me, Mr President, to the point raised by Mr Pratt. I think it was raised by Mr Pratt. If not, I apologise to him. It was raised by one of the members opposite.

The Minister for Education is not prepared to allow the school teachers to bring the matter of the school holidays to arbitration. I realise that Mr Moore has said this is the nub of the question, and I have not forgotten that. I will return to that aspect later.

The Hon. N. F. Moore: Thank you.

The Hon. R. HETHERINGTON: Mr Moore raised an important point, I think.

The Minister for Education said publicly in a letter that he did not mind arbitration in relation to the deterioration in conditions pursuant to the change in holidays being brought before the School Teachers Tribunal. However, he has not yet referred the matter. There has been a debate in relation to who has to ask whom. I would have thought, when I read what the Minister said, that he would have referred the matter automatically. I gather the union referred it, or perhaps it did not; but anyway it has raised the matter with the School Teachers Tribunal. The union has referred for appeal the only matters it is permitted to

refer. That is not the crux of the argument, anyway.

In the notice of application the union referred to the dispute between the Teachers' Union and the Minister for Education relating to the changed school year and the loss of one day's holiday pay for metropolitan teachers. The grounds or reasons quoted are "no educational merit" and "erosion of working conditions", because those are the aspects on which the Minister said he would allow an appeal. It is as simple as that.

When the union made the appeal, it was pointed out that under section 37AE of the Act it had no such right of appeal, so until the Minister makes the reference the matter stays precisely there.

I wish to refer now to what I regarded—and I told Mr Moore that I regarded his contribution as the best and most substantive contribution to the debate from the other side—

The Hon. N. F. Moore: Flattery will get you everywhere.

The Hon. R. HETHERINGTON: I do not expect it to get me very far. I am pleased that Mr Moore made that point. Mr Lewis also made the same point, but I was referring to Mr Moore's speech generally.

Mr Lewis said—

... in no other enterprise does the person being employed lay down the times of his holidays.

Mr Moore said that the issue was whether the Minister has the right to determine when teachers can take holidays. He said also that the right of the employer in this respect is quite clear. He must have the right to say when his employees take their holidays. Miss McAleer said—

The majority of teachers can be supposed, quite rightly, to be skilled in teaching, but not necessarily in administration. To my mind this is purely an administrative matter.

I do not agree with that.

The Hon. G. E. Masters: Did you say you did agree with that?

The Hon. R. HETHERINGTON: I said that I do not agree with it. I do not believe it is purely an administrative matter and I will point out later my reasons for saying that. This comes to the basic point of my argument which I will arrive at in due course. It is really quite a short argument when I get around to it.

The Hon. G. E. Masters: You are taking a long time to explain it.

The Hon. R. HETHERINGTON: One of the problems with school teachers' holidays is that they are fixed. If the Minister can remove a couple of days from school teachers' holidays, he is deciding the length of their holiday and he is eroding working conditions also. If the Minister can take away two days' holiday—and members should not tell me he has not taken away any holidays, because I want to point out something in a moment—he can take away three days' holiday, five days' holiday, or 20 days' holiday. I wonder if honourable members opposite would argue if the Minister said, "All teachers will start three weeks earlier." Would members opposite think teachers had no cause for complaint and would they agree it was a change in their working conditions?

The Hon. W. R. Withers: Try 363 days.

The Hon. R. HETHERINGTON: The Leader of the House pointed out that only four weeks were, in fact, real holidays, because teachers receive 17½ per cent loading on their salary for four weeks' holiday. In fact, as pointed out by the Teachers' Union, the 17½ per cent loading for four weeks was the principle applied generally to Government employees. The union did not intend to argue about the matter. It accepted it.

The Hon. G. C. MacKinnon: They were what?

The Hon. R. HETHERINGTON: The 17½ per cent loading for four weeks' holiday was a general principle applied to Government employees, and the Teachers' Union did not want to argue that the loading should be received for seven weeks' holiday. The situation seemed to be fair as far as the union was concerned. However, the union was not saying that the holidays of teachers for which a loading was not received were not really holidays.

The Hon. G. C. MacKinnon: Did they tell you that?

The Hon. R. HETHERINGTON: The union told me that.

The Hon. G. C. MacKinnon: They are either jolly dishonest or they have extremely short memories, because I negotiated that for them and I gave them that. I know exactly what they said.

The Hon. R. HETHERINGTON: I am glad the Leader of the House knows the position exactly; but as a result of some of his other remarks I shall have to check it.

The Hon. G. C. MacKinnon: You are the one who has been drawing the long bow tonight in every inference you have drawn up to date.

The Hon. R. HETHERINGTON: Rumours are circulating that an attempt will be made to reduce the hours of school teachers to Civil

Service hours. Some people have claimed that the Teachers' Union has been spreading these rumours.

The Hon. G. C. MacKinnon: There is a rumour circulating that the world is going to end, but nobody takes much notice of that.

The Hon. R. HETHERINGTON: I am saying rumours are going around.

The Hon. G. C. MacKinnon: Did you start that one too?

The Hon. R. HETHERINGTON: I have not started any.

The Hon. G. C. MacKinnon: You started one tonight which has no basis in fact, and now you are trying to spread this one.

The Hon. R. HETHERINGTON: I mentioned rumours have been circulating and I would not have mentioned this if a member opposite had not mentioned it first.

The Hon. G. C. MacKinnon: Certain members of the Teachers' Union are transferred automatically to Public Service rates; for example, superintendents.

The Hon. R. HETHERINGTON: It has been suggested by some people that there will be an attempt to—

The Hon. V. J. Ferry: Will the honourable member please speak up? I cannot hear what he is saying.

The Hon. G. C. MacKinnon: He is not saying anything worth hearing, so it does not matter.

The Hon. R. HETHERINGTON: —reduce the hours of school teachers to Civil Service hours and that Civil Service conditions will apply to teachers also. I am not saying that is correct. I have heard other rumours that the union executive is spreading this particular rumour. I do not believe that is true either.

However, in a time of financial stringency when people are cutting back and in a time when headlines are appearing in the Press saying the Federal Government intends to reduce study leave for academics, naturally people are nervous. That is all I am saying. Perhaps people are more prepared to believe various rumours now than they would be at other times. Mr Lewis said teachers should be very careful about arbitration. He asked, "Where do teachers want to start from—four weeks' holiday and Public Service conditions?" When Mr Lewis makes such comments, he is starting rumours.

The Hon. G. C. MacKinnon: You are not doing much to stop them.

The Hon. R. HETHERINGTON: I do not believe the department has any intention of taking such action. I do not believe it has occurred to the department that such action should be taken. I do not believe the rumour. All I am saying is: At a time when people are fearful, they are a little nervous about conditions.

I should like to remind the Leader of the House that, when he told a happy anecdote about how this situation arose, his memory was not quite accurate either. He said when he was Minister for Education he visited schools where the teachers had returned a few days early and everything was working well. He said, "Why not put a couple of days on one end, and take them off the other?" He said that that is what has been done. However, he skipped gaily over the intervening period.

I should like to remind the House that the original proposal put forward by the Minister for Education was not to grant two days' holiday at the beginning of the Christmas holidays and remove two days from the end. The original proposal was to remove two days' holiday at the end, and it was only after protest that two days were granted at the beginning of the holidays.

The Hon. J. C. Tozer: That is not correct. It was to start in 1979 and obviously you have to start somewhere. In that event, the Minister agreed to put it back to 1978.

The Hon. R. HETHERINGTON: That is not my recollection; but I will check the facts.

The Hon. G. C. MacKinnon: You have drawn the wrong conclusion again.

The Hon. R. HETHERINGTON: In my opinion a more satisfactory situation, if this is what people want, would be to enrol students on Tuesday and the teachers could return on Monday. Some teachers would have returned possibly a week earlier. Another student-free day could be taken at the end of a fortnight.

Someone queried whether the Minister for Education said two days' extra holiday at the beginning of the year had educational advantages. I have checked this matter and it can be found in his letter. The Minister did say there would be educational advantages. However, I believe these advantages have not been proved. In fact, many teachers with whom I have discussed the matter say that the children will be educationally disadvantaged, and educational advantages would be gained if we took action along the lines I have mentioned.

This brings me back to the point made by Miss McAllister. School teachers may be teachers primarily, but they are administrators also.

Teachers have to work out class timetables and senior masters have a great deal of administration to attend to. In other words, teaching and administration are tied together, and in order to obtain the full educational advantage of the teachers' special skills a school must be well organised and well administered. Teachers should spend as much time as is possible imparting information or, in the modern way, encouraging children to discover and learn for themselves.

What is administratively efficient is not always educationally advantageous. Using facts put forward by Mr Pratt, myself, and other people, it can be argued—and there is no real disagreement—that during the first couple of weeks of the school year chaos tends to occur. This varies from school to school. Some teachers do not arrive, enrolments are not as they should be, teachers transfer and, as mentioned by the Leader of the House, accidents occur. All sorts of things happen and in the first couple of weeks, as Mr Pratt said, everything may need to be changed once or twice. It is argued that if teachers return to school two days before the term starts, on the Thursday and Friday, the situation to which I have referred may not necessarily be improved. Some of the important organisation is better carried out after school starts. It is better for the organisation to take place when the people running the school—the principal and his staff—think it should be done. They are in the best position to decide what is necessary for that particular school.

It is argued also that this kind of flexibility is not only good for a small country school, but it is good also for a large metropolitan high school. Therefore, it would be educationally advantageous for the Minister to change his mind or for the regulations to be done away with so that the student-free days may be decided by the people running the school. It may be argued that this would inconvenience the parents. However, this is a different argument, although it may be one which has to be considered.

Certainly all the PCAs do not support the Minister's attitude. WACSSO has said it thinks there should be a two-year trial. I did not see any great evidence that it was terribly enthusiastic about the proposition at the beginning; but now it is saying there should be a two-year trial period. Not all PCAs agree with this. It seems to me the argument for educational advantage is not clear. Certainly the arguments advanced to me—and I am fallible in my judgment as no doubt somebody opposite would be the first to point out—seem to be on the side of the people who want flexibility as far as educational advantage is concerned.

The argument in relation to parents is a difficult one and it should be considered separately. I have not been convinced by the argument put forward that, in fact, the change in holidays is justified. People who have to travel long distances now have to leave for school not two days earlier, but four days earlier. If teachers are travelling to country areas they must go the previous week, because they do not travel at the weekend.

The big problem concerns large schools, both primary and secondary. If such schools finish on Wednesday at the end of the year, as Mr Roberts pointed out in his letter—he is not the only one to say this; he is quite typical—the return of library books and various other matters will have to be dealt with in the second last week of the school year which will disrupt that week.

I mixed up my argument, and Mr Pratt pointed this out to me. The real disruption is likely to be in the second last week of school rather than in the last week. I would not argue that no educational advantage can be achieved in the last week of school by students playing chess with school teachers and that kind of thing. In fact, I remember in the last days of school I learnt a great deal at times from my teachers. I learnt about matters which were not on the formal curricula. I believe we need to take action in a number of areas.

Let me be fair, and I try to be fair as much as I can; I am glad the Minister for Education has said he is prepared to negotiate on the general principle of arbitration, apart from this particular issue, with the Teachers' Union. I think it is high time this was done, and I am glad the Minister said that he will be prepared to do it.

Sitting suspended from 6.01 to 7.30 p.m.

The Hon. R. HETHERINGTON: The Teachers' Union, of course, has been in touch with me and asked me to make certain things clear from their point of view. The Teachers' Union claims that the change in holidays did not just evolve from trying to compensate teachers who went back to school early on a voluntary basis. It was not raised earlier, and Mr Jones' original proposal did not include the early closure of schools, but referred only to an earlier opening. The union states that the other concessions were made after union protests.

The Teachers' Union is quite clear in its communication that it requested a 17½ per cent holiday loading for only four weeks, because that was the period for which most other unions received it. The teachers said they did not want any preferential treatment, but merely wanted

comparable justice. The Teachers' Union also referred to the remarks of the Leader of the House, with regard to holidays, as red herrings. The union does not regard consultation as being a process by which the Minister or the director general agrees to meet the union, listen to its case, and then tell it what he has already decided, but one in which both parties can play a meaningful role in arriving at consensus.

In the case of the change to the Royal Show holidays, changes in payment of short-term relief teachers, the rescinding of teacher registration, the restructuring of primary schools, and a number of other issues, decisions have been announced before consultation has been completed, or before it has begun.

To the argument that the union deputations would not make on-the-spot decisions, but would expect the Minister to do so, the union claims that neither the Minister nor the director general makes decisions always, but both refer to the fact that matters need to be discussed at Cabinet level, or with others. Union negotiators acted responsibly, as part of a democratically-run organisation, by not committing the union to decisions without consultation, but often came with a range of options within which they were empowered to negotiate. However, the basic difference between the parties was one of power—the department and the Minister have the power to make binding decisions while the union has the power to make only suggestions or raise objections. To ignore this fact is to deliberately distort the truth about the situation.

Even if it is possible to provide schools with a list of teachers appointed to the schools when they open on the first Monday of the school year, the union still claims that until student enrolments are examined towards the end of the week it is impossible to guarantee that this staffing allocation is stable. Every year, once pupil enrolments are completed, there are a number of transfers, new appointments and regroupings to take account of the difference between anticipated and actual enrolments. This is what I have already referred to, and which I have suggested Mr Pratt referred to in his speech. Therefore, any preparation and organisation carried out prior to the school opening is likely to be repeated and modified once enrolments are stabilised, and further pupil-free days would be most valuable at this point, not prior to the opening of schools.

The union also claims that the statistics supplied by the Education Department about strikes are inaccurate because, in effect, inspectors go to schools with computerised rolls,

mark off the teachers on strike, and then conclude that all the others are not on strike. They even include teachers on long service leave, sick leave, secondment, and all of the non-members—about 7 per cent of the total staff. So the union claims that support for it is greater than the statistics indicate.

The union has also indicated that it has received expressions of support, and it is very careful about statements about parents and citizens' organisations which, in general, refuse to support the WACSSO executive stand.

The Hon. G. C. MacKinnon: The same applies, of course, to the other side.

The Hon. R. HETHERINGTON: I am putting the union's claim.

The Hon. G. C. MacKinnon: They are just as one-eyed as they claim the other side is.

The Hon. R. HETHERINGTON: The Minister can claim that if he wishes.

The Hon. G. C. MacKinnon: There is just as big a percentage of teachers opposed to the union's activities.

The Hon. R. HETHERINGTON: I know that. I know some teachers who are friends of mine, and who are most vehement about the union, but that is their right. I am perturbed by the fact that since I have been in this House there have been three issues which have illustrated that things are not as they should be. One was the Minister getting rid of the pre-school board before there had been adequate discussion and consultation. Another was rescinding the legislation for a teachers' registration board on information that everybody except the members of the Teachers' Union on the board had voted for it—which, in fact, is not the case. Now there is this issue which is the last straw.

I would claim that the reasons we should get rid of these regulations are the very reasons I think Mr Moore advanced for supporting them; in other words, that this matter has divided school teachers. I would go further; it has divided teachers from the union and from the department. It is quite obvious that a great number of teachers are of the opinion that consultation is not adequate and it has not been adequate for a very long time. It has been deteriorating, and this holiday issue was brought up with insufficient consultation and, in fact, on all grounds it was against the union's advice.

What has surprised me is the vehemence with which some teachers have spoken to me; vehemence in their claim that their professional abilities are being railroaded by this form of

decision. Those teachers are of the opinion that they are being treated as if they are unprofessional, and that the grounds given for the change of regulations are inadequate.

I have advanced arguments to show what I think, and why I accept the arguments put forward by many people that the educational grounds advanced by the Minister—and I do not think he spelt them out sufficiently—are fallacious. There is likely to be more educational disadvantage as a result of the way the holidays are arranged. I do believe that if the Minister wanted to change the holidays he would have done better—although I am told by the union that it would not have been happy with what I am about to propose—if he had arranged for enrolments to be on the Tuesday or the Wednesday rather than the term beginning the week before. Even on this point teachers have argued this would not get rid of their main objection, which is that they need student-free days later when the whole situation is stabilised. That would be of advantage—administratively and educationally—to the school.

I appeal to members to treat this motion very seriously without any of the side issues which have been brought into the discussion and which I, unfortunately, have spent far too much time discussing in my speech.

I am not arguing about the Royal Show holidays; as far as I know the union also has given that up too. I am pleased that the Minister is prepared to negotiate the question of arbitration, because it seems to me that the arbitration processes are lacking, and that the whole ambit of the powers of the School Teachers Tribunal should be enlarged. There is no doubt about that at all.

Just where those powers should be enlarged, I would not like to say. At present I think that is a matter for discussion and negotiation. I will be happy when that discussion and negotiation are organised. I hope that early next session I can stand up here and support a Bill brought down by the Government which will enlarge the powers of the School Teachers Tribunal. Certainly, if that happens I will be the first to support and congratulate the Government on its decision, because I think such enlargement of powers is highly desirable.

Because the regulations as they stand do not indicate a decision of the teachers; because they are proving divisive; because the teachers are most dissatisfied; and because all these claims about educational benefits are untrue, I ask

members to support my motion to disallow the regulations.

The Hon R. F. Claughton: Hear, hear!

Question put and a division taken with the following result—

Ayes 8

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

(Teller)

Noes 16

Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. O. N. B. Oliver
Hon. H. W. Gayfer	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. M. McAller	Hon. W. R. Withers
Hon. N. McNeill	Hon. G. E. Masters

(Teller)

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. D. J. Wordsworth
Hon. Grace Vaughan	Hon. R. J. L. Williams

Question thus negatived.

Motion defeated.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th October.

THE HON. F. E. McKENZIE (East Metropolitan) [7.45 p.m.]: The Opposition supports this Bill. However, I feel some comments should be made and discussed; and the most significant of these is in respect of the situation in which we in Western Australia now find ourselves of having to amend the Government Railways Act to give to the Railways Commission power to borrow moneys on its own behalf.

Previously such funding has come from the General Loan Fund or the Consolidated Revenue Fund. We now find that because money is not forthcoming and the State simply has not sufficient funds to put into railways in order to carry out the necessary upgrading of the Kwinana-Koolyanobbing line, other methods must be embarked upon to raise money. For the very first time since the inception of a railway service in this State it is necessary for steps to be taken to enable money to be borrowed on the open market.

It is important that we ask ourselves why this is necessary. The only answer I can provide for the Parliament is that federalism, which we were told would be so wonderful, has failed. Its failure is

evidenced by the situation we are faced with today: For the first time in history insufficient funds have come forward from the Federal Government to enable an adequate service to be provided for the people of Western Australia who utilise the east-west line.

We support the Bill simply because we find it is necessary for funds to be raised. When we look at the State railway system, what do we find happening—even in the last 12 months? We find the closure of the Mullewa-Meekatharra line in the north of the State. What reason was advanced by the Government for that closure? The reason was that the line was worn out and insufficient funds were available to replace it. Therefore it had to be closed.

Recently I noted in *The West Australian* an article which said that the Albany *Progress* may be withdrawn. What is the reason for that? It is that the rolling stock of the train is so old it has reached the end of its useful working life.

What are we faced with in Western Australia? On one hand we are faced with lines that are worn out or in such a state of disrepair they are no longer able to carry traffic; on the other hand we are faced with services being cancelled or discontinued, because the rolling stock is not of a sufficient standard to enable it to be serviceable. Therefore, it is necessary that the Railways Commission embark upon this programme of borrowing. We hope by this Bill something will be salvaged so that the State's railway system may continue to operate.

As all members are aware, we are faced with a real problem in respect of the urban transport system. No new rail cars have been purchased for a period in excess of 10 years. Much of the stock has reached or is reaching the end of its working life. Some rolling stock is 20-years or more of age, and this is inhibiting the co-ordination of transport within the metropolitan area. I refer particularly to the plan devised quite some time ago under which buses feed passengers into the suburban rail system at strategic points in order to provide a better service to patrons.

The Hon. R. F. Claughton: It has a pleasant title; "Kiss and Ride", isn't it?

The Hon. F. E. McKENZIE: That system is a little different. The "Kiss and Ride" system was where one drove one's wife—

The Hon. R. F. Claughton: No, she drove you.

The Hon. F. E. McKENZIE: —well, either way—to the railway station where an area was provided in which the car could be stopped while one kissed one's wife goodbye and got on the train.

The Hon. W. R. Withers: Don't go any further!

The Hon. F. E. McKENZIE: The system I am talking about is a little different. In that system buses come into railway stations as they do at Midland, Cannington, and Kelmscott, and people transfer from the buses to the trains and enjoy a fairly quick ride to Perth.

The Hon. R. F. Cloughton: They are feeder services, are they?

The Hon. F. E. McKENZIE: Yes, that is a good term for them.

The Hon. R. F. Cloughton: That goes further than "Kiss and Ride"?

The Hon. F. E. McKENZIE: Yes, that is another development.

I am very worried about what will happen to the State railway system if the trend continues and tracks are allowed to deteriorate because insufficient money is available for their rehabilitation. When that happens no option is available to the Government but to discontinue the services, and so country people will suffer. We cannot run trains if we have not the tracks to run them on.

We must remember that the initial borrowing of \$14.5 million is to be used on the standard gauge line between Kwinana and Koolyanobbing. It so happens that at the time the line was first laid to Kalgoorlie—financed with moneys borrowed from the Commonwealth—the State recommended to the Federal Government of the day that the rail should be of a higher standard so that it would have a longer life. Therefore, it is significant that this borrowing programme is to replace rail which was completely unsuitable at the time it was laid. Lighter rail was laid at the insistence of the Federal Government and, as a result notwithstanding that the amount of traffic handled during the period has been far greater than anticipated, it is necessary to renew the line after only a short period of time. In the first instance the line between Koolyanobbing and Kwinana is to be renewed.

The people who work the trains up and down the track tell me that the line from Koolyanobbing to Kalgoorlie is also in such a bad state that it requires to be renewed; perhaps even more so than the Kwinana-Koolyanobbing section.

The Hon. J. C. Tozer: Wouldn't that be because of the iron ore or wheat traffic?

The Hon. F. E. McKENZIE: The traffic would not be between Kalgoorlie and Koolyanobbing. This is part of the vital east-west link, and perhaps some thought should be given to the

assertions made by many people that the reason the Kwinana-Koolyanobbing section is being renewed is to enable BHP to get its iron ore to Kwinana. I am sure Mr Cooley will be interested to hear that assertion, which has been made by people in the railway industry. Those people say the track between Koolyanobbing and Kalgoorlie is in such a state that it needs to be replaced even more urgently than the line between Koolyanobbing and Kwinana. Anybody who has travelled on the *Prospector* or the *Indian Pacific* would realise that is a fact. I have noted how rough the ride is on the other side of Koolyanobbing.

I expect in a short period of time we will be forced to float another loan so that something may be done about that section of line. It is a very isolated section of track between Koolyanobbing and Kalgoorlie, and gangs must constantly undertake programmes of repair to keep the line serviceable. If that track fails we in Western Australia will be in real trouble, because currently it carries a tremendous amount of traffic between Western Australia and the Eastern States.

Therefore, whilst the Opposition supports the Bill, let me say this: The reason for the measure, in the view of the Opposition, is that the federalism concept designed by Malcolm Fraser and so vigorously supported by our Premier has failed miserably. It has failed to such an extent that for the first time ever we must borrow money from other sources to keep our railway system in operation.

Another factor affecting public transport is that the MTT has insufficient capital funds, and has been forced into using lease arrangements. I have heard this will happen also in the railways.

The Hon. D. W. Cooley: We didn't have dark days like these when the Labor Government was in office.

The Hon. F. E. McKENZIE: No, and we will not have them after a Labor Government is returned to office in Canberra. Those were the golden days of full employment. One of the reasons we support the Bill is that if we can borrow this \$14.5 million a few more jobs will be available.

The Hon. G. E. Masters: We are very much aware of that, too.

The Hon. D. K. Dans: At the current rate, unemployment is losing \$6 million a year in revenue to the Government.

The Hon. G. E. Masters: I hope you can explain that to me.

The Hon. D. K. Dans: I will, later in the debate.

The Hon. G. E. Masters: I have absolutely no doubt you will.

The Hon. F. E. McKENZIE: This allows the railways to raise money, a thing it has never had to do before. This is one of the disturbing features of this legislation, because in the past the railways have been funded through General Loan Fund allocations.

The Hon. R. G. Pike: It was Mr Cooley who changed the point; you are now back on the rails.

The Hon. F. E. McKENZIE: It is important to remind members of the situation we are facing. This trend will spread, because not only are we to borrow to upgrade railway tracks but also the MTT has insufficient capital funds to purchase equipment and must lease it on a sort of hire-purchase arrangement.

This trend will spread throughout our transport industry. The Albany *Progress* has been taken off the run because the equipment was allowed to run down. Recently I travelled to Toodyay on a picnic train. Unfortunately it was a wet day. The carriages were in a disgraceful condition and were leaking water all over the place. I called the inspector—whom I knew—to one side and asked him to write these things down. I asked him first whether the carriages were in use on tabled trains and he replied, "Yes, on the *Australind*", which is our only remaining country passenger service train. I pointed out that the seats were not working properly and that the passengers needed umbrellas, because the rain was coming in and pools of water were lying in the carriages. He said, "It is no good writing these things down, because it costs money to maintain railway carriages and the railways will not spend money to maintain them."

In fairness to the railways, those coaches were not regularly in service. However, during peak periods and periods of overcrowding, or when carriages are undergoing refurbishing—as was carried out on the *Australind* recently—they are used. Some metal parts were rusted through. It will be only a matter of time before these quite pleasant coaches—old though they are—are run into the ground; that will be the end of the picnic train and another era will have passed.

The Hon. W. R. Withers: We will accept them on the Kimberley run.

The Hon. F. E. McKENZIE: They would not be suitable up there; with the harsh temperatures experienced in that region, they would not operate for very long. So, unfortunately, Mr Withers will not be getting them.

The Hon. R. F. Cloughton: I thought they would have gone quite well through all that bull dust.

The Hon. F. E. McKENZIE: I was beginning to wonder about centralism, but this new federalism is a dreadful thing.

The Hon. D. W. Cooley: A few people in New South Wales and Victoria have started to wonder, also.

The Hon. F. E. McKENZIE: That is right; we have not had a by-election here recently. I am sure it must be worrying back-bench members opposite. I will say this about people in this Parliament: Nearly all of them are reasonable people. I cannot understand why members opposite hold a political ideology so different from mine.

The Hon. R. Hetherington: They are reasonable but misguided.

The Hon. F. E. McKENZIE: That is the exact terminology. I am only trying to warn members opposite that if they do not start to revolt against—

The PRESIDENT: Order! I ask the member to refer to the Bill occasionally.

The Hon. R. T. Leeson: He has gone off the rails!

The Hon. F. E. McKENZIE: That happens in debates of this nature. It is important to sound a note of warning to members opposite that this situation cannot be allowed to continue, because people will begin to notice the condition the railways are in and will begin to realise they are not going to own anything in the future as it will all be on lease.

The Opposition supports this Bill simply because it is very necessary for the railways to generate finance to effect improvements. In supporting the Bill we are doing the only thing possible for the State in order that some sort of revenue system can be maintained—otherwise we will have nothing and people, particularly those living in country areas will be subjected to a situation where the most inefficient means of transport are utilised. This is something of which country members should take careful note.

The Hon. R. F. Cloughton: Mr Knight was not too pleased when they stopped the Albany *Progress*.

The Hon. F. E. McKENZIE: Naturally he was not pleased and I am sure the people of Albany were not pleased about losing their passenger service.

The Hon. J. C. Tozer: They did not use it much.

The Hon. F. E. McKENZIE: I am quite sure the Leader of the House and Mr Ferry are concerned about whether or not the *Australind* will be the next one to go. At the moment, the *Australind* is the last remaining narrow-gauge passenger service. It could be of tremendous benefit to Bunbury. However, if Federal Budgets continue not to grant sufficient funds to this area, the future will be very bleak.

The Opposition supports the Bill, because it is necessary to have a viable railways transport system within Western Australia.

THE HON. H. W. GAYFER (Central) [8.07 p.m.]: Mr President, I rise with some misgivings to debate this Bill, which will provide the Railways Commission with the authority to borrow capital for the upgrading of our railway lines. Indeed, the measure before the House goes further than that: The purpose of this Bill is to give the Railways Commission statutory authority to borrow funds in its own right.

At present, the commission is entirely dependent upon the Treasury for its funding requirements. Initially, this new power will be used to obtain the sum of \$14.5 million for 1978-79 for the upgrading of the Kwinana-Koolyanobbing section of the standard gauge railway line.

The Bill will provide the commission with authority not only to take out loans but also to float a public issue if that is found necessary. In addition, the Bill will give the commission power to engage in such other financial transactions as are appropriate for trading corporations generally in the normal course of business practice.

I agree with Mr McKenzie that there is a lot of work to be done on our railways. However, I am inclined to argue with him that, if something is not done, the people—particularly those living in country areas—will suffer. This Bill will empower the commission to borrow large sums of money on which repayments must be made, and the people in country areas will suffer in order to amortise the loan.

It is all very well for the honourable member to tell us about water leaking through carriage roofs and passengers getting wet. I do not believe those passenger lines are paying; they are a service only. The only area of rail transport which is paying its way is the major bulk freights, the principal of which is wheat.

The Hon. F. E. McKenzie: You are getting new grain wagons, aren't you?

The Hon. H. W. GAYFER: I do not think I would care to enter into that argument. We have 123 of those, and we are still using the old GCs

and GE's and are unloading them by hand. It must be the most antiquated system in Australia.

The Hon. F. E. McKenzie: You have done far better than the passenger lines.

The Hon. H. W. GAYFER: The passengers are not supporting those services. Let us consider this very point. In 1974, the transport of grain was responsible for 22.5 per cent of the total revenue generated by the railways; in 1975 it was 28.2 per cent; in 1976 it was 28.4 per cent; in 1977 it was 23.5 per cent; and in 1978 it was 25.6 per cent.

The annual report of the Western Australian Government Railways was tabled in this House today. Coming in by car a few moments ago I heard Mr Pascoe say on the radio that the railways incurred an operating loss this year of, I think, \$16 million, which was \$5 million more than last year's deficit. This was due mainly to the reduction in the amount of grain shifted by the railways and also because minerals were not being transported in the quantities which previously applied.

In the last five years the grain growers of this State have paid \$127 985 000 in freight rates which, when coupled with the percentages to which I just referred, make grain by far the greatest single constant income earner for the railways.

When we look at the possibility of the commission taking out loans, we must consider it in its true context. In reply to a question I directed to the Minister for Transport earlier this year I was informed that the loan indebtedness of the railways as at the 30th June, 1978, was \$197 974 732 and the interest charged this year was \$12 536 673. The sinking fund responsible to the railways was \$2 450 586 this year.

I tried to establish whether this was the total loan indebtedness of the railways and, to this end, I directed a question to the Minister for Transport on the 22nd August this year. His reply was as follows—

The Western Australian Government Railways has not raised loans in its own name since the conclusion of the 1927 Financial Agreement.

Since that time, railways capital has been provided by the State from its pool of loan funds, raised by the Commonwealth on the State's behalf.

The State meets the interest and sinking fund payments on these borrowings and, in turn, levies interest and sinking fund contributions from the railways and other business undertakings which receive an

allocation from the State General Loan Fund.

It is not practicable to assign specific loan raisings to individual authorities from the pool of funds in the General Loan Fund account.

Because the aggregate State debt is comprised of many loans at varying interest rates and periods of amortization, State authorities are charged an average rate of interest and a uniform sinking fund contribution which is calculated to amortize the debt over 53 years, the period over which the State debt is amortized.

In accordance with the averaging approach, the interest rate charged by the Treasury in 1977/78 on the railways loan indebtedness was 6.5 per cent.

Let us deal with that section first. I am sure members will agree with my interpretation of the Minister's answer; namely, that the loans taken out in Western Australia and the interest paid on those loans are lumped together. The interest is averaged out over the loan according to the amount of money that either the railways or some other instrumentality may have borrowed. It is apportioned to them and it is the amount which must be payable that year. It could be said to be a complicated way of doing it. However, if we consider the State to be like any other business venture there may be sense in allocating the loan to each department. Yet when we look at some of the railways debts which go back to 1916, with interest running at, perhaps, 4 or 5 per cent., we wonder what we have lost in interest by using this overall system.

Once we get into a positive loan with a positive interest repayment and positive amortisation which has to be paid annually by the borrowers—in this case Westrail—we will find that Westrail will have attached to it greater costs, because it cannot share out on an averaging system as it did before. It must be realised that we might be able to get loans at around 12 per cent interest. We might borrow some internationally at 7 per cent, but by the time we pay for procurement fees and so forth and take the necessary steps to hedge against inflation, we could face a great deal of problems.

I am not denying we need money as far as the railways are concerned. Let us surmise that we do obtain a loan; it must be repaid. In any business which is complaining about a \$16 million loan—as Mr Pascoe is in the annual report—attempts will be made to see that the business is running viably.

If I remember rightly, in the Minister's opening remarks he mentioned the department is to be able to engage in such other financial transactions as are appropriate for trading corporations. The Government envisages the setting up of the Railways Department purely and simply to operate on its own wealth earned as a trading organisation. It will be responsible for its own debits and credits.

Where does it get the money to pay back the loan? The loan is specifically for the upgrading of one railway line. We have many miles of railway line which need upgrading. Mr McKenzie would know there is a great deal of our line which carries only half loads as it will not stand the full weight. I want to know who is going to pay for the loan.

Looking back over the last six years I find that, as far as grain is concerned, the average rail freights to the farmer have increased by 108 per cent. This is purely and simply because it is necessary to use the compounded figure each time there is an increase. This means, for instance, that the charge between Geraldton and Wubin, a distance of 327 kilometres, was in 1972-73 \$5.70 per tonne, and now it is \$11.70 per tonne. That is an increase of 105.27 per cent. The charge from Bonnie Rock to Fremantle, a distance of 438 kilometres, was in 1972-73 \$6.50 per tonne. It is now \$13.70, which is an increase of 110.77 per cent. In 1972-73 the charge for the 418 kilometres from Hyden to Albany was \$6.50, and it is now \$13.30, which is an increase of 104.62 per cent. The charge by road from Holt Rock to Esperance, a distance of 331 kilometres, was in 1972-73 \$6.90 per tonne, and now it is \$12.90, an increase of 84 per cent.

I have already mentioned the average increase in rail freights during that six-year period and it would have been much worse if I had gone back and taken the figures during the Tonkin period. There were two increases during the Tonkin Government's term of office, but I have used only one. We are a House of Review and we must consider what is involved with each piece of legislation, especially legislation of this calibre.

The Hon. D. W. Cooley: A so-called House of Review.

The Hon. H. W. GAYFER: The point is that somewhere along the line, as far as these increases in rail freights are concerned, there must be a moratorium for the farmers. Otherwise, all we will do is price the product being produced at Bullfinch and Bonnie Rock, etc., out of existence because of the transport costs to Perth.

I have already mentioned that freight rates have gone up 108 per cent over the last six years. Five years ago we received \$151 a tonne for wheat, but at the present time we receive a little over \$100. A year ago we could make between \$90 and \$100 a tonne for wheat. At the beginning of last year three million tonnes of wheat were sold to China at an estimated price of \$86 a tonne. If we consider that the freight rate has gone up 108 per cent in six years and then consider the price of the produce which is being railed down, it is difficult to arrive at a reasonable excuse for having these increases in rail freights.

It alarms me when people say this is a good Bill. We do need the money to upgrade our railways, but I want to know who will pay for the loan. Is the State going to chip in, or is it expected that another increase is to be handed down to the farmers to pay for the extra amortisation and interest attracted in the first instance by a loan of \$14.5 million and, as the Bill suggests, ultimately more.

We must reach the stage where we look at the peculiar position with our rail transport and recognise that the farmers who produce the grain for this State provide all the goods sheds from which the railways operate. The farmers themselves pay for the sidings and the goods sheds. Even the garner bins that fill the rail trucks and all the equipment that turns them around is paid for by farmers. It is not a railway facility as Mr Cooley suggested the other day; it is not a Government facility.

No money has been provided by the Government in the establishment of these facilities at the rail siding. It would appear to me the grain growers are not only providing the facilities to load the trains, but they are also being charged the amount that is commensurate with the articles they are trying to ship.

The Hon. R. Thompson: How do our freight rates compare with those in the other States?

The Hon. H. W. GAYFER: In reply to that interjection, I will quote as follows—

	100 kms	200 kms	300 kms
	\$ c	\$ c	\$ c
WA	7.60	9.50	11.20
NSW	7.22	10.75	13.39
QLD	8.20	12.90	17.20
SA	4.40	7.10	8.60
VIC	5.60	8.65	9.95

The Hon. D. W. Cooley: Why is South Australia so low?

The Hon. H. W. GAYFER: They believed in federalism and they had the Australian Government taking over their railways.

The Hon. D. W. Cooley: That is what the Government should have done here.

The Hon. H. W. GAYFER: There was a *status quo* with regard to their freight rates.

The Hon. F. E. McKenzie: That is centralism.

The Hon. R. F. Claughton: That is not bad for the farmers.

The Hon. H. W. GAYFER: Not bad at all. When I started speaking to this Bill I did admit we needed money to upgrade our rail facilities. If we consider the distance from Geraldton to Esperance, we find it is equivalent to the distance from Brisbane to Adelaide.

What is going to happen if we do have centralism and a moratorium on farmers' freight rates? If this does happen someone will still have to pay for the loan. We must preserve the close harmony which exists between Westrail and its users, and this would be difficult when we have a Government 2 500 miles away which is not prepared to give consideration to the necessities of Western Australia, such as upgrading our railways. I would hazard a guess that half our services would be cut out if the Commonwealth Government took over our railway system.

My argument is this: We are agreeing here to raise moneys by way of special loans to be taken out by Westrail itself. These loans will create an additional cost. As has been suggested in previous years by previous Governments, these moneys must be paid for as much as possible by the users of Westrail. I am wondering, in respect of upgrading the Koolyanobbing line, whether the contracts held by BHP and others will enable them to ride through this without any great increase in freight, and whether trouble will crop up somewhere else.

When Mr McKenzie was talking about this matter in his Budget speech he spoke about broad-gauge railway lines. Mr Cooley made an aside to me at the time which illustrated that he was of the opinion the Government had erected transfer depots and sidings on broad-gauge railway lines. That is not entirely correct, although I will give Mr Cooley five marks out of 10. The position is that those facilities have been financed by money provided by farmers of Western Australia. That money is being amortised, and together with a charge levied by the railways for the actual transshipping from narrow to broad-gauge lines over a period, this will bring in \$1.2 million to CBH for the year ended the 30th June, 1978.

When Mr Rushton, the Minister, wrote to me on the 23rd October and gave me the figures in reply to a question half answered earlier in the

session—question 332—he implied that the grain growers of Western Australia were receiving an income of \$1.2 million from the railways. We are, but this is why I was so indignant. We have provided all the capital and all the costs associated with the whole of the east-west line to Southern Cross including the two transfer points at Merredin and Avon.

Now it is agreed that some positive steps must be taken to upgrade that broad-gauge line, and to this end we are borrowing \$14.5 million. According to the second reading speech—I might be wrong—that charge will be levied against the railways, and if it is there is nothing surer than that in time—and not too far off, especially in view of the \$16 million loss last year—further increases will be contemplated by this Government or any other Government, to make up the leeway.

The Hon. R. T. Leeson: So the farmers will be paying for a line which BHP will use.

The Hon. H. W. GAYFER: I will leave that to the honourable member to work out. He knows more about that than I do. I am saying that we have been carrying the load for long enough. Out of my wheat cheque last year my freight represented nearly 14 per cent of the total, and in my opinion 14 per cent is far too high a price to pay to keep the railways in existence. They are being kept in existence by the grain growers of the State.

What will happen sticks out like a pikestaff. I have already read out the freight rates. In the last six years the road transport costs have been cheaper than the rail freights. We will reach the stage where the railways will price themselves out of business, and no grain grower wants that to occur because, without the railways, the large bulk commodities cannot be transported.

The Hon. D. W. Cooley interjected.

The Hon. H. W. GAYFER: I said a while ago that it has gone up 84 per cent compared with the rail freight which has increased by 108 per cent. I am advocating that we must do something with respect to the railway freights. Really and truly the railways are important in the expansion of the State. Let us face it. The farmers who need the help and should be considered to be the pioneers of today are the ones on the outer periphery further west from the ports, and they are finding their freights are \$15.75 per tonne from Mt. Sheridan to Albany.

We must take a close look at the situation. It is all very well for Mr McKenzie to say that we want railway carriages in which to transport people. He referred to carriages which do not

leak, and he made a joke of it. But the commodity which is paying for these lines is getting to the stage where it is being priced out of existence purely and simply because of the freight rates.

This year we suffered another 10 per cent increase in freight rates. Over the years the situation has been the same. In 1971 and 1972 there was no increase. In 1973 the freight increased by 15 per cent; in 1974, by 17.5 per cent; in 1975 by 17.5 per cent; in 1976 there was no increase; in 1977 it increased by 17.5 per cent; and in 1978 it increased by 10 per cent. I have referred only to the last six years and that represents an average of 108 per cent right throughout the State.

The Hon. R. T. Leeson: How much a tonne does BHP pay?

The Hon. H. W. GAYFER: I do not know. If the honourable member puts his question on the notice paper he may find out.

The Hon. R. T. Leeson: It might be interesting.

The Hon. H. W. GAYFER: Yes, it might be.

The Hon. R. G. Pike: You do not like BHP, do you?

The Hon. H. W. GAYFER: I know that we must agree to the Bill, because it is the only possible way we can raise the money to upgrade that line quickly, but I am rather frightened about who will pay the piper.

THE HON. V. J. FERRY (South-West) [8.37 p.m.]: I thank Mr McKenzie and Mr Gayfer for their contribution to the debate and their support of the Bill. Firstly I will refer to the remarks made by Mr McKenzie and I must say that we all appreciate his contributions, particularly when the legislation being dealt with is associated with Westrail, because we realise he has had a long experience in railway matters and I am sure we all appreciate his comments.

In the main he referred to the changing emphasis in financing the Westrail operations and said that the new federalism was the cause of the Bill being before the House. In effect that is what he said. However that is an incorrect assumption. Long before the so-called new federalism came into being the New South Wales Government, through its Transport Commission, indulged in this sort of borrowing quite independently of State Government finances. That system had been operating for many years before the new federalism. The same situation applied in regard to the Melbourne underground loop railway line. Similar provisions were used to borrow independently. I do not believe the reasons given by Mr McKenzie are valid in this case.

We can appreciate the concern expressed about the run-down rolling stock. This is not applicable only to Western Australia, but is Australia-wide. Indeed it is a problem which plagues most railway systems in the world.

The Hon. F. E. McKenzie: They are doing something about it in the other States, but we are doing nothing here.

The Hon. V. J. FERRY: That might be so, but there is an emphasis to finance all manner of things in priority and we live in a changing world; and the world of commerce—and this is a commercial undertaking—is altering its methods. Therefore, it is appropriate that means be provided for the railways in this State to borrow independently for certain purposes, with the approval of the Treasurer.

Mr McKenzie placed emphasis on the passenger patronage of the railways and he referred particularly to the *Albany Progress*. In association with Westrail, the Government recently reviewed the situation and found three options open to it. One was to replace the existing overnight rail service with an augmented road motor coach service; the second was to expend \$2 million on a limited number of new carriages; and the third was to refurbish the carriages at a cost of \$400 000 which would give an estimated expanded life of about three years only.

It is interesting to note that the net loss of maintaining the service is \$132 000 per annum. The injection of capital would increase the loss to \$366 000 per annum if the carriages were replaced, or \$196 000 if the present carriages were refurbished. In addition, new servicing facilities would have to be provided at the East Perth terminal with associated added costs.

Those factors were taken into consideration and members must bear in mind that the patronage on the *Albany Progress* was extremely low by any standard. At times only 19 or 20 people were travelling on the train. This is because in modern times we all like to drive motorcars. In fact most of us do just that and consequently the public transport system is denuded of paying passengers. The situation is similar in the metropolitan area.

The Hon. F. E. McKenzie: It is not a true reflection, because you cannot expect people to travel in old, run-down coaches. You provide a *Prospector* type of service and see what happens.

The Hon. V. J. FERRY: That could well be the case, but it is still a matter of economics. The situation was studied, and it was found that the transport of passengers would be improved if modern, comfortable air-conditioned coaches were provided which would involve only half the

travelling time required by the railways. It is anticipated that by this means the costs would break even, instead of the massive loss which Westrail experiences. The costs would break even if the passengers were transported by bus. That is a telling factor which must be taken into consideration in the determination of a final decision.

The Hon. F. E. McKenzie: That is the cheapest, not necessarily the best.

The Hon. V. J. FERRY: Here again patronage is involved and I refer to private motorists. In addition, an air service is available to Albany. All these are deciding factors when rail transport is being considered. As a matter of fact, on a personal note the *Albany Progress* is very dear to me, because in my earlier life it was the lifeblood of the great southern area. If a person did not have a horse he walked or used the best alternative transport available which was the railway. I know that from boyhood onwards that was the way I travelled and I was happy to hop on the rattler. I have had personal experience of the service and I appreciate the problem. However, in this day and age the economics of the service must be considered.

The Hon. F. E. McKenzie: The whole trouble is that the carriage is stuck onto the end of a goods train. That is the service and that is why people will not use it.

The Hon. V. J. FERRY: I still maintain that other methods of transport—motorcars and so on—compete with the railways, and bus services with their air-conditioned coaches are an attraction especially when people can travel that way in half the time and avoid overnight travel. That form of transport suits most people.

Mr Gayfer referred to financing and the borrowings associated with the railway line from Kwinana to Koolyanobbing. He is quite right. He is concerned about the freight rates and so is anyone who uses the railway. I can appreciate his concern on behalf of rural producers.

I suggest that we take the Bill through Committee and I will make it my business to inquire about the issues concerning financing, repayment of the loan, and interest rates, raised by Mr Gayfer, and give him the information during the third reading debate. I appreciate the points he has made.

The Hon. H. W. Gayfer: Why not do it before that and give me a chance to reply during the third reading debate?

The Hon. V. J. FERRY: I am an accommodating person and I will be only too happy to obtain the answers before the

Committee stage and therefore I will postpone the Committee stage until the next sitting of the House.

I thank members for their contributions, and commend the Bill to the House.

Question put and passed.

Bill read a second time.

PENSIONERS (RATES REBATES AND DEFERMENTS) ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [8.46 p.m.]: I move—

That the Bill be now read a second time.

As from the 1st July last year, the Government provided a 25 per cent rebate for eligible pensioners on local government, water, sewerage, and drainage rates. As a result, eligible pensioners are now free to choose whether they will pay their rates and receive a 25 per cent rebate, or postpone the payment of their rates under the deferment provisions of the Act.

Since the introduction of the rebate, the operation of the pensioners' rate concessions scheme has been kept under continuous review.

As a consequence, there has been shown a need for changes in some areas of the scheme to allow a more equitable spread of the rate concessions amongst pensioners in our community, and to overcome certain administrative problems that have been encountered over the past year.

The purpose of this Bill is to provide for these necessary changes, with effect from the 1st July, 1978.

Under the principal Act, eligibility for the rate concessions is restricted to those pensioners who are entitled to hold a pensioner health benefits card. As entitlement to the card is dependent on an income test, this standard provides a fair guide to those pensioners most in need.

The adoption of this standard necessarily meant the exclusion from the scheme of two broad categories of pensioners; namely, war widow pensioners and totally and permanently incapacitated war pensioners. In respect of both categories, the conditions of the pensions are such

that they do not qualify for a pensioner health benefits card and therefore they are not eligible for the rate concessions.

The important distinction between these two categories of pensioners and those who are currently eligible for the rate concessions is that the former receive their pensions free of any means test and therefore, as a group, cannot automatically be considered as being in need of the concessions.

However, despite the validity of the present criterion as a general basis for establishing comparative need, the review of the concessions scheme did identify, amongst war widow pensioners, a number whose financial circumstances are comparable to those of pensioners now eligible for the concessions.

In the light of these findings, the Bill provides for war widow pensioners in such needy circumstances to be granted the concessions.

To ensure equity with pensioners now included in the scheme, war widow pensioners—who comprise war widows, widowed mothers, and unmarried mothers of deceased unmarried servicemen—will be granted eligibility on the basis of the same income test as applies to the issue of the pensioner health benefits card.

This practice is in line with that in other States, where rate concessions are made available to war widows.

In this regard the Bill provides for the Director of the Department for Community Welfare to apply the income test and establish entitlement to the concessions.

TPI war pensioners are in a special category, in that their income from the pension would automatically exclude them from the concessions if they were subject to similar income testing.

However, recognising the meritorious grounds on which their pensions are granted, and the particular problems they face, it is proposed to allow TPI war pensioners the rate concessions free of any income test.

At the same time the Bill provides for the concessions to be extended under the same conditions to the other pensioners included with TPI war pensioners in the second schedule of the Repatriation Act; namely, blind soldiers and certain tuberculosis sufferers.

In the course of operating the new scheme, it has been found that some pensioners owning two homes, one usually a holiday cottage, have been applying for the rate concessions in respect of both properties.

When providing these concessions for pensioners, it was never intended that they should apply to more than one property. However, the principal Act does not prohibit a claim on two or more properties.

In the past, claims in respect of more than one property were not evident under the rate deferment scheme. However, recent changes by the Commonwealth Government in the means test for pensioners, whereby property is no longer included for determining eligibility, have probably given rise to claims of this type.

Clearly there is a need to amend the Act on this aspect, to ensure that it reflects the true intention of the scheme.

The Bill therefore provides for the rate concessions to be granted in respect of only one property owned by an entitled pensioner.

The provisions of the Act relating to joint occupation and ownership of property have caused some problems in the operation of the scheme.

At present the concessions cannot be granted if one occupier or owner is neither an eligible pensioner nor a dependant. Several cases have come to notice where the inflexibility of this provision imposes an unintended burden on pensioners.

One such case was that of three pensioners jointly owning a property, but only two of them being eligible for the concessions under the Act. The property was occupied by one of the eligible pensioners, who was solely responsible for the payment of rates, but was unable to obtain a concession.

In this instance, there was an obvious need for some form of rate relief, but unfortunately no assistance could be granted.

Other cases can be cited, where the presence in a home of a companion or a student relative could deny a pensioner the benefit of the concessions.

There are a variety of such cases where, on the basis of joint occupancy or ownership, a needy pensioner could be ruled ineligible for the concessions. All of these could not be effectively covered in legislation and the practical solution is to allow discretionary action where warranted.

The Bill therefore provides for ministerial discretion to grant the concessions in otherwise ineligible cases of joint occupancy or ownership, if necessitous circumstances are evident.

Another matter that has been highlighted by the review as warranting attention is the position of beneficial owners in relation to the concessions.

Eligible pensioners who are life tenants or trustees could be deemed to qualify for the concessions as owners under the current provisions of the Act. However, the situation in regard to other transient circumstances of ownership arising from deceased estates is not clear.

Therefore it is desirable to clarify the position of all beneficial owners by an appropriate amendment to the Act to extend the concessions to them if otherwise eligible.

To this end the Bill provides for the definition of "owner" to include "a person entitled to possession of the land as a beneficiary or life tenant under a deceased estate".

An important measure proposed by the Bill relates to the provisions calling for payment of past deferred rates. Currently the Act provides for the payment of deferred rates in full at such time as either the land is sold or transferred by the pensioner, the pensioner dies, or the pensioner ceases to be an entitled pensioner under the Act.

A cause for concern is this last condition, whereby through a change in circumstances a pensioner ceases to be an entitled pensioner and is required to pay all rates previously deferred.

From observation of the scheme in operation, it is apparent that this requirement could result in considerable hardship in many cases.

In some cases only a small change in circumstances might be involved, which would rule them ineligible pensioners, but would have little or no effect on their capacity to meet the amount of past deferrals.

A \$2 per week increase in superannuation, a child turning 18 years of age, or giving accommodation to an aged non-pensioner relative, are examples of minor changes in circumstances which could remove eligibility and require the payment in full of previously deferred rates.

The longer a pensioner has deferred his rates under the scheme the greater would be the potential financial burden on pensioners as a result of this particular provision of the Act.

Although pensioners whose circumstances change in this way will be ruled ineligible for the concessions in respect of current rates, the Bill proposes to allow them continued deferment of previous amounts claimed.

In this regard the Bill provides for only two conditions relevant to the majority of pensioners, under which past deferred rates need be paid, and they are cessation of ownership and death.

However, it should be noted that the Bill makes provision for one further condition which,

although being of no significance to most pensioners, is important in the consideration of equity in the scheme.

This condition is aimed to require the payment in full of past deferred rates in the case of income-producing properties.

In circumstances where a pensioner ceases to occupy a property and the occupation is taken up by others on a rental basis or some other commercial basis, it would be quite unreasonable to allow continued deferment of rates accumulated in the past. Accordingly, the Bill provides for payment to be required in such circumstances.

It is worth noting that the proposed new conditions on payment of deferred rates are to apply not only to deferments under the concessions scheme in its current form, but also to deferments claimed under the scheme since its inception.

The approach taken by the Government in this matter is generous, but it is considered important to ensure that needy pensioners who experience only a minor change in circumstances are protected from what could otherwise be a considerable financial burden.

It is realised of course that the provisions of the Bill will also allow continued deferment in the exceptional cases where pensioners experience a major improvement in their financial position.

However, on balance, in considering the greater proportion of pensioners this measure serves to help, and the importance of administrative simplicity, this broad approach is well justified.

It is estimated that the cost of extending the rate concessions to war widow pensioners and TPI pensioners will be in the order of \$50 000 in the current year.

It is not possible to estimate the likely cost to Government by way of the interest subsidy paid to rating authorities in respect of the additional rate deferments that will continue as a result of the provisions of this Bill.

The Government is confident that the amendments now proposed will result in an improved scheme for pensioners. It admits further pensioners to the concessions and removes a number of difficulties which some pensioners had encountered over the last 12 months.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Grace Vaughan.

House adjourned at 8.57 p.m.

QUESTIONS ON NOTICE

HEALTH

Dental Therapy Centres: Schools in Whitfords Area

393. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Health:

In respect of the report by the Hon. Minister for Health, Alan Ridge, on "The Development of School Health Services", as advised to members under letter dated the 7th March, 1978, will the Minister advise what provision is being made to provide the dental service for children attending schools in the Whitfords area?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

It is proposed to establish a school dental service for the children attending primary school in the Whitfords area during the 1978-79 financial year.

HOUSING: RENTAL

Aborigines: Eviction

394. The Hon. LYLA ELLIOTT, to the Attorney General representing the Minister for Housing:

- (1) When cases concerning Aboriginal families are placed before the Arrears Committee of the State Housing Commission for consideration, is a full report available on the tenant's file from the Department for Community Welfare concerning the family's circumstances before any decision on eviction is made?
- (2) If not, will the Minister ensure that in future this practice is followed?

The Hon. I. G. MEDCALF replied:

- (1) It is the practice to approach the Department for Community Welfare in respect of Aboriginal tenancies before cases are placed before the Arrears Committee, and any information made available by that department is considered by the Arrears Committee.
- (2) Answered by (1).

TRANSPORT: TAXIS

Remote Shires

395. The Hon. J. C. TOZER, to the Leader of the House representing the Minister for Police and Traffic:

- (1) When a remote area local authority, such as the West Pilbara Shire Council, approves of the issue of a further set of taxi plates for operation in one of its towns and the surrounding area, on what grounds can the Road Traffic Authority reject any application received for the issue of an additional set of plates?
- (2) Does the Minister consider that it is equitable for the opinion of the Shire Council to be over-riden when it seems probable that any contrary recommendation comes from a relatively junior RTA officer who occasionally visits the particular town in the course of his duties?

The Hon. G. C. MacKINNON replied:

- (1) The authority is not obliged to issue a taxi car licence unless the reasonable requirements of the district justify the need for such a licence. In the case of Onslow there are already three taxi cars to serve a very small population which has not increased since the third licence was issued in January this year.
- (2) While a licence cannot be issued without the approval of the local authority, it is a responsible officer of the Road Traffic Authority who makes the final decision.

ROADS

Chapman-Spencer Roads Link

396. The Hon. GRACE VAUGHAN, to the Leader of the House representing the Minister for Transport:

Further to my question 93 of the 18th April, 1978, regarding the mooted Spencer Road-Chapman Road link presently the subject of study by a group set up by the Metropolitan Region Planning Authority—

- (a) is it a fact that the MRPA intends to upgrade the status of Spencer Road, Gosnells, to that of "an important regional highway" in order to promote this road link above other alternatives before the report on the study is made public;

- (b) what road planning would be involved in the area where Berwick Street—which is the extension of Chapman Road—meets Canning Highway at South Perth, if this particular link were chosen above other alternatives;
- (c) what is the cost of each of the alternatives currently being studied by the group; and
- (d) in view of the letting of a contract to a private landscape architect, have sand filling contracts also been let for the wetlands on which the link, if approved, would be built?

The Hon. G. C. MacKINNON replied:

- (a) to (c) No recommendation has been made as yet by the Metropolitan Region Planning Authority to the Minister for Urban Development and Town Planning concerning a Spencer Road-Chapman Road link. The Minister understands the report of the Metropolitan Region Planning Authority working group, which will be available in the near future, is to be made public before any final decision is made in regard to changing the status of Spencer Road in the metropolitan region plan. Details of alternative road plans and estimated costs will be included in the working group's report.
- (d) No.

HEALTH

La Grange, Beagle Bay, and Lombadina Missions

397. The Hon. J. C. TOZER, to the Minister for Lands representing the Minister for Health:

- (1) Does the Broome Shire Council have the same authority to administer the terms of the Health Act at La Grange, Beagle Bay and Lombadina as it has in the townsite of Broome?
- (2) Who has the responsibility for implementing specific orders made by the Health Surveyor to eliminate obvious and dangerous health hazards at these centres?
- (3) Is the local community council, or the Department of Aboriginal Affairs or the church—when implicated—able to defer

remedial action to eliminate areas of grave health risk for no better reason than that there is no budget allocation to carry out such work?

The Hon. G. C. MacKinnon (for the Hon. D. J. WORDSWORTH) replied:

- (1) Yes.
- (2) Responsible authority upon whom the order is served.
- (3) No.

ENERGY: ELECTRICITY SUPPLIES

One Arm Point

398. The Hon. J. C. TOZER, to the Attorney General representing the Minister for Fuel and Energy:

- (1) What responsibility does the State Energy Commission have for the electricity supply at One Arm Point?
- (2) If the SEC has such a responsibility, from what date was it assumed?
- (3) What were the circumstances of any transfer of responsibility?
- (4) Is the SEC satisfied with the supply position at this time?
- (5) Is the SEC aware that officers of the Community Health Service are gravely concerned at the health risks occasioned by power failures when water supply and sewerage pumps become inoperative?
- (6) What steps are planned by the SEC to rectify the position, now that responsibility for a difficult supply situation has, apparently, been dumped in its lap?

The Hon. I. G. MEDCALF replied:

- (1) to (4) The State Energy Commission has no responsibility for electricity supply at One Arm Point nor any of the other Aboriginal villages. The villages are the responsibility of the Department of Aboriginal Affairs.
- (5) and (6) The Government is aware of concern expressed by the Department for Community Welfare regarding the standard of power supplies in Aboriginal villages and discussions are currently taking place to see if the situation can be remedied.

QUESTIONS WITHOUT NOTICE

HOUSING

Units, Applicants, and Aborigines

1. The Hon. LYLA ELLIOTT to the Attorney General representing the Minister for Housing:

- (1) For the financial year 1977-78 how many housing units were built by the State Housing Commission under the following headings—
 - (a) State Housing Act;
 - (b) Commonwealth/State Housing Agreement;
 - (c) Other departments;
 - (d) Aboriginal housing scheme;
 - (e) Charitable organisations;
 - (f) G.E.H.A.;
 - (g) Other schemes;
 - (h) Total?
- (2) How many is it planned to build for the year 1978-79 under each of these headings?
- (3) How many applicants does the State Housing Commission presently have listed for all types of housing?
- (4) Of these how many are applicants for Aboriginal housing?

The Hon. I. G. MEDCALF replied:

(1) and (2)

		Dwelling units built 1977-78	Planned to build 1978-79
(a)	State Housing Act	251	Nil
(b)	Commonwealth State Housing Agreement	995	313
(c)	Other departments	38	27
(d)	Aboriginal housing scheme (excluding village housing)	39	45*
(e)	Charitable organisations	7	79
(f)	Government Employees' Housing Authority	197	203
(g)	Other schemes:		
	(i) Aged persons' housing	52	67
	(ii) Industrial and Commercial Employees' Housing Authority	28	26
(h)	Total	1 607	760

*In relation to (d) above it should be noted that funds from the Commonwealth permit completion of 30 units by the 30th June, 1979. The remainder as carryover programme.

(3) and (4) Applications outstanding at the 30th September, 1978—

Bedroom size	Rental (including Aboriginal)	Rental (Aboriginal only)
Single unit	639	21
1 Bedroom	1 399	95
2 Bedroom	3 056	390
3 Bedroom	1 334	438
4 Bedroom	287	139
5 Bedroom	28	9
	<hr/> 6 743	<hr/> 1 092

Purchase scheme: 6 471.

HOUSING

Aborigines

2. The Hon. LYLA ELLIOTT to the Attorney General representing the Minister for Housing:

What was the total amount of funding for Aboriginal housing in Western Australia—

(a) allocated by the Commonwealth; and

(b) spent by the State Housing Commission;

in each of the following years—

1973-74;

1974-75;

1975-76;

1976-77;

1977-78?

The Hon. I. G. MEDCALF replied:

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

	Allocated by Commonwealth \$	Expended \$
1973-74	4 000 000	4 706 607
1974-75	4 556 000	3 260 220
1975-76	2 368 973	2 607 737
1976-77	3 478 170	4 397 801
1977-78	3 250 000	2 290 963

The unexpended amount of \$959 037 for 1977-78 represents works in progress as at the 30th June, 1978.