Legislative Assembly

Tuesday, 20 October 1981

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

COLLIE COAL (WESTERN COLLIERIES & DAMPIER) AGREEMENT BILL

Tabling of Paper

MR P. V. JONES (Narrogin—Minister for Mines) [4.32 p.m.]: When presenting my second reading speech on this Bill last week, I undertook to provide a map showing the areas concerned. I seek leave to table the map.

The map was tabled (see paper No. 532).

EDUCATION

Four-year-olds: Urgency Motion

THE SPEAKER (Mr Thompson): I have received the following letter—

> Dear Mr Speaker,
>
> I am writing in accordance with Standing Order 48 to confirm my advice to you earlier this morning that when the House sits today I desire to move, in accordance with Standing Order 47, "that the House do now adjourn" for the purpose of debating a matter of urgency.
>
> The matter I propose for discussion is the proposal to limit the amount of funds available for the education of four-year-olds and the consequent proposed rearrangement of schooling for four-year-olds.
>
> It is a matter of urgency because the Minister for Education has already written to pre-school committees seeking their response and, clearly, the necessity for such responses and the nature of any responses could be affected by parliamentary debate on the matter.
>
> This is the first opportunity the Opposition has had to raise the matter in Parliament and the urgency motion is possibly the only avenue now available to us to raise it because of the curtailment of private members' day.
>
> As previously advised, I would appreciate a response from you by 2 p.m. today.
>
> Yours sincerely,
> BRIAN BURKE, M.L.A.,
> Leader of the Opposition.

I replied to that letter in the following terms—

> Dear Mr Burke,
>
> I acknowledge your letter of to-day's date concerning your wish to move for the adjournment of the House pursuant to the provisions of Standing Order No. 47.
>
> I am prepared to place this request before the House, subject to the understanding that there will be a maximum of three speakers, each with a twenty minute time limit, from each side and that the mover will seek the withdrawal of the motion at the conclusion of the debate.
>
> Yours sincerely,
> (IAN D. THOMPSON)
> Speaker

Point of Order

Mr COWAN: I understand that you have given an opportunity to three speakers on either side of the House to speak on this debate. I take it you mean three speakers from the Government and three speakers from the Opposition benches. You must be aware of the National Party's position. I ask you to provide a short time for me to put my party's point of view.

Mr Davies: Give them three, too.

The SPEAKER: This matter has been raised previously. On that occasion I allowed one speech from the member for Merredin. There is a problem because the tradition has been for three speeches from one group of speakers representing the Government's point of view, and three speeches from one group of speakers representing the Opposition's point of view. I never quite know—

Mr Davies: They will have a bob each way, that is sure.

The SPEAKER: —but in the circumstances it seems appropriate that I should allow a speech from one member of the National Party.

Debate Resumed

The SPEAKER: Are there seven members who support the motion? As seven members have risen in their place, I call the Leader of the Opposition.

MR BRIAN BURKE (Balcatta—Leader of the Opposition) [4.35 p.m.]: I move—

> That the House do now adjourn.

I want to make the position of our party perfectly clear. I do so by giving an unequivocal undertaking that the Opposition, in Government, will maintain the present commitment of Government funds for the pre-school education of four-year-olds, and seek to increase it.

[Applause from Gallery.]

The SPEAKER: Order!

Mr BRIAN BURKE: In the week since it was introduced, the Budget brought down by the Treasurer has shown itself to be plainly a Budget of hidden horror. When the Treasurer brought down his balanced Budget, who was to know that it would be balanced by the deprivation of funds in vital areas such as the pre-school education of the four-year-old children in our community? When he was bringing down his Budget, why did not the Treasurer indicate to the House that such was the intention of the Government? Why did not the Treasurer tell the people of this State that he was about to attack the community efforts of the concerned committees and parents of the four-year-old children who receive an appropriate and adequate pre-school education? Of what was the Treasurer afraid when he brought down his Budget when he sought to ignore the fact that he should inform the public that this was part of his plan?

The Opposition makes it perfectly clear that the community has a widespread demand for the retention of the present situation.

In June 1979 more than 3 000 four-year-old children received a pre-school education in this State. This Government seeks to change that. The move announced by the Minister for Education seeks to set back by 20 or 30 years the well-being and welfare of those children. By his actions, the Minister will make this State the only State in Australia that fails to cater for four-year-olds. I wonder how the members on the Government side of the House feel about that proposition.

How do members who represent areas in which parents and community committees are vitally concerned about providing this essential pre-school education react to the proposition that that sort of effort will not continue and that, in the future, the Government will be promoting playgroups? How can members on the Government side of the House sit in comfort, challenged by the visage of this Minister who, in the short period that he has been the Minister for Education, has come to represent the major opponent of the persistence of accepted standards within our community?

The Opposition makes it perfectly clear that the move announced by this Minister is further evidence of his incompetence, and further evidence—

Point of Order

Mr GRAYDEN: On a point of order, Mr Speaker, I draw your attention to Standing Order No. 129 which provides—

> No Member shall use offensive words against either House of Parliament, or against any Statute, unless for the purpose of moving for its repeal.

I refer also to Standing Order No. 131, which is more to the point and reads—

> No Member shall use offensive or unbecoming words in reference to any Member of the House.

Mr Barnett: He might be moving for your repeal.

Mr GRAYDEN: The statements made by the Leader of the Opposition are offensive; they are pathetic; and they reflect on the member himself. I ask that they be withdrawn, and that he desist, in accordance with the Standing Orders.

The SPEAKER: Order! The Minister for Education has taken offence at words used by the Leader of the Opposition and, in the circumstances, I ask the Leader of the Opposition to withdraw the offensive words.

Mr BRIAN BURKE: I withdraw, Mr Speaker.

The SPEAKER: Thank you.

Debate Resumed

Mr BRIAN BURKE: I find it absolutely untenable that members on this side of the House cannot accuse Government Ministers of being incompetent. That seems to me to be a fundamental challenge to the democracy of this place and it also tends to suggest a sensitivity on the part of the Minster who accepts the challenge that label makes to his veracity.

The move announced by the Minister is further evidence of his inability to handle a sensitive and crucial portfolio—one that affects people in this State so vividly as to require its retention in the hands of a more temperate and balanced person than is the Minister for Education.

A total of 204 teaching staff is involved in the pre-primary education of four-year-olds in this State. What are we saying to those dedicated people? Are we saying they will be supplanted by play groups and that the efforts they have made for so long to create a situation no-one has denied is desirable, are efforts now to be wasted at the whim of this Government's balanced Budget? What are we saying to the 289 teacher aides who are engaged in the same worth-while occupation? Are we saying to them that their efforts are now

to be turned aside as worthless? What are we saying to the parents of four-year-old children who have evidenced their demand for pre-school education for their children by the way in which the system has grown to the acceptable one it now presents itself as?

The Opposition regards this matter most seriously and, for that reason, I have moved that the House do now adjourn so that it might—

(1) express its support for the valuable voluntary contribution by parents and community committees in the pre-school education of four-year-olds;
(2) recognise the demand for the maintenance and extension of Government funding of pre-school education for four-year-olds; and
(3) oppose any action by the Government to dismantle the present successful system.

Indeed, it is a successful system which serves the community well. For example, I am aware of the interest taken by the member for Karrinyup in this particular area and I have not heard that member who, to some extent, has been the flag-bearer of his Government in these matters, criticise the pre-school education system which now teaches four-year-olds. I notice now that the member for Karrinyup remains silent, because, of course, he does not object to the present system. Who objects to the present system apart from the Minister? What public outcry has there been about defects in the system? The reverse is the case.

The present system by which the community committees and parents have sought to further the welfare of their own children has brought nothing but praise upon itself. Therefore, why does this Government now move to dismantle that system? Why does this Government move stealthily, as it has, to deny a desirable situation?

It is worth remembering the way in which the Government fulfilled its obligations relating to its election promises in respect of five-year-olds. We should remember how the Government at that time took over community-based kindergartens and, having taken over so many in an inefficient manner, it was forced to hand back some. Having handed back some of those community-based kindergartens, the Government is now denying to people the opportunity to use them to educate four-year-old children.

It defies the understanding of the Opposition as to why this Government should be so obsessed with the need to attack education in this State. We have been through the trauma provoked by the Minister's own statements about cutbacks in budgeting over the past few months which culminated in the Government's having to back down in the Budget it brought down in this place and in the Government's having to acknowledge the importance of education and the necessity to provide funds in keeping with the level of funding last year in order to meet this year's commitment. The position is absolutely indefensible.

Mr Grayden: That is absolute rubbish!

Mr BRIAN BURKE: The Minister is dismantling a system which is working well. He is attacking the desirable efforts of many people in the community who seek only the welfare of their children. There is no reason for that, because, in doing it, the Minister is placing this State on a basis dissimilar to that which applies in any other State.

It is not as though we are talking about millions of dollars; it is not as though we are talking about amounts of money which will send the State into bankruptcy. When we consider some of the wasteful inefficiencies in which this Government has involved itself, the money the Minister is talking about saving is a mere pittance.

Mr Grayden: You are absolutely wrong. Do you realise that?

Mr BRIAN BURKE: It is a mere pittance.

Mr Grayden: I will give you the figures shortly.

Mr BRIAN BURKE: Regardless of how the Minister seeks to defend an indefensible position, he stands squarely responsible for what he is doing in dismantling this system. The Minister is doing so without reference to any basis which would explain to the public or the Parliament the desirability of excluding four-year-olds from the pre-school system.

The Minister is doing so in the face of a public outcry that is not desirable, but is certainly indicative of the worth placed on the present system by participating people. As far as we are concerned, I say again this latest effort by the Minister is further evidence of his inability to handle a sensitive and important portfolio.

Mr Pearce: His inability to handle any portfolio.

Mr BRIAN BURKE: The Opposition believes firmly that the valuable voluntary contribution of parents and community committees should continue; the Opposition believes firmly there is a recognisable demand for the continuance of pre-school education for four-year-old children; and the Opposition commits itself to the retention of the present level of funding with a view to its extension and increase as Budgets will allow, immediately it becomes Government in this State.

MR PEARCE (Gosnells) [4.46 p.m.]: Perhaps I am not telling the House a secret when I say I had a meeting with the Pre-School Teachers' and Associates Union last Wednesday which was arranged prior to the presentation of the State Budget. The Minister had been making his usual end-of-financial-year noises about four-year-olds exerting funding pressures. He did that last year also, but largely through the efforts of the member for Dianella and myself, in pressuring the Minister in this place and publicly on this issue, the moves which were projected against four-year-olds in our pre-school education system were not carried out.

The reason I arranged the meeting with the Pre-School Teachers' and Associates Union was to discuss the Budget allocation for pre-school education so that we could make an assessment as to what the situation in regard to pre-schools was likely to be.

We were all astounded to find that, despite the noises, the Government had allocated in the Budget this year to allow the same level of expenditure on pre-school centres in the current financial year as it had allocated for the previous financial year. In fact it allowed for 204 pre-school teachers compared with 211 teachers allowed for in the previous Budget. The difference of seven pre-school teachers was explained by the change of status of some pre-schools to pre-primary centres.

On Tuesday of last week the Government brought down a Budget which allowed for the expenditure on pre-school education centres which four-year-olds attend on exactly the same basis as last year. Therefore, I told the Pre-School Teachers' and Associates Union delegates that it seemed unlikely the Government would go ahead with the moves which were rumoured to squeeze four-year-olds out of pre-school education centres, because the money had been made available in the Budget. Nobody believed the Government would go ahead with those moves. Bearing in mind the money made available in the Budget, it was felt the rumours were just that—rumours.

Therefore, we were astounded to discover that on Friday, three days after the presentation of the Budget in the Parliament, the Minister sent out letters to pre-school centres telling them in effect that no funding would be given to four-year-olds in those centres and, if parents wished to have teachers for four-year-olds in pre-school centres, they could employ them themselves and the department would not accept the responsibility of paying for those teachers.

I ask members: What happened in those three days? Why was the Minister able to say something to the people of this State on the Friday which was different from what the Treasurer had said only three days previously? Clearly the situation was this: At the same time the Budget was being drawn up and the money was made available for pre-school centres on the same basis as last year—that is, some centres take five-year-olds, some take four-year-olds, and some take a mix of both—and at the same time the Treasurer was saying the money was available for four-year-olds to be educated in this State on the same basis as allowed for previously, the Education Department and the Minister for Education were making the decision that education of a pre-school nature for four-year-olds was not to be provided out of Government funds.

That contradiction underlines one important point—that the money is available within the parameters of the State Budget for pre-school education for four-year-olds to be continued on the same basis as it was last year and indeed in the previous years. So if the Minister is going to get up in this place and say that money needs to be saved on pre-school education and the need of the State for dollars is more important than the need of our four-year-olds for education, let him explain away the fact that the Treasurer on Tuesday of last week was able to make available in the State Budget enough money to employ sufficient teachers to maintain four-year-olds' education in pre-schools on the same basis as this year and the year before that. I would like to hear him explain that away. I hope he gets the chance to do it before question time because at question time I will be asking the Treasurer to explain that anomaly if the Minister is unable to do so in any sort of satisfactory terms.

What we have here is the logical outcome of the illogical policy which this Government has always adopted towards early childhood education.

I ask members to cast their minds back to 1977 when the pre-school grab took place in the first year where, instead of providing money for community-run pre-schools as all Governments had done before 1977, the Government moved to abolish the Pre-School Board and to take over and under its own wing all pre-school centres and to run them along lines parallel to the pre-primary education system.

We understand that the seeds of the chaotic situation that we have at present were sown then because the main difference between pre-school centres and pre-primary centres, at least in the

eyes of parents who send their children to one or the other, is that pre-primary centres are totally Government-funded—no charges are levied on children who attend them—whereas the community-based centres are still forced to charge a levy of $2 per student per week. Of course, under those circumstances, parents quite naturally prefer to send their five-year-olds to pre-primaries rather than to pre-schools because one is free and the other is costly.

As a result, there has been something of a movement of five-year-olds from pre-school centres, which were established before the big pre-school grab of 1977, and which had operated in many cases for a number of years and had been built through the efforts of interested parents, communities, local governments, and, in some cases, Commonwealth Government funding. All these centres were operating, but now, because pre-primary schools shall be closed, many of these centres have seen a natural sorting out of who goes where. A community pre-school which would have taken a mix of four and five-year-olds in the days before this Government got going, now finds most of its four-year-olds are enrolled by the parents in pre-primary centres because they are free. There has been an increase in comparative enrolments of four-year-olds in pre-school centres. They play a very important role. There is considerable community demand for pre-school education for four-year-olds. Many parents want it and many children need it because we are certainly in a situation where children are maturing more rapidly than in the past and that maturing process runs right down the line.

In 1981 it has been proved that four-year-olds are more ready for informal pre-school education than they would have been one or two decades ago, so the demand for this form of education is there. The education is being provided in some areas, but the areas in which it is being provided are largely a matter of historical accident and foolish Government policy; that is to say, the pre-school education for four-year-olds is being provided in those areas where there were existing community pre-schools before the Government's big pre-school grab of 1977 which effectively prevented community pre-schools from being established.

I repeat and amplify the policy commitments of my leader with regard to this. It is the policy of the Australian Labour Party Opposition in Western Australia to provide pre-school education for four-year-olds on an across-the-board basis; that is to say, where there is a demand for pre-school education for four-year-olds in a community, that pre-school education ought to be provided. However, we recognise that is a large and comprehensive programme and cannot be done with the stroke of a pen in any particular year, so our policy would be to progressively expand the range of pre-school education for four-year-olds in the areas where there is a demand and a need for it.

Presently there is no such expansion in that way. It occurs only in areas where there are pre-schools which no longer cater for a full range of four-year-olds because they have gone to pre-primaries, but in new areas, for example, where suburbs have developed since 1977, four-year-old pre-school education is practically unobtainable. It is unacceptable to us that we have a situation across the community where some areas, through historical accident and mistaken Government policy, have access to four-year-old pre-school education and others do not.

That is something the Minister has recongnised—the inequitable spread of institutions and centres catering for pre-school education for four-year-olds—but his solution is diametrically opposed to that decision. His decision, in actual terms, is to chop education out for four-year-olds—cut it! No four-year-old will receive an education unless his parents are so rich that they can afford to pay for it totally themselves. In that case, parents of four-year-olds have less access to Government funding under the Minister's new policy than students who go to rich private schools in the State.

Mr Grayden: I have a note of those words, "chop education out for four-year-olds".

Mr PEARCE: As far as the Government is concerned—

Mr Grayden: I will reply to that shortly.

Mr PEARCE: Tell me then, that under the Minister's new scheme four-year-olds in pre-school centres are to get 26 per cent of the cost of funding a child in a Government pre-primary centre and will receive extensive Commonwealth funding in the same way as Guildford Grammar or Aquinas or Christ Church—or any of the other private schools for which this Government budgeted nearly $19 million in the next Budget—receives it.

Mr Grewar: What is wrong with that? It saves the Government a lot of money.

Mr PEARCE: A sum of $19 million to them and yet we are talking about half a million dollars for pre-school education for four-year-olds. If the member for Roe believes that the priorities of the State are such that we should be funding Aquinas and Christ Church and such schools and not provide pre-school education for four-year-olds, I

say to him that his priorities differ markedly from those which prevail on this side of the House.

Opposition members: Hear, hear!

Mr Grewar: If you look at your policy speech for 1980 where you said you were going to support two independent schools and maintain the others—just go back—

Mr PEARCE: I have announced—

Mr Grewar: You have changed your mind, have you?

Mr PEARCE: Not at all.

Mr Grewar: Grandstanding!

Mr PEARCE: Our policy is to provide pre-school education for four-year-olds. The Government's policy is not to provide pre-school education for four-year-olds, but to give generous subsidies to rich private schools. That is the difference between the Government's policy and the Opposition's. Our policy is in favour of education for four-year-olds.

Mr Grewar: Look at your policy and see what you said.

Mr PEARCE: We are discussing pre-school education for four-year-olds and our education policy is not in fact different from that which applied before the 1980 election. It is for education across the board. I am not suggesting that we cut out subsidies for those schools. I am pointing out the discrepancy in the Government's policy where money is given to one sector alone. If the Government is looking at chopping funding, those subsidies should be chopped because they are rich schools; money should not be denied to helpless four-year-olds. Parents in many cases do not have the sort of money as have parents who send their children to rich private schools. This is the inconsistency in the Government's policy whereby the rich get richer and the poor get nothing, to which we are totally opposed with regard to this matter. So that is the Opposition's attitude to four-year-olds' education.

As my leader indicated, the sums of money we are looking at are not vast. We are looking at a very small proportion of the education budget, even of the pre-school or pre-primary allocation of the budget. But this cut will have a devastating impact on some areas. The difference between the Government's attitude which is to cut out altogether pre-school education for four-year-olds, and our attitude, which is not only to maintain the flow of money already existing in that area, but also to extend it so the availability for two years of pre-school education in the proper sense, which is pre-school and pre-primary education, will be offered to every child in Western Australia.

One thing with which we have to contend is that in this State the age for formal schooling is, of course, six. Other States have the age of five. Because the Commonwealth Government provides some funding for one year of pre-school education this State Government has made it its attitude to channel all the Commonwealth funds into pre-school education for five-year-olds as a way of avoiding its own responsibility to provide funding for school children.

Other States are able to provide a year of pre-school education for four-year-olds because their formal schooling system starts at five.

Commonwealth funds are then used to educate four-year-olds.

The reason the Opposition has taken this up as a matter of urgency is that it has seen the Government adopt a consistent strategy of attacking finance for education in a whole range of areas. The education porcupine has proved to be rather more prickly than the Government thought when it first set out on this attack. Every time the Minister has stretched out his hand to grab back funds he has found himself putting it on porcupine prickles and we have heard screams and yelps of pain as the Government has withdrawn its hand from this education grab and that education grab.

Now we see that in order to save a miserable few dollars the Government has settled on picking on the youngest and most helpless in the education system. The Government has already tried to take money away from high schools and technical schools, and we find that it is taking away a technical school altogether. In each of these areas the Government has been beaten back because of the response from parent groups and the Teachers' Union, and it has been forced not only to withdraw from proposed cuts, but in fact to provide increased funding.

As a face and fund saving device we now have the guillotine falling on pre-school education for four-year-olds. We will not be fooled by the Minister's claptrap when he says the community should take responsibility for children in the year before they enter pre-primary school. What is a Government if it is not a group of people who take community funds through taxation and provide resources that the community needs?

It is all right for private enterprise Governments to seem to exist solely to make companies more profitable; but when it comes to Government services, the community should provide them. The Government should realise that it is the section of the community which has this responsibility.

The Labor Party recognises that it is a community responsibility and that is why we have a commitment to the provision of Government services to act on behalf of the community in the provision of essential services that the community needs. The Opposition differs fundamentally from the Government in respect of pre-school education for four-year-olds as it sees it as an essential service for the children of our State whereas the Government sees it as a luxury that the rich can afford and the poor can do without.

MR GRAYDEN (South Perth—Minister for Education) [5.04 p.m.]: We have witnessed a pathetic spectacle this afternoon. We have seen a situation in which there has been a change of leadership on the Opposition benches, and the public have been led to believe all sorts of things will happen and we will have a revitalised Opposition as a result of the change in leadership.

The Opposition is therefore casting around for any issue at all which it can raise in an endeavour to substantiate that expectation.

In this instance the Opposition has seized, of course, upon pre-school education, and in the process it has gone off what is commonly known as "half-cocked". Most people who have had anything to do with firearms will know that the bolts on firearms frequently have two actions. If the mechanism is pulled back to the half position and if the trigger is pulled at that stage nothing, of course, happens. The cocking mechanism has to be pulled back to the full position, and then the gun can be fired.

As usual, the Opposition in this respect has gone off half-cocked, and this is due to one reason. It is obvious that members opposite have heard about a letter which I wrote to various pre-school committees throughout Western Australia. In that letter I simply indicated the position which is confronting the Government and suggested some courses of action, and I invited a response from those committees. That is what happened, and that is what is commonly known as consultation.

There are two ways in which to deal with this matter. The first is to invite the pre-school groups to a meeting and discuss the matter with them. The other way—because there are pre-school centres in existence throughout Western Australia—is to write to each of the groups advising them of the situation confronting the Government and the options open, and inviting a response. The latter course was taken. No course of action has been decided because we are awaiting a response. Before we have received this response we find an urgency motion moved in this House.

Mr Bryce: And it is justifiable, too.

Mr GRAYDEN: It goes beyond that. I drafted a letter last week to send to pre-school centres, and before the letter was sent out *The Sunday Times* contacted me advising that it had heard about the letter and wished to question me about it. The information contained in the letter had been leaked before the letter had been sent to those concerned.

During the weekend we had many comments by people associated with early childhood organisations who had not at that time received my letter. I thought this was an extraordinary thing. This sort of publicity denigrates education in Western Australia and in this respect the Opposition has been the biggest offender in the past.

The urgency motion indicates that the Opposition does not understand the present situation in respect of pre-school education in this State. For instance, that is clearly indicated if one considers the reasons given by the Leader of the Opposition for this motion. The reasons are that the House might—

(1) Express its support for the valuable voluntary contribution by parents and community committees in the pre-school education of four-year-olds;
(2) recognise the demand for the maintenance and extension of Government funding of pre-school education for four-year-olds; and
(3) oppose any action by the Government to dismantle the present successful system.

The Government is not contemplating dismantling the present successful system.

Later, the member for Gosnells went further to indicate that the Opposition does not understand the present position. He said the Government was going to chop out education for four-year-olds. The Opposition has an erroneous impression of what is happening at the present time. It certainly has an erroneous impression of what it thinks the Government will do, and as a consequence it has moved this urgency motion.

I would like to advise the House that the Government has an extraordinarily good record in respect of early childhood education. In 1975 it took the initiative and undertook to provide education for all children in Western Australia in the year preceding their entry to primary school. In the intervening years, of course, the Government has been able to meet that commitment and will continue to do so.

The Opposition obviously does not understand what this means. It means this: The Government accepts the responsibility of providing education in pre-school and pre-primary centres for all children who at the beginning of the calendar year were four years and one day old. This is the case in Western Australia, and in developing areas we will provide additional pre-primary centres in order to cater for any increase in the number of children who are one year below the age for entry into the school system. This is what the Government is doing at the present time, and no change is contemplated.

As a Government we are now being asked to accept responsibility for all children who at the beginning of a calendar year are three years and one day old. Many of these children have not stopped wetting their pants and we are being asked to provide facilities so that they can commence their formal education in a pre-primary school system, not a play group. The Government is suggesting that play groups be provided, but the Opposition has entered into a commitment to take these children into the formal education system. If members opposite did that they could be accused of child bashing in the sense that in all probability the children would be affected mentally.

The Government already has the responsibility for any child who, at the beginning of the calendar year, is four years and one day old. In recent years we have had an increasing number of younger children going to pre-primary centres and community-based pre-schools. Some of the community-based kindergartens have been registering children who are three years and one day old at the beginning of the calendar year. This is because they are in areas where the number of five-year-olds is diminishing.

Three courses of action have been suggested to the early childhood education groups. Firstly, in respect of these very young children the Government considers they would be far better off in a play group situation. I would remind members that in Scandinavia, for instance, children do not attend school until they are seven years old. This is because that country is opposed to children being educated in their early years because it is considered they would be bored before they went to school. If three-year and one day olds were permitted to attend pre-primary and pre-school centres the education system would be faced with greater increased costs and educationalists have said the children would be thoroughly bored.

Since the beginning of this year the Government has gone out of its way to encourage playgroups and we now have 450 or so centres operating throughout Western Australia.

We have said that we will send out supervisors to show the parents how to operate these playgroups. The play leaders can have the use of our pre-primary facilities and equipment. There will be, say, two sessions a week. We want to encourage that throughout Western Australia.

We intend to increase the staff of the early childhood section of the Education Department in order that staff members can go out to tell mothers how to operate these play groups.

A second group, the community-based pre-schools, sometimes have a preponderance of children who, at the beginning of the calendar year, are three years old. We are simply saying to them that if they do not want to form a play group and be assisted in the way I have described, they can operate independently. However, they will be required to pay for their own teachers. We would come to the party by funding a proportion of their expenses.

Mr Pearce: What proportion of their expenses?

Mr GRAYDEN: That has not been decided.

Mr Pearce: Well, 2 per cent or 5 per cent?

Mr GRAYDEN: It would depend on the number of children involved.

Mr Pearce: Would it be a half or three-quarters? Give us a rough idea.

Mr GRAYDEN: It is not a question of giving members a rough idea. Circumstances could differ in each case.

The third group includes pre-primary or pre-school centres with a preponderance of five-year-olds; that is, children who are aged four years and one day at the beginning of any calendar year. Sometimes the centres have a few vacancies. In those circumstances certainly we want to see the vacant spaces filled by children who are three years and one day old at the beginning of a calendar year.

Mr Bryce: Is a preponderance half?

Mr GRAYDEN: That has been the policy up until now, and we will continue to follow it.

Mr Bryce: Is a preponderance half?

Mr GRAYDEN: There has to be a preponderance of those legitimately entitled to attend, and the extra spaces can be taken up by the younger children.

Mr Bryce: But what is a preponderance?

Mr GRAYDEN: No specific figure is laid down. So members will see there are three specific groups, all of whom will be catered for. As I

pointed out earlier, the Opposition has gone off half-cocked.

Mr Brian Burke: You are going really well today. You are going marvellously.

Mr GRAYDEN: The Leader of the Opposition has an erroneous idea of the current situation; that point has been demonstrated adequately.

I wish to touch on the extraordinary statements made by the Leader of the Opposition. First of all, he told us what he would do if a Labor Government were elected to office. His promise is based on an erroneous concept of the present situation. In tonight's edition of the *Daily News* we see the following—

> Mr Burke says if Labor was elected, not only would it provide funds for four-year-old education but it would increase the amount.

In this morning's *The West Australian* the following statement of the Leader of the Opposition was reported—

> A State Labor Government would continue financial support for pre-school education for four-year-olds.

Obviously the Leader of the Opposition is quite unaware that this Government accepts full responsibility for all children who are four years and one day old at the beginning of a calendar year. The Opposition does not have the vaguest idea of what is happening at the present time, and yet it moves an urgency motion of this kind.

I would like to deal with the final extraordinary point made by the Leader of the Opposition. Tonight we saw a pathetic performance by him. When I was talking in terms of the cost involved, he said that going further and providing for the children not provided for currently—that is, those who are three years and one day old at the beginning of a calendar year—would cost peanuts. That is what he said, that it would cost peanuts to include those children in the pre-primary and pre-school system. I have the actual figures here. The capital cost alone would be between $17.5 and $21 million to cater for those children in pre-primary or pre-school groups.

The annual cost to cater for those children would be in the vicinity of $16 million. This is an amount which the Leader of the Opposition speaks of as peanuts! No-one could be so stupid as to make that statement if he did not believe that. The Leader of the Opposition made the statement that it was peanuts because he does not have the vaguest idea of what is involved. It is a pathetic situation that the Leader of the Opposition should move for and be successful in obtaining an urgency debate in these circumstances.

I would just like to analyse the figures. It is estimated that we would need the equivalent of 400 full-time extra teachers, at a cost of $8 million. It is estimated that we would need the equivalent of 400 full-time extra aides, at a cost of $4 million. That is the sort of cost involved, and for what? To put tiny children, who are three years and one day old at the beginning of a calendar year, into formal education. Who, in this State, would want to do that?

The Government has said that it will accept responsibility for all children who are four years and one day old at the commencement of a school year and that the younger children should be put into play groups. The Government has committed itself to assist in forming the play groups and to make our pre-primary facilities available to them. In addition, it has undertaken to make equipment available to play groups. Then the Government has said that where vacancies occur in the normal system, those vacancies may be filled with children who are three years and one day old at the beginning of a calendar year.

The Government has gone even further than that. If an independent community-based school in any part of the State wishes to continue to provide this formal education, all it need do is to meet the cost of the teachers. We will come to the party and assist in the funding of these institutions. Could anything be fairer than that? That is how the situation stands at the moment.

I repeat: This Government has made great strides in respect of early childhood education. It took the initiative in 1975, and it has carried out the undertaking it gave then to provide for all children who are one year below school age. At the beginning of this year it extended its responsibilities into the play group sphere and it gave the commitment I referred to earlier.

As I said before, this is a pathetic motion—

Mr Davies: You cannot say "pathetic" any more than we can say "incompetent".

Mr GRAYDEN: —based on an erroneous idea of the true situation. In these circumstances I feel sorry for the Leader of the Opposition.

MR COWAN (Merredin) [5.23 p.m.]: We just heard the Minister for Education announce the policy of the Government. As I understood it he said that space is provided for five-year-olds in pre-primary centres. Where positions in these centres are not filled, space will be provided for four-year-olds. He told us also that play groups will be formed and that children will be invited to attend one of two play group sessions in the space of a week. That was the policy espoused by the Minister. However, if that is the policy being

pursued by the Government, why is it that a letter has been distributed to pre-school centres advising them that no funding will be available for such centres which provide for the education of four-year-olds?

Mr Brian Burke: Hear, hear!

Mr COWAN: Why is it that the Budget shows a decrease in the number of pre-primary staff and pre-primary aides for these centres?

Only recently we saw a confrontation arise as the result of a statement made by the Minister for Education in relation to consultation with principals and representatives of the Teachers' Union. The claim was made then that consultation had taken place. We have a similar situation here; the Minister has stated the policy that exists and he says that there is to be no change, and yet he has written to pre-school and pre-primary centres advising that no funds are available for the provision of staff occupied with the informal education of four-year-olds in these particular centres, and that the communities themselves will have to provide funds for such staff if they wish to continue with the informal education of four-year-olds.

It seems to me that there is a contradiction between the Minister's statement and the letter sent to the centres. We hope that the Minister will make a copy of this letter available to members of Parliament.

If I understand it correctly, one of the problems that has brought about the situation is that obviously some pre-school centres do not have sufficient five-year-olds attending to fill up the centres, and they have exercised their option to take in four-year-olds. Apparently there is an oversupply of pre-primary and pre-school centres in portions of the State, and especially in the metropolitan area. For that reason some centres can take in four-year-olds. In other areas there is a waiting list of five-year-olds, and this situation was explained quite clearly in a Press article recently.

The problem arose because of the 1974 policy of the coalition Government under which it sought to take over the pre-primary education of five-year-olds in Western Australia. The reason for that move was to attract Federal funds to the education system so that the Government centres could compete against the financially successful local community effort. A number of pre-primary centres were built to compete directly with kindergartens or pre-school centres, and this created the oversupply of facilities. Now that the situation has been created, the Government has seen fit to enforce very rigidly its policy to cater only for pre-primary students or children who are five years of age in that particular year. As I said, the policy is quite acceptable, but if it is to be adhered to rigidly, some facilities will be underutilised. I cannot see why we do not make full use of existing facilities. I am sure the education system, somehow or other within its budgetary confines, can provide sufficient finance to support full utilisation of all the pre-primary and pre-school centres in Western Australia.

MR WILSON (Dianella) [5.30 p.m.]: In addressing himself to this motion the Minister may have felt insulted by the remarks made by the Leader of the Opposition, who referred to incompetence on the Minister's part; however, in making his speech on this matter the Minister himself has insulted a large number of parents and children in Western Australia. He made very slurring comments about parents who want better pre-school education facilities for their four-year-old children and he cast a slur on the children in other comments he made about them.

Let us look at the figures and the facts. One of the strategies—albeit a rather weak one—that the Minister tried to use in his quite pathetic performance this afternoon was to claim that the Opposition was unaware of the facts of the situation.

Mr Grayden: Very successfully, too.

Mr WILSON: He very weakly accused the Opposition of referring to four-year-olds as though they were three-year-olds while at the same time he himself spoke of four-year-olds as though they were five-year-olds. He showed himself to be thoroughly confused and it is no wonder that he might have confused other people as well. He seems to be blissfully unaware of the statements that were published in the Press in the weekend, statements which were purportedly issued under his own name.

Mr Grayden: That is not so.

Mr WILSON: The attitude he has expressed is obviously the attitude which penetrates his department. I say this because on Friday I had a mother phone me after she had contacted a local pre-school centre asking whether she could enrol a child who turned four next year—a child which the Minister referred to as one of those considered to be a three-year-old. The mother was told that the department had deferred enrolments pending a statement by the Government.

The lady was not satisfied with that answer and so contacted the Minister's office and spoke to his private secretary. She was then abused by this person for wanting to enrol a four-year-old child at a pre-school centre. For the Minister's

edification I will quote the very words used in response to her request. These are the words spoken to a parent who was making a genuine request for information. The Minister's secretary said, "All you are wanting to do is to dump your four-year-old at a pre-school".

Mr Grayden: That is not so.

Mr WILSON: He said that. Why should she lie to me?

Mr Grayden: Did you hear him?

Mr WILSON: I did not hear him, but having heard the Minister's speech this afternoon—

Mr Young: We have heard a few of those from that side of the House.

Mr WILSON: —I can believe that is what he said, because what he said is reflected in what the Minister said this afternoon. The Minister passed very slurring comments against children in the year they turn four. The Minister's comments about children in the year they turn four were totally dishonourable coming from a Minister who is charged with the responsibility of education. The Minister should be thoroughly ashamed, and the Government should be thoroughly ashamed.

Several members interjected.

The SPEAKER: Order!

Mr WILSON: The Government should be thoroughly ashamed that its Minister for Education used those words.

Mr Young: What were the words?

Mr WILSON: Was the Minister for Health not listening?

Mr Young: Yes, I was.

Mr WILSON: I shall quote what the Minister for Education said in the vain hope that the Minister for Health may understand. The Minister referred to children who have turned four.

Mr Grayden: That is completely untrue. I said three years and one day.

Mr WILSON: That is children turning four in that year.

Mr Rushton: Be accurate.

Mr WILSON: I am; it is the Minister who does not understand, because if a child is three years and one day old at the beginning of a calendar year that is the year he turns four. These are the children who in other States and advanced western countries of the world are receiving pre-school education. Why not those children in Western Australia, in this great State? Why cannot they be considered eligible for pre-school education in the same year that children in other States and in other enlightened countries are considered to be ready for pre-school education?

Mr Grayden: That is not so. Go to the Scandinavian countries and ask them.

Mr WILSON: The Minister should go there; that would be a better place for him. We would be better off without him as Minister for Education.

Mr Grayden: What happens in the UK?

Mrs Craig interjected.

Mr WILSON: I know what happens there. If the Minister for Local Government is trying to deny that is the situation in the UK she is thoroughly misinformed.

Mrs Craig: I asked what the place was.

Mr WILSON: If the Minister for Local Government does not know what the situation is she should ask the Minister for Education, because he is charged with that responsibility. I am not the Minister for Education; I am not responsible for education in this State.

Mr Shalders: Thank Goodness!

Mr WILSON: The Minister for Education is responsible and his absolute ignorance on the matter is showing through this afternoon. I would not ask him what the situation was in the UK. He does not know what the situation is in Western Australia, and he is supposed to be the Minister responsible for education.

This Government has been in a thorough muddle about pre-school education ever since it interfered as a Government in a system which was working well in 1975, a system which had been built up through community effort.

Mr Young: Your two previous speakers said the existing system is working very well.

Mr WILSON: If the Minister for Health wishes to make a contribution he should stand up and make it like a man instead of sitting in his place and interjecting like a weakling.

Mr Young: Everyone else is prepared to accept interjections like a man from time to time. I said that your two previous speakers had said the existing system is working well.

Mr Pearce: We did not.

Mr WILSON: The Minister for Health has a particularly irritating habit of making speeches by way of interjection and then complaining that people complain about his interjections, which go on for several minutes at a time.

This Government has been in a thorough muddle about pre-school education ever since it interfered in the system of pre-school education in 1975.

Mr Sibson interjected.

Mr WILSON: If the member for Bunbury wants to interject on the question of muddles, he would be the perfect person to do so. I hope the Government takes no notice of any of his contributions, because it would be very disappointing if it did.

What happened in the course of sorting out this muddle is very informative. In the course of the years following that intervention in seeking to implement its programme for pre-primary centres, the Government built pre-primary centres in many places where pre-school centres were in existence. Consequently, in several parts of the metropolitan area at least, there has been a very wasteful duplication of pre-school facilities, which means that in Government pre-primary centres in certain places there are times when there are not enough five-year-olds to fill the vacancies available. It was on this basis earlier this year that the Government made available 25 pre-primary centres to be used by play groups. The Government had duplicated facilities for five-year-olds—children in their pre-school year—which were not needed. This was done in an effort to implement a programme which the Government was hell-bent on pushing through.

Mr Grayden: That is not so.

Mr WILSON: The Minister should not try to deny there are large numbers of Government pre-primary centres where there is an over-supply of facilities, where there are half-day sessions without sufficient children to fill all the places. What the Minister failed to mention was that not only are children in the year they turn four taken into pre-school centres, but they are also taken into some pre-primary centres, and presumably those places they take will no longer be available.

Mr Grayden: That is not so.

Mr WILSON: Presumably places for children of that age will not be available in future years either, if the Government fulfils its policy.

Mr Grayden: If there is a preponderance of five-year-olds we will put them into pre-primary centres.

Mr WILSON: That interjection shows yet again that the Minister does not have a grasp of the situation. I shall refer the Minister to the situation of the Seabrook Pre-school Centre in Dianella. That centre has a double unit with three sessions each week filled with five-year-olds. One further session is set aside for four-year-olds. What will happen in that situation, because as far as that session is concerned those children are four-year-olds? There is not a preponderance of five-year-olds. In each of the other three sessions all the children are five-year-olds. I put a simple question to the Minister: What will happen in that situation? Will those four-year-olds be phased out?

Mr Grayden: Very shortly I will give you a copy of the letter we have sent to the pre-primary committees. That will explain everything to you.

Mr WILSON: I have already read it.

Mr Grayden: You have moved an urgency motion yet you have no idea what the Government is doing or what it is contemplating doing.

Mr WILSON: The Minister is supposed to have just told us.

Mr Grayden: You do not know what is in the letter.

Mr WILSON: I have read the letter and it only convinced me even further that the Minister's efforts are thoroughly muddled and that what he is trying to do is take a soft option; the Minister wants to crawl out from under and take the soft option.

The Minister tried to misrepresent what was said by the member for Gosnells who stated that in making these moves, in cutting funds for children in their fourth year in pre-school, the Government is in fact saving a minimal amount. He did not say that the Government would be saving a minimal amount by extending that service for all four-year-olds. What he said is true. In that respect it is a thoroughly mean measure, because what it is doing is withdrawing a very successful service from thousands of children. It is taking away what thousands of children have had for a number of years and replacing it with a token measure.

Mr Shalders: Thousands have not had it, either.

Mr WILSON: For the member for Murray's information I shall cite figures given by the Minister in answer to my question 1086 dated 6 May this year. He said that the number of four-year-olds in pre-primary centres in 1981 was 1 260 and that the number of four-year-olds in pre-school centres was 3 233. So there are over 4 000 children involved.

Mr Shalders: I said thousands of children have not had it.

Mr WILSON: But thousands have.

Mr Shalders: I did not deny that. You ought to listen.

Mr WILSON: The member is not worth listening to. What is being taken away is being taken away from thousands of children. I wonder if that can sink through to the member for

Murray. What is being taken away is a system which is working well at present for thousands of children.

Mr Grayden: It will continue to work well, and we are not taking away anything.

Mr WILSON: The Government is taking away a system which has worked well for children provided with pre-school education in the year in which they turn four, and no smoke screen the Minister throws up will cloud the issue.

Mr Grayden: We want something applied fairly throughout the State.

Mr WILSON: The Minister wants something cheap and ineffective to apply, which is the only sort of thing we get from him and his Government—something that is cheap and ineffective and will not meet the real needs of the people concerned.

Mr Grayden: Your statements are pathetic.

Mr WILSON: Parents have been increasingly demanding facilities to be provided to children in their fourth year, but the Minister is taking away what they already have.

Mr Shalders: You want us to provide two years of pre-school education.

Mr WILSON: What I am saying is this: In other States and other enlightened countries children go to pre-schools in the year in which they turn four. In other States of Australia money made available by the Federal Government for pre-school education is spent on children in the year they turn four; but in Western Australia that money from the Federal Government does not get to children until they turn five. The children of Western Australia are being sold short. All this Government offers to its children is cheap and short of the mark in comparison with what is offered to children in other States.

Government members interjected.

Mr WILSON: Western Australian four-year-olds are disadvantaged in comparison with four-year-olds in other States of Australia; our children are getting a bad deal. They are not being treated on the same level as other children of the same age are treated in the rest of Australia. That is what we get from this Government. We get sleight of hand; it grabs the money offered by the Federal Government and spends it on five-year-olds, whereas other States take responsibility for five-year-olds and use the money provided by the Federal Government for four-year-olds. Our children receive a cheap deal from this Government. It believes in making education as cheap and nasty as possible.

This Government is failing the parents of four-year-old children, and the four-year-old children themselves. It is selling them short; it is trying to cheapen the whole situation by adopting a rather sly move—it has tried to push playgroups, but that measure will be totally ineffective.

This Minister has failed to give this Parliament a satisfactory answer to the questions posed in the speech by the Leader of the Opposition. He has failed abysmally, as he continually fails abysmally in the whole of his administration of the Education portfolio. This Parliament stands insulted, and the four-year-olds of this State and their parents stand insulted because they should receive better. They have been insulted by the pathetic performance of this Minister.

As to Withdrawal of Motion

MR BRIAN BURKE (Balcatta—Leader of the Opposition) [5.51 p.m.]: I will move that so much of Standing Orders be suspended as would prevent my moving that this matter be put to a vote.

The SPEAKER: The Leader of the Opposition will resume his seat. I will be very disappointed if he does not desist with that line. Clearly, the Leader of the Opposition sought my co-operation in having the debate brought on under Standing Order No. 47. In my reply to him today I said I was prepared to place his request before the House, subject to the understanding that there would be a maximum of three speakers; I said also, *inter alia*, that he would seek to withdraw the motion at the conclusion of the debate. I will see his going back on his word if he is not prepared to withdraw his motion. I call upon the Leader of the Opposition.

Mr BRIAN BURKE: My understanding is that if the Government fails to support the motion to suspend Standing Orders it will be open to me to seek leave to withdraw the motion I have moved; and it is my opinion that in that way of proceeding I will be complying with your request and my undertaking. However, in deference to your understanding of the import of the letter I received from you, I seek leave to withdraw the motion in my name.

Leave not granted.

Debate (on motion) Resumed

Question put and a division taken with the following result—

Ayes 15

Mr Barnett	Mr Hodge
Mr Bertram	Mr McIver
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Pearce
Mr Terry Burke	Mr A. D. Taylor
Mr Carr	Mr Wilson
Mr Evans	Mr I. F. Taylor
Mr Grill	*(Teller)*

Noes 24

Mr Blaikie	Mr McPharlin
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mrs Craig	Mr Rushton
Dr Dadour	Mr Sibson
Mr Grayden	Mr Stephens
Mr Grewar	Mr Trethowan
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders *(Teller)*

Pairs

Ayes	Noes
Mr Jamieson	Mr Hassell
Mr Bateman	Mr Sodeman
Mr Tonkin	Mr Spriggs
Mr Harman	Mr Crane
Mr Bridge	Mr Watt
Mr T. H. Jones	Mr Coyne
Mr Davies	Mr Nanovich

Question thus negatived.

QUESTIONS

Questions were taken at this stage.

BILLS (12): ASSENT

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

1. Veterinary Preparations and Animal Feeding Stuffs Amendment Bill.
2. Plant Diseases Amendment and Repeal Bill.
3. Transport Amendment Bill (No. 2).
4. Acts Amendment (Misuse of Drugs) Bill.
5. Explosives and Dangerous Goods Amendment Bill.
6. Perth Theatre Trust Amendment Bill.
7. Local Government Amendment Bill (No. 3).
8. Borrowings for Authorities Bill.
9. Ministers of the Crown (Statutory Designations) Amendment Bill.
10. Acts Amendment (Statutory Designations) and Validation Bill.
11. Water Supply, Sewerage, and Drainage Amendment and Validation Bill.
12. Interpretation Amendment Bill.

MARKETING OF LAMB AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

WORKERS' COMPENSATION AND ASSISTANCE BILL

In Committee

Resumed from 15 October. The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Connor (Minister for Labour and Industry) in charge of the Bill.

Clause 5: Interpretation—

Progress was reported after the clause had been partly considered.

Mr PARKER: I move an amendment—

> Page 12, lines 2 and 3—Delete the passage "that union; or" with a view to inserting the passage "either of them; or".

This amendment is in relation to the definition of "spouse". This clause comes into force if a worker dies or is incapacitated and the allowance which, by this Bill, will be increased to $15 becomes payable to his child. The clause deals with a male worker or a female who is not legally married to a worker, but who has lived with a *de facto* spouse on a bona fide domestic basis immediately before the death or incapacity. If the Bill stands as printed, the child who may be a child of one of them, but who has lived in the care of the remaining one, will not be entitled to the child's allowance. If a male worker is living in a *de facto* relationship with a woman who had a child of a previous relationship, the child might effectively have become a child of the relationship, but, nevertheless, was not a child of the union. In other words, it was not the child of both of them.

Many people remain in *de facto* relationships without regularising them for a large number of years. As the Bill stands a child who was dependent upon the worker, although that child might not be the worker's own child, would not be entitled to the child's allowance. Even if the child were dependent on the worker, it might not be entitled to the prescribed amount on the death or incapacity of the worker.

If my amendment were carried, the entitlement would come into operation when a couple had been living in a *de facto* relationship on a bona fide domestic basis, and the worker was killed or incapacitated. It has to be a bona fide domestic relationship. If any child of either of them becomes entitled to be regarded as a dependent for the payment of the prescribed amount, on my

amendment the child will become entitled to the payment of that amount.

Mr O'Connor: Irrespective of the score they would be entitled to the payment of workers' compensation?

Mr PARKER: Yes, provided the parents live in a *bona fide* domestic relationship. Children may be being looked after by the united couple, and suddenly the worker is no longer able to earn an income, or he dies; and the surviving partner is not in a position to support the child, although the child had been supported previously by the dead or incapacited worker. The Government ought to accept this amendment.

The way the Bill is worded, a child of the worker might be thereby disadvantaged because, in the case of a female worker, she might have a child of her own who has been living with her since before the establishment of the *de facto* relationship. If it is her own child, it is not a child of that union; but my amendment would provide that that child would be entitled to the prescribed amount.

The Government ought to consider seriously deleting the words which I have proposed be deleted, and the insertion of the words which I will move to insert subsequently, provided my current amendment is successful.

Mr O'CONNOR: I oppose this amendment. It proposes that the term "spouse" include a person living with the individual at the time of the death; and it includes a child who may be a child of the woman and who could have been living with the couple for a month, or three months, or three years—

Mr Carr: Or 10 years.

Mr O'CONNOR: Yes. If it is three years, it is covered by this Bill, anyhow. It could be a child who is already receiving assistance from its natural father.

The present wording in the Bill is satisfactory. The proposed amendment would cut across the needs of paragraph (a) (ii), which is the point made by the member for Geraldton. The Bill covers an individual who has lived with a person for three years. That is sufficient, and I oppose the amendment.

Amendment put and negatived.

Mr O'CONNOR: I move an amendment—

> Page 13, line 10—Delete the punctuation mark ";" and insert the passage "or 3;".

This is a drafting change required because of the weekly payments involved.

Mr PARKER: We have no objection to this very important amendment.

Amendment put and passed.

Mr PARKER: In relation to page 14, lines 6 to 13, I placed an amendment on the notice paper, although it is not shown under my name. It is under the heading "The Minister for Labour and Industry: To move". This is an amendment to delete the extended definition of "worker" contained in the Bill, and to insert a new extended definition. I do not propose to move this as an amendment, but to exercise the second of my rights to speak.

The extended definition of "worker" is a particularly important one. It has been subject to amendments, and legal arguments. It is a definition which has caused a lot of concern in the workers' compensation industry and amongst people working in industry generally. The history of the matter—

The CHAIRMAN: Order! It is my understanding the member has spoken fully on this clause, therefore, if he does not move his amendment he is not entitled to speak. However, I do not have the record with me to confirm my memory, so I shall grant him the indulgence of speaking.

Mr PARKER: In fact I have spoken on only one occasion to the clause itself. I have spoken to amendments on several occasions.

I do not want to move the amendment on the notice paper for a very valid reason. As I said in my speech on the second reading, the question of the definition of "worker" is a vexed one. For many years an extended definition existed in the Act relating to tree fellers because of the nature of the work they did. As a result of a bi-partisan approach to the Brand Government, in 1970 the definition of "worker" was amended to produce the extended definition currently contained in the Workers' Compensation Act.

The intention was to deal with people who, under the normal circumstances of workers' compensation and industrial law, would not be classified as "workers" merely by using that term, because there are a large number of tests as to what constitutes a "worker" in traditional terms. There are control and skill tests and a whole range of other tests which have been debated by the High Court and the Privy Council on numerous occasions. I do not propose to go into them in detail.

When the amendment was introduced in 1970, the vast majority of people who were intended to be covered by it were in fact covered. That included principally people working on a

subcontract basis in the building industry, people working in the musical industry, and people who, in every sense of the word except in the strict legal sense, were working for wages and nothing else.

That situation prevailed until 1978. At that time, possibly due to a change in personnel on the board, the interpretation of the definition of what constituted a "worker" became more restrictive and, as a result, a considerable number of people who had hitherto been covered, ceased to be covered.

Now we have the position where what is already being interpreted by the board strictly as the extended definition of "worker", is to be restricted further by virtue of the proposals contained in this clause.

If carried, the proposal before us at the moment would have the effect of excluding from coverage of any form of workers' compensation entitlement whatsoever virtually everybody working in the cottage sector of the building industry; that is, virtually everybody working in the trades such as bricklaying, carpentry, plumbing, electrical work, and painting, who is not actually working for a large contracting firm or on a major construction site. That is a very considerable proportion of the people who work in the building industry, because a large number of the people in that industry are in the cottage sector.

The reason these people use this manner of work is largely because the people who, in essence, are their employers—strictly speaking, they are not true employers—find it much more convenient, efficient, and cheaper—they can avoid pay-roll tax and things of that nature—if such people work on a contract basis as opposed to a strict contract of service basis.

It has always been intended that, because of the nature of their work and the way in which the building and other industries want them to work, those people would be covered by workers' compensation laws. It has been intended that way since 1970 and in every other State those types of people are covered. The provisions are slightly different in Queensland, New South Wales, Victoria, and South Australia, but those people are covered.

In some States the Industrial Commission is entitled to declare that a person or class of persons falls within the definition of "worker" and perhaps that is another possibility which may be taken into account. However, the point is these people should be covered for workers' compensation purposes. It might be said that, if they are working in this way, they can cover themselves for workers' compensation or accident insurance. However, frequently these people tend to change the status and nature of their work as between being employed and self-employed and, indeed, in some cases as between being employers and employees. A person may be a worker within the strict definition of "worker" one day, but the next day he might fall into the extended definition of "worker". On another day he might be classed as an employer.

In the case of the building industry and hotels where bands play we are seeking to get the real "employers" to take out insurance policies to cover anyone working on the building site or in the hotel. That situation could be achieved by my amendment, but I do not intend to move it, because this was one of the contentious points about which the TLC was concerned when the last Bill was introduced in autumn of this year. It was one of the subjects under negotiation and discussion between the TLC, the confederation, the Government, and the SGIO. It is still the subject of continuing negotiations. My understanding is those negotiations are proceeding at this time and it is intended—perhaps the Minister can confirm this—that the definition in this clause is not to be retained in the legislation.

We respect the fact that negotiations are taking place between a number of different parties and it is not a matter of taking the attitude of one party and inserting it in the Bill. We would prefer that whatever definition is arrived at is conceded generally by industry.

As a result, I have decided not to move the amendment standing in my name, but to put before the Committee the facts of the matter relating to this clause and what we want out of it. My understanding is any amendment which will be moved to effect a change will be moved in another place.

We are prepared to concede that, because a co-operative attitude is being shown by the Minister and we are hopeful the end result will be a better definition not only of the extended definition of "worker", but perhaps also of the definition of "worker".

We want the class of person to whom I have referred and whom I have described, to be covered by the Workers' Compensation Act. In my view, there is no reason they should not be covered and that view was shared by the Brand Government and also by the TLC which believes that point has been accommodated in negotiations and it is simply a matter of reflecting it in the legislation before the Committee.

Mr O'CONNOR: The comments made by the member for Fremantle are noted. This particular case refers to what is known as the "poor Irish bricklayer" and there have been some complications in this regard. We are not prepared to extend the definition to the extent that contractors and subcontractors are included in it. Draftsmen are looking at the wording to see whether it can be improved and, if possible, this will be arranged and an amendment made in another place.

Clause, as amended, put and passed.

Clauses 6 to 14 put and passed.

Clause 15: Compensation in relation to workers employed in and out of the State—

Mr PARKER: I move an amendment—

> Page 18, lines 15 to 21—Delete all words after the passage "Act," down to and including the passage "Act.".

The words proposed to be deleted are—

> unless the worker had been continuously resident outside the State for a period of more than 24 months at the time the disability occurred, in which case the worker or his dependants, as the case may be, are, in respect of that disability or death, not entitled to compensation subject to and in accordance with this Act.

We dealt with this definition briefly during the second reading stage. It relates to workers sent overseas by a company which is resident in Western Australia or which has hired workers in this State and has sent them overseas or interstate. This activity is becoming increasingly prevalent, particularly in industries where Australian skills are required in underdeveloped countries, the Middle East, or third world countries. For example, John Holland (Construction) Pty. Ltd. does a great deal of work in places like Indonesia and Malaysia. When I was involved in the trade union movement I dealt with cases of workers such as carpenters who had been hired to work in Indonesia where there is virtually no legislation covering workers' compensation. Certainly what legislation there is would not be of the standard expected by Australian workers.

When a company hires people of this nature, it does not know precisely how long they will be away. They may be away for a much greater period than the company initially expects. I am aware of a case where it was expected a person would be away 18 months and he was away for three years.

In his reply to the second reading debate, the Minister said that would not matter, as long as the worker came home for a holiday. If he did that, he could not be said to be continuously resident outside the State. I am not sure that interpretation is correct. I would have thought that, if a worker went overseas for a period of years, set up a home there, and came back to Australia for a holiday, he would be continuously resident outside the State for the period he set up home elsewhere. Therefore, I am not sure the Minister's interpretation of the position is correct.

That is a question of interpretation and the Minister and I are equally entitled to indicate the interpretation the courts might place on it, but no-one can accurately predict the situation.

However, even if the Minister's interpretation is correct that is not sufficient. These people have not emigrated. Had they done so, they should not be subject to our laws, but should be subject to the laws of the country to which they have emigrated. Indeed, that might be the way in which to deal with the matter. If a person has emigrated, perhaps he should be subject to the workers' compensation laws of the other place.

This sort of situation is happening increasingly in the Middle East, South-East Asia, and other countries. Australian companies with the skills and abilities to obtain contracts overseas are employing workers and sending them away for varying periods of time. It seems to me such people should be subject to Western Australian workers' compensation legislation.

I do not see any reason for the limitation being there. It is an arbitrary figure. I think the Minister himself would concede that. There seems to be no valid reason for its being there. The number of people who would be involved would be miniscule, but I can imagine the situation people who were involved would be in if they were caught out on this and were not subject to workers' compensation if they had been away, say, for over two years and did not come back for a holiday—if the Minister's interpretation is correct. If my interpretation is correct, and such people came back for a holiday and were regarded as having been in continuous residence overseas, it would be very sad for them. In the case of the death of a worker, if he were not covered by workers' compensation, it would be a tragic situation.

I commend my amendment to the Committee.

Mr O'CONNOR: I wish to indicate that I oppose this amendment. The Bill we are presenting gives significant compensation or benefits to a worker today. What we are trying to

do is to give a person coverage if he is overseas for a period of two years. If an individual sets up permanent residency overseas he ought to be covered by other regulations, set up his own insurance policy to cover himself, or get the firm he works for to do so. At the moment those people do not get coverage in this regard and we are altering this so that they can get 24 months' coverage. We believe that people would come back during that period of time. However, if they set up a home and resided permanently overseas they should make arrangements with their company or private insurance office in that particular regard.

This is an extension and improvement to the conditions of workers in so far as insurance coverage is concerned. I believe the clause ought to remain as it is.

Amendment put and negatived.

Clause put and passed.

Clause 16: Act to apply as to disability to persons employed on Western Australian ships—

Mr O'CONNOR: I have on the notice paper under my name an amendment which is designed to create consistency throughout the Act in connection with the term "disability". I move an amendment—

> Page 19, line 38—Delete the word "accident" and substitute the word "disability".

Mr PARKER: I wish to indicate we have no objection to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 17 and 18 put and passed.

Clause 19: Worker travelling—

Mr O'CONNOR: I intend to move the following amendment—

> Page 23, line 39—Delete the word "cerebral" and substitute the word "cerebro".

Mr PARKER: Perhaps if I could remind the Minister, before he moved the amendment on the notice paper, I understood he was going to move an amendment to delete subclause (2) and insert new subclauses (2) to (4). He would need to do that before he makes his amendment of "cerebro".

Mr O'CONNOR: I wish to delete subclause (2) and insert new subclauses (2) to (4). I have given the Deputy Chairman and the member for Fremantle a copy of such. I move an amendment—

> Page 22—Delete subclause (2).

Mr PARKER: We support the amendment moved by the Minister. The clause concerned is the clause which has been a very vexed one concerning journeying provisions covering a worker, when travelling to and from work. We acknowledge, firstly, that the provisions in the Bill are vastly improved on those in the Bill that was before us in autumn, although they still represent a diminution of standards, as I said in the second reading debate. The main thing that concerned us was that employers or, in some cases, in effect, insurance companies, would automatically raise the issue that a worker had engaged in substantial or wilful default and that would hold up very valid workers' compensation claims.

We recognise there are occasions, of course, when an employer is able to say that a worker concerned may not have been entitled to the payment of workers' compensation under the journeying provisions because he is out of the control of the employer and he may have got up to something which could lead the employer to ask, "Why should I have to pay?" The insurance company could ask, "Why should we have to pay for that form of injury?" The provision as it was drafted in the Bill and which the Minister now proposes to delete loses, in our view, because what it would do would be to encourage employers and insurance companies simply to say in every case that workers are not entitled to the payment of maximum compensation because of the fact that there was specific or wilful default. What the amendment will do is to ensure that that situation, if it develops, will not result in the worker being denied payment of workers' compensation for a considerable period of time whilst he is in the process of proving this is not the case and that is provided for in the clause which speaks for itself. It is a fairly clearly worded one.

Mr O'Connor: You are explaining virtually the insertions.

Mr PARKER: I am, I suppose, but I am also explaining the reasons for the deletion of the existing clause.

I mention that the Hon. Howard Olney had a considerable amount to do with the drafting of this clause and I hope the Committee shows him a bit of gratitude for this and other involvements he has had with this legislation. It is still not as ideal as we would hope. We have made the best of the situation. We believe that certainly the new subclauses, if they go in, will be great improvements on the Bill which was before us in

May and is even a considerable improvement on the Bill which is before us at the moment.

Amendment put and passed.

Mr O'CONNOR: I move an amendment—

Page 22—After subclause (1) insert the following new subclauses to stand as subclauses (2) to (4)—

(2) Unless the injury results in death and subject to subsections (3) and (4) the burden of proving in any claim made pursuant to this section that there was not—

(a) any substantial default or wilful act by the worker during; or

(b) any substantial interruption of; or

(c) any substantial deviation from,

the journey, is on the worker.

(3) An employer shall not be entitled to raise by way of defence to any claim made pursuant to this section any of the matters referred to in paragraphs (a), (b) and (c) of subsection (2) unless he has specially pleaded it as a defence in his answer to the claim filed with the Board and the worker or his representative is given at least 28 days notice of that defence.

(4) At any time before the hearing of any claim made pursuant to this section, upon an application by the worker heard and determined as an application in Chambers, the Board may, if satisfied that there is no reasonable basis for the employer to contest the application on any one or more of the grounds referred to in paragraphs (a), (b) and (c) of subsection (2), order that the burden of proving any one or more of those grounds shall be upon the employer.

I have discussed this particular amendment with the Opposition which has indicated support of it. I have also discussed it with the Parliamentary Draftsman who believes it is better wording and clarifies the position to a greater degree. The member for Fremantle has explained the situation.

Amendment put and passed.

Mr PARKER: Does the Minister need to move that the other clauses be renumbered?

Mr O'CONNOR: That is automatically done. I move an amendment—

Page 23, line 39—Delete the word "cerebral" and substitute the word "cerebro".

It is a matter of incorrect spelling.

Amendment put and passed.

Mr BERTRAM: I wish to move an amendment to what was previously subclause (4). I think it may now have a new number.

The DEPUTY CHAIRMAN (Mr Blaikie): It is now subclause (6).

Mr BERTRAM: It is a rather short clause. Perhaps it might be best to read it as follows—

For the purposes of subsection (1) and notwithstanding any other provision of this Act, a cardio-vascular or cerebral-vascular "accident" or an epileptic attack occurring during the course of a journey is not a personal injury by accident.

I wish to move an amendment, a copy of which has been distributed, and the Minister has received one. I move an amendment—

Page 23, lines 39 and 40—Delete the words "or an epileptic attack".

I have no desire to substitute any words. If they are deleted the rest of the clause would read well. I am a little bit surprised that those particular words which I seek to delete are in this Bill at all, particularly as this is the International Year of Disabled Persons, because it seems to me to be extremely discriminatory against the very few people in our community who suffer from epilepsy.

If we look at the actual amount of money likely to be involved in compensation payments to people with epilepsy we will find it is extraordinarily small. I understand the number of people who suffer from epilepsy is as low as 2 per cent of the population. If one takes away from that small number the very large number of people with epilepsy whose condition these days is well and faithfully controlled with medication, one will see there are in fact very few people in the work force with epilepsy in the dimension which causes employers concern. There are very few people in this travelling situation who are at any real risk of suffering a seizure whilst driving to or from their employment.

Under this Bill these people will not be able to claim compensation for the seizure they may suffer in transit to or from work. If a person suffered a seizure and as a consequence ran into a lamp pole or another vehicle or had a serious collision and was grievously injured, he could not successfully claim workers' compensation for that, either. On the other hand, if a person without

epilepsy was driving to work and became ill for any reason and momentarily lost control of the vehicle and became involved in just as grievous a manner as previously mentioned, that person would be eligible for compensation. If a person did not suffer any sickness and merely, as sometimes happens, was distracted momentarily when driving his vehicle and met with an accident and was injured, that person, subject, of course, to meeting the requirements of this Bill, would be able to successfully claim workers' compensation.

It will be seen from subclause (6) that people suffering from epilepsy will be treated unfairly. I might add that people suffering from various afflictions find it difficult enough to find employment at all without being discriminated against so adversely under this Bill. If the Minister would be kind enough to have a look at this proposed amendment, he will see very few claims will be involved and the cost will be infinitesimal. The Minister will see that without this amendment the Bill is unfair and unnecessary, and I would hope that in this circumstance he will see the fairness and correctness of the amendment I have proposed.

I would like to draw attention to the other exclusions which happen to be cardio-vascular or cerebral-vascular. As I understand it, these conditions are very common and cannot be compared with epilepsy. So far as the actual claims for workers' compensation are concerned, these two conditions have a very different dimension. There is no comparison. I suggest that the deletion of the words in the manner I have moved will not only be fair, but will do the right thing generally—particularly in this International Year of Disabled Persons—for the few people in this State who are afflicted with epilepsy.

Mr O'CONNOR: I oppose the amendment moved by the member for Mt. Hawthorn. The proposals in the Bill are exactly the same as those in the Act; there has been no alteration in this regard. We must understand that workers' compensation is for claims by workers for injuries—any injury which is a permanent one to the individual involved. If the amendment was agreed to it could mean employers would not employ people with this problem. The Bill as it stands is satisfactory and I have had no objection to it. I oppose the amendment.

Mr PARKER: If a worker has an epileptic fit while driving his vehicle to work and as a result of that he suffers a personal injury, is the Minister's interpretation of the clause that the personal injury would fall within the definition of the journeying provision, bearing in mind that there is no substantial wilful default on the part of the worker? If it falls within the journeying provisions would he be entitled to workers' compensation?

Mr O'Connor: He would not be. He is not now.

Mr BERTRAM: The clause before us does not refer only to permanent conditions at all. It may very well be that a person suffers his first epileptic fit whilst driving a vehicle to work. This is not a permanent condition.

Mr O'Connor: Is it a work-caused injury?

Mr BERTRAM: No, it is specifically excluded. The Bill refers to a person suffering epilepsy or other condition—

Mr O'Connor: Cardio-vascular or cerebral-vascular—

Mr BERTRAM: —and says it is deemed not to be a personal injury. That is what the Bill indicates.

Mr O'Connor: This has applied in the last 10 years—

Mr BERTRAM: That may be so.

Mr O'Connor: The Bill you introduced in 1972 was exactly the same.

Mr BERTRAM: I am not necessarily conceding it has been excluded previously, but if it has been it is not necessarily an argument to support the proposition that we should not now do the right thing by these people.

Mr O'Connor: I agree with that point.

Mr BERTRAM: We should do the right thing by these people. I make the point that it may be the first occurrence. There are circumstances which occur when a person is driving a motor vehicle which could trigger a seizure, even if the person had not previously suffered an epileptic seizure.

Another point I would like to make is that people suffering from epilepsy are not able to obtain drivers' licences as readily as people who do not suffer from epilepsy. A person with epilepsy must satisfy the Road Traffic Authority that he has not had an epilepsy attack for two years or thereabouts. Taking this into consideration, employers are fairly safe.

I could understand the Minister's attitude a little better if he were to say that the provisions in the Bill apply only to those people who have epilepsy and who are driving without a driver's licence. Why should people who have satisfied the Road Traffic Authority that their epilepsy is well and truly under control be treated in this manner? With the medication and the greater knowledge of epilepsy which is now available, apart from taking the occasional tablet, people suffering from this condition can lead a normal life. They are

able to lead a normal life without suffering an attack at all and it can be guaranteed that they will not suffer an attack; so why should they be discriminated against?

The stigma attached to people with epilepsy is difficult enough to contend with without their being treated unfairly and discriminated against in this way.

I am not conceding that this important amendment will alter the provisions of the Bill to any great extent. Upon examination it will be seen that it is only a minor amendment which will work well and will do the right thing for those people suffering from epilepsy, instead of working against them.

Mr O'CONNOR: We intended that this Bill be fair to both the employee and the employer. If the worker is caused an injury we intend to ensure that he is covered accordingly. As far as workers' compensation is concerned this is the best Bill which has been before the Chamber.

Mr I. F. Taylor: Very modest!

Mr O'CONNOR: It is, and I think members will agree it is not a bad Bill, and it is fair in every way.

Mr Nanovich: It is more than fair.

Mr O'CONNOR: One of the problems experienced with the introduction of this Bill was the substantial increase in premiums from $12 million to $84 million in five years.

Mr Parker: When you referred to this in your second reading speech in May I pointed out that, firstly, you had to translate that into real dollars; secondly, you had to, for the record, have an increase in workers' compensation which was a substantial amount over that period of time; and, thirdly, you had to have regard for the permanent work force and the increase in the work force in high-risk areas.

Mr O'CONNOR: The member for Fremantle would be the first to agree than an increase in premiums from $12 million to $84 million in five years is a substantial increase.

Mr Parker: Of course it is.

Mr O'CONNOR: The member for Fremantle would be the first to agree also that it reflects mainly on the small employer and restricts to some degree the number of people he can afford to employ.

This Bill is intended to cover genuine work-caused accidents. It is not intended to cover illnesses which a person may have had since birth. Such illnesses are covered in another way. While I appreciate the point made by the member for Mt. Hawthorn, I do not believe workers' compensation is intended to cover such accidents. I oppose the amendment.

Mr HODGE: I have listened with great interest to the debate on this amendment. I support the amendment moved by the member for Mt. Hawthorn. I believe the Minister for Labour and Industry has overestimated the amount this would cost.

Mr O'Connor: Each of these little things adds something, and we have given a lot away, you know.

Mr HODGE: I concede that. I presume that the figures given by the member for Mt. Hawthorn were accurate. He said that less than 2 per cent of the population suffers from epilepsy, and it seems to me that only a very small percentage of epilepsy sufferers would be unlucky enough to have a seizure while travelling to or from work. If expense is the Minister's sole objection to the amendment, I do not believe it will add a great deal to the premium.

My understanding is that a worker who has an epileptic seizure and injures himself at work is covered; and it is inconsistent to exclude such people from workers' compensation while travelling to and from work. If the Minister's argument is correct and he is interested only in genuine work-caused injury, it seems strange that he has excluded only people who have an epileptic seizure journeying to and from work.

Mr O'Connor: While at work he is under the control of an employer, and there are other employees with him.

Mr HODGE: The employer cannot control the epileptic seizure.

Mr O'Connor: But the employer can control what happens and how the worker is looked after at that stage.

Mr HODGE: I concede that point, but there does not seem to me to be a great difference between the two situations. The debate tonight has centred around people who are driving, but we should think also of those who use other means of transport. Let us take the case of a worker who faints and injures himself on the way home from work. That case does not seem to be very different from the case of an epileptic who has a seizure and injures himself. While epilepsy is not strictly a work-caused injury, the condition could be aggravated and contributed to by pressure and tension because of the worker's employment.

The amendment moved by the member for Mt. Hawthorn would add a very small amount to the overall workers' compensation bill, and in this International Year of Disabled Persons it is a

concession which could be made to people who suffer from epilepsy. It would be a good gesture for the Parliament to agree to this very minor amendment in this year.

Dr DADOUR: I am rather alarmed about this amendment. We are dealing now with work-induced injury, and in no way can epilepsy be anything other than a medical disease. It is not work caused, and I believe it should be excluded from this part of the legislation which refers to people travelling to and from work. No matter how small the cost, it is still a cost to the community when we amend the legislation in this way. If we agree to this, we would then have to consider the case of a diabetic who has an insulin attack on the way to work. There has to be some cut-off point.

Mr BERTRAM: I share the Minister's concern about cost. Obviously we must have regard for that factor. One cannot disregard the financial impact of one's amendments to the law. However, I have said—and there is no evidence to the contrary—that on the overwhelming probabilities, the cost involved would be very small indeed.

In regard to the comments made by the member for Subiaco, I remind him of what the member for Melville said. A person who suffers an epileptic seizure while on the job may fall onto a machine and injure himself. Quite clearly such a person is entitled to workers' compensation in the same way that a person who faints because he has diabetes would be compensated. However, there is no distinction in this legislation in regard to a diabetic who may be injured on the job or in a vehicle. The Bill before us does make a distinction in the case of epileptics.

Many people believe that if they are injured in a motor vehicle accident—whether or not the accident is serious—they will receive compensation for that injury because they pay a premium to the Motor Vehicle Insurance Trust when they license their vehicle. Such people are not entitled to damages, and nor do they receive damages, unless they can prove negligence on the part of someone else. Very often they cannot prove such negligence.

Mr O'Connor: You are putting up a good case to exclude these people from workers' compensation when an accident occurs at work.

Mr BERTRAM: No, that question does not arise: I mentioned that fact because of the comment made by the member for Subiaco. Many people would imagine that a person who has an epileptic seizure while driving his vehicle would be able to claim compensation at common law. However, unless such a person is able to prove someone else's negligence, he will not receive damages. That seems to me to be a real tragedy, and many people in this State do not understand that that is the case. Most people believe that the driver who has suffered an epileptic attack would receive common law damages. Very often even when there is negligence, and resounding negligence, it cannot be proved.

So an epileptic is at a very real and extraordinary disadvantage. He already has the disadvantage of epilepsy and the consequences that flow from it, including the stigma that attaches to him in our community. It is not very good to add to that person's disability a specific statutory bar upon him in a particular Statute—in this case, the workers' compensation legislation.

Mr WILLIAMS: I would like to say a few words about this amendment because of comments that have been made. It is essential to establish that we are talking about people who may suffer from epilepsy, diabetes, or high blood pressure, but who are employed. The employer knows that they suffer from one of these diseases. At the moment the Government is endeavouring to help handicapped people by having them employed. However, by including such an amendment in the legislation, the employers will be discouraged from employing them.

Let us be fair and reasonable. Some people suffer from epilepsy. The member for Mt. Hawthorn said that they are unfortunate people and of course they are. However, employers in general are endeavouring to help them. We must not lose sight of the fact that the premiums for workers' compensation depend on the number of claims and the amount of the claims. The employer must pay the premium, and if it is too high, he will not employ disabled people. That is quite correct. if an epileptic, a diabetic, or a person suffering from high blood pressure has an accident while on the job, he is covered by workers' compensation. The Opposition asks for this cover to extend to the journey to and from work. I believe the Government has been fair and I believe the employers have been fair. I oppose the amendment.

Amendment put and a division taken, with the following result—

Ayes 14

Mr Barnett	Mr Evans
Mr Bertram	Mr Hodge
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr A. D. Taylor
Mr Terry Burke	Mr Wilson
Mr Carr	Mr I. F. Taylor

(Teller)

Noes 22

Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mrs Craig	Mr Rushton
Mr Crane	Mr Spriggs
Dr Dadour	Mr Stephens
Mr Grewar	Mr Trethowan
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Shalders

(Teller)

Pairs

Ayes	Noes
Mr Tonkin	Mr Old
Mr Jamieson	Mr Hassell
Mr Davies	Mr Grayden
Mr Harman	Mr Laurance
Mr T. H. Jones	Mr Coyne
Mr Bateman	Mr Sodeman
Mr Grill	Mr Young

Amendment thus negatived.

Clause, as amended, put and passed.

Clauses 20 and 21 put and passed.

Clause 22: Serious and wilful misconduct—

Mr PARKER: My amendment on the notice paper is the product of negotiations between the TLC and the Government which was not reflected in the Bill. I understand that at some stage of negotiations this word was agreed to. If the amendment were accepted the Bill would read "without justifiable excuse" rather than "without reasonable excuse". I agree it is a somewhat technical and perhaps esoteric change, but it has been proved there is a difference when it comes to an interpretation.

There can be a whole range of reasons for workers not wearing protective clothing. It may not be provided. It may be that it is not the practice in a particular factory for protective clothing to be worn or for a particular type of that clothing to be worn. It may be considered to be inappropriate; it may not be very protective at all. Therefore, it seems to create a stronger position for the worker if he can claim "justifiable" excuse. Therefore, I move an amendment—

> Page 24, line 27—Delete the word "reasonable" and substitute the word "justifiable".

Mr O'CONNOR: I do not recollect any undertaking to alter this word, but I give the member an assurance that I will check on this. There is not a great deal of difference between the two words, and the word "justifiable" seems to me to place more onus on the worker. I believe the present wording should remain, but I give an undertaking to check on this matter and perhaps have it further considered in another place.

Amendment put and negatived.

Clause put and passed.

Clauses 23 to 58 put and passed.

Clause 59: Commencement of weekly payments—

Mr PARKER: I move an amendment—

> Page 41, line 3—Delete the passage "; or" and substitute the passage "or chiropractor; or".

This amendment deals with the vexed question we were debating last Thursday about the desirability of chiropractors properly to treat workers within the context of workers' compensation legislation in this State.

The first position we take is that, unquestionably, chiropractors have played and are playing a valuable role in the treatment of workers suffering workers' compensation disabilities in this State. Secondly, at the moment, under the existing Workers' Compensation Act, there is no definition of "chiropractor". On the other hand, by virtue of a decision the Parliament made last Thursday, there is now a very restrictive definition of "chiropractor" which will inhibit many chiropractors from giving treatment in workers' compensation cases and will prohibit chiropractors in other States treating workers from this State who have been injured and have left this State, and many workers do leave the State. This is what the Government has achieved by forcing through the clause in question last week.

With this amendment the Opposition, through no fault of its own, is recognising that we now have a very restrictive definition of who is a chiropractor, a definition which the Government wanted. Even with this existing very restrictive definition the Government wants to inhibit those very few chiropractors of whom the Government approves from providing first medical certificates for workers.

The position in the current Act is not crystal clear. It can be interpreted that under the Act chiropractors do not have the right to issue first medical certificates. Nevertheless, the position which has prevailed for many years has been that a number of insurance companies, including the Government's own insurance company—the

SGIO—which caters for a considerable proportion of workers' compensation injuries, do accept first medical certificates from chiropractors. There is no question about that.

When Mr Mews was Chairman of the Workers' Compensation Board he had printed first medical certificates to be filled in by chiropractors.

Mr O'Connor: Does this Bill alter anything in the present Act?

Mr PARKER: The present Act is not crystal clear on this subject. The forms Mr Mews had printed for use by chiropractors were different from forms to be signed by medical practitioners. He clearly recognised there was a situation where chiropractors were providing the certificates.

When we had the previous Bill before us in autumn we saw that the Government had provided that chiropractors would be able to issue first medical certificates. The Government's position was similar to our present stance with regard to our amendment. Between the autumn session and now—and the member for Bunbury has already hinted that this was so—there has been considerable pressure on the Government by the medical profession to change that provision in the Bill. The present Bill, as opposed to the autumn Bill, makes it very clear that chiropractors will not be allowed to issue first medical certificates.

Perhaps the Minister will say that the present practice will continue; namely, that the Government's own insurance company and other major insurers in this field will continue to recognise first medical certificates signed by chiropractors. The fact that the SGIO does do this at present undermines the argument put before us on Thursday by the member for Subiaco and the Minister for Health that chiropractors have no diagnostic abilities.

So the Minister might say that the SGIO will continue to recognise first medical certificates signed by chiropractors which the Minister refuses to validate in the Bill currently before the Committee. In debate last Thursday the Minister gave notice that he would not accept our amendment. He is refusing to validate something which his own insurance company accepts as an established part of the industry. Small wonder that chiropractors and workers who attend them are very concerned about this Bill.

It would be very strange if the insurance companies—particularly the SGIO—simply carried on as they have always done and recognised chiropractors signing first medical certificates when only a few days before the Government has refused the right of chiropractors to issue such certificates. The Government is a Government of hypocrisy, because the autumn Bill recognised that chiropractors could issue such certificates. Further, the SGIO and other major insurers recognise these very chiropractors. In addition, the Workers' Compensation Board has had printed forms which are first medical certificates to be filled in by chiropractors.

There is no rational reason for the Government to change its mind. The only basis upon which one can understand this at all is to take the view that the Government has been pressured by the AMA, individual doctors, or the GP Society in refusing to permit this right to chiropractors.

It is not surprising to learn that in the intervening period the Minister has had discussions with the AMA. I would be surprised if there were not a strong lobby from the medical profession to have the Government's position changed.

Mr O'Connor: The heaviest lobby was from the chiropractors themselves.

Mr PARKER: The chiropractors have been very concerned. Members on this side have had a number of telephone conversations with chiropractors as a result of the provisions in this Bill. They were happy with the provisions in the autumn Bill, but they now find they are to be excluded from the new Act.

Mr O'Connor: No.

Mr PARKER: They will not be able to issue first medical certificates.

Mr O'Connor: Does the present Act give them authority under those circumstances?

Mr PARKER: I just explained all that.

Mr O'Connor: It doesn't.

Mr PARKER: The issue is not clear; however, the important point is that within the industry the first medical certificates issued by chiropractors are accepted. The industry hardly will be in a position to continue that acceptance, and certainly the SGIO will not be able to continue with that acceptance when the ink is hardly dry on legislation which says it cannot accept that first medical certificate issued by a chiropractor. That is what the industry is concerned about, and understandably so.

Finally, I point to the fact that the Bill continues the proposition that chiropractors are allowed to issue progress medical certificates. The situation in many cases is that a worker is forced to go to a medical practitioner to obtain his first medical certificate because the Act requires him to do so. He will not be able to obtain workers'

compensation until he goes to a doctor, but a doctor will not refer him to a chiropractor. Under the ethics of the AMA a medical practitioner is prohibited from referring a patient to a chiropractor. Doctors are not legally prohibited, but they are by the ethics of their profession.

The Minister said nothing will stop a worker from seeing a chiropractor, but in many cases a worker who has been forced to see a doctor will not then go on his own initiative to a chiropractor, especially if that is contrary to the advice of his doctor.

Unfortunately it is the case that people are prepared to accept the word of their doctors as gospel. That is not a good situation, and in many cases is not justified. However, it is the position.

There is no rational reason for the Government's position. It does not accord with the practice presently adopted and does not accord with what the workers want. It will not stop employers and insurance companies referring workers to chiropractors, and it will not reduce the premiums of which the Minister spoke when he dealt with this matter a while ago.

This issue can be seen only as a capitulation by the Government to the AMA lobby. The Opposition is not prepared to capitulate to that lobby. We believe a justifiable case has been put to us on behalf of chiropractors and that they should be allowed to issue first medical certificates.

We are not simply going along with everything chiropractors have put to us. It was put to me by at least one chiropractor that chiropractors should be able to issue final medical certificates. That would require an amendment to clause 62, but I have not proposed any such amendment. In the case of a worker being cleared to return to work, it seems to me that there may be medical reasons other than those of which a chiropractor may be aware which would preclude a worker from returning to work. The final certificate relates to the rehabilitation of the worker and the cessation of his workers' compensation payments. The worker should have the advantage of the breadth of knowledge of a medical practitioner for the purposes of issuing a final medical certificate.

Only a select number of chiropractors will be able to issue progress certificates, and by this amendment only a select number would be able to issue first medical certificates. The select chiropractors are ones approved by the Workers' Compensation Board—no-one else. If the amendment were accepted we would not have a whole range of people issuing first medical certificates. We would have only the people the Government wants to define as chiropractors, which is a concept we oppose. The amendment I moved would have corrected that situation if it had been passed.

Last Thursday the Minister for Health wondered why chiropractors should be able to issue first medical certificates for all sorts of things. As the member for Melville pointed out, chiropractors in terms of the Government's own definition of "chiropractor"—in fact, this would encompass the definition we propose—are covered by the Act under which they are registered—the Chiropractors Act. Those chiropractors are governed by the Chiropractors Registration Board which restricts considerably the area in which chiropractors can work. There would be no danger whatsoever in chiropractors being able to issue first medical certificates within the restrictive provisions of their own Act.

As I have said, I can see no rational basis for the Government's continuing its position, which is only as a result of a lobby by the AMA which has been to the detriment not only of chiropractors, but also of workers who wish to obtain treatment from chiropractors.

The DEPUTY CHAIRMAN (Mr Blaikie): Order! The member's time has expired.

Mr WILLIAMS: I rise again to say a few words about this matter. I preface my remarks by saying that I am one who is a champion of chiropractors. At the same time, I point out that if I were to go to a chiropractor for an injury covered by workers' compensation—perhaps for a broken arm—I would not think it right that the chiropractor could give me a first medical certificate. Also I do not believe it is right that I should be able to go first to a chiropractor for an eye injury.

Mr Parker: That is not what we have said.

Mr WILLIAMS: The Opposition has misinterpreted the situation.

Mr Parker: You don't have an understanding of it.

Mr WILLIAMS: My dear fellow, I have a great deal of understanding of this matter. The member had his say, and I am having mine.

Mr Parker interjected.

The DEPUTY CHAIRMAN (Mr Blaikie) Order! The member for Fremantle was heard in silence. I suggest he give the member for Clontarf the same opportunity to develop his argument.

Mr WILLIAMS: Simply this matter is one which must be taken in the right perspective in regard to what a chiropractor can and cannot do. That is exactly why the first medical certificate

issuing right has been taken from chiropractors and placed in the hands of medical practitioners.

Mr Hodge: You haven't read the Act.

Mr WILLIAMS: I suggest the member for Melville does not understand the Bill.

Mr Hodge: I understand it.

Mr WILLIAMS: If the member ever understood something about which he spoke, it would be new to this Chamber.

Mr Pearce: That's rubbish!

Mr WILLIAMS: We cannot have an open sesame situation for chiropractors.

Mr Parker: I don't suggest we do.

Mr WILLIAMS: I quite clearly understand that in so far as spinal manipulation and certain organs of the body are concerned a medical practitioner would not have the same understanding as a chiropractor, inasmuch as a chiropractor would not have the same understanding as a medical practitioner of ear or kidney diseases, and gallbladder or prostate problems. We must have some balance in the situation.

Mr Pearce: You don't understand.

Mr WILLIAMS: We must be practical about this matter and understand what the legislation is all about. This clause will allow only medical practitioners to issue first medical certificates. They are the people to diagnose an injury. They are the best qualified people for diagnoses. Once a doctor has signed the first medical certificate the patient, if he so desires, can go to a chiropractor.

Mr Hodge: That's rubbish!

Mr WILLIAMS: If a patient so desires he can go to a chiropractor. He will be advised to do so. The medical practitioner he has seen will not advise him to do so, but his insurance company will.

Mr Pearce interjected.

Mr WILLIAMS: I am not prepared to allow chiropractors the right to issue first medical certificates.

Mr Parker: But they do it now.

Mr WILLIAMS: That is why the provision must be amended. It is too encompassing.

Mr Parker interjected.

Mr Pearce interjected.

Mr DEPUTY CHAIRMAN (Mr Blaikie): Order!

Mr WILLIAMS: The insurance companies may condone the present situation, but the Government does not and the law will not. We have made it quite clear in this Bill that we will not condone the present practice, but at the same time we recognise the role of chiropractors, the job they have to do, and their qualifications. However, some chiropractors are not as qualified as they should be; and perhaps some medicos are not as qualified as they should be.

Mr Pearce: How do insurance companies go with qualifications?

Mr WILLIAMS: The fact is that insurance companies will save a dollar if they can. If they can save a dollar by sending a workers' compensation claimant to a chiropractor, they will do so. If they believe that a chiropractor can more quickly get a person back to work, they will recommend that he go to a chiropractor.

Mr Pearce interjected.

Mr WILLIAMS: The member should be quiet.

Mr Pearce interjected.

Mr DEPUTY CHAIRMAN: Order! The member for Gosnells will desist from interjecting.

Mr WILLIAMS: I am attempting to say that the medical profession must have the right to certify in the first instance that a worker qualifies for workers' compensation.

Mr Parker: Can I take up one of the things—

Mr WILLIAMS: Does the member mind my continuing? I gave him a clear go. He can get up at the right time and have another go.

Mr Pearce: Sit down and he will.

Mr WILLIAMS: After the medico has signed the first certificate, the patient, if he feels so inclined because his handicap is of a certain nature, can go to a chiropractor. That is what the legislation is all about. He has the option to go to a chiropractor if he so desires.

The member for Fremantle said that the Opposition would not agree to a chiropractor having the right to issue a final medical certificate, but believes he should have the right to issue a first medical certificate. Why is that the Opposition's view? The member is not dinkum about this matter. He would allow a chiropractor to issue the first certificate, but not the last.

Mr Parker: It is completely different.

Mr WILLIAMS: It would be the same.

Mr Parker: I will tell you—

Mr WILLIAMS: It is not logical to say that a chiropractor should be able to issue the first certificate, but not the last.

A worker has the right to consult a chiropractor. Many insurance companies will advise workers to see chiropractors, but medical

practitioners should be the only people allowed to issue first medical certificates.

Mr O'CONNOR: I rise also to indicate my opposition to this amendment. I did so at an earlier stage. A great deal of the debate we are presently conducting was covered in similar terms during the debate on clause 5 because it refers to similar matters.

I am surprised that the Opposition complains about the definition of "chiropractor". We ought to have an acceptable standard for chiropractors in this State. If we accept chiropractors from other States—

Mr Parker: You are debating clause 5 again. We ought to have an acceptable standard for chiropractors in this State. If we accept chiropractors from other States—

Mr Parker: You are debating clause 5 again. We haven't raised that.

Mr O'CONNOR: The member mentioned this matter during the course of his remarks. He mentioned it a few minutes ago. If the Opposition's definition of "chiropractor" were to apply we could have lower standards than those which presently apply. I cannot accept the Opposition's definition.

This amendment would give chiropractors permission to certify—diagnose. I am surprised the member for Fremantle said the AMA has carried out a certain amount of lobbying in regard to this legislation. In my opinion nobody has lobbied more than have chiropractors, who did so quite foolishly. If they had gone about their lobbying in a better way they may have achieved a better result for themselves; however, at this stage I do not believe they should be allowed to issue first medical certificates. They should not be allowed to diagnose, which is the right of a medical practitioner, the person who has appropriate experience in that field.

I received a phone call today from a person who said he thought I was wrong in connection with this. He thought that chiropractors ought to be able to certify and diagnose. I asked him whether he thought they ought to be able to diagnose heart problems and he said, "Yes"; he thought they ought to be able to do so. I am just explaining the sort of lobbying which is occurring.

Mr Parker: That is not permitted under the Chiropractors Act.

Mr O'CONNOR: We must look at the Workers' Compensation Act also. It may be necessary for us to make some alterations to the Chiropractors Act and I intend to do that when we finish with this Bill.

Mr Parker: That is more than the Minister for Health has done.

Mr O'CONNOR: It does not prevent my having a look at it with the Minister for Health. I have received a letter, signed by R. Murphy, which I believe he sent to others as well. The letter said that the Bill appears to take away the rights of chiropractors who are primarily contact practitioners. He said that this is proposed, despite the fact that this has been a customary practice under the Chiropractors Act.

I have said before and I will say again that the provision in the Bill is exactly the same as that which applies in the Act. Members opposite and the chiropractors can say that it is not, but it is. I have discussed this matter with members of the Crown Law Department and the advisers say that the implications in connection with the Bill are the same as those in the Act.

Mr Parker: What about the SGIO?

Mr O'CONNOR: If problems develop in connection with this then I will take appropriate action.

Mr Parker: What they are doing now is accepting first medical certificates from chiropractors.

Mr O'CONNOR: Perhaps I ought to be taking action to preclude that. I have not taken that action and I do not intend to do so.

Mr HODGE: I support strongly the argument advanced by the member for Fremantle. He spelt it out very well. I will not comment on the contribution made by the member for Clontarf because it was irrational. The arguments put forward by the Minister for Labour and Industry are not convincing and are incorrect.

Mr O'Connor: They are factual.

Mr HODGE: I wrote to the Minister—

Mr O'Connor: Two days ago.

Mr HODGE: —about a week ago.

Mr O'Connor: It was on my table on Monday.

Mr HODGE: I cannot help that and I am not criticising the Minister for being a slow correspondent. However, I would be happy if he could provide me with the information now and tell me why such a major change has been made and why there is such a difference between the autumn Bill and this one.

In the autumn Bill the Government was of the opinion that chiropractors should be included as being able to issue first treatment certificates. Can the Minister for Labour and Industry explain to me why such a change has been made?

Mr O'Connor: When I made my explanations I was interjected upon. You will get your letter in due course.

Mr HODGE: I probably will, but of course this legislation will be through by then and I will not have the benefit of the Minister's explanation. The point has been made that a worker can go to a medical practitioner who will sign a first treatment certificate and then on his own initiative the patient can go to a chiropractor. That is not realistic because most people who go to a medical practitioner feel that they have some obligation to take his advice and accept his treatment.

Obviously, very few medical practitioners will advise a worker to go to a chiropractor. It has been canvassed to some degree that medical practitioners generally are reluctant to refer patients to chiropractors. I always understood that this was a question of ethics. I have received a copy of a letter from the Chiropractors Registration Board, signed by the registrar (Mr Gory) and addressed to the Secretary of the Australian Chiropractors' Association. A passage of that letter states that the medical board has written to the Chiropractors Registration Board and asserted not only that is it unethical, but also that it is unlawful for a doctor to refer a patient to and have any communication with chiropractors in regard to such a referral.

It is not just unethical; it is unlawful, in the view of the medical board. Any doctor who refers a patient to a chiropractor is risking prosecution by the medical board. It is misleading for us to speak about patients merely going to a medical practitioner to obtain a first treatment certificate and then being referred to or going, on their own initiative, to a chiropractor. There has always been some doubt about the legality of a chiropractor issuing a first treatment certificate. I understand that if an insurance company chose to do so it could go to court and question the validity of a worker's claim for compensation if it were based on a first treatment certificate issued by a chiropractor. That is one of the ways in which an insurance company can act if it wished to discontinue payments.

That is a situation about which the Government should not be proud. The Minister for Labor and Industry has said on many occasions that nothing has changed and that we will continue as is the case at present. Well, if that is the case, it is not a situation with which we should be satisfied or of which we should be proud because the situation is not clear. We should be clearing up the matter, by including chiropractors and acknowledging the reality of what has been happening over the past 10 years. We should make it beyond doubt that it is legal for a chiropractor to issue a first treatment certificate. The Government has failed completely with this legislation because it is not clear and it has not presented any concrete reasons for its behaviour in respect of chiropractors.

The member for Fremantle and I believe the AMA over the past few months has put pressure on the Government in order to make it have a change of heart. There is no doubt that chiropractors have attempted to lobby the Government also, but of course they do not have the same political clout as has the AMA. We know that the Secretary of the AMA (Mr Hayward) is a prominent and very active member of the Liberal Party.

Mr Watt: A lot of rubbish!

The DEPUTY CHAIRMAN (Mr Blaikie): I suggest the member for Melville should refer to the amendment and not worry about political allegiance.

Mr HODGE: I do not believe I have wandered too far in the debate. I should be entitled to mount my argument in the way I see fit. I believe the Government is taking a discriminatory line against chiropractors and the people who go to chiropractors for treatment.

The Webb report commissioned by the Federal Government some years ago indicated that 1.25 million Australians sought chiropractic treatment every year. That is a figure of about five years ago and it would not be hard to imagine that the figure now would be well in the vicinity of two million consultations a year.

Mr O'Connor: Does that figure include the number of double-ups?

Mr HODGE: I think that was the number of visits to chiropractors.

Mr O'Connor: One may have 50 visits in a year.

Mr HODGE: I think that figure gives an indication that Australians generally accept chiropractors and hold them in high regard, as well as consult them frequently. The Minister is worrying unnecessarily about the chiropractic standards in other States. I have made a close study of the chiropractic standards in other States.

Since I have been a member of Parliament I have spoken to the members of the registration boards in other States, and I have examined their reports and investigations. Every State, except Tasmania, has legislation with regard to chiropractors. I understand Tasmania is moving

towards this at the moment. I support the amendment moved by the member for Fremantle.

Dr DADOUR: When clause 5 was discussed the other day, there was quite a deal of wandering on the subject of chiropractors. I understand that we are able to speak about the chiropractors in fairly general terms as well as the treatment of workers' compensation cases.

There were advertisements in *The Sunday Times* and the *Sunday Independent* last Sunday which were placed by a chiropractor (Mr Scott). There have been many half truths and false statements made in those advertisements and I think they encompass exactly what we are talking about.

One statement says that—

> In the Press last Friday, 16 October 1981, Mr Ray Young was quoted as saying that chiropractors do not have the ability to diagnose particular injuries.

Mr Young's statement was quite correct. The Chiropractors Act limits their activities to palpations of the spine. That is said not only in the Act, but also by Mr Justice Dunn in his report. He said—

> It is emphasised that the Chiropractors Act of 1964 recognises a very limited field of treatment by chiropractors. It is evident from the written submissions that chiropractors are expanding their activities into areas more properly those of a qualified medical practitioner.

There is a risk to the patient if those pursuits continue and that is the overriding factor—there is a risk for the patient. If a person comes to me as a medical practitioner and has an injury I am there to make a diagnosis. In making a diagnosis I must make a differential assessment of his so-called injury. This person may be suffering from one of many other things. The first thing I must do is eliminate certain conditions; that is, if the pain is coming from the muscular skeletal body or spine. I must then eliminate the fact that there may be secondary cancerous deposits in the bone and also eliminate the fact that there may be any osteoporosis, which is thinning of the bone. As far as I am concerned, this is a medical problem and what must be first ascertained is what the diagnosis will be.

Having obtained a diagnosis, the person says to me, "I have a chiropractor I attend. I wish to go to him". I say, "Look, there is nothing seriously wrong in the way of medical diseases that would stop you from going to your chiropractor. If you wish to go to your chiropractor, then do so, by all means. If you wish to, notify your insurance company that you wish to do this, and go ahead and do it".

There is a lot of talk about why our profession will not recognise chiropractors. The reason, quite simply, is that there is no common scientific ground with chiropractors. We have scientific ground for working with physiotherapists and occupational therapists, but we do not have it with the chiropractors.

Mr Bertram: Why is that?

Dr DADOUR: Their basis of knowledge is not as sound as we think it should be or could be.

Mr Williams: That is not right. In Melbourne they do a three-year medical course, and go on to chiropractics.

Dr DADOUR: In my training, I did my first three preclinical years, and then I did my three clinical years. At the final examination, the only thing the examiners wanted to know was, "Is he safe? Has he killed anybody on paper? Has he killed anybody in his oral examinations?" If that had been the case, I would have been dumped, and I would have had to go back in six months.

Mr Williams: How many have you killed?

Dr DADOUR: Quite a number since then! The whole purpose of the examination is to determine, after six years, whether the candidate is safe. He has to learn the differential diagnoses to arrive at the end result. It is only by diligent elimination of everything else that one comes to the point of saying, "That is due to the trauma". It is not necessarily because of the trauma that he is complaining of the pain in his back.

After his training, the resident doctor must have one year preregistration in a hospital. In that time, he familiarises himself with the practical side of things. This is done under supervision; and the supervising doctors make submissions concerning the student's ability. After 12 months, if his ability is not good enough, he is required to do another 12 months. It is a very tight procedure.

Throughout Australia the examinations are standardised. External examiners are brought in from places like the University of Tasmania, the University of Melbourne, or the University of Sydney to conduct the examinations. The external examiners set the standard; and that is how we attain uniformity.

I do not know what the chiropractors are taught, and what training they have. I understand that they are now taught obstetrics in Victoria, but that does not mean they will become sufficiently proficient to diagnose. Diagnosis is not allowed under the Chiropractors Act.

The chiropractors are trying to get in through the side door under the Workers' Compensation Act so they can expand their activities. Then they can turn around and say that the Chiropractors Act should be amended to allow for the things they are now doing. If they do that, the Government will have a look at the situation and amend the Act, if that is deemed necessary.

Other statements were made in the newspaper, and I will run through them as quickly as I can. The first statement is as follows—

> In 1970 chiropractors were afforded the privilege of treating workers under the provisions of the Workers' Compensation Act.

The answer to that is that for years before the Chiropractors Act was passed in 1964, chiropractors treated workers' compensation patients. The Workers' Compensation Act did not provide any control on the fees charged by chiropractors. Many insurers paid for chiropractic attention both before and after chiropractors were registered in 1964, while other insurers did not.

The amendment to the Workers' Compensation Act in 1970 recognised treatment by chiropractors, and it provided for control on their fees. While the Workers' Compensation Act has provided always for medical certification, it left it open to insurers to accept chiropractic treatment and to pay for it. The 1970 amendment recognised the limitation on the activities of chiropractors in the Chiropractors Act, and it did nothing more.

The provisions of this Bill are those that were in the previous legislation. We are not changing anything. If an insurer wishes to send a client under certification from a doctor to a chiropractor it is at liberty to do so. There is no argument.

The quote continues—

> In this Bill chiropractors and their patients are discriminated against. If the Act is enforced no worker may be put off work if he/she does not first consult a medical practitioner.

There is no discrimination against chiropractors and their patients. It is ridiculous to suggest that if the Act is enforced, no worker may be put off work if he does not first consult a medical practitioner.

The existing Workers' Compensation Act, of which there is no amendment in this respect, leaves it open to any employer to make weekly payments in the absence of a medical certificate. Consultation with a medical practitioner is not a prerequisite to the payment of weekly compensation under the present legislation. There is no alteration to that.

The quote continues—

> The situation now is simply—do you as an injured worker wish to retain your free choice in the care you receive under the Act.

The answer to that is that workers will retain their free choice of health care attendant, provided, of course, that the health care attendant limits his treatment in accordance with the conditions laid down in the Western Australian legislation for his registration. In this regard, many instances have been documented where chiropractors have treated patients for conditions prohibited under their own registration Act. Other health care professionals are careful to ensure that their activities are within the conditions imposed by their registration.

Mr Williams: Who is saying that?

Dr DADOUR: This is me, in reply. Mr Justice Dunn pointed out that the chiropractors were acting outside their registration Act.

Medical practitioners have to be registered with the Workers' Compensation Board, in the same way that chiropractors have to be registered. They cannot treat patients on workers' compensation without first being registered with the board. There will be no distinction between the medicos and the chiropractors in that respect. We have to register with the Workers' Compensation Board to make us eligible to treat workers' compensation cases.

Mr Parker: Who do? Doctors?

Dr DADOUR: Yes, of course we do.

Mr Parker: That is not true.

Dr DADOUR: It is true.

Mr Parker: Not under the Act. There is no provision under the Act or the Bill for doctors to register in that way.

Dr DADOUR: We have to be registered under the Act.

Mr Parker: Under what Act—the Medical Act?

The DEPUTY CHAIRMAN (Mr Blaikie): The member for Fremantle will have an opportunity to reply and take part in the debate later.

Dr DADOUR: I quote another statement—

> How then in good faith can a patient expect his doctor to condone his visiting a chiropractor under threat of deregistration? If the Bill becomes law, patients of chiropractors may have to lie to their doctors

in order to receive chiropractic care under the Act.

That statement is nonsensical. At all inquiries conducted in Western Australia, the medical profession has made its position quite clear. It has no objection to any patient attending a chiropractor for treatment within the limits imposed by the Chiropractors Act. Simply, the profession will not officially refer patients to chiropractors. It can find no common scientific meeting ground with the chiropractors.

Mr Williams: Are you aware that in Melbourne the dean of the faculty is a medical practitioner, and several of the examiners are medical practitioners?

Dr DADOUR: We have several medical practitioners in Perth who are also chiropractors. What is wrong with that?

Mr Williams: The chiropractors do have a very strong case.

The DEPUTY CHAIRMAN: Order!

Dr DADOUR: People can suffer from medical conditions that can be aggravated by accidents. We always give the benefit of the doubt to the injured worker. He could have had an underlying medical condition, and we have to recognise that. If a person injures himself, we have to be aware that he could develop another condition. I have seen patients who have developed diabetes as a result of an accident. These things have to be recognised fairly quickly, before the treatment is started.

Mr WATT: I would like to make a few comments on this question. I indicate at the outset that I oppose the amendment.

When we first started to discuss this question, I was pro-chiropractors, and I am still pro-chiropractic. However, having listened to the arguments put forward by the member for Fremantle, having thought about the question considerably, and having discussed it with one or two people, I have come to the view that the compromise reached by the Government is a sensible one.

Apparently in the nervous system, particularly in the spine, pain does not necessarily manifest itself at the point where the injury or the problem exists. I know this from my own experience, because I have attended a chiropractor on frequent occasions.

Mr Hodge: You will not be able to go when this Bill goes through.

Mr WATT: Yes, I will. I have a problem in my neck which, for a long time, I thought was a problem further down my back because that is where I have the pain. After a long time, I was able to find that that was not so.

I would like to relate an incident which illustrates fairly graphically the problem as I see it. It relates to a friend of mine who probably lived in the electorate of the member for Melville, and who died a couple of years ago from cancer. My friend went to a chiropractor because he had a pain in his lower back. Like many of us, I suspect, he believed that he had hurt his back.

It often happens that one falls or injures oneself, and a pre-existing condition can be aggravated. In this particular case, my friend went to a chiropractor for some weeks, and he became progressively worse until he could walk no longer. Eventually he went to a doctor, and he found that he had a terminal illness—a cancer in his spine. Of course, it was only a question of time before he died.

The compromise that the Government has provided—

Mr Parker: What is the compromise?

Mr WATT: The compromise is that a person is able to go to a chiropractor as of his own right, after he has been to a doctor initially.

Mr Parker: That is worse than the current position.

Mr WATT: I do not believe it is. If that is related to the sort of case about which I have just spoken, it could be important. With his more extensive training and more thorough training, a medical practitioner is more likely to detect the severe illnesses that may be the cause of a person's problem. By at least having that first examination, the worker is protected. Having gone to a doctor he may then go to a chiropractor the very same day; that is his right.

I have discussed this matter with a chiropractor and a doctor in my electorate and they both indicated this was a fair and sensible arrangement. Previously insurers decided which chiropractic qualification they would accept. They did not accept them all. Members will know that when the Chiropractors Act was introduced a number of chiropractors came under the registration scheme under a grandfather clause.

Mr Parker: Some of them were the best chiropractors around.

Mr WATT: Indeed they were, but some of them were not so good. It was for that reason that the insurance companies decided for themselves which chiropractors they would accept and which they would not. I personally feel that is a most unacceptable arrangement and one which could very easily cause problems.

It is far better that we enter into the arrangement proposed in this Bill under which the injured worker has the opportunity, after he has seen a medical practitioner in the first place, to go to a chiropractor if that is his wish, as of right.

What we are doing in this clause is much more in the genuine interests of the worker than it would be to allow some of the originally registered chiropractors, who are not qualified, to certificate and perhaps do it wrongly.

I oppose the amendment.

Amendment put and a division taken with the following result—

Ayes 14

Mr Barnett	Mr Evans
Mr Bertram	Mr Hodge
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr A. D. Taylor
Mr Terry Burke	Mr Wilson
Mr Carr	Mr I. F. Taylor

(Teller)

Noes 23

Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Rushton
Mrs Craig	Mr Sibson
Mr Crane	Mr Spriggs
Dr. Dadour	Mr Stephens
Mr Grewar	Mr Trethowan
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Shalders
Mr Mensaros	

(Teller)

Pairs

Ayes	Noes
Mr Tonkin	Mr Old
Mr Jamieson	Mr Hassell
Mr Davies	Mr Grayden
Mr Harman	Mr Laurance
Mr T. H. Jones	Mr Coyne
Mr Bateman	Mr Sodeman
Mr Grill	Mr Young

Amendment thus negatived.

Clause put and passed.

Clauses 60 and 61 put and passed.

Clause 62: Unlawful discontinuance of weekly payments—

Mr PARKER: The two amendments I propose to move to this clause do not appear on the notice paper, but I handed copies of them to the Minister a while ago. The problem to which they apply concerns section 12B of the Act which relates to the 21 days' notification which must be given that a person's payments will be either discontinued or diminished on the basis that he is fit for light duties.

This is one of the most vexed questions of all workers' compensation issues for those dealing with these people. It is one of the causes of the greatest amount of anxiety, which demoralises workers to the greatest extent, and which now, with high unemployment, is the most difficult to sort out.

The two amendments I propose to move will deal with the problem in two ways. The first amendment proposes to insert words which would provide that, pending a determination by the board under section 12B, which will become section 62 (1), following upon serving a notice, the worker will continue to be paid. This is necessary because of the unfortunate fact that there is a very considerable delay between the time a claim goes before the Workers' Compensation Board and the time it is ultimately heard and determined.

Previously I referred to the fact that there has been no "call over" system in the Workers' Compensation Board. I am not certain whether I mentioned this when we were discussing the Bill in May or in relation to debate on the 35-hour week; but I said that, if members of the Workers' Compensation Board had to work a 35-hour week, it would be quadrupling the time it worked presently. However, I understand the situation may be changing.

Nevertheless the fact remains that, for very long periods of time, virtually no work has been done by the members of the board in the afternoons and for a number of days a week. As a result, workers have had to wait from five to six weeks up to nine, 12, or 18 months for their cases to be determined.

Mr O'Connor: I have been advised that is not correct and in fact members of the board do work during the period of time you suggested that they do not.

Mr PARKER: I understand the position may have changed, but I am not aware precisely of the current situation.

Mr O'Connor: I took the matter back to the board when you made that point.

Mr PARKER: In May my understanding was it was very rare to find members of the Workers' Compensation Board who worked after lunch on any day of the week. The position may have changed since then. I would not mind that, were it not for the fact that workers are waiting for their cases to be determined and they are suffering mental anguish in the meantime.

For whatever reason—perhaps because of past bad practices—we still have a situation in which there is as much as a five-month delay, even since the establishment of supplementary board, before cases are determined by the Workers' Compensation Board. At the present time it is

very easy for any insurance company under section 12B to issue notification in the certain knowledge that, even if it is ultimately proved to be wrong in issuing it, it will be many months before that determination is made and, in the meantime, it will have the use of those funds.

Whilst the insurance company has the use of those funds and can maximise them on the short-term money market, because they are used to doing that as part of their practices, the worker receives no funds or, at best, receives sickness or unemployment benefits from the Social Security Department which would be substantially less than he might get under worker's compensation.

This is a very grave problem and it needs to be sorted out. The two amendments I propose to move will do that. The first amendment will improve the position by setting out that no diminution of payments will occur until such time as an order is made, unless so ordered by the board. That would allow the board, in an obvious case of malingering, to make such an order. However, in other cases there will be no diminution in payments.

The second amendment which was on the notice paper last time we considered this legislation, would result in any discontinuance in rates to be only to the extent that the earnings of the worker, in his employment after the accident, justified such discontinuance or reduction.

In other States the provisions are more stringent than the ones I propose. In New South Wales, before the current Government came into power, a worker could not have his payments diminished unless the employer offered work to the employee. There was no opportunity for the diminution of payments, as a result of the worker improving, unless he was fit for light duties and the employer found light duties for him. Anyone who has tried to find light duties these days would be aware of the situation. Previously one could generally find light duties in Government employment, but today very few Government employers would try to find light duties for their workers. Some private employers do this, but they are a diminishing number and, at a time when private employers have unlimited scope as to whom they shall hire, they can pick and choose and an employer will not put people on light duties when he can employ a fit person who may do the light duties, but can also perform other heavier work.

I move an amendment—

Page 44, line 15—After the passage "(3)." add the following passage—

> provided that pending any hearing and determination of the matter by the Workers' Compensation Board there shall be no discontinuance or diminution of weekly payments to the worker unless so ordered by the Board.

That will allow the board to make a determination in the case of obvious malingering, but, in other circumstances, the worker will have the use of the money pending the determination by the board, rather than the insurance company having the use of it and the worker being forced to live on the poverty line or below it while the determination is being made.

This would provide a very good situation in which the insurance company could put pressure on the board to speed up the hearing of claims. It is obvious nothing we or the trade unions say will diminish the time lag in the hearing of claims, but perhaps if the insurance companies are concerned about it and it has an effect on their finances, the situation will improve. I would be very surprised if we did not see a substantial reduction in the time lags involved as a result of pressure on the part of insurance companies.

I commend my amendment to the Committee.

Mr O'CONNOR: I rise to oppose the amendment suggested by the member for Fremantle. I do not see any need for it. The provision refers to weekly payments of compensation for total or partial incapacity which shall not be diminished unless certain conditions are complied with.

Subclause (3) provides for a hearing in chambers which will take place without any delay and I refer members to the wording of that provision.

Under these circumstances, there is no delay. I think there would be no disadvantage to the worker in connection with this particular aspect. We have on the Workers' Compensation Board not only a judge as chairman, but also a workers' representative and an employers' representative and these people look after the employee fairly well. I see no disadvantage here nor any unnecessary delay. I believe that the amendment is unnecessary and therefore I oppose it.

Amendment put and a division taken with the following result—

	Ayes 14	
Mr Barnett	Mr Evans	
Mr Bertram	Mr Hodge	
Mr Bridge	Mr Parker	
Mr Bryce	Mr Pearce	
Mr Brian Burke	Mr A. D. Taylor	
Mr Terry Burke	Mr Wilson	
Mr Carr	Mr I. F. Taylor	
	Noes 22	*(Teller)*
Mr Clarko	Mr Mensaros	
Sir Charles Court	Mr Nanovich	
Mr Cowan	Mr O'Connor	
Mrs Craig	Mr Rushton	
Mr Crane	Mr Sibson	
Dr Dadour	Mr Spriggs	
Mr Grewar	Mr Trethowan	
Mr Herzfeld	Mr Tubby	
Mr P. V. Jones	Mr Williams	
Mr MacKinnon	Mr Young	
Mr McPharlin	Mr Watt	
	Pairs	*(Teller)*
Ayes	Noes	
Mr Tonkin	Mr Old	
Mr Jamieson	Mr Hassell	
Mr Davies	Mr Grayden	
Mr Harman	Mr Laurance	
Mr T. H. Jones	Mr Coyne	
Mr Bateman	Mr Sodeman	
Mr Grill	Mr Shalders	

Amendment thus negatived.

Mr PARKER: I come to my second amendment to clause 62. I move an amendment—

> Page 44—After subclause (3) insert the following subclause to stand as subclause (4)—
>
> (4) Notwithstanding subsection (1) weekly payments of compensation for total or partial incapacity shall not be discontinued or reduced on the ground that the worker has resumed work except to the extent that the earnings of the worker in his employment after the accident justify such discontinuance or reduction.

This is to cater for the very specific problem which occurs under current section 12B and which will continue to occur if this amendment is not made to section 62. If a person's medical certificate indicates that he is fit for light duties, an insurance company, subject to section 12B, can reduce his weekly payments to the difference between the minimum award rate for, say, adult males in Western Australia and the annual wage rate he was paid for workers' compensation. This difference might be $40, $50, or $60 and that is what it would pay him on the basis that he ought to be able to obtain employment at least at the award minimum rate for a light duties job. In fact, that is simply not the case.

There are two reasons for that. One is that the worker may in fact be unemployed and because of the general unemployment situation in the community may continue to be unemployed. The other most important aspect is that because of his disability he may well not be able to get employment at all or in a light duties capacity. There are very few jobs which are completely unskilled and require virtually no strength, skill, or ability. Even in respect of those that are available, as I mentioned earlier, an employer is likely, given a choice, to take into his work force people who have a broad range of abilities and are able to fulfil the needs which an employer might want him to fulfil.

We now have a situation with the current Act, and it will be continued under the proposed Act if the Government has its way, where a worker could be deemed to be fit for light duties and could have his income reduced, from, say, in the case of a worker on $220 a week to $70, which is the difference between $220 and the minimum wage, and yet he is still completely unable to obtain work even at the rate of the minimum wage because of his disability. He is not being rehabilitated in any way or being paid the money he ought to be getting because of his minimum wage capability and he will still have the amount reduced to $70 in that example. I do not believe that is fair. It does not assist workers in the course of rehabilitation, nor do I believe it assists in the implementation of this Bill.

If my amendment were carried, firstly, the situation would be much fairer for those workers, and, secondly, there would be an incentive to either the employer, the worker himself, other employers, or the insurance company to ensure wherever possible that workers found employment because it is very rarely the case now that an employer makes much effort to try to find his injured workers light duty work. That applies particularly these days to mining companies. It used to be possible to get that sort of work in Government departments, but now it is virtually impossible. In private industry the same thing could be said with very few exceptions.

On the other hand, if my amendment were carried there would be an incentive upon the employer to find the worker light duty employment to the extent that he is able to profitably use the worker and there would be a reduction in the amount of money paid to the worker by way of compensation.

This clause was drafted and was on the notice paper the last time we were looking at this Bill back in April or May. It was drafted by my colleague, the Hon. Howard Olney, and it adds

considerably to the Bill and to the ability of workers in this situation to be treated decently because we now have a situation where a lot of workers are not getting any work or rehabilitation and have had their weekly payments cut back to the sort of figures I have mentioned, $50, $60, $70, $80. I believe that is unfair and does not assist anybody. The insurance companies and the Government should accept the amendment which I commend to the Committee.

Mr O'CONNOR: I do not believe this subclause is necessary and I rise to oppose it. Subclause (2) places the onus on the employer to ensure that the worker knows his or her rights in connection with this Act. In respect of the balance of the comments made by the honourable member, if he has a look he will find the provision in clause 7 of schedule 1.

This provides for payments working up to what a person is entitled to under the measure. My understanding from discussions I have had with people is that that is covered in this legislation and is therefore unnecessary.

Mr Parker: Where is it in clause 7 of schedule 1?

Mr O'CONNOR: I think it is subclause (2).

Amendment put and a division taken with the following result—

Ayes 14

Mr Barnett	Mr Evans
Mr Bertram	Mr Hodge
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr A. D. Taylor
Mr Terry Burke	Mr Wilson
Mr Carr	Mr I. F. Taylor

(Teller)

Noes 22

Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Spriggs
Mr Grewar	Mr Trethowan
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Shalders

(Teller)

Pairs

Ayes	Noes
Mr Tonkin	Mr Old
Mr Jamieson	Mr Hassell
Mr Davies	Mr Grayden
Mr Harman	Mr Laurance
Mr T. H. Jones	Mr Coyne
Mr Bateman	Mr Sodeman
Mr Grill	Mr Shalders

Amendment thus negatived.

Clause put and passed.

Clauses 63 to 70 put and passed.

Clause 71: Reference to medical panel—

Mr PARKER: I want to raise an issue about a matter which was referred to me, and I think to other members, certainly on this side if not on the Government side, and which was the subject of questions in this place on a number of occasions. It also attracted some comments in the Press.

This clause provides, amongst other things, that a worker is entitled to receive a copy of a medical opinion which has been given about him. In the case to which I refer, a psychiatric report was made on a gentleman by the name of Mr John Doohan, as a result of his being referred to a psychiatrist by the State Government Insurance Office. It was some years after the psychiatrist made the report that Mr Doohan learnt of its existence. He then asked for it back. The SGIO replied to Mr Doohan that it did not have a copy of the report, and the essence of the matter was that on the same day the SGIO wrote also to the psychiatrist, returning to him a copy of the report so that the SGIO could say that it did not have a copy and so could not supply it to Mr Doohan.

The result was that Mr Doohan took his case to the Workers' Compensation Board and the board's finding, contrary to the advice given to the Minister by the Crown Law Department, was that the SGIO had an obligation to provide a copy of the report to Mr Doohan. I am pleased to say that there has been no change to this provision between the existing Act and the measure before us. I wished to draw attention to this case; a Government instrumentality decided it would go against the law, and subsequently, when the law was pointed out to it, either would not provide the report or was not in a position to provide the report.

Mr O'Connor: It had been returned to the doctor.

Mr PARKER: Yes, it had been returned, but it had been returned deliberately so that the SGIO could not provide it to the worker. This is quite clear from the date of the two letters. I am told that perhaps the psychiatrist has destroyed the report now. No-one, except perhaps the SGIO, the psychiatrist, and the Minister, knows what was in the report.

Mr O'Connor: I have not seen it.

Mr PARKER: I wished to mention this to show the way that the SGIO conducts its business. I have mentioned the matter now because the provision to which I have referred appears in this clause.

Clause put and passed.

Clauses 72 and 73 put and passed.

Clause 74: Worker entitled but dispute between employers—

Mr O'CONNOR: I move an amendment—

Page 52, line 8—Add after the word "occurred" the passage ", as he or they may possess".

The amendment will make the clause consistent with clause 42. It refers to the specific requirement to provide knowledge. The amendment will mean that a worker or his dependant will have to supply only the knowledge which he or they may possess.

We were concerned that if a worker were killed, his dependants may not have the information required, and so we ask only for the information he or they may possess. I believe this amendment will have everyone's support.

Mr PARKER: I wish to indicate that we do not oppose the amendment. Indeed, it results from negotiations which have taken place between the Government and others.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 75 to 79 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr O'Connor (Minister for Labour and Industry).

House adjourned at 10.23 p.m.

QUESTIONS ON NOTICE

STATE FINANCE

Hospital Charges: Increase

2234. Dr DADOUR, to the Treasurer:

What is the estimated income for 1980-81 expected with the introduction of State hospital charges including in-patient and out-patient services and the State charge for medical services?

Sir CHARLES COURT replied:

It is assumed the financial year referred to by the member is 1981-82 and not 1980-81. The figure for 1981-82 is $116.3 million.

The information is provided on page 20 of the *Financial Statement* which I presented to Parliament on Tuesday, 13 October 1981.

EDUCATION: SCHOOL SWIMMING PROGRAMMES

In-term Classes

2235. Mr DAVIES, to the Minister for Education:

(1) Referring to question 2209 of 1981 regarding "in-school-time" swimming classes, is he aware that some classes are scheduled to commence during normal lunch break; i.e., 12.40 p.m., in one case?

(2) Is there not danger in children either swimming just after taking a meal or alternatively going to classes some considerable time after taking a meal?

(3) Is it not a fact that bus hire is dearer at this time of the day?

(4) Should staff have to supervise children going to classes during normal lunch break?

(5) Can he make sure classes are scheduled for more convenient times for both students and staff?

(6) If not, why not?

Mr GRAYDEN replied:

(1) Yes. Classes are controlled by availability of pool space and buses.

(2) I have confidence in the principals of schools to make special arrangements for these circumstances so that there will be no dangers to children.

(3) Yes. This matter is being investigated.

(4) I would again say that I have every confidence that principals will organise appropriately to cover the needs of both children and teachers.

(5) No. See (1) above. However, schools are on a rotating timetable and no school will have the lunch time period more than once in five years.

(6) See (1) and (5) above.

SEWERAGE: PUMPING STATION

Spearwood

2236. Mr A. D. TAYLOR, to the Minister for Water Resources:

(1) With respect to construction of a sewerage pumping station in Mayor Road, Spearwood and particularly to his answer to question 2186 of 1981, to what factors does he attribute the dramatic increase in salinity in ground water tests?

(2) Do tests show that the high salinity water now being pumped is either "likely to be sea water seepage" or "unlikely to be sea water seepage"?

(3) Have tests of bore and well samples been taken from any other properties in the general area?

(4) If "Yes" to (3), will he advise the addresses from which the samples were taken and also advise the dates they were taken and the results of those tests?

Mr MENSAROS replied:

(1) The sodium chloride levels referred to in answer to question 2186 of 1981 related to samples taken from the pumping station site. A similar increase is not evident in other nearby wells. Investigations are not yet complete, but it is most likely that the pumping has caused a localised upflow at the pumping station site of more saline water from the deeper parts of the aquifer.

(2) The water pumped is not sea water seepage.

(3) Yes.

(4) Information from the comprehensive survey of present and historical data which is currently being undertaken is not yet available.

TRAFFIC: COUNT

Jarrah Road

2237. Mr DAVIES, to the Minister for Transport:

(1) What are the latest figures available for traffic flow in Jarrah Road between South Perth and East Victoria Park?
(2) When and where were such counts made?

Mr RUSHTON replied:

(1) Average Monday to Friday 24-hour count is 2 125 northbound and 2 481 southbound.
(2) 12 to 20 August 1980, south of George Street.

CONSUMER AFFAIRS

Credit Legislation

2238. Mr TONKIN, to the Minister for Consumer Affairs:

(1) Does the Government intend to introduce new legislation to deal with credit which the introduction to the 1980-81 report of the Bureau of Consumer Affairs says is well overdue?
(2) If so, when is such action to be expected?

Mr O'CONNOR replied:

(1) and (2) Yes, the Government has already announced its intention of doing so as soon as is practicable.

CONSUMER AFFAIRS

Contracts: Legislation

2239. Mr TONKIN, to the Minister for Consumer Affairs:

As the introduction to the 1980-81 report of the Bureau of Consumer Affairs states that consumers need protection against unfair contracts, what action does the Government intend to take in this matter?

Mr O'CONNOR replied:

The document referred to by the member is not the "introduction to the 1980-81 report of the Bureau of Consumer Affairs" but is the letter of transmittal of the Chairman of the Consumer Affairs Council for his annual report on the activities of the council and the bureau for the year ending 30 June as required under section 26 of the Act. The letter expresses the opinions of the chairman.

However, it might be noted that a Contracts (Review) Act was recently introduced in New South Wales. The Consumer Affairs Bureau, together with those of other States, is monitoring the application of the legislation to ascertain whether or not it ought to be introduced. Advice from the New South Wales bureau indicates that it is, at present, too early to determine whether or not the legislation is effective or necessary. In any event, the question of contract review will be covered by the proposed uniform credit laws.

2240. *This question was postponed.*

CONSUMER AFFAIRS

Ministers: Meeting

2241. Mr TONKIN, to the Minister for Consumer Affairs:

When is the next meeting of Ministers for Consumer Affairs to be held and where is the meeting to be held?

Mr O'CONNOR replied:

On 6 November 1981, in Adelaide.

HEALTH

Tampons: "Carefree"

2242. Mr TONKIN, to the Minister for Health:

(1) Have "Carefree" tampons been recalled from sale in Western Australia?
(2) Is it a fact that they have been recalled from sale in other States?
(3) If so, what are the details?

Mr YOUNG replied:

(1) No.
(2) No not to my knowledge.
(3) Not applicable.

CONSUMER AFFAIRS

Toys: Space Rockets

2243. Mr TONKIN, to the Minister for Consumer Affairs:

Is it a fact that the toy space rocket that was banned from sales in New South Wales is still on sale in Western Australia?

Mr O'CONNOR replied:

Yes. Tests in Western Australia conducted for the consumer products safety committee and test results from AMDEL Laboratories in South Australia indicated that the product is not dangerous.

CONSUMER AFFAIRS

Products: Recall Code

2244. Mr TONKIN, to the Minister for Consumer Affairs:

(1) Has he received a submission from the Australian Consumer Association requesting the establishment of a "nation-wide product recall code"?

(2) If so, what is the Government's attitude to this submission?

(3) Is there a need for such a code?

(4) Is it a fact that for many Western Australians the knowledge as to which products have been banned or recalled is not available?

(5) If this is not the case, by what method do Western Australian consumers become apprised of the ban or recall?

Mr O'CONNOR replied:

(1) Yes.

(2) The Western Australian Government naturally desires to achieve a strong degree of uniformity on the question of product safety, but this is difficult because Australia operates as a federation of sovereign States.

(3) Manufacturers and retailers in Western Australia have so far been willing to accept voluntary recalls of products found to be unsafe by the consumer products safety committee. If this attitude changed, the Government would be obliged to further consider the matter. In any event, product recall codes would differ from industry to industry.

(4) and (5) In the case of products which have been banned, extensive media publicity is given to the event by the Commissioner for Consumer affairs and a record of products which are the subject of a restriction or ban is held in the Bureau of Consumer Affairs. In the case of recalls which are voluntarily initiated, part of any such existing code requires notification to purchasers, either directly by mail or through the media, of the need for recall.

APPRENTICES: BUILDING INDUSTRY

Group Scheme

2245. Mr TONKIN, to the Minister for Labour and Industry:

Has the Government established a group apprenticeship scheme in which the Commonwealth Government will provide assistance along the lines of the schemes inaugurated by the Housing Industry Association of New South Wales, The Master Builders Association of South Australia, The Master Builders Association of Queensland and the Housing Industry Association (North Queensland Division)?

Mr O'CONNOR replied:

The State Government has agreed to provide up to $100 000 over a four-year period to assist the Master Builders Association of Western Australia with the implementation of a group apprenticeship training scheme. That scheme has in fact commenced as from the beginning of 1981.

Negotiations are currently in hand with the Commonwealth Government for joint funding of the scheme in accordance with the agreed Commonwealth-State criteria governing financial assistance to group apprenticeship schemes.

STATE FINANCE: COMMITTEE OF REVIEW

Public Relations Network

2246. Mr TONKIN, to the Treasurer:

As a result of the Government's review of spending, are cuts to be made in the Government's public relations network?

Sir CHARLES COURT replied:

As has been frequently stated, the Cabinet expenditure review committee has been examining the aspects of governmental activities. This naturally includes the information service available to Ministers, departments, and authorities.

In my Budget speech I stated that "to supplement the work of the Treasury in scrutinising and trimming all expenditure proposals, the Government established a Cabinet expenditure review committee under the chairmanship of the Deputy Premier to review the existing activities and payments of all departments and authorities and recommend functions that might be terminated or reduced. Reductions to current activities and payments totalling $12 million in 1981-82 and $17 million in a full year recommended by the Committee have been taken into account in the Expenditure Estimates I am presenting tonight.

"In addition, the Committee considered requirements for growth of services and proposed new initiatives and recommended cuts totalling $20 million in 1981-82 which are also reflected in the Budget.

"Further reductions in current activities are proposed for implementation from the beginning of 1982-83 and others are under consideration by the Government for possible implementation as the year progresses.

"Time does not permit me to give details of these items tonight and I propose to provide a statement to Parliament in due course following presentation of the Budget."

In the interim, might I assure the member that appropriate action will be taken by the review committee should it be determined that savings in this area can be made.

WORKERS' COMPENSATION

"The Facts on WA's new Workers' Compensation Laws"

2247. Mr TONKIN, to the Minister for Labour and Industry:

What was the cost of the brochure "The facts on WA's new Workers' Compensation Laws"?

Mr O'CONNOR replied:

I refer the member to question 1328 which was answered in the Legislative Assembly on 6 August 1981.

TRAFFIC: MOTOR VEHICLES

Child Restraining Devices

2248. Mr TONKIN, to the Minister for Police and Traffic:

With respect to question 2096 of 1981 and my subsequent question without notice in which he indicated that he had perhaps misread the question, can he now inform the House whether there are still unsatisfactory child restraining devices being used in motor vehicles?

Mr HASSELL replied:

There are still a few unsatisfactory child restraints being used in vehicles in Western Australia. These restraints are old, as it is now illegal to sell a child restraint which has not been approved by Standards Association of Australia. The unsatisfactory restraints tend to be used in older vehicles which were manufactured before the fitting of seat belts in new cars became mandatory.

As the use of unsatisfactory child restraints is not common and when it occurs it is usually not illegal, the problem is being tackled through publicity materials emphasising the importance of using approved restraining devices.

CONSUMER AFFAIRS

Cups: Vereco

2249. Mr TONKIN, to the Minister for Consumer Affairs:

(1) Are complaints still being received with respect to Vereco drinking cups that are

said to explode in dish-washing machines and which can damage the machine as well as being dangerous?

(2) Have complaints been received about similar occurrences with different brands?

(3) Is it a fact that a letter was received by the Bureau of Consumer Affairs in June 1978 and that complaints were still being received in April 1981?

(4) What action had been taken by the bureau between June 1978 and April 1981 to alleviate the danger and loss to the consumer?

Mr O'CONNOR replied:

(1) No; also tests have shown that the cups imploded; i.e. they disentegrated inwards rather than outwards. This is characteristic of toughened glass.

(2) Yes, one against Duralex in 1980.

(3) Yes, one complaint was received in April 1981.

(4) The matter was taken up with the Australian importer of Vereco glassware. The design of the Vereco cup handle was modified to reduce the likelihood of implosion. No complaints have been received about the new cup design which has been available for some time. Vereco has agreed to replace imploded glassware of the old design without charge to the consumer.

WATER RESOURCES: EFFLUENT

Mullaloo

2250. Mr BRIAN BURKE, to the Minister for Water Resources:

(1) Further to question 2134 of 1981 relating to sewage outfall, will he advise where the outfall at Mullaloo occurs?

(2) Will he advise whether the area or nearby areas are used for recreation purposes?

(3) If so, for what purposes?

(4) What consideration has been given to health risks from the outfall of primary treated effluent?

Mr MENSAROS replied:

(1) 1.6 kilometres offshore from Ocean Reef boat harbour.

(2) Yes.

(3) Boating, fishing.

(4) This is a secondary treatment plant. Primary treated effluent would be discharged only for short periods in rare emergency situations. In such a case it is unlikely that there would be any health risk. However, the position would be examined by the Public Health Department according to the circumstances existing at the time.

TOWN PLANNING

Swan Shire

2251. Mr BRIAN BURKE, to the Minister for Urban Development and Town Planning:

(1) Does the Swan Shire Council town planning scheme or any other metropolitan town planning scheme make reference to projected future use for any part or all of the land currently used for the Midland railway workshops?

(2) If "Yes", what is the projected future use and from what scheme does the alternative plan come?

Mrs CRAIG replied:

(1) and (2) The current Shire of Swan district town planning scheme No. 1 shows the Midland railway workshops site as a railway reserve. Under the metropolitan region scheme, the land is zoned "industrial".

The local authority is presently preparing a new district town planning scheme to replace town planning scheme No. 1. The council has not yet adopted this scheme and its proposals are not known.

RAILWAYS: BRIDGES

Armadale-Perth

2252. Mr BRIAN BURKE, to the Minister for Transport:

(1) How many railway bridges are there on the Perth-Armadale rail line?

(2) Are they regularly inspected for maintenance and repair?

(3) Are any of the bridges along the line in need of repair or replacement?

(4) If bridges are in need of repair will he advise which ones and the nature of the repairs needed?

(5) If bridges are in need of replacement will he advise which ones, and when they will be replaced?

Mr RUSHTON replied:

(1) Eight.
(2) Yes.
(3) Repair—no, but such work is carried out as the need arises.
Replacement—yes.
(4) Answered by (3).
(5) Bridges planned for replacement are as follows—
Swan River: not for at least ten years.
Cannington: to be replaced by a culvert—low priority.
Canning River: within ten years.
Seaforth: to be replaced by a culvert—low priority.

EDUCATION: TECHNICAL

Perth Technical College: Printing

2253. Mr BRIAN BURKE, to the Minister for Education:

(1) Is it fact that he has arranged for ministerial cards to be prepared by Perth Technical College for himself, his Press secretary, and his private secretary?
(2) If so, at what cost?
(3) Why was the Government Printer not used?

Mr GRAYDEN replied:

(1) Yes.
(2) $30.
(3) Because of the long-standing practice of Ministers for Education to support appropriate practical work projects for apprentices in technical colleges.

HEALTH: MENTAL

Hospital: Heathcote

2254. Mr HODGE, to the Minister for Health:

(1) Is it a fact that the Heathcote Hospital site is being reclassified from "Mental Hospital Site" to "Government requirements (Mental Health Services)"?
(2) Is it a fact that the land is being vested in and held by the Minister for Health with the power to lease the site for a term not exceeding 50 years?
(3) Does the Government have plans to use the Heathcote site for any purpose other than a mental hospital?
(4) Does the Government propose to lease the Heathcote site?

Mr YOUNG replied:

(1) The vesting order for the Heathcote Hospital site to be reclassified was gazetted on 4 September, 1981 for "Government Requirements (Mental Health Services)".
(2) Yes. The vesting order with power to lease for 50 years is a normal administrative mechanism. Several departmental properties and part properties are leased to the Slow Learning Children's Group, Mental Health Association and Combined Swanbourne-Graylands Hospitals Welfare Committee.
(3) Yes. The building previously used as nurses quarters is now operating as a departmental hostel for intellectually handicapped persons. Another portion of land on the river foreshore is leased to the Sea Scouts Association at peppercorn rental.
(4) No further lease of property is envisaged at this time.

FUEL AND ENERGY: SEC

Accounts: Pensioners

2255. Mr BRIAN BURKE, to the Minister for Fuel and Energy:

What steps does the State Energy Commission take to inform pensioners that they are eligible for electricity and gas rebates?

Mr P. V. JONES replied:

There are no gas rebates available. However, there is a pensioner rebate applicable to electricity fixed charges for eligible pensioners. Pamphlets are produced by the commission advising pensioners of this rebate. These pamphlets are available at all commission offices and depots throughout the State. In country areas, where the country towns' assistance scheme operates, these pamphlets are available through the local shire offices. The State Government Information Office also displays and distributes these pamphlets.

The commission's customer advisory service conducts seminars for pensioners and related groups, advising on ways of economising on energy use. The pensioner rebate scheme is fully explained at these meetings.

In addition, there has been extensive media coverage of the scheme.

TRAFFIC: ACCIDENTS

Unlit Vehicles

2256. Mr BRIAN BURKE, to the Minister for Police and Traffic:

What regulations exist to allow action to be taken by the police for accidents involving rear end collisions when vehicles are parked unlit?

Mr HASSELL replied:

The following regulations provide for action to be taken by police for accidents involving rear end collisions when vehicles are parked unlit—

Section 62 of the Road Traffic Act which reads—

62. Every person who drives a motor vehicle without due care and attention commits an offence.

Regulation 1203(2) and (3) of the Road Traffic Code which reads—

1203

(2) A person shall not stand a motor vehicle or trailer, on, or partly on, a carriageway, during the hours of darkness, unless there are fitted to the motor vehicle or the trailer such lamps and reflectors as are prescribed by the Vehicle Standards Regulations, 1977, as amended from time to time, and the lamps so fitted are alight.

(3) Subregulation (2) of this regulation does not apply in respect of the lighting of lamps—

(a) Where the street lighting in the vicinity renders the motor vehicle or the trailer clearly visible at a distance of 200 metres; or

(b) on a motor cycle not connected to a side-car, forecar or trailer, standing as near as practicable to, and parallel with, the boundary of the carriageway.

HOUSING: ABORIGINES

Aboriginal Housing Board: Allocations

2257. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

(1) What criteria must be satisfied by applicants for Commonwealth-State rental accommodation available for allocation by the Aboriginal Housing Board?

(2) What is the total stock of housing available for allocation by the Aboriginal Housing Board for applicants listed for housing under the Aboriginal housing scheme—

(a) in the metropolitan area;
(b) in non-metropolitan areas?

(3) What number of units in each bedroom size is available for allocation by the Aboriginal Housing Board for applicants listed for housing under the Aboriginal housing scheme—

(a) in the metropolitan area;
(b) in non-metropolitan areas?

(4) How many applicants are currently listed for such assistance in each type of unit in the metropolitan area on—

(a) a wait turn basis;
(b) an emergent basis?

Mr LAURANCE replied:

(1) Houses funded under the Aboriginal housing scheme are available to families of Aboriginal descent. The Aboriginal applicant also has the opportunity to apply for housing under the normal rental scheme providing he or she can meet the eligibility requirements.
The Aboriginal applicant who is unable to meet the eligibility requirements under the normal scheme, but shows a potential to improve his standards with improved housing conditions and assistance from other agencies, is housed under the Aboriginal housing scheme. The tenancy under these conditions is supervised by housing staff with the view to assisting the family as long as necessary.

(2) The housing stocks available under the Aboriginal housing scheme are—

(a) Metropolitan Perth—490 units;
(b) country areas—810 units.

(3) The number of housing units in bedroom sizes available to the Aboriginal Housing Board are—

(a) Metropolitan Perth

one-bedroomed unit	9
two-bedroomed unit	42
three-bedroomed unit	361
four-bedroomed unit	65
five-bedroomed unit	13
TOTAL	490

(b) Country Areas

one-bedroomed unit	2
two-bedroomed unit	38
three-bedroomed unit	639
four-bedroomed unit	130
five-bedroomed unit	1
TOTAL	810

(4) (a) and (b) Applicants listed for Aboriginal housing in various bedroom sizes are—

Metropolitan Perth

Bedroom Size Units	Wait Turn Basis	Emergent Basis
two bedroom..	55	Nil
three bedroom	41	4
four bedroom.	25	Nil
five bedroom .	1	Nil.

COMMUNITY WELFARE

Emergency Relief

2258. Mr WILSON, to the Treasurer:

(1) In view of statistics prepared by the Department for Community Welfare which show an increase in emergency relief expenditure from 1979-80 to 1980-81 of 65 per cent and studies by that department and voluntary agencies which indicate that the need for such aid is likely to continue at the same, if not a higher rate in the current year, why has the Government restricted the estimated expenditure on emergency relief to be available through the Department for Community Welfare in the 1981-82 Budget to $825 000 which represents an increase of only 16 per cent over the previous year's expenditure?

(2) From what source does the Government expect that those in need will obtain emergency assistance when this budgeted allocation has been exhausted in view of the fact that the resources of voluntary agencies are already strained to the limit?

(3) Is it envisaged that lesser individual amounts will be made available to applicants for emergency care, and that stricter eligibility guidelines will be applied by the department as a result of this apparent inadequate Budget allocation?

Sir CHARLES COURT replied:

(1) I am aware of the marked increase in payments for emergency relief last year and a report on the reasons for such a sharp increase has been called for from the department. In the meantime the Government has provided sufficient funds in the Budget to maintain the real value of expenditure at the higher level established last year.

(2) As funds have been provided to enable the higher level of demand to be met, the member's question is hypothetical.

(3) Answered by (2).

COMMUNITY WELFARE

Emergency Relief

2259. Mr WILSON, to the Treasurer:

(1) In view of the fact that Department for Community Welfare expenditure no longer has to provide for assistance for

those waiting to qualify for a supporting parent benefit, for which the State had to set aside $2.4 million last year, due to the removal of the waiting period by the Commonwealth, and his Government's failure to reallocate an equivalent amount within the welfare area, preferably to a major extension of provision for emergency assistance, does this represent a major reduction in the State's commitment to responsibility for welfare?

(2) What higher priority has been allocated by his Government to this previously well-established part of expenditure set aside for the welfare of needy Western Australians?

Sir CHARLES COURT replied:

(1) No. The persons concerned are still receiving assistance from the taxpayer, but through the Commonwealth instead of the State. The member is also referred to his own question 2258 in which he acknowledges the substantial increase in emergency assistance provided by the State Government last year and to be maintained in 1981-82.

(2) Not applicable.

HOUSING: BUILDING SOCIETIES

Terminating

2260. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

(1) How many applicants are currently listed on the loans priority list for prospective home buyers under the home purchase assistance scheme administered through terminating building societies?

(2) How many applications have been listed in each year including 1981 to date since the loans priority list was begun?

(3) Are applicants' names automatically added to the list when application forms are received and the required fee paid?

(4) What is the current average waiting time from the date of application to the date of turn-reached for listed applicants?

(5) How many prospective home buyers from the loans priority list have so far been contacted regarding loan offers made available from the $8 million allocated to terminating building societies for 1981-82?

Mr LAURANCE replied:

(1) 232.

(2)

1979—July to Dec.	394
1980	612
1981	598
Total	1 604

(3) Yes, unless it is evident at time of receipt of the loan priority application that the prospective home buyer does own another home, or does not comply with the income eligibility conditions.

(4) Applications received in May 1981, are presently being referred by the Federation of Building Societies to terminating societies for assistance.

(5) The federation has referred 325 loan priority applications to the societies. Additional referrals are included in this number to meet those which are withdrawn or deferred when their turn has been reached on the priority list.

TRANSPORT: BUSES

MTT: Wages and Salaries

2261. Mr WILSON, to the Minister for Transport:

What has been the total cost to the MTT of pay rises due to upgrading of officers sanctioned by him since 1 July 1981?

Mr RUSHTON replied:

$54 936 per annum. The upgrading of officers positions as a result of increased responsibilities, were authorised by the Metropolitan (Perth) Transport Trust.

HOUSING: INTEREST RATES

Mortgage Assessment and Relief Committee: Meetings

2262. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

(1) How often is the mortgage assessment and relief committee meeting?

(2) How many times has the committee met since it was inaugurated to consider referred cases of hardship?

(3) When did the committee last meet?

(4) How many applications for relief were considered by the committee at this meeting?

(5) How many of the applications considered at this meeting were—

(a) approved;
(b) deferred;
(c) rejected?

(6) What was the range of payments of those—

(a) referred;
(b) approved;
(c) deferred;
(d) rejected?

(7) What is the total amount allocated by the committee to date on relief applications approved?

Mr LAURANCE replied:

(1) At least fortnightly, or more often if the need arises.

(2) Four times.

(3) 16 October 1981.

(4) 44.

(5)	(a) Approved	24
	(b) Deferred	3
	(c) Rejected	17
		44

(6) (a) to (d) The monthly repayments were—

	Referred	Approved	Deferred	Rejected
Less than $200	3	—	—	3
$200 to $250	3	1	—	2
$250 to $300	7	6	—	1
over $300	31	17	3	11
Total	44	24	3	17

(7) To date the monthly repayments on 84 approved applications for relief have been reduced by $2 966.

HOUSING: BUILDING SOCIETIES

Sponsorship of Sport

2263. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

(1) Further to his answer to question 2188 of 1981 in which he advised that the advertising-promotion expenditure of all permanent building societies approximates 0.2 per cent of their total assets, what does this represent in money terms for all permanent building societies in Western Australia?

(2) What does this represent in money terms for each of the permanent building societies in Western Australia?

Mr LAURANCE replied:

(1) The advertising-promotion Expenditure of all permanent building societies in 1980-81 approximated $4.3 million.

(2) This detailed information is not available for publication.

SEWERAGE: PUMPING STATION

Spearwood

2264. Mr A. D. TAYLOR, to the Minister for Water Resources:

(1) With respect to his answer to question 2184 of 1981 regarding proposed acquisition of land in Mayor Road, South Coogee, on which to construct a sewerage pumping station, on what date was the owner—Mr Tomasich—given notice to vacate his home and land?

(2) What was the date set down as being the date on which to vacate?

(3) As the "resumption (was) finalised . . . on May 21st 1981", has payment yet been made to the owner?

(4) (a) If "Yes" to (3), on what date;
(b) if not, why not?

Mr MENSAROS replied:

(1) and (2) Under resumption action there is no formal notice to vacate, however on 21 May 1981 a letter was hand delivered to Mr Tomasich which *inter alia* advised that construction would commence in early July 1981.

(3) and (4) Payment of $79 300 was made on 6 August 1981. This represented the land valuation assessed by the Valuer General, but is subject to appeal under the normal resumption process.

EDUCATION: PRIMARY SCHOOL

Yangebup

2265. Mr A. D. TAYLOR, to the Minister for Education:

(1) What is the commencement date of construction of the proposed new primary school at Yangebup?
(2) What units are to be constructed as part of the first phase?
(3) What units are expected to be occupied at the comencement of the 1982 school year?

Mr GRAYDEN replied:

(1) Tenders are scheduled to close on 20 October and the commencement date for building will be determined when a tender is accepted.
(2) An eight teaching space unit which will also accommodate a temporary administration space and a pre-primary area is the first stage.
(3) The school will not be ready until approximately second term. Until then the Yangebup School will occupy temporary rooms at Jandakot Primary School.

SEWERAGE: PUMPING STATION

Spearwood

2266. Mr A. D. TAYLOR, to the Minister for Water Resources:

(1) Further to his answer to question 2185 of 1981—part (3)—has the water level of Lake Coogee been monitored both before and since pumping at Mayor Road commenced?
(2) If "Yes", what were the various readings?

Mr MENSAROS replied:

(1) Monitoring has been undertaken prior to and since major continuous pumping commenced.
(2) Reading on 7 August, 1981—0.82 metres—Australian Height Datum
Reading on 17 August, 1981—1.0 metres
Reading on 20 August, 1981—1.01 metres
Reading on 24 August, 1981—0.99 metres
Reading on 28 August, 1981—1.06 metres
Reading on 7 September, 1981—0.94 metres
Reading on 30 September, 1981—0.66 metres
Reading on 8 October, 1981—0.85 metres
Reading on 15 October, 1981—0.94 metres
Reading on 19 October, 1981—0.86 metres

SEWERAGE: PUMPING STATION

Spearwood

2267. Mr A. D. TAYLOR, to the Minister for Water Resources:

Is it considered that the surface water accumulated on wetlands, north of Mayor Road, South Coogee, has been restricted in any way from flowing south along natural channels and into Lake Coogee?

Mr MENSAROS replied:

The flow of surface water from wetlands north of Mayor Road is restricted in its flow into Lake Coogee by the road formations in Mayor Road and Troode Street.

QUESTIONS WITHOUT NOTICE

EDUCATION: FOUR-YEAR-OLDS

Funding: Cutbacks

631. Mr BRIAN BURKE, to the Treasurer:

Why did he fail to mention in the Budget speech brought down in this place last week the proposed reduction in funding of pre-school education for four-year-olds, bearing in mind that he dwelt for some time on education changes which result from a reduction in funding for education?

Sir CHARLES COURT replied:

I invite the member's attention to remarks I made in my Budget speech that it is impossible for a Treasurer to cover every item of a Budget in such a speech. There will be ample opportunity for members to obtain information from Ministers as they go through their departmental estimates. In the past complaints have been made—I do not

say the complaints were made acrimoniously—about the length of Budget speeches. It was suggested that the Government might in future years take some shortcuts in the speech by merely referring to each department's estimate in total, and making a few pertinent remarks. That would cut down considerably the size of the speech, but I know what would happen. The Treasurer would be accused of not saying enough. That accusation has been made tonight.

I do not know the reason for the matter referred to by the member not being mentioned in the Budget speech, apart from the reason that the mere factor of time did not allow it to be mentioned. It has been said that the mind can absorb only as much as the seat can endure, and at the time of delivering the speech I thought members had sat long enough through my speech.

ABATTOIR: GERALDTON

Retrenchments

632. Mr TUBBY, to the Minister for Agriculture:

Has he seen the article in today's edition of *The West Australian* which states that about 100 abattoir workers at the Metropolitan Meat Ltd. works at Geraldton have been given notice of dismissal? The reason given is the chronic shortage of meat inspectors. As plenty of stock is available for slaughter at Geraldton, what is being done to overcome the situation so that operations at the Geraldton abattoir will be permitted to continue?

Mr OLD replied:

I saw the article to which the member refers and have made some inquiries in regard to the situation. Whether ample stock is available at Geraldton is a matter of conjecture. I understand some stock has been transported ex-Midland to the Geraldton works. I cannot answer with certainty that the reason for the closure is the shortage of meat inspectors. I noticed in the article that the Secretary of the Meat Industry Employees' Union conjectured that the reason was the shortage of inspectors. I am not in a position to make a statement on the reason for the dismissal of workers because it was a commercial judgment of the company concerned.

I am concerned not only for producers, but also for the staff of the Geraldton abattoir. I hope the closure will be of short duration. Last week I telexed the Commonwealth Minister for Primary Industry and referred to the Commonwealth Department of Primary Industry meat inspectors. The availability of such meat inspectors is beyond my control as it is a Federal matter. The granting of an export licence in regard to meat is dependent upon the stamping and inspection of meat by these meat inspectors.

As late as this morning I spoke to Mr Nixon. He assured me the matter is under urgent investigation, and I understand that the Western Australian northern meat works will be closing shortly, and that probably that closure will relieve the present situation to a degree.

FUEL AND ENERGY: GAS

North-West Shelf: Japanese Customers

633. Mr GRILL, to the Minister for Fuel and Energy:

(1) Is the Government concerned that the Japanese have not so far signed a contract to take liquefied natural gas from the North-West Shelf?

(2) What factors are holding up the commitment from the Japanese?

(3) For how long can this situation continue without a commitment from the Japanese and before the matter becomes critical?

Mr P. V. JONES replied:

(1) to (3) As the member would know, consideration of these matters is entirely the responsibility of the joint venturers of the project and their customers, in this case the Japanese utilities. The member would be aware also—we have made this information public—that representatives of the utilities have discussed the matter with us from time to time. They visited us recently, and I have met them in Japan. A memorandum of understanding has been signed as of 30 June last, and further discussions currently are under way.

I am advised that two weeks ago further discussions were held in Japan, and last week discussions were held in Australia. The latest advice I have, which I received yesterday morning, is that the discussions are proceeding quite satisfactorily in an endeavour to tidy up the remaining four items under consideration.

It has been suggested in the Press that some items still require resolution. These items largely are of a logistical nature. As to the suggestion that the matter may become critical in time, I could not say when it could become critical. My advice is that the time frame of April-May 1986 for the shipment of liquefied natural gas is still current. I have no information other than that.

EDUCATION: TECHNICAL

College: Claremont

634. Mr WILLIAMS, to the Minister for Education:

Would the Minister please advise on the outcome of his talks today with a deputation representing staff and students of Claremont Technical College?

Mr GRAYDEN replied:

I was most impressed with the sincerity and dedication of the group and with the maturity with which they considered the financial problems faced by the Government.

The group made a number of constructive suggestions as to how economies might be effected which would enable the college to remain open. Among the suggestions was a proposal that Claremont be designated and operate as an annexe to an existing college.

This proposal, at first sight, has a great deal of merit because it would represent substantial savings on administrative costs.

I have asked the Technical and Further Education Directorate to fully examine all proposals from the deputation.

In the meantime, students and staff will seek further ways of cutting costs and increasing revenue at the college.

For the sake of staff and students, I do hope a satisfactory solution will be possible.

I have arranged to meet the deputation again early next week.

RAILWAYS: FREIGHT

Less than Container Loads

635. Mr PEARCE, to the Minister for Transport:

(1) What stage has been reached in the discussions with the joint venturers on the subject of less than container load traffic currently operated by Westrail?

(2) Can the Minister advise the House what opportunity has been given to the railways union to make an input on this matter?

(3) Can he advise us who the joint venturers are and with whom this matter is being discussed?

Mr RUSHTON replied:

(1) to (3) The member for Gosnells is somewhat premature in asking me to advise who are the joint venturers because there had been no proposition yet relating to the joint venturers in the sense of selecting anyone to that position. All I can say is that the question of the handling of small freight has been considered in great depth by Westrail, which has yet to identify its preferences; but the matter is under consideration at the moment. No decision has been made as to who the joint venturers might be. There is some way to go yet.

CONSUMER AFFAIRS

Car Fair

636. Mr CLARKO, to the Minister for Consumer Affairs:

Concerning the "car fair" that has been held recently at the Richmond Raceway, would he advise me—

(1) Whether the Mr Wilkins, who was described as a director of the organising body, has been previously investigated by the Consumer Affairs Bureau; and, if so, with what result?

(2) Whether Mr Wilkins has been convicted of any criminal charges; and, if so, what are they?

(3) Where is Mr Wilkins at the present moment?

Mr O'CONNOR replied:

(1) Mr Wilkins is one of the directors of Neutron Promotions which is the group involved with the car fair. Mr Wilkins has been convicted previously by the Consumer Affairs Bureau and has about 50 charges outstanding against him at this stage.

(2) In connection with criminal offences, I think an individual has been convicted, but I would not be prepared to disclose anything in that regard.

(3) With regard to Mr Wilkins place of residence at the moment, he was arrested in South Australia today and is probably spending the night in the pen.

WATER RESOURCES: EFFLUENT

Woodman Point

637. Mr BARNETT, to the Minister for Water Resources:

My question relates to a question I asked on 29 September, and is of a similar nature. The question referred to the Woodman Point sewage treatment plant and I asked the Minister about the possibility of raw sewage being discharged from Woodman Point. The Minister advised me that it had not happened and it could not happen. I draw the Minister's attention to the fact that three days previously on 26 September at 2.30 p.m., two kilometres off Woodman Point, professional fishermen with purse seines were at the exact point of the discharge and encountered large amounts of raw sewage wafting backwards and forwards and encountered rather obnoxious odours also. I ask the Minister:

(1) Is he aware of this fact?

(2) If not, will he investigate the matter with some degree of urgency because this is a similar type of pipeline to that which is intended for the Rockingham area extending from Point Peron?

Mr MENSAROS replied:

(1) No.

(2) Yes. However, I remind the member that his statement about a similar pipeline being intended for the Rockingham area is not factual, as is the amount of treatment which takes place there.

If the observations of the fishermen were true then the material would not emanate from the sewage treatment plant.

Considering the questions asked by members of the Opposition, I think I would have received a report if anything untoward had happened.

I think the question to which the member has referred was in connection with the possibility of discharge of untreated sewage. My answer was that it would happen only in cases where there had been a power failure or similar emergency. However, even that could be overcome at the time with portable generating units. The other possibility would be if there were industrial unrest and who would be in a better position than the Opposition to avoid such an occurrence?

WATER RESOURCES

Agaton

638. Mr CRANE, to the Premier:

(1) Has the Government made a decision on the cost benefit study report on the Agaton basin water scheme?

(2) If not, when can a report be expected?

Sir CHARLES COURT replied:

(1) No.

(2) The Government is conscious of the fact that some farms within the area that could be served by the Agaton proposal cannot be drought proofed by dams on their individual farms and therefore they are dependent on other sources of water.

On present indications, we cannot expect assistance from the Commonwealth. I have asked the Ministers directly concerned—and I refer to the Minister for Agriculture, the Minister for Works and the Minister for Water Resources—to arrange a seminar for the farmers in the area involved to ensure that there is a proper study of the report and of any alternatives that warrant consideration by the Government and by the farmers.

I think it is preferable to merely releasing the report for public comment because if it is just released without proper study by the farmers directly involved together with the experts who can explain some aspects of the study, all sorts of emotive and perhaps inaccurate assessments can be made. For that reason I feel it is much better if we arrange, within the area to be served by the scheme, for the documents to be released and a properly organised seminar which I imagine would take at least one day if it were to be properly organised. In that way we would have a better result than we would have otherwise.

ABATTOIR: GERALDTON

Retrenchments

639. Mr EVANS, to the Minister for Agriculture:

(1) What concessions or assistance have been given to the Geraldton abattoir in each of the past three years by the Western Australian Government?

(2) What sum did this assistance amount to in each of these three years?

Mr OLD replied:

(1) and (2) I would like to thank the member for some notice of this question. I apologise that I have been unable to obtain an accurate answer to part (1) of the question but I will endeavour to obtain it by tomorrow.

My understanding is that in the past we have given some freight concessions to the Geraldton abattoir when stock have been in short supply in the Geraldton area. Apart from that, I would have to obtain information from the Department of Industrial Development and Commerce. The reason for the closure was dealt with when I answered the question by the member for Greenough and I do not have anything further to add to that.

The notice of the question which I received contained a third part: "Have the local authorities in Geraldton been approached to make available health services to keep the abattoir open?" This is not acceptable to the Department of Primary Industry as it is a requirement that prior to export licences being granted that carcases be inspected by an inspector of the Department of Primary Industry.

POLICE AND RTA

Amalgamation: Statement

640. Dr DADOUR, to the Deputy Premier:

Can he recall saying to any person prior to Wednesday, 23 September that the RTA was to be merged with the Police Force?

Mr O'CONNOR replied:

No.

HEALTH: TRONADO MACHINE

Action

641. Mr HODGE, to the Minister for Health:

I refer to an article in this morning's paper headed, "Young Pledges Tronado Trial". In the article it is alleged the Minister said he is determined to have a clinical trial of the Tronado microwave therapy cancer machine carried out in Western Australia if the National Health and Medical Research Council is not prepared to approve such a trial under its own auspices.

My question is:

(1) In view of the continued controversy over the Tronado machine, which has gone on for many years, when is the Minister going to take action to have this matter finalised?

(2) The Minister has promised action on a number of occasions. Would he advise if he is going to take action and if so, when?

Mr YOUNG replied:

(1) and (2) The amount of time being taken by the NHMRC to arrive at a starting point is discouraging to a number of people, let alone the time it is likely to take to make an evaluation once it has arrived at an appropriate protocol. I would have thought this study was capable of being commenced some months ago; however, a problem was reached in respect of the protocol, and that problem was the partnership of Drs Holt and Nelson being asked to provide information to the NHMRC for the purpose of approving the protocol before it could start the actual trial. I do not blame the partnership of Drs Holt and Nelson for not wanting to comply with that request because it would appear from the discussions I have had with a number of people about this matter that the amount of work they would be required to do in order to provide the information would be horrendous.

We as a State Government, my officers, have had discussions with those people in an attempt to set up an alternative protocol which has now been submitted as a suggestion to the NHMRC so that it can properly evaluate whether that protocol is sufficient; becuase when the report is made in respect of whether the Tronado machine is effective, I want it to be made by a world recognised authority. The NHMRC is by far the most superior and in fact the only body of its kind in this country, but if it appears the suggested protocol is not acceptable to the NHMRC we will commence the study with an evaluation team in Western Australia.

EDUCATION: FOUR-YEAR-OLDS

Cost

642. Mr SHALDERS, to the Minister for Education:

Does the Minister accept the premise put forward by the Opposition in this House tonight that the Education Department should meet the cost of a year's pre-school education for children during the year in which they have their fourth birthday which, in effect, would mean that children in this State would have two years' pre-school education at the expense of the Government and taxpayers?

Mr GRAYDEN replied:

No. To have a fourth birthday in a given year the child would have to be at least three years and one day old at the commencement of the calendar year. The cost of providing formal pre-school or pre-primary training would mean an additional cost to taxpayers of $16 million a year.

Mr Pearce: We have had all this.

Mr GRAYDEN: The capital cost would be between $17.5 and $21 million a year; but apart from that—

Point of Order

Mr BRIAN BURKE: We know the Minister has done badly, but during question time he does not have the right of reply to a previous debate.

The SPEAKER: Order! The Minister in my view was responding to a genuine question without notice. Has the Minister finished his reply?

Mr Grayden: Yes.