Legislative Assembly

Thursday, 13 August 1981

The SPEAKER (Mr Thompson) took the Chair at 10.45 a.m., and read prayers.

EDUCATION FUNDING

Cutbacks: Petition

MR NANOVICH (Whitford) [10.46 a.m.]: I present the following petition—

> The Hon. The Speaker and Members of The Legislative Assembly in The Parliament of W.A. in Parliament assembled.
>
> We the undersigned wish to express our grave concern at the effects of the Education Department cut-backs on our children's education. We understand that the state school students of W.A. will lose head office, special services and advisory people as well as suffer the possibility of increased class sizes.
>
> We urge the Government to at least retain funding at a level of $486 m. and that the Education Department revert to its former policy of staff replacement.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

The petition is from the Greenwood Primary School P & C and bears 468 signatures. It conforms with the Standing Orders of the Legislative Assembly, and I have certified accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 77.)

EDUCATION FUNDING

Cutbacks: Petition

MR SPRIGGS (Darling Range) [10.47 a.m.]: I present a petition from 265 concerned residents of Western Australia protesting about the proposed cuts in the funding for education in the 1981-82 Budget. They ask that the quality of education in public schools be maintained and improved. The petition conforms with the Standing Orders of the Legislative Assembly, and I have certified accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 78.)

TRAFFIC

Reduction of Road Carnage: Petition

MR CLARKO (Karrinyup) [10.48 a.m.]: I wish to present a petition addressed to the honourable the Speaker and members of the Legislative Assembly in the Parliament of Western Australia and Parliament assembled. It is from certain residents of this State and relates to the reduction of the blood alcohol limit from .08 per cent to .05 per cent. The petition bears 68 signatures and conforms with the Standing Orders of the Legislative Assembly, and I have certified accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 79.)

TRAFFIC

Reduction of Road Carnage: Petition

MR T. H. JONES (Collie) [10.49 a.m.]: I have a petition similar to that presented by the member for Karrinyup in relation to the blood alcohol content. The petition bears 59 signatures. It conforms with the Standing Orders of the Legislative Assembly, and I have certified accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 80.)

PLANT DISEASES AMENDMENT AND REPEAL BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [10.50 a.m.]: I move—

> That the Bill be now read a second time.

This Bill contains proposals for the repeal of the Plant Diseases (Registration Fees) Act and consequential amendments to the Plant Diseases Act to provide for surveys to be the basis for establishing a roll of electors where a fruit-fly baiting scheme is to be established or continuance contested.

The provisions under the Plant Diseases Act and the related Plant Diseases (Registration Fees) Act regarding the registration of orchards no longer serve a useful purpose. The process of registering orchards and recording and storing information details are time consuming and costly operations. The cost of collecting the fees is now equivalent to the total receipts and as the information that registration provides is inadequate for planning baiting schemes, the

provisions for orchard registration are no longer valid.

It is further proposed that the provisions for the Fruit Fly Eradication Trust Fund be amended to provide finance for the carrying out of surveys of orchard properties and for the taking of polls.

For the purposes of voting for the establishment or continuance of baiting schemes, it is proposed that a survey of fruit growers' properties within the prescribed district be the basis of a roll of electors. In order to establish equitable voting for multiple ownership or "tenants in common", provision is made for regulations to define the voting entitlement of such parties.

In the matter of possible disputation on the conduct of a ballot or the entitlement of particular parties, a proposed amendment provides power for the Minister to resolve disputes and for a notice published over the Minister's name to be proof of the proper conduct of such polls.

Existing penalties under the Act are from $20 to $200 but the usual level of fine imposed is around $20. These outdated levels of penalties are of no consequence to a truck driver with a load of fruit valued at more than $10 000, who fails to comply with plant quarantine requirements and places this State's agricultural industries at risk through possible introduction of pests and diseases.

It is proposed to increase penalties to the range of $400 to $2 000 and strengthen the powers under section 23 to deal with imported agricultural produce and its transportation from interstate.

The inspection of imported produce from interstate is performed at rail and road depots, airports, and the Norseman checkpoint. Section 23 of the Act gives general powers to seize, disinfect, destroy, or otherwise dispose of plants, fruits, and goods. However the provision dates from 1914 and did not envisage the present mobility of people or the volume and ease of movement of goods and agricultural produce. To overcome the lack of specific powers and directions under this section, the proposed amendments allow where necessary for the direction under quarantine of vehicles and goods to a place where disinfection or treatment can be carried out, or to detain a vehicle until an inspection can be made.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Evans (Deputy Leader of the Opposition).

VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS AMENDMENT BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [10.55 a.m.]: I move—

That the Bill be now read a second time.

This Act controls the registration, production, importation, treatment, preparation for sale, marketing, storage, and sale of veterinary preparations and animal feeding stuffs.

The regulation of feeding stuffs for food-producing animals is necessary to protect the owner by ensuring efficacy, and to protect the consumer of meat and meat products from unwanted contaminants. Similarly the registration of feeding stuffs for horses is necessary to protect the owner who purchases the product to ensure the claimed benefit to the horse in terms of work output. It is difficult to justify the regulation of feeding stuffs for domestic pets—dogs, cats, fish, and birds—by any such criteria.

Currently all animal feeding stuffs offered for sale in Western Australia must be registered with a consequent requirement for special labelling. Pet food manufacturers market their product throughout Australia and it has been estimated that the special labelling requirements cost the Western Australia consumer an additional $4 million per year; i.e. 10c per can. At the present time only New South Wales and Western Australia administer their legislation on animal feeding as including dogs and cats, South Australia includes dog food only, Queensland enforces its legislation as though dogs and cats were excluded, Victoria does not include dogs or cats, and Tasmania does not legislate for registration of pet foods.

The Advisory Committee on Veterinary Preparations and Animal Feeding Stuffs, established under the Act and including all interested parties, has recommended the registration of pet foods in Western Australia be discontinued until such time as a high degree of uniformity is applicable throughout Australia.

The Bill removes the need for manufacturers of dog, cat, pet fish, and pet bird feeds to register their feeding stuff product under the Act, thus bringing a greater degree of uniformity of legislation.

The amendment Bill includes also an amendment to section 15(1) of the Act by the substitution of the phrase "veterinary medicine" with "veterinary preparation". Crown Law Department has recommended this change.

The inclusion of "veterinary medicine" in the Act is an anomaly. In every other part of the Act veterinary drugs, medicines, etc., are referred to collectively as "veterinary preparations", a term which is defined in the Act. "Veterinary medicine" is not defined. The amendment will rectify this anomaly.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Evans (Deputy Leader of the Opposition).

TRANSPORT AMENDMENT BILL (No. 2)

Second Reading

MR RUSHTON (Dale—Minister for Transport) [10.57 a.m.]: I move—

That the Bill be now read a second time.

The amendments before the House are designed to ensure—

> firstly, that the administrative procedures associated with the issue of licences under the policy are related to meeting the transport user's requirements; and
>
> secondly, that the definition of "wholesaling petroleum products" under the business franchise (petroleum products) licensing section of the Act embraces all vehicles using the State's road system.

As regards the first matter, for many years a system has been in operation whereby applicants for a permit or temporary licence under the Transport Act are able to telephone one of a number of designated officers and obtain verbal authority for specific transport tasks with the requirement that a formal application is lodged together with the appropriate fees within 14 days. Frequently these calls are made to the officers' residences outside normal hours.

The temporary licences or permits are issued under authority delegated by the Commissioner of Transport and later are formally approved *en bloc* by the commissioner. The delegation is necessary as approximately 38 000 permits and temporary licences are issued each year of which an estimated 95 per cent are granted under the "verbal authority" system.

However the legality of this practice has now been questioned and the amendment is designed to remove these doubts. The authority to delegate will extend to the issue of permits and temporary licences for omnibus and aircraft journeys as well as commercial vehicles.

It is intended that the commission will retain the current practice of restricting delegated powers to the issue of permits or temporary licenses and in accordance with policy determinations. The whole thrust of this particular amendment is aimed at ensuring that the user of transport will incur a minimum of inconveniences in complying with the requirements of the Act.

As to the second matter, this has been introduced to ensure that all road vehicles are subject to the business franchise (petroleum products) licensing sections of the Act.

The amendment changes the definition of "wholesaling petroleum products" by inserting a new subsection which provides that petroleum products used by the wholesaler in the course of his business should be included in the assessment of wholesalers' licence fees under this part.

Legal opinion is that, as the Act now stands, there is no legal obligation on the oil companies to pay a licence fee on fuel used by their own vehicles. The intention of the legislation is to recover moneys for road purposes, and therefore, a particular road user such as an oil company should be required to make its contribution for the use of the roads.

The Bill will validate all licence fees received by the Commissioner of Transport from wholesalers in respect of their own use of petroleum products. It also validates any demands made by the commissioner for fees not paid prior to this amendment.

When the legislation was first enacted there was never any intention that the oil companies should be exempted from paying licence fees for petroleum products consumed for their own use, and it is only proper that this amendment should apply retrospectively to the commencement of those provisions on 1 July 1979.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

HOSPITALS AMENDMENT BILL

Second Reading

MR YOUNG (Scarborough—Minister for Health) [11.02 a.m.]: I move—

That the Bill be now read a second time.

The Bill proposes several amendments to the Hospitals Act. They are principally associated with the raising of charges by public hospitals consequential upon the introduction of the new health insurance arrangements to be implemented from 1 September 1981.

The first amendment is to section 18 of the principal Act. This provides that where a hospital supplies facilities for the use of a practitioner, the

hospital shall charge for the facility upon such terms and conditions, including the payment of charges, as are determined by the Minister from time to time.

It is only fair that where a private doctor raises a fee in a public hospital, the hospital should receive from the practitioner an appropriate portion of the fee for the use of facilities which the doctor would normally supply within his own private practice.

Mr Davies: Have you discussed that aspect with the AMA?

Mr YOUNG: Yes, as a matter of fact we have.

Mr Davies: Are they happy about it?

Mr YOUNG: I am sure we will find out about that during the second reading debate.

The amendment will eliminate any doubt which may exist as to the ability of public hospitals to charge in such circumstances.

The second amendment concerns the ability to make regulations which support the raising and recovery of the various types of hospital charges to be introduced into public hospitals on 1 September 1981. These are required following the Commonwealth Government's new health insurance arrangements.

The present Hospitals Act does not enable a hospital board to grant the right to free treatment to predetermined types of patients. The State is required to provide accommodation and services at public hospitals without charge to persons who are eligible pensioners and their dependants, and to those persons who from time to time are classified as disadvantaged persons and their dependants. Therefore, regulations will be required to define who are "public" patients.

From 1 September 1981, charges will be raised for inpatients and outpatients of public hospitals who are not "public" patients. There will be two types of chargeable patients—

those who wish the hospital to provide both hospital and medical treatment; and

those who wish to be "private" patients and who engage a private medical practitioner to provide the medical services.

The regulations to be introduced will permit a hospital to raise charges for the professional services of medical practitioners employed by, or under contract to, a public hospital for the treatment of patients who elect for the hospital to provide both hospital and medical services.

Regulations will be made so that charges will not be raised against other predetermined types of patients such as those where proper public health controls are required in respect of the treatment of tuberculosis, venereal diseases, and leprosy, and where the imposition of charges may deter attendance for treatment. Likewise, charges will not be raised for those persons under the care of the Minister for Community Welfare, for wards of the State, and prisoners.

Some special clinics, set up by public hospitals to deal with victims of sexual assault or child abuse, will continue to be free. Special provision is required also to enable fees to be specified within the regulations on the basis of cost. Fees raised on a basis of cost will have application to compensable patients, and patients whose treatment is covered by the Motor Vehicle Insurance Trust or by the various Statutes which make the payment for treatment the responsibility of the employers.

The Hospitals Act is outmoded in many of its provisions and requires to be replaced with a new Act. It is proposed that a rewrite of the Act will be introduced at a later stage of this session of Parliament.

This amendment comes forward at this time to ensure the appropriate provisions necessary to comply with the measures outlined in this speech can become effective by 31 August 1981.

The Hospitals Amendment Bill 1981 has been prepared as a temporary measure to—

(a) authorise the raising of charges by regulation for hospital and medical services provided by various classes of hospitals to various types of patients for various classes of service;

(b) allow the granting of the right to free treatment to predetermined types of persons;

(c) provide for the charging of compensable patients on the basis of the cost of providing the service rather than on the basis of fees that are substantially subsidised by State funds; and

(d) permit public hospitals to levy charges for the use of appropriate hospital facilities used in the treatment of the private patients of medical practitioners.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Hodge.

HOUSING AGREEMENT (COMMONWEALTH AND STATE) BILL

Second Reading

MR LAURANCE (Gascoyne—Honorary Minister Assisting the Minister for Housing) [11.08 a.m.]: I move—

That the Bill be now read a second time.

The Housing Agreement (Commonwealth and State) Act Amendment Act, No. 20 of 1978, ceased to apply as from 30 June 1981 and legislation has been enacted by the Commonwealth to facilitate an ongoing Commonwealth-State housing arrangement for a five-year period commencing 1 July 1981.

It is a requirement that the authority of this Parliament be obtained to enable the State to be a party to the new agreement.

The new agreement is modelled largely on the agreement that operated for the three-year period commencing 1 July 1978, and provision is made for the participation of the Northern Territory as a participating party. Hitherto separate arrangements have existed between the Commonwealth and the Northern Territory.

There are, however, some significant features which stand out and on which I would like to comment.

Under repeated pressure from the States the Commonwealth agreed to write a base minimum level of funding into the agreement with a view to enabling States to plan forward. However, in acquiescing to the States, the Commonwealth has set the base figure at $200 million for each of the five years of the agreement as a forward commitment on its part, with additional or top up funding to be determined within the context of the annual Budget.

The amount prescribed is unrealistic and totally inadequate, particularly in view of the facts that—

> the base amount includes $54 million by way of tied grants for pensioner and Aboriginal housing; and
>
> no provision is made to vary this amount in the wake of inflation and any other changing circumstances.

All States have opposed vehemently the unrealistic and totally inadequate base minimum level but the Commonwealth is adamant that it is not negotiable. Notwithstanding this I can assure the House that continuing representation will be made at every opportunity by the Western Australian Government for the lifting of the base amount and overall funding to more realistic and adequate levels.

From the 1956 agreement, up to and including, the 1978 agreement, States have been required to set aside a stated percentage of advances for allocation to the home purchase assistance scheme—previously known as the home builders' account. This condition will no longer apply and each State will now enjoy the responsibility of allocating advances as between the purchase and rental assistance schemes as the State itself sees fit to meet the evidenced needs at the time.

In speaking of advances I should mention that whereas that portion of advances employed on rental activities under the previous agreement were repayable with interest at 5 per cent, under the new arrangements the interest rate applicable on all advances will be 4.5 per cent over a repayment term of 53 years.

The new arrangement incorporates two significant aspects which had not been included previously in agreements between the Commonwealth and the States.

The first relates to matching arrangements. This is nothing new as all States were required to provide matching funds over the last three years.

The incorporation of this arrangement into the agreement has been done with a view to the arrangement being regularised. Whilst arguments can be advanced to object to such a requirement it does at least ensure that States will provide sufficient funds, from their own resources, as a matching contribution which is to the benefit of housing overall. Additionally, whereas in the past three years States have been required to apply their matching funds towards the purposes of the agreement, provision is now made enabling these funds to be applied also for other purposes, outside the agreement, provided the assistance is directed to the same category of person that would normally be assisted under the agreement.

Secondly, during the period 1 July 1978 to 30 June 1981, the Commonwealth made grants available to States for the housing of pensioners, Aborigines, and other disadvantaged groups, under the umbrella of the Housing Assistance Act 1978. This was not encompassed under the terms of the housing agreement. These arrangements are now included as an integral part of the new agreement.

A departure from the former arrangement is that whilst the Commonwealth Minister had the authority to declare any class of persons as falling within the disadvantaged category, under the new agreement, apart from pensioners and Aborigines, it will be necessary for him first to consult with State Ministers before any such declaration is made.

Apart from these significant departures which I have drawn to the notice of the House—

> States will continue to enjoy the right to set the conditions of eligibility for purchase and rental assistance.

The provisions for home purchase assistance are, with one exception, identical to those of the 1978 agreement:

Whereas in the 1978 agreement variable interest rates were required to be regulated to 1 per cent below the long-term bond rate, this has now been amended to 1 per cent below the current Commonwealth Savings Bank rate for housing loans. This will apply to all business written since the advent of the 1978 agreement.

The provisions relative to the rental assistance scheme are also, with one exception, similar to those of the 1978 agreement.

The Bill facilitates the provision of a rental subsidy for eligible persons renting private accommodation. It should be stated that this is an additional option as to the manner in which funds may be used to provide rental assistance and in no way is there a requirement that this option must be exercised.

The objectives, whilst similar to those of the previous agreement, have been broadened to take account of other aspects resulting from changing circumstances.

I commend this Bill to the House.

Mr B. T. Burke: What a shocker!

Debate adjourned, on motion by Mr B. T. Burke.

BILLS OF SALE AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Deputy Premier) [11.15 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to increase fees payable under the Bills of Sale Act 1899-1971. The Bill is part of the ongoing review of the level of fees which are payable pursuant to the laws of the State.

The two principal fees, those payable for registration and renewal of bills of sale, were last fixed in 1971. Fees payable in relation to other miscellaneous matters have not increased since 1957.

It is proposed that fees for registration and renewal of bills of sale be increased from $5 to $7. Provision for the payment of a reduced fee on registration or renewal in a case where the sum secured by a bill of sale does not exceed $100 has been omitted as documents for any such transactions now rarely appear.

Other miscellaneous fees payable under the Bills of Sale Act have been increased by approximately 150 per cent and a number of the more minor fees which it is no longer practicable to collect have been deleted.

At present the Bills of Sale Act includes references to a number of fees in the body of the Act as well as in the thirteenth schedule. In addition to increasing the level of fees, the Bill transfers all fees to the thirteenth schedule. That schedule will now set out a comprehensive list of all fees payable under the Bills of Sale Act.

When considering the Bill members should take into account the lapse of time since the last increases—10 years in relation to fees for registration and renewal of bills of sale, and 24 years in relation to other fees. Inflation over those periods has significantly reduced the real level of those fees.

It is estimated that on present volume of business, additional revenue of $160 000 will be produced on a yearly basis.

Although the State Government has participated in discussions with other States on the subject of uniform chattel securities legislation, which would have the effect of replacing parts of our Act, there have been some differences of view as to the best method of achieving a uniform situation.

South Australia embarked on a separate course a few years ago, introducing the principle of insurance in lieu of registration. Victoria introduced legislation involving the same principle, but it was allowed to lapse. Since then, further action has been taken independently by New South Wales and Victoria.

In the meantime, further research appears to indicate that registration of securities may still be available if the register can be computerised. The State Government is keeping a close watch on developments with a view to ensuring that whatever action is taken in this area will provide a practical, workable and satisfactory solution.

In the meantime, it is considered desirable that fees under the existing legislation should be brought up to date and more in line with current expenses.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Davies (Leader of the Opposition).

PLANT DISEASES AMENDMENT AND REPEAL BILL

Message: Appropriations

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

BILLS (2): RETURNED

1. Wheat Bags Repeal Bill.
2. Western Australian Institute of Technology Amendment Bill.

Bills returned from the Council without amendment.

MENTAL HEALTH BILL

In Committee

Resumed from 6 August. The Chairman of Committees (Mr Clarko) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Clause 3: Interpretation—

Progress was reported after the clause had been partly considered.

Mr YOUNG: Last week we spent a considerable amount of time on clause 3 and, in particular, discussing the definition in the Bill of mental illness. Arising out of the discussions we had in the second reading and the discussions we had at that particular time, questions arose about submissions that were at that particular moment being made by the Law Society and the Royal Australian and New Zealand College of Psychiatrists. It transpired that we did not progress beyond clause 3 for the reasons I stated last week. I would not like to continue to debate them today because we have far too much work to do, but it gave me the opportunity over the weekend to discuss with the Law Society and the royal college some copious suggestions that they wanted to make to me. One of those suggestions was in respect of the definition of "mental illness".

As a result of the discussions that I had with them—and I might advise the Chamber they were very amiable and worth-while discussions—a number of matters have been amended. The amendments that are put on the Notice Paper—I think somewhere in the vicinity of 51 in all—appear to have been virtually a rewrite of the Bill. There are embodied in those amendments only about half a dozen principles with which this Chamber should concern itself to any real extent.

Mr Skidmore: We are wary of that because sometimes you sneak some in which we do not know about.

Mr YOUNG: I agree they be looked over thoroughly. I am glad we did not have to proceed forthwith as I thought we may have to at the time that I gave the amendments to the member for Melville.

Mr Davies: We were quite happy to accommodate you.

Mr B. T. Burke: I am glad that the Opposition has been given time to study these amendments because I think it will realise that, in the main, they are fairly worth-while ones and made almost entirely at the instigation of either the Law Reform Commission—

Mr Davies: Is that what you actually think?

Mr YOUNG: The Law Society or the royal college?

Mr B. T. Burke: How do you feel now about trying to push it through last week? Wasn't it sensible to wait?

Mr YOUNG: How would the honourable member feel if he had been in the same situation and he was on his feet in the Committee stage and someone just said, "Stop. I want to you to consider a report"?

Mr B. T. Burke: Sure, on a personal basis, but this is still the right thing, isn't it?

Mr YOUNG: I think the situation has turned out fairly well.

Mr Davies: By accident though—by default.

Mr YOUNG: I think the Opposition will probably be quite happy with most of the amendments. Not all of the recommendations made by the Law Society or the royal college were acceptable to me—and we discussed most of them. Even some very important ones about which they had some doubts appeared after discussion to be not quite the way the college or the society thought they were. I am not saying that they will be entirely happy with the amendments that have come forward, but I would think that after that discussion they should be prepared to accept that the Bill will be in fairly good shape after the passage of the amendments.

In particular, I want to refer to this definition of "mental illness" because this was something that was discussed at great length with the Law Society and the royal college. I came to the conclusion prior to talking to the Law Society that perhaps it was not aware of the fact that we wanted the definition of "mental illness" to include intellectually handicapped people who also suffer from a mental illness. We had no intention of including intellectually handicapped people *per se*; that is, that a person who is only intellectually handicapped should come within the

definition of "mental illness". After the discussion with the Law Society it was able to see that, because 40 per cent of people who are intellectually handicapped also suffer from a mental illness, it was quite proper that the drafting be in the manner in which it was drafted.

The other question raised by both the Law Society and the member for Melville concerned certain conditions which may give rise to a substantial impairment of mental health. I think the Law Society accepted my argument as a reasonable one in this case. Quite properly the member for Melville referred to jetlag and the like. It is not that these conditions would cause a person to come within the definition of the term "mental illness". As I point out to him, almost anything could put certain people in the situation of being substantially mentally ill.

The test is not whether certain conditions exist. For instance, one is not mentally ill because one is tired, menopausal, or suffering from jetlag. The question is whether one's mental health is impaired substantially as a result of any of these conditions. In that case, one could fall within the ambit of this definition.

I notice that the member for Melville has not placed an amendment on the notice paper in respect of this clause. That is probably because, when the intention of the definition was made known, it would have been found difficult to improve it. Having discussed this matter with the Law Society, the Government said that it would retain the definition of the term "mental illness" as it appears in the clause. Perhaps the member for Melville would like to respond on this point before I move onto the amendment in my name on the notice paper.

Mr Hodge: Perhaps the Minister could move the first amendment, and I can speak to all the definitions at the same time.

The CHAIRMAN: If the member is indicating that he would like to refer to matters other than the amendment, it would be preferable to accept the suggestion of the Minister.

Mr HODGE: Thank you for pointing that out for me, Mr Chairman.

I wish to speak about a number of the definitions contained in clause 3, as well as the definition the Minister is seeking to amend. Many of the definitions are still inadequate and require revision.

It is quite true, as the Minister pointed out, I have not placed any amendments on the notice paper. At one stage I contemplated preparing amendments, but as it is my belief that amendments are necessary throughout the Bill, it was a task which would have been beyond me. I did not have the resources to prepare the vast number of amendments required. In fact, the Bill is beyond amendment. Because of its many deficiencies, new clauses would be necessary, and it is my understanding that we cannot move to amend something which is not contained in a Bill.

During the previous debate I referred briefly to the definition of the term "intellectually handicapped person". I criticised this definition in my second reading speech, and I will not traverse that ground again. Technically the definition is a very poor one, but it has been pointed out to me that it is also deficient because it refers to a child and not to an adult. The words used in the definition are "adaptive behaviour, such conditions having become manifest during the development period". I do not know whether or not the Minister is aware that such a definition refers to a child rather than to an adult. There appears to be no appropriate definition which is applicable to an intellectually handicapped adult person.

Mr Young: So it might save some time pursuing that point in the event that I reply, by interjection I would like to say that that statement is totally incorrect. The definition refers to a condition having become manifest during the developmental period. It does not refer to a person having to be in his developmental period. If you want me to explain that matter while I am on my feet, I will be quite happy to do so.

Mr HODGE: It is a technical matter which I am quite unable to debate. I was repeating advice given to me by a professional in the field. It may be that that advice was wrong.

I am not at all swayed by the Minister's argument about the definition of the term "mental illness". I do not think the Minister actually said that the Law Society agreed with the definition.

Mr Young: No, I did not say that. I stated that the society seemed to accept the reasonableness of the argument.

Mr HODGE: I do not know whether or not the society agreed with it. I suspect it was not swayed by the Minister's argument. I would like to take this opportunity to ask the Minister whether he has received the detailed criticism of the Bill which the Law Society promised to make available. I have not yet received a copy. Such a criticism would be very important to this debate.

Mr Young: I presumed that you would have obtained a copy. I have only the one copy and it is heavily marked in my own writing so I could not let the member have a copy of it. I am certain the

Law Society would be very happy to let you have one. I presumed that at least the member for Mt. Hawthorn and the member for Melville would have received copies. I received this when I sat down to talk on Sunday.

Mr Bertram: I asked about that yesterday.

Mr B. T. Burke: The Minister has received the copy since yesterday?

Mr Bertram: Why did not the member for Melville get a copy yesterday?

Mr Young: He did not ask me for a copy yesterday. He asked me whether I had received it, and I said I thought the public announcement I made on Monday morning, and the fact that I had discussed the matter in full with the Law Society, was a fair answer to the question, "Had I seen the report?"

Mr B. T. Burke: The Minister is a twister.

Mr HODGE: If I approach the Law Society and it will not make a copy of the report available to me, will the Minister supply me with a copy?

Mr Young: Of course I will.

Mr HODGE: I have not been given a copy of the report, but I have not asked for one.

My opposition to the definition of the term "mental illness" still stands. I notice that the Royal Australian and New Zealand College of Psychiatrists has reservations about the definition, and on page 4 of the submission put forward by the college, a different definition is suggested. This definition is worded very technically, and I do not think I am qualified to debate it. However, the college has criticised the present definition and has suggested an alternative. I made the suggestion during the second reading debate that certain conditions should be specifically excluded, and should be written into the definition; that is still my attitude.

Criticism has also been directed at the definition of "private psychiatric hostel" on the basis that the words "socially dependent" which are included in that definition are open to fairly wide interpretation.

The definition "private sheltered workshop" came in for strong criticism by the Royal Australian and New Zealand College of Psychiatrists; at page 7 of its summary of criticism of the Bill, it makes the following statement—

> The definition of a "private sheltered workshop" in Section 3 of the Bill is of a "private undertaking and premises in which intellectually handicapped persons who are unable to obtain employment in a normal workforce are employed". Thus such bodies as Paraquad Industries would have the obligation of registering because of the occasional intellectually handicapped person to whom they offer an excellent service without present supervision by the Mental Health Act. Even worse, workshops of such high standard may find it necessary to exclude all intellectually handicapped patients such as those with head injuries or mental retardation in their own right or incidental to concurrent physical injury requiring rehabilitation. The definition of a private sheltered workshop should most certainly be changed.

I believe the Government should take some notice of that learned body's criticism of the definition.

Mr Young: What is the objection to having sheltered workshops registered?

Mr HODGE: I have no strong view one way or the other on the matter, but the college sees some problem in bringing organisations such as Para-Quad Industries and, I suppose, Activ Industries under the control of Mental Health Services when to date they have not been under the control of that department.

Mr Young: I am certain they are. All the slow-learning children's groups and the sheltered workshops require to be registered.

Mr HODGE: The college seems to be under the impression this definition will bring about an alteration to the present system, and it is opposed to it.

The definition of "treatment" is also a little strange; it is very vague. It does not specify whether the treatment includes surgical operations, which I believe is an oversight. The definition could be spruced up a little.

Mr YOUNG: The member for Melville objected to the definition "intellectually handicapped person". However, the information in his possession is clearly not correct. The interpretation of the words "developmental period" by the person giving him that advice was that the words applied to a person who is intellectually handicapped. Quite clearly, the definition provides that an intellectually handicapped person is a person whose general intellectual functioning is significantly below average and who concurrently has deficits in his adaptable behaviour, such conditions having become manifest during the developmental period.

In other words, a person could be 95 years old, but if the intellectual handicap from which he suffers manifested itself during the developmental

period, he is considered to be an intellectually handicapped person.

The area of gravest medical concern involves the person caught between "intellectually handicapped" and "mental illness" who is not intellectually handicapped by virtue of those problems becoming manifest during the developmental period, but who has become brain damaged at a later time, after the developmental period. That matter currently is under consideration both by Hospital and Allied Services and Mental Health Services to ascertain what facilities ought properly to be provided for those people.

I too am greatly concerned about this matter, and I have established a committee which has on it a representative of an association concerned with brain damage, to investigate what might be done for these people. So, under this definition, an intellectually handicapped person can be of any age.

I do not intend to discuss any further our differences of opinion in regard to the definition "mental illness" because I believe the Committee gave that a fairly good airing last week.

The member for Melville criticised the definition "private psychiatric hostel" on the basis of the inclusion of the words "socially dependent". There are many phrases couched in legal terminology which are not defined within the Statute itself, but which nonetheless must remain in the legislation and be left in the final analysis to the people who interpret the law to resolve whenever a dispute concerning that area arises. As our old friend Tom Hartrey used to tell us in this place, words should be read in their simplicity and in this case, the words "socially dependent" mean exactly what they say. Rather than automatically assuming they cover a very broad range, my interpretation is that the person, obviously, must be dependent, whilst the addition of the word "socially" seems to indicate a necessity for the whole being of that person to be cared for in the social, physical, and other senses.

The important words in this definition are those following the words "socially dependent"; namely, "by reason of mental illness". Therefore, the private psychiatric hostel is an undertaking in which there is a number of people who are not members of the proprietor's family, who are socially dependent by reason of mental illness or being intellectually handicapped persons. In other words, they must be socially dependent due to those two following conditions, not merely socially dependent in the broader sense. If ever a dispute arose surrounding this matter, I do not believe anyone trained in interpreting the law would have a great deal of difficulty with this definition.

The member for Melville went on to criticise the definition of "private sheltered workshop". I do not have the Act in front of me, but my understanding is that those undertakings currently are defined as "training centres" and are required to be registered at the moment if they are caring for intellectually handicapped or mentally ill people. So, this new provision should not cause any great difficulty to these organisations. If it is necessary for an organisation such as Para-Quad Industries, which also has a sheltered workshop, to make an application for registration under this Act, as well as under the existing sheltered workshop provisions, I do not believe it would cause any great upset.

It is probably appropriate that I move the amendment on the notice paper in my name in respect of the definition of "relative".

Mr Skidmore: Hang on. Somebody else might like to speak on something previous to "relative".

Mr YOUNG: I am sorry.

Mr BERTRAM: We have reached an interesting stage with this Bill. There are 102 clauses in the Bill. It has been suggested that now there are 51 amendments on the notice paper. That seems to amount to a confession by the Minister that his Bill is half wrong.

On Tuesday of this week I received a memorandum of those amendments. I do not know whether they are the ones on the notice paper, but I presume they are. There are nine pages of amendments. Last week we spent nearly all of Thursday on a proposal by the Opposition that the Bill was no good, that it should be thrown out, and that the Minister should bring in a Bill that was reasonably to standard. That is all the Opposition was asking.

It is worthwhile remembering that not only was the Opposition asking that the Bill be presented in an appropriate form, but also the Opposition was supported in its viewpoint by the Law Society and the Royal Australian and New Zealand College of Psychiatrists. There we had the three prongs of interest on this question, all unanimously of the opinion that the Minister and the Government were hopelessly out of step.

Surely mental health has to do with psychiatrists and experts in that field. Obviously it has a lot to do with the law, so the Law Society was an appropriate and proper organisation to be interesting itself and making submissions. Then, of course, mental health has a lot to do with the public; and the Opposition was speaking on behalf

of the public. In a sense, there was universal rejection of this Bill. Nonetheless, the Minister took the view—not an uncommon one in this Chamber—that the Bill would go on notwithstanding. We know that view point is held, not only by this Minister, but also by other inefficient Ministers. What an extraordinary waste of time we had last Thursday, at huge expense to the taxpayer. The debate rambled on and on. The Minister kept telling us that the Bill would go through, and that was that.

Subsequently, I read in the newspaper that the Minister was having discussions with the Law Society. That seemed to be completely out of character with the attitude he experessed here last Thursday.

So that this Committee may give some appearance of operating efficiently, and because I thought a submission of some sort was probably in existence—some written document, at any event—I asked the Minister yesterday afternoon, on two occasions—

The CHAIRMAN: Order! I take your point about the Committee operating efficiently; and I have given you some three minutes to introduce your remarks. I now request you to relate your remarks directly to clause 3.

Mr BERTRAM: Yes. The Committee has to do its job properly. The Committee, and particularly the Opposition, should have before it a copy of the Law Society's submission. I did not necessarily hear the Minister properly yesterday; but I came to the conclusion that no such document was in existence. However, the Minister now has in his possession, over yonder, this Law Society document. I am requesting him to let us have that, or alternatively a copy of it. That could be obtained in a matter of a few moments. Will he be good enough to do that?

Mr Young: I do not know how many times I can answer this question. I have told the member for Melville that I am quite happy to let him have a copy. The only copy I have has my writing on it, so he will not get that one. The member for Melville has said that if he asks the Law Society to let him have one and they will not, would I get one for him. I have answered that I certainly would. Yesterday I told you that I did have the report at the time of the discussions when I was speaking with the Law Society. That is what we were talking about. I really don't quite get the point that you are making. You are a member of the Law Society, I take it—as a practising lawyer. Are you a member?

Mr BERTRAM: What is the point in that?

Mr Young: Are you a member of the Law Society?

Mr BERTRAM: If the Minister can give me the faintest clue what relevance that has, I will answer his question.

The CHAIRMAN: Order! I must ask the member for Mt. Hawthorn to relate his remarks specifically to clause 3. The track that we have been following is not central to the argument on clause 3. I ask the member to speak to the clause.

Mr BERTRAM: I want to follow this particular aspect. Are you debarring me from obtaining a specific answer from the Minister as to whether I, not the member for Melville, may have a copy of the Law Society document?

The CHAIRMAN: I have given you an opportunity for quite a number of minutes, but you are not yet dealing with the clause. I have given you the opportunity to develop your argument and relate it directly to clause 3. You have not done that, and therefore I ask you to debate clause 3.

Mr Young: I will interject and tell the member for Mt. Hawthorn that if he cannot get a copy from the Law Society, of which he is probably a member, I will get him 10.

Mr B. T. Burke: He does not want 10. He wants only one.

The CHAIRMAN: Order!

Mr BERTRAM: I want to speak in respect of the definition of "relative". I would like to know what the Law Society has to say about that; but the Minister has determined, apparently, that I will be denied the comments of the Law Society. That does not take me by surprise.

It seems that the definition is clearly unsatisfactory. It seems that the definition has come out of a different era from the one that we are now living in. It seems that the definition is inconsistent, for example, with the sort of definition that one would expect having regard to the provisions in the State Housing Act dealing with *de facto* relationships. If one considers the Inheritance (Family and Dependants Provision) Act, one finds that the same provision has been made; and in this day and age it should be made, I would suggest, for *de facto* relationships. In the Administration Act, there is provision for *de facto* relationships. In the period that this Government has been in power in this State, *de facto* relationships have blossomed. They have a burgeoning status. One is tempted to imagine—I have no statistics—that there have been more *de facto* relationships established in the period this Government has been in power than in any other

period. It may be there are more *de facto* relationships than there are *de jure* ones—lawful marriages.Yet, being aware of that, this definition is completely and utterly silent on the question. That staggers me. It is hard to imagine that the Law Society did not have something to say about that.

Let us have a look at the definition. It means, among other things, "spouse". Presumably, unless this Minister can show me otherwise, that means a legal spouse.

I hope that this situation will be clarified. A spouse means a lawful spouse so what about a *de facto* spouse? In relation to this definition where does a *de facto* spouse stand? What about a *de facto* father? He does not get any mention at all. It is not right that mention of this has not been included in the definition. It goes on and I will come back to this subject later.

Mr SKIDMORE: There is one matter I raised during the previous debate concerning the interpretation that could be placed on the definition of "intellectually handicapped". I said it could be used as a back-door method of getting people who were merely borderline cases into mental institutions, because there is a distinction between intellectually handicapped and mentally ill, and the Minister's explanation did not satisfy me. What I have seen take place on this issue on three particular instances makes me wonder and I asked the Minister a question this morning concerning this definition and he advised that such conditions have become manifest during the developmental period.

The first part of the definition is more important. I beg to differ from the Minister because the definition reads as follows—

> "intellectually handicapped person" means a person who has a general intellectual functioning which is significantly below average and concurrently has deficits in his adaptive behaviour, such conditions having become manifest during the developmental period;

The CHAIRMAN: Order! There is too much audible conversation in the Chamber.

Mr SKIDMORE: What happens to an intellectually handicapped person who is deemed to be mentally ill depends on the question of the developmental period and I would like to ask the Minister for his comments on this aspect. I understood the Minister to say that the developmental period was the development of the handicap. Is that right?

Mr Young: No. The condition by which a person is intellectually handicapped becomes manifest during the development period. A person can become intellectually handicapped—

Mr SKIDMORE: Take me as an example, I have a problem. I knew that would amuse members opposite.

Mr Young: It did not amuse me. There are a number of conditions by which a person can become intellectually handicapped. If one of those conditions which cause this became manifest from the time of conception to around 18 years—

Mr SKIDMORE: And caused the intellectual handicap. That is the manifestation of which the Minister speaks, is it?

Mr Young: Yes, that is right.

Mr SKIDMORE: It has nothing to do with mental illness manifestation?

Mr Young: Nothing at all.

Mr SKIDMORE: I suggest to the Minister that he should say that with a great deal of caution. He had better go back and have another look at it.

Mr Young: It has nothing to do with mental illness. The two are separately defined. You are looking at a different definition.

Mr SKIDMORE: My understanding of the definition is that an intellectually handicapped person has a condition that has manifested itself during the developmental period which has caused the person to be intellectually handicapped.

Mr Young: The person could become intellectually handicapped as the result of brain damage, to which I referred when replying to the member for Melville.

Mr SKIDMORE: As I suggested, that is the developmental period.

Mr Young: Or you could become intellectually handicapped at an old age by becoming psycho-geriatric.

Mr SKIDMORE: Is that not a developmental period?

Mr Young: No, it is not. It is a regressional period, if you like.

Mr SKIDMORE: I become suspicious of definitions which allow use to be made of them by psychiatrists, and others who want to prove a degree of mental illness in a person who is not mentally ill. History has shown that this method has been used by many people to have others committed to institutions when quite frankly there is nothing wrong with their mental capacity. Whatever the reasons that they are placed in these homes the evidence clearly indicates this happens time and time again and it usually

happens to those who are intellectually handicapped.

Mr Young: Never. There is nothing in this or the previous Act which puts intellectually handicapped persons into this category.

Mr SKIDMORE: What about Pyrton—I think they are institutionalised for five or six years.

Mr Young: They are not compulsory patients. They are there on a voluntary basis.

Mr SKIDMORE: Not all are.

Mr Young: If any are also mentally ill they could come within the ambit of that definition, but they would not be at Pyrton in that event.

Mr SKIDMORE: I do not want to go into this question. One can ascertain from clause 67 of the Bill the conditions under which a voluntary patient can be discharged. I find it incredible that it is necessary to go from one clause to another to ascertain the definition. It is supposed to be so clear cut. I have my doubts about this and I am not convinced that what the Minister says is correct.

I have just been informed that the Law Society advised it could not give the Opposition a copy of the submission made to the Minister because the president of the society says that it is not appropriate to release the report at this stage. I would like to ask the Minister for his comments.

Mr Young: Not another one sent to me this morning!

The CHAIRMAN: I ask the member to relate his remarks to clause 3.

Mr SKIDMORE: What I am speaking about refers to the question of mental illness and to the definition I am dealing with. If it does not, I would like to know what does.

The CHAIRMAN: If you can illustrate that you are talking to clause 3 I will accept it.

Mr SKIDMORE: You are making it extremely difficult, but if you want me to, I hope you will—

The CHAIRMAN: I hope you will. We are not at the second reading stage; we are in Committee and I ask you not to reflect on the Chair.

Mr SKIDMORE: The definition that I am referring to ties in with the clause under consideration. However, I will not continue with that. What I want to know in regard to the question I have raised has been covered and I hope the Minister will take note of what I have said. The Minister has given reasons and I do not accept them. I think his ideas could cause problems.

Mr DAVIES: We do not seem to be making much progress with this Bill. This time last week we were discussing clause 3 and I thought that by today we would have progressed further. I hope the Minister does not think we are being deliberately obstructive. This subject is a matter of considerable concern to us. After so much effort has gone into rewriting the legislation we would have hoped we had a Bill, including clause 3, which was acceptable to the community at large.

Since we last met there have been two reports produced to which the Minister referred when he opened today's proceedings. He indicated he had discussed the reports and their findings with the Royal Australian and New Zealand College of Psychiatrists and with the Law Society. When we met this time last week we were under the impression the Law Society report would be made available to us. That seemed to be the tenor of the letter from the society. However, as the member for Swan has just said, the report is not available to us by the direction of the President of the Law Society. I understand that the Minister has already indicated he would make his copy available to us if we could not get one from elsewhere.

Mr Young: I said I would make a copy of it available because I am sure I could get another one that is not marked.

Mr DAVIES: We would appreciate receiving a copy. I believe that if we can get an understanding of what everyone is driving at we can make much more rapid progress on this clause and the Bill than was the case last week. The fact that the Minister placed 51 amendments on the notice paper and was prepared to hold them over from last week till now indicates he wants to have a good Act as much as we do.

I suggest he may feel disposed—although it would create a minor delay—to make a copy of the report available to us, if I give him an assurance that once we see it and are able to blend together all the thoughts of all the parties, we can guarantee him the utmost co-operation in getting the Bill through. The Minister said that only six of the amendments were of any significance, and we accept this. But we are still having difficulty in honestly believing that what he is saying is what the community wants.

Mr Chairman, I thank you for your indulgence, as I was not speaking to the clause, but we have been making such slow progress. If what I suggest is accepted, you would be out of the Chair like a shot once we knew what all the parties were talking about.

Mr YOUNG: I will comment in reverse order on the speeches made. I am not quite sure what

the Leader of the Opposition was suggesting, but if he meant that we ought to stop debate on this so that he can get a copy of the Law Society report, I am afraid I cannot accept his proposition, because it would be the second time this has occurred in the course of the debate. I readily understand that it might be difficult for some Opposition members to know what is in the report if they do not have a copy of it—that is clear. However, if the Leader of the Opposition is asking the Committee to stop its deliberations because his members have not received a report which is not mine to give them, I cannot agree to do what he asks.

It was not my job to give a copy of the report to the Opposition. It was a report given to me as the Minister and discussed with me at the time of delivery for the purpose of convincing me in respect of certain amendments. I am prepared to bet that the member for Mt. Hawthorn at least, and certainly other members of the Opposition, are members of the Law Society. If they wanted a copy of that report they would have been able to get one.

I know nothing of the matter raised by the member for Swan about the President of the Law Society saying that copies of the report should not go to the Opposition. We are in Committee again. It is our second run at the Bill. The Opposition says, "Something has happened in St. George's Terrace today—stop the Bill." I am afraid we cannot accept that. I am sure the Opposition members would realise that whether or not they have a copy of the report is a matter between them and the Law Society. There is no objection on my part to their having a copy and I would like to be able to have a copy in my hand now which I could give them. I only have my marked copy. If the Whip could get my secretary to bring in an unmarked copy I would be quite happy for the Opposition to have it.

I put it to members on the other side of the Chamber that they could have obtained a copy for themselves. There is no question in my mind that the Leader of the Opposition did not even discuss the matter with the President of the Law Society.

Mr Davies: We made a request.

Mr YOUNG: Did you talk to the president?

Mr Davies: Could I read the note written by my Press secretary? It states, "I have just (11.50 a.m.) spoken by telephone to Mr Neil Roberts, the Executive Director of the Law Society, who said that he could not give the Opposition a copy of the submissions made to Mr Young because the president of the society had sent him a memo this morning saying it would not be appropriate at this stage to release the report."

Mr YOUNG: I put it to the Leader of the Opposition that that is a matter he ought to take up with the Law Society. If I were the Leader of the Opposition I would certainly do that. At this stage I have no intention of involving myself in a dispute between the Opposition and the Law Society.

Mr Davies: It is not really a dispute. We are trying to hasten the passing of the Bill. If the Law Society does not want to give it to us it knows what it can do with it.

Mr YOUNG: A very quick look at the report will show what has and what has not been accepted.

Mr Davies: About three months ago the Law Society made an announcement that a copy of all reports would be made available to all parties because it could not get anywhere with the Government. Apparently its members have changed their minds, or perhaps someone has put the thumb on the president.

Mr YOUNG: Perhaps things are being evened up, because I was the last one to get the letter last week.

Mr Evans: How can you expect a proper debate?

Mr YOUNG: I was waiting for that sort of interjection. The suggestion being made by the Deputy Leader of the Opposition is that without the comments of "a" body we cannot have debate on this Bill.

Mr Evans: It is not "a" body; it is a most significant body.

Mr YOUNG: To carry the Deputy Leader of the Opposition's proposition to its illogical conclusion is to say that if the Law Society refuses point blank to give the Opposition a copy of the report, this Bill can never be debated in this Chamber.

Mr Bertram: Why not?

Mr YOUNG: Because the Deputy Leader of the Opposition says we cannot debate the Bill until the Opposition has a copy of the report. It follows that if the Leader of the Opposition and the Law Society cannot agree on the matter, this Bill can never be debated.

I do not intend to pursue this any further. I am prepared to give them the copies—

The CHAIRMAN: Order! It is becoming tediously repetitious to indicate the position over and over again when we in fact know what it is.

Mr YOUNG: I should still like to comment in respect of the matters which have been raised.

Point of Order

Mr EVANS: I should like to move that you, Sir, do report progress and seek leave to sit again.

The CHAIRMAN: There is no point of order; that cannot be done in the middle of a member's speech.

Committee Resumed

Mr YOUNG: I have been trying and I will continue to try to keep this debate on as calm a level as possible. However, I must make the comment in passing that the Deputy Leader of the Opposition would appear to be trying to stifle debate and that comes as a surprise to me.

The member for Swan raised a question about intellectually handicapped people. I am aware of that member's abiding interest in such people and the fears he expressed were genuine when he suggested someone might be brought into services unfairly. We were talking about the definition of an "intellectually handicapped person" and the member for Swan simply did not understand it. The definition will not enable the things to be done which the member for Swan claimed could occur and it will not catch the people he believed it would.

Even if an intellectually handicapped person were to fall within the ambit of the comments made by the member for Swan, it should be pointed out that under the Bill a person cannot be taken by force and be subjected to anything by virtue of the fact that he is an intellectually handicapped person. This Bill has no power to enable such a situation to occur in respect of the intellectually handicapped.

Therefore, not only did the member for Swan misinterpret the situation, but also had he in fact interpreted it correctly, it would not have given rise to the fears he expressed.

Mr Skidmore: Although I might agree with you, I still have a niggling doubt about this.

Mr YOUNG: I can give the member for Swan an assurance that, if a provision in this legislation puts an intellectually handicapped person at risk of being taken into an institution when he ought not to be, I would be the first person to squash it, firstly, by administrative action and, secondly, by legislation.

The member for Mt. Hawthorn started his contribution to this particular clause on the basis that, because so many amendments have been made, half the Bill had been virtually rewritten. I know the member for Mt. Hawthorn wants to give that impression. Initially I pointed out approximately five or six principles would be of some significance to the Chamber and, therefore, the number of amendments—being a lawyer, the member for Mt. Hawthorn should realise this—on the notice paper bear no relationship to the principles involved, because frequently many subclauses have to be amended in respect of one particular principle.

However, the most important matter which must be pointed out to the Chamber is that, with the exception of two instances raised by the member for Melville in his speech on the second reading of the Bill—once again, with all the due respect I can muster for the member for Mt. Hawthorn, he did not raise one issue in his second reading speech—none of his other comments related to matters incorporated in these amendments.

It is just so much poppycock for the member for Mt. Hawthorn to claim that the "rewrite", as he called it, has been brought about by the thoroughness of the investigation of the Opposition. Indeed, the fact that, in his contribution to the second reading debate, the member for Mt. Hawthorn failed to make any recommendations for amendments to the Bill, would preclude him from such a claim.

The member for Mt. Hawthorn referred also to the situation in regard to *de facto* relationships. As best I understand the situation, on each occasion the Bill refers to the rights of a relative in respect of a matter of significance, it relates also to a friend. If a *de facto* partner is not a friend, it is unlikely he would still be living in a *de facto* situation. Many husbands and wives sustain relationships, because they cannot get out of them; but I am sure *de facto* relationships would be covered by the fact that the partners were friends. That would apply not only to *de facto* relationships of a spouse nature, but also to the other situation to which the member for Mt. Hawthorn referred.

Mr Bertram: Where does the word "friend" occur?

Mr YOUNG: The word "friend" appears in a number of places in the Bill, as does the word "relative". As far as I am concerned, the definition on the notice paper, to which I assume the member for Mt. Hawthorn referred, is quite acceptable.

I move an amendment—

> Page 5, lines 26 to 30—Delete the definition of "relative" and substitute the following—

"relative" means a spouse, child, step-child, grandchild, father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law or grandparent, and the spouse of a child, step-child, or grandchild; .

In moving that amendment I point out for the benefit of the Opposition that the Law Society report to me and its recommendations was to the effect that the definition did not cover the rights of *de facto* spouses, as mentioned by the member for Mt. Hawthorn. That was clearly a mistake. A comma appeared after the word "*de facto*" and it probably should have referred to "*de facto* spouses". It was pointed out also that the definition did not apply to stepchildren, grandparents, or grandchildren and this amendment now incorporates provisions to provide for stepchildren, grandchildren, grandparents, or the spouse of a stepchild or grandchild.

Mr HODGE: Obviously the new definition is an improvement on the old one and we are indebted to the Law Society for putting on the brakes and helping to try to improve this Bill to some extent.

Had the Government had its way last Thursday, this Bill would have been pushed through the Parliament with all its glaring errors and omissions. We should be grateful to the Law Society for convincing the Minister this definition was defective.

I have listened closely to the Minister's argument, but I still cannot follow his reasons for refusing to include *de factos*.

He mentioned that somewhere in the Bill the word "friend" is used. That is true, and it is used quite properly, but it should not be a substitute for the words *de facto* in the definition of the word "relative". I listened closely to the Minister's comments to determine his argument as to why the word *de facto* should not be included, but I am afraid I could not be convinced by what he said. He did not put up a real argument other than to mention that the word "friend" may include a *de facto*. I see no possible objection to including the words *de facto*. Relationships of a *de facto* nature are a fact of life in our society; numerous relationships these days are on a *de facto* basis. The Parliament would kid itself by legislating as though, and pretending that, *de facto* relationships did not exist. They are common and will become more common within our community.

Whether members of the Government have some individual moral stand against such relationships, I do not know. The Parliament must be realistic and recognise that these relationships are common, and should legislate to recognise them, in particular, in the definition of the word "relative" in this legislation. The Government should include the relationship within the definition or give hard and fast reasons to show that its inclusion would be detrimental to the Mental Health Act.

Mr YOUNG: The point I made to the member for Mt. Hawthorn in respect of the fact that *de factos* can be expected to be friends under most circumstances is, let me say, the second test irrespective of the clauses by which a friend or relative may make certain applications. If a *de facto* can prove to be a friend in the circumstances pertaining he or she may make an application.

The member for Melville asked the question: Why does not a *de facto* spouse have the automatic right to make requests and applications under this legislation in respect of some other person? I take it he would include by definition the children of a *de facto*, and I presume he meant in addition children not from the *de facto* relationship—perhaps previous relationships, relatives of previous relationships, and the like. I believe when we deal with these applications mostly made by friends and relatives, we are dealing with serious situations involving the possible detention in or admission into a psychiatric institution of a particular person. Sometimes that can be on a non-voluntary basis, and in that case if we followed the member's suggestion we would be opening the door far too wide. Many people in our community would argue in favour of the right of a parent, and I gave considerable consideration to situations in which grandparents may be involved.

I for one would not want children of mine to be admitted to an institution on a non-voluntary basis after an application instituted by a *de facto* spouse of a woman who previously had been my wife. I would want a say in the situation; and, obviously, the proper mother of the children should have a similar say. To include *de factos* in this legislation would be opening the door far too wide.

The member for Melville asked for my reasoning on this matter. I would not like to have a running debate on it. What I have said is how I see the situation.

Mr BERTRAM: Is the definition before us a definition of which the Law Society approves?

Mr Young: As I said in bringing forward the amendment, it is substantially what the society

recommended. However, the society did not recommend as such; it suggested certain amendments. It just said that certain people should be provided for in the definition, and I believe it mentioned *de facto* spouses. I have not accepted that submission, but I did accept the society's views in regard to stepchildren and grandchildren or the spouse of a stepchild or a grandchild.

Mr BERTRAM: It does not surprise me that the Law Society raised the matter of *de factos*. It seems that the society still holds the view that the definition should extend to *de factos*. The present provision seems to discriminate unfairly against *de facto* spouses—*de facto* fathers and mothers—in a way that will cause great inconvenience.

One must think of the important rights already given to such spouses by various Acts of Parliament, and when one does it presses home the argument I advance, namely, that *de factos* are discriminated against improperly and unfairly by the proposed definition which quite obviously the Opposition must oppose.

The Inheritance (Family and Dependants Provision) Act provides that the *de facto* spouse of a deceased person has the right to claim—in fact, they have claimed successfully—under a will when the testator either has not made adequate provision for that spouse or has made no provision at all. Anyone can understand the significance of that provision. A document of extraordinary importance and finality such as a will disposing of property can be changed for the benefit of a *de facto* spouse. That situation gives an example of the recognition given by other Statutes to *de facto* spouses, and in this legislation the definition of the term "relative" should include such a spouse.

If I understood the Minister correctly he indicated that a *de facto* can be regarded as a friend. I may not have heard him correctly. Although a *de facto* may have a friendly relationship with a person the subject of an application under this legislation, it is not necessarily so that a *de facto* can be described properly as a friend. In one breath the Minister says a *de facto* is a friend, and in another says the Government does not want *de factos* referred to in any way in this legislation. Where does the Minister stand? I do not know where he stands and, surely, the Committee could not.

I will repeat the Opposition's stand on this matter so that no misunderstanding exists. The definition of "relative" should include provision for certain *de facto* relationships. The omission of such a provision is obvious, and I have referred amply to precedents.

As time passes we will all come to realise, as the member for Melville ably and properly pointed out, that *de facto* relationships are a state of affairs in our community which can be ignored no longer. The provision in the Inheritance (Family and Dependants Provision) Act for such relationships was brought in in 1973; so recognising these relationships is nothing new—the move was on then.

The Opposition would have been only too happy to support the amendment and the clause if the Minister had given us a good reason for them, but he gave us two versions of his reasoning.

The argument the Opposition has made out can be verified by referring to the Law Society's submission that the clause is inadequate and that provision for *de factos* should be made. In its present form, and as it will be amended, the clause is no good at all.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4 put and passed.

Clause 5: Director of Mental Health Services and other officers—

Mr HODGE: I made passing reference to this clause during the second reading debate and I now want to hark back to it. I pointed out that I thought clause 5 had the potential to bar Dr Guy Hamilton from continuing as the Physician Superintendent of the Division for the Intellectually Handicapped and the reason I think that is a possibility is the wording of subclause (3) which is as follows—

> A person shall not be appointed to the office of director, deputy director, superintendent or deputy superintendent or to act as director or deputy director unless he is a psychiatrist.

Dr Hamilton is the Physician Superintendent of the Division for the Intellectually Handicapped and; that is the title he is given in the front of the annual report of the Mental Health Services. He has fulfilled that role very adequately indeed, and I can see no good purpose for the director of that division to be a psychiatrist. In fact, I had the benefit of discussing this point with Dr Hamilton some months ago before this Bill was ever introduced. He said he hoped in the future the Director of the Division of the Intellectually Handicapped not only would not be a psychiatrist but also would not even be a doctor; that he saw no need for a medical person to be the director. I happen to agree wholeheartedly with those

comments and it seems to me that the superintendent of that division should be an educator and not a medical practitioner or psychiatrist.

It seems to me, unless I have misunderstood this clause, that it is the intention of the Government to have a psychiatrist superintendent in charge of every division. If that is the case it will virtually rule out the possibility of Dr Hamilton's continuing as the superintendent of that division.

I would appreciate it if the Minister would explain that provision and correct me if I am wrong or have another look at this clause if he thinks I might have a legitimate point.

Mr YOUNG: If the clause were to preclude Dr Hamilton or anyone else of any classification from being or remaining the physician superintendent in respect of the Division for the Intellectually Handicapped, I would amend the clause immediately because I do not subscribe to the view that the superintendent of the Division for the Intellectually Handicapped ought to be a psychiatrist. There is nothing about the Division for the Intellectually Handicapped which has anything to do with psychiatry—as the member for Melville says—nor is it absolutely essential that the superintendent of the division should be a medico.

If someone other than a physician were appointed to the head of that division the title of the position would be altered to ensure there was still no doubt under this clause.

Under this clause, in my opinion, there is no doubt because Dr Hamilton—in the case cited by the member for Melville—is not simply a superintendent. "Superintendent" is defined in the definitions only in relation to an approved hospital, but the reference in this clause is to a superintendent and a deputy superintendent for each approved hospital.

The next subclause refers to the director, deputy director or superintendent. I do not think the word "superintendent" can be taken as meaning just anyone with the word "superintendent" in his title. Dr Hamilton's title is "physician superintendent"and to ensure there is absolutely no question about it, a person other than a physician occupying that position would have to be given a title other than simply "superintendent". At the moment I do not believe the word "superintendent" can be construed to cover that situation. If the whole clause is read—and the reference to the definition is read with it—the word "superintendent" can apply, in my opinion and that of my advisers, only to the superintendent of an approved hospital.

I agree with the thrust of the argument that the member for Melville advanced, that if what he proposed were the case we should amend it.

Mr HODGE: I will just comment again briefly, in the light of what the Minister said. I am pleased to hear that it is not the Government's intention to legislate in such a way as to prevent Dr Hamilton's continuing as the Superintendent of the Division for the Intellectually Handicapped. I still have doubts. If the word "superintendent" refers only to hospitals then it is hard to know exactly what Dr Hamilton really is because he certainly is referred to in the Mental Health Services annual report as the superintendent.

I do not know what the word "superintendent" means if it does not mean he is in charge of that division. It is all a little confusing. I would like to see the Minister have another look at this clause and see if it could perhaps be reworded or, if indeed the definition of "superintendent" could be reworded to make it perfectly clear that a superintendent, particularly a superintendent of the Division for the Intellectually Handicapped, need not necessarily be a psychiatrist or a medical practitioner. That should be spelt out because it is very important.

It has taken us a long time to progress to the point when we have finally recognised that the intellectually handicapped are not necessarily mentally or physically ill and that really what they need is a special approach to their education and training. It seems more appropriate for an educator to fill that position and I do not want there to be the slightest doubt in the legislation that such an appointment would be valid. I would ask the Minister to have his advisers have another look at that clause I referred to and word the definition of "superintendent" to make absolutely certain there is no risk of the situation that I described earlier arising.

Clause put and passed.

Clauses 6 to 10 put and passed.

Clause 11: Offence to operate private hospital without approval—

Mr YOUNG: Prior to dealing with the clause I wish to move an amendment to the heading to make more clear what the division refers to. I move an amendment—

> Page 11, line 5—Insert after the word "*Private*" the word "*Approved*".

Mr HODGE: I would appreciate a more detailed explanation as to why this amendment is

necessary. I understand there are no private approved hospitals in this State—and there never has been. It seems to be a fairly major alteration to include that word in the heading, because formerly this section would have covered private hospitals which dealt with psychiatric patients.

Sitting suspended from 12.45 to 2.15 p.m.

Mr HODGE: Before the luncheon suspension I was commenting on the amendment which the Minister has on the notice paper to insert the word "*Approved*" between the words "*Private*" and "*Hospitals*" in the heading of division 2. This appears to be a fairly minor change, but in reality it is fairly substantial. It seems to me that it will exempt all those private hospitals that treat people for psychiatric disorders and which may not necessarily be "approved" hospitals; that is, hospitals in which people can be detained involuntarily. Nevertheless, they are private hospitals concentrating on psychiatric treatment, and this small amendment would seem to exempt them from the provisions of the Bill. It seems to me that while it appears to be a fairly minor amendment, it will have far-reaching effects.

I would like the Minister to give a fuller explanation to the Committee of the reason for the insertion of the word. Has the Government had a change of heart about the type of hospitals it intends to cover with the legislation, or was the omission of the word an oversight right from the beginning and did the Government ever have any intention of including private psychiatric hospitals under this legislation?

Mr YOUNG: The situation is as the member for Melville described it prior to the luncheon adjournment. There are no private approved psychiatric hospitals in this State in which people are detained. So we are talking about a situation which may arise as distinct from a situation which exists. The member for Melville made a valid point when he said that the term "private hospitals" was not a sufficient description. This division refers to approved hospitals, and the private hospitals referred to by the member are registerable under other Acts and provisions.

The thrust of this particular division—and this clause and those that follow it—is to provide for people who may find themselves in an approved psychiatric hospital. However, the amendment which appears next on the notice paper is absolutely necessary; otherwise the provision would not apply to any private psychiatric hospital where a person may be actually held on a voluntary basis. This was pointed out also by the member for Melville.

Had this provision remained as it was, I could understand that the Opposition would not be happy with it. However, I intend to move the amendment to line 8 to insert the words "in which a person is detained under this Act". This will make it very clear that the provision applies in respect of those people. There is no need for these provisions to protect the rights of voluntary patients in private approved hospitals. The amendment does not make any difference to the law, but it helps to clarify the point that private hospitals referred to in this division are approved hospitals as referred to later.

Mr BERTRAM: I would like to raise a point with you, Mr Chairman. Is it competent for me to make some comment and then move that progress be reported, or must I simply move the motion?

The CHAIRMAN: You may move the motion.

Mr BERTRAM: But may I speak to it as well?

The CHAIRMAN: No, you cannot speak to it.

Mr BERTRAM: That is a little sad. In that circumstance, I will keep my comments brief.

Mr Williams: Are you going to move to report progress or what?

Mr BERTRAM: As members are aware already, there are 52 proposed amendments on the notice paper. During the luncheon adjournment, I was supplied with a copy of the suggested amendments submitted by the Law Society. As the Committee can see, it is a prodigious epistle running to 37 pages. This is very complicated legislation, and it is quite unfair surely to expect the Opposition to comprehend the significance of the submission from the Law Society, and to debate the matter immediately. Whatever else may be said about it—and plenty could be said about it—that is not a fair thing.

For that reason the obvious course is for the Committee to report progress, but having said that, it appears I cannot move the motion. However, I understand that the member for Balcatta will do so, on the basis of my comments; namely, the hopelessness and gross unfairness of expecting us to comprehend the 37 pages of this submission.

The CHAIRMAN: Order! I ask the member to relate his remarks to the insertion of the word "*Approved*".

Mr B. T. Burke: He is not "approving" of the practice being followed.

Mr BERTRAM: That is all I wish to say.

Progress

Mr B. T. BURKE: I move—

That the Chairman do now report progress and ask leave to sit again.

Motion put and a division taken with the following result—

Ayes 17

Mr Barnett	Mr Hodge	
Mr Bertram	Mr Jamieson	
Mr Bryce	Mr T. H. Jones	
Mr B. T. Burke	Mr McIver	
Mr Carr	Mr Pearce	
Mr Davies	Mr I. F. Taylor	
Mr Evans	Mr Wilson	
Mr Grill	Mr Bateman	
Mr Harman		*(Teller)*

Noes 25

Mr Cowan	Mr O'Connor	
Mr Crane	Mr Old	
Dr Dadour	Mr Rushton	
Mr Grayden	Mr Sibson	
Mr Grewar	Mr Spriggs	
Mr Hassell	Mr Stephens	
Mr Herzfeld	Mr Trethowan	
Mr P. V. Jones	Mr Tubby	
Mr Laurance	Mr Watt	
Mr MacKinnon	Mr Williams	
Mr McPharlin	Mr Young	
Mr Mensaros	Mr Shalders	
Mr Nanovich		*(Teller)*

Pairs

Ayes	Noes
Mr Tonkin	Mrs Craig
Mr Skidmore	Sir Charles Court
Mr Bridge	Mr Sodeman
Mr T. J. Burke	Mr Coyne
Mr Parker	Mr Blaikie

Motion thus negatived.

Committee Resumed

Mr HODGE: The Minister has foreshadowed moving an amendment to this clause to add the words "in which a person is detained under this Act". Will the private psychiatric hospital in which a person may be detained under this Act need to be an approved hospital, or will there be different categories of hospital; namely, approved hospitals and private psychiatric hospitals—which may be allowed to exist without their being approved—in which people may be detained under this Act?

Mr YOUNG: The word "private" applies to a number of different institutions; in fact, within the definitions there are four such institutions to which the word will apply. The most important, perhaps, is the general definition of "private" as applied to the various hospitals, psychiatric hostels, and the like. A "private psychiatric hospital" is not defined in the legislation.

A private psychiatric hospital, obviously, is a hospital in which psychiatric patients find themselves and such a hospital must be private, and the word "private" is clearly defined within the definitions. The effect of this amendment will be that all later references to approved hospitals in this division will apply to these private hospitals when it is in one of these institutions that a person shall be detained under the Act.

Clause 64 defines the meaning of "detained"; it provides that a person who is detained is a non-voluntary patient. The foreshadowed amendment will simply make it clear that to come within the ambit of this provision a person detained in a private psychiatric hospital must be a non-voluntary patient and therefore may be described as having been detained.

The rest of the division refers to "approved hospitals". As the member for Melville knows, the heading to the division means nothing in law; it was simply a nice, clear description to enable the average person reading the legislation to know what we were talking about. A person reading the Bill would not be confused with the words "private hospitals"; he would know precisely what was meant.

Mr Hodge: Will people be able to be detained in hospitals other than approved private hospitals?

Mr YOUNG: Yes, obviously they may be detained in approved public hospitals.

Mr Hodge: But they may not be detained in any other form of private hospital; in other words, it must be approved.

Mr YOUNG: Yes, it must be an approved private hospital to come within the ambit of this provision. That is what my foreshadowed amendment will clarify.

Mr BERTRAM: Can the Minister for Health inform us whether the insertion of the word "approved" has the blessing of the Law Society? Was it an omission from the legislation in the first place, is it an initiative on the Minister's part, or is it as a result of a suggestion from the Law Society?

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 11, line 8—Insert after the words "psychiatric hospital" the passage "in which a person is detained under this Act,".

In answer to the member for Melville, it is necessary to describe the fact that a person must be detained; in other words, he must come under clause 64 of the Bill, as a non-voluntary patient. This amendment will clarify the situation and put beyond question the fact that a person

cannot be detained in a private psychiatric hospital unless it is under this provision.

Mr HODGE: This all seems to be a rather futile exercise. To the best of my knowledge, there has never been an approved private hospital in this State, and there is certainly none at the moment. Apparently we are legislating for an area for which there is no need or demand.

Mr Young: There are private psychiatric hospitals, but they are not private psychiatric hospitals in which a person may be detained non-voluntarily.

Mr HODGE: I realise that. Without this amendment, it seems that the existing private psychiatric hospitals would have been included in this legislation. I am not sure whether that is what the Government intended. The Royal Australian and New Zealand College of Psychiatrists seemed rather alarmed at the prospect of private psychiatric hospitals coming within the ambit of this legislation.

It would be interesting to know whether the Government has had a change of heart; whether it intends that private psychiatric hospitals of the type that exist at the moment be included. Certainly no private psychiatric hospitals having the power to detain people exist at the moment.

It appears to be a small amendment, but its effect is quite important. It will exclude small private psychiatric hospitals that would have been included. I am not sure whether this amendment will resolve all the difficulties. If one looks at the definitions at the beginning of the Bill, one finds certainly that it is less than clear.

As the Minister pointed out, there is no definition of a "private psychiatric hospital". There is no definition of a "private approved psychiatric hospital. There is no definition of a "private approved psychiatric hospital in which a person can be detained under the Act". If one tries to trace it through, one finds the expression "approved hospitals" does not seem to fit in with clause 11. It must be referring to Government hospitals.

It is rather confusing. It is a very complicated Bill, and the amendments are not making it any easier. Before the day is finished, members of the Committee will be thoroughly confused.

Rather than proceed with these amendments, the Government should withdraw the Bill and start all over again. It is becoming incredibly complicated, complex, and confusing. I wonder whether any members of the Committee, including the Minister, are fully aware of what these amendments will do. Are they confident that the legislation will be workable and clear when they are finished?

I have not had time to study the Law Society's documents relating specifically to this amendment. There is a section in the report dealing with this clause, and we are now debating it although I have not had time to study it. That is very poor indeed.

The Minister should think again about proceeding with this Bill in this form today.

Mr YOUNG: I am personally quite glad that the Opposition had the opportunity to study all the amendments on the notice paper for at least two or three days.

Mr Pearce: We gave ourselves the opportunity. You sent a message around to say you were going to go on with it at 4.30 p.m. on Tuesday.

Mr YOUNG: The amendments are not difficult. They are quite explicit and quite clear.

Mr Hodge: They are not.

Mr YOUNG: The argument that is being posed by the member for Melville, the Deputy Leader of the Opposition, the Leader of the Opposition, and the member for Mt. Hawthorn is simply that if a body wants to make a report on a Bill, the Minister should report progress until they have had time to study it, notwithstanding the fact that they could have obtained copies of the report if they had asked. In effect, they did not ask for a copy of the report until just before lunch—

Mr Hodge: You were asked yesterday.

Mr YOUNG: If they were not able to obtain a copy of the report, that is their problem with the Law Society. If they had asked me for a copy of the report on Monday morning, I would have been happy to give them one. Rather than that, they waited until the Committee stage today.

Mr B. T. Burke: The member for Mt. Hawthorn asked you yesterday.

The CHAIRMAN: Order! I ask the Minister and every other member of this Committee not to continue going over the question of this report. As one of the members of this Committee used to say, it is not germane to the amendment before the Chair. I ask the Minister to confine himself to that question.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 12: Approval of private hospitals—

Mr HODGE: What avenue of appeal is there against a decision by the Minister not to grant an application for approval to operate a private psychiatric hospital? There does not appear to be

any avenue of appeal against his refusal to give approval. That is a major oversight. If approval is given and a permit is issued, can that permit be transferred to another person? If the person who owns the hospital wishes to sell it, can it be sold and can someone else have that permit? There is provision for a permit to be transferred if a permit holder becomes incapable or dies; but it is not clear whether a business can be sold to someone as a going concern.

On page 12, in subclause (6) of clause 12, the following appears—

> An approval and permit under this section shall, unless issued in respect of a private hospital . . . .

Can that be tidied up? It is a little confusing with so many different terms floating around. Are we talking there about a private hospital, a private approved hospital, a private psychiatric hospital, or a private psychiatric hospital in which a person can be detained under the Act?

It would be helpful if the Bill were consistent and if it spelt out in that clause exactly what sort of private hospital was being considered.

Mr YOUNG: In respect of the appeal to which the member referred, it is an interesting question which probably has been asked in respect of almost every Bill before this Chamber. As to whether appeals in respect of administrative decisions ought to be allowed, I imagine that as the Mental Health Services is one of the services which comes within the ambit of the Parliamentary Commissioner for Administrative Investigations, this would be an Act under which an approach to the Ombudsman might be made. This, however, fits into the middle category where the Minister has the final determination based on the information given to him by the people from the Government considers the best qualified to make an assessment.

My general philosophy is that the buck has to stop somewhere, if the Government is to be responsible. In the last few days we have seen a situation where the Government has been castigated for the actions of people in private institutions. If suggestions are made that the Government ought to hold investigations into the affairs of private organisations, as has been recommended by the member for Melville and Miss Lyla Elliott in another place, notwithstanding the fact that we have inspectors going around doing the best they can to make sure they comply—

Mr Hodge: Obviously not doing a very good job.

Mr YOUNG: —then at least the decision must lie finally with the person who will be given the blame if the decision is wrong.

In cases like this an appeal is not appropriate once the Minister has had the best advice that he can obtain in respect of the proposal. If the member looks at subclause (2) he will see that the Minister has to consider the report from the director, together with any other report he may require, and then satisfy himself that a certain number of things have happened or are in existence. The approval is then made subject to any other conditions he may himself declare upon the undertaking of an establishment to be an approved hospital. Restrictions are placed on the Minister and he has to comply with them before granting the right for that organisation to exist. There should not be an appeal in the final analysis.

In regard to the transfer of registration the applications received by the Minister for registration of various types of organisations are usually supported by reports which the Minister obviously must consider. Most of these are based on the capacity of the staff and the applicant himself to run a satisfactory hospital. With reference to subclause (2) of this clause the Committee will see that the Minister has to be satisfied that the proposed premises are suitable, that the applicant is a fit and proper person to conduct a hospital, and that the arrangements for management, equipment and staff are satisfactory. Rather than allow a transition clause or a transition regulation to exist whereby someone can simply transfer a licence, it is better that the person and the premises are no longer registered. If a new person who may bring in new staff makes an application to operate a hospital the necessary approval has to be sought from the Minister, so there is no need for transfer provisions in the Bill.

I had a recent case where a full investigation was made not only in respect of the applicant and his capacity, but also in regard to his staff right down to the people who worked in the kitchen, so we are actually getting to the nitty-gritty concerning the standard of people running hospitals. This indicates that if we were to allow transfer provisions it would not make any more sense if a premises changed hands than if an application was submitted by the new owner.

Another point that the member for Melville made was in respect of subclause (6). The only reference he made was that we are referring to a "private hospital". I see no reason that this particular clause should be construed as referring to anything but a "private psychiatric hospital". I would have no objection to the word "psychiatric"

being placed between the words "private" and "hospital" to make it clear, on each occasion in this clause the words "private hospital" are used and this is obviously referring to "private psychiatric hospitals". Subclause (1) of clause 12 refers to the undertaking that premises must be approved under this section as a private hospital.

Mr BERTRAM: The Minister's answers to at least two of the queries raised by the member for Melville are totally inadequate and erroneous. I do not think it was ever contemplated that the Ombudsman would be constituted as some form of appeal tribunal. In any event it appears from clause 12(2) that absolute discretion is given to the Minister. If the Minister possesses an absolute discretion what right does the Ombudsman have to upset his decision? Let us assume that the requirements in clause 12(2) (a) to (c) have all been supplied favourably to the applicant and the Minister says that notwithstanding the appeal he is going to refuse the application.

In that circumstance the Ombudsman would not have any jurisdiction. It may well be that if someone argued, "Well look here, the director has misdirected the Minister under paragraphs (a), (b), or (c) or all of them", then perhaps in that circumstance one could well understand the Ombudsman taking action within his jursidiction. His role is administrative jurisdiction and not appellate-type jurisdiction. He may well say to the director that the report on the matter is unsatisfactory so it had better be withdrawn and replaced with another. Even if the director makes another report and complies with the requirements of the Ombudsman, the Minister does not have to approve the application. The operative word here is "may" and we are familiar with what that means. It means that the Minister may permit it or he may not permit it. How can the Ombudsman upset that? The meaning of the provision is clear enough so it is not a job for the Ombudsman at all. If a person who is in the small business of running a hospital is to be given a fair deal then there has to be an appropriate tribunal, and the procedure for appeal—and not the hopeful variety of which the Minister is speaking. I notice in comparable circumstances—under the Hire-Purchase Act, the Builders' Registration Act, the Motor Vehicle Dealers Act and the Real Estate and Business Agents Act—that an appeal tribunal appears to exist. I do not understand why it is good enough to have appeal tribunals established in some instances yet it does not apply in this Bill. I am suggesting that it is an oversight in the drafting of the Bill.

It is unfair that this extraordinarily wide, limitless descretion of the Minister should remain in the way it has; that is, it is not subject to any challenge at all. That is the position as I see it.

Another point the member for Melville raised was that no provision has been made in the Bill for the transfer of a permit. I am at a loss to understand why this is so. A person works for years to set up an efficient hospital and then for some reason or other the time arrives when he has to discontinue the enterprise.

It may be that the time for retirement has arrived, but whatever the reason, it appears they have done a good job and have built up that intangible but extraordinary commodity called "goodwill". It seems they will have to close down their business and be denied the legacy and fruits of their labour which has developed the goodwill. There seems to be no provision for a transfer, and if that is the case, that is the end of the goodwill.

On top of that we have the situation where a person may be able to say, "I cannot transfer the permit to you, but you could make an application under section 12 of the Act" only to run into the difficulty of the Minister refusing the permit and finding that no appeal lies against his decision. The word here is "may" and not "shall".

The very least that should be done, as the Minister is adamant there is to be no appeal provision, is that he should be obliged to grant a licence the moment he has received a report from the director and it can be seen that the provisions of the application are satisfactory. If the director submitted a report which showed that certain provisions or all of them were patently unsatisfactory, the Minister need not give a permit. However, if they were satisfactory it seems that in the absence of an appeal provision the Minister should be required to grant a permit. He could be allowed to place conditions on it, but it should not be open to his absolute discretion. That is unfair.

Since this is a matter to do with small business, it is not unimportant. We are all aware that we want to give these people a fair go because they seem to be copping it rather badly in recent times in various areas under this Government. This is an opportunity to show small business that we have its interests at heart.

The way to do this is either to provide an appropriate and proper appeal provision, or alternatively—and it is a poor alternative—to strike out the word "may" appearing in line 30 and replace it with the word "shall".

Clause put and passed.

Clause 13: Revocation of approval or permit—

Mr HODGE: There does not seem to be any avenue of appeal provided in this clause when the Minister decides to revoke a permit for the running of an approved private hospital. I do not know whether the Minister expects that people might appeal to the Ombudsman, which he said was applicable under clause 12.

Mr Young: No, I did not. I said the Mental Health Act comes within the ambit of the Ombudsman and that if the Minister had not made a decision, that would simplify the matter. But that situation did not apply under clause 12 as the Minister, having made a decision, did not come under the Ombudsman's jurisdiction.

Mr HODGE: I misunderstood that point.

There is no avenue of appeal under clause 12 if the Minister refuses to grant a licence, and it appears that under this clause, if the Minister decides to revoke a licence there is also no avenue of appeal. Although the Ombudsman may be able to intervene under this clause, I do not think this would be the most appropriate way of handling the matter, although it would at least provide some avenue of appeal.

It may be that the Minister could make a decision to revoke a permit and the owner may strongly challenge that decision because he feels aggrieved. Surely natural justice should prevail to provide an avenue of appeal against the Minister's decision. After all, if a permit is revoked unjustly that would be most unfair and it would mean someone would be out of business. It would seem to be only natural justice to provide some form of appeal.

There seems to be no requirement in the clause for the Minister to meet the owner and discuss the matter with him. The Minister has only to consider the report from the Director of Mental Health Services. I think the Minister can delay a decision for a month, but that does not really mean a great deal. If the Ombudsman is unable to review these types of cases, the Minister should definitely provide an avenue of appeal when he revokes a permit to run an approved private psychiatric hospital.

Clause put and passed.

Clause 14: Power to make grants or subsidies—

Mr B. T. BURKE: I want to raise a matter that impinges on the Government's ability to do the sort of things for which it is acquiring the power under this clause. Those sorts of things are summarised as the power to make grants or subsidies.

I raised this particular matter briefly yesterday and as a result of the unsatisfactory answer provided on that occasion, and seeing that the Minister is in an enlightened and friendly mood, I want to emphasise the point I expressed yesterday once again.

It seems to me that if under this clause we are going to be talking about making grants or subsidies, we should seriously be reconsidering the position occupied by the Government in respect of the auction of Greenplace Hostel. If grants and subsidies depend for their availability on funds, how can the Government justify what I refer to as almost the criminal scandal involved in paying $112 000 of taxpayers' money to the auctioneer of Greenplace Hostel.

Mr Bertram: It cannot.

Mr B. T. BURKE: This Minister in particular has some vivid experience of the difficulties involved in the cutting back of services that his department was responsible for providing.

I wonder why it is that when I sought a guarantee from the Acting Premier yesterday that the sort of exercise that was undertaken when the Greenplace Hostel was auctioned would not be repeated, that guarantee was not forthcoming. Does that mean the Acting Premier and the Government are prepared to say that if the auction of a significant Government property proceeds, then in similar fashion the people in this State may be asked to pay auctioneers' fees amounting to more than $112 000? If it is the Sunset Hospital or land associated with Swanbourne Hospital that is auctioned, are we to have a repeat of the scandal in which $112 000 of taxpayers' money was passed over to a private auctioneer?

Mr O'Connor: How much additional money did they obtain from the sale?

Mr B. T. BURKE: Who would ever know? What a typically stupid question!

Mr O'Connor: What a stupid man on his feet!

Mr B. T. BURKE: Here we have the Deputy Premier defending the action. He is prepared now to come in and defend the action by which this Government gave $112 000 of taxpayers' funds to a private auctioneer at a time when it is cutting back on education services; at a time when the Minister is imposing massive increases in water charges; and at a time when the Minister responsible for handling this legislation is himself saying that hospital services shall be cut back.

Mr O'Connor: I asked you a question and you could not answer it. Because you could not answer it, you have become defensive.

Mr B. T. BURKE: What an absolute disgrace! Then the Government has the gall to come into

this place and talk about making subsidies and grants under the Bill. Does the Government intend to ask the auctioneer for some of the money back? Cannot the R & I Bank finance the subdivision of this property? If the land must be sold, cannot the Urban Lands Council handle the subdivision and in that way the public of Western Australia would be able to benefit to the maximum possible extent from the sale of this land?

Mr O'Connor: Haven't they?

Mr B. T. BURKE: Of course they have not, because if they have benefited to the maximum extent, why are private people making a profit out of it?

Mr Young: Which subclause are you talking on?

Mr B. T. BURKE: The Minister can attempt to evade the fact that this clause talks about the power to make grants and subsidies. The Opposition is saying that grants and subsidies will be rather scarce around this place if we have repeat performances of the sorts of scandals which were associated with the auction of Greenplace Hostel. I should like to know whether the auctioneer is so fabulously successful—

Point of Order

Mr O'CONNOR: The honourable member is way off beam. He does not know what the clause says. I ask you, Sir, to bring him back to the clause.

The DEPUTY CHAIRMAN (Mr Watt): The point of order is well made. I was about to draw the member's attention to the fact that he must confine his remarks to the subject matter of the clause which relates to the provision of subsidies and grants and does not refer to where the money may come from.

Committee Resumed

Mr B. T. BURKE: I shall conclude in the next few minutes. I was not talking about where the money may come from. I was talking about whether or not the money will be available at all.

It is idle to talk about grants and subsidies when the Government involves itself in handouts of the sort which took place in respect of the sale of Greenplace Hostel.

Mr Mensaros: That is not true. It is exactly the opposite.

Mr B. T. BURKE: It would be possible for grants and subsidies to be made if the Government husbanded its finances properly and did not make gratuitous gifts to people for tasks anybody could perform. The real estate people to whom I have spoken regard it as a complete joke that the Government can hand out $112 000 in this manner.

Let us not have a repetition of that performance and let us not have any hesitancy on the part of the Deputy Premier in giving the assurance that there will not be a repetition of it. If the Government is so sorely tried in its efforts to dispose of Government property, let me remind it there are Government auctioneers and, if they are not good enough—

Mr O'Connor: Get one of those people to come back and offer $5.5 million for the land.

Mr B. T. BURKE: A week after it was sold somebody offered $6 million for it and that was published in the Press. A figure of $6 million was offered within a week of the sale and that is an increase of $500 000 on the price which was accepted. That is how good the auctioneer was—even his mother has not heard of him!

Mr O'Connor: If you can bring back the person, we can probably get the land for him.

Mr B. T. BURKE: There is no point in bringing back the person, because the land is sold and that is what we are saying.

Mr Sibson: That is what land agents are for—to sell land.

Mr O'Connor: You are talking so much rubbish it is unbelievable!

Mr B. T. BURKE: Let me conclude by saying that the Government has failed to demonstrate that, as authorised under this clause, it will be able to make grants and subsidies. One of the reasons it has failed to demonstrate that is that it has been completely irresponsible, particularly in respect of the auction of Greenplace, and if it continues to dispose of Government property in that way, rather than complete subdivisions itself, it will not be in any position to make grants and subsidies as outlined under this clause and it will not be in office for much longer. It is completely irresponsible for the Government to make gifts of that magnitude to people for functions which could have been fulfilled by any number of other people. I hope we will get an assurance that we will not see this sort of nonsense being repeated.

Mr PEARCE: I should like to support my colleague, the member for Balcatta, in this matter. This is a Government one would be very hesitant about giving the ability to make grants and subsidies to provide institutions of any nature. In this case, we are being asked to give approval to grants and subsidies towards the cost of the maintenance of a private approved hospital.

However, we have a Government opposite which has not only made it a tradition to give away taxpayers' money to private enterprise in one form or another—

Mr Sibson: It is from the sale of land, you dope!

Mr PEARCE: I am talking to the clause. The member for Bunbury is the dope! I should like to point out he attended the WACSSO conference the other morning and suggested schools should approach private enterprise in order to keep their programmes going.

Mr Sibson: Why not?

Mr PEARCE: How can one go to a private enterprise organisation—

Mr Sibson: Of course, it is already done. WABS—West Australian Building Society—helps the music bands of the schools in Bunbury. It donated $5 000 and it works very well.

The DEPUTY CHAIRMAN (Mr Watt): Order! I remind the member of the subject matter of the clause and ask him to confine his remarks to it.

Mr PEARCE: I am speaking specifically to the subject matter of the clause and I refer members to the wording of it.

The point I am making is the Parliament is being asked to give the Government power to give money to private enterprise institutions. I am saying the Parliament should be very reluctant to grant that power, because the Government which would be the recipient of the power granted by Parliament does not have a good record in looking after public money, when it comes to its ability to make grants to private enterprise.

One can look at a massive area of activity to see where that is so in the school system.

Mr Sibson: The alternative is to nationalise the lot and that is what you would do.

Mr PEARCE: The school system is a classic example of this where we have a State Government which is amongst the lowest funders *per capita* of State school students, but amongst the highest funders *per capita* of private school students.

We also have a Government which cannot properly fund the hospital system in this State and cannot provide the money to have an adequate number of beds, wards, etc. The Government has made massive cuts across the board and does not have the money adequately to cater for the provision of health services for the people of this State. However, the Government is looking to give free grants to private institutions and private psychiatric hospitals which operate at a profit and make money for the people involved. If the profitability of the hospitals becomes a little marginal, they can go to the Government which will help their profitability by giving them grants of taxpayers' money.

Members on this side of the House who would not go to a private hospital unless forced to do so—which could be quite possible under the provisions of the Bill—are being obliged to contribute to the profits of the people who own and operate these sorts of institutions.

In pointing to the scandal surrounding Greenplace Hostel my colleague demonstrated quite correctly that when it comes to money for private enterprise the Government is prepared to give massive sums of money.

Mr B. T. Burke: It was a gift.

Mr PEARCE: An amount of $112 000 was handed out for a five-minute job. I could have gone down to that place and proceeded with the auction myself.

Mr B. T. Burke: We would have done it for nothing.

Mr PEARCE: I am prepared to say the Minister for Health—

Mr Young: You are not back on health, are you?

Mr Sibson: You just do not happen to understand—

Mr B. T. Burke: You should keep quiet.

Mr PEARCE: The Minister is unaware that I have been talking about the topic of health all the time I have been on my feet. Anything to do with Greenplace Hostel comes under his sphere of activity and responsibility.

This Government cannot be trusted to spend money for the good of the public; instead, it spends it for the good of private enterprise. We have found and will find more and more money going in grants and subsidies to private enterprise at the expense of services provided to the public in general. With private hospitals we will have that situation as it occurs in other areas. The Government seems to provide the bare minimum facilities in the areas of health care and education so that people who cannot afford to send themselves or their children to lavish private enterprise institutions will have a modicum of health care and education. We accept that as the philosophy of the Government; it channels money away from the public sector to the benefit of the rich and privileged.

No-one can suggest that the auctioneer of Greenplace Hostel is someone who needs an extra $112 000, which he would merely use to keep his wife in more mink coats for the next few years. This Government is incompetent, and when it can it is likely to favour its friends. In that light I

support the remarks of my colleague the member for Balcatta that the Greenplace Hostel affair has been an indication of the malaise within the Government.

Mr Bertram: How much was the auctioneer paid?

Mr PEARCE: The sum of $112 000 was involved for probably five minutes' work. If I could charge $250 000 an hour I would be somewhere else.

Mr B. T. Burke: The Government regrets what has happened, but cannot give an assurance it will not happen again.

The DEPUTY CHAIRMAN (Mr Watt): Order! I ask the member for Gosnells to cease making reference to Greenplace Hostel because I believe it has little relevance to whether grants or subsidies should be paid.

Mr PEARCE: I am quite sure I have made an adequate response to that matter. The Government should not commit funds to approved private hospitals, but should to approved public hospitals. Our health care funding is not such that money can be sidetracked from the provision of public hospitals so that it can line the pockets of private individuals.

Mr B. T. BURKE: I resent the attitude the Minister appears to be expressing when he tries to dismiss as being irrelevant the arguments raised by the Opposition. Clearly they are not irrelevant. Perhaps by way of interjection the Minister can tell us the use to which the funds raised by the auction mentioned in this debate will be put.

Mr Young: That has been made public.

Mr B. T. BURKE: I understand that is the case, but perhaps the Minister would like to reiterate.

The DEPUTY CHAIRMAN: Order!

Mr Young: It has been used for the betterment of health services.

The DEPUTY CHAIRMAN: Order! This subject is quite irrelevant to the debate.

Mr B. T. BURKE: If we were referring to the source, or the availability or otherwise of funds to allow grants or subsidies to be made, then the matter clearly would be irrelevant.

The DEPUTY CHAIRMAN: I remind the member we should not be talking about that; we should be talking about the principle of whether grants or subsidies should be provided under this clause, not from where the money originates.

Mr B. T. BURKE: That is right, and the principle of whether grants or subsidies should be given becomes completely irrelevant if no money is available, and that is the point the Opposition is making and will not be deterred from making. The Greenplace Hostel auction was a—

The DEPUTY CHAIRMAN: Order!

Mr B. T. BURKE: —public scandal in which $112 000 of taxpayers' money—

The DEPUTY CHAIRMAN: Order!

Mr B. T. BURKE: —went down the drain.

The DEPUTY CHAIRMAN: Order! I have ruled that topic as being out of order.

Clause put and passed.

Clause 15: Patients to be treated by a psychiatrist—

Mr HODGE: I refer the Committee to clause 15(1). The Royal Australian and New Zealand College of Psychiatrists in its general criticism of the Bill expressed concern about the provision in clause 15(1). Page 7 of the summary provided by the college states—

> Section 15(1) provides, having suggested that all private hospitals should be approved, that the treatment of every person admitted to an approved private hospital shall be under the superintendence of a psychiatrist. Many patients are usefully treated in private psychiatric hospitals under supervision of their General Practitioner, and the Bill has no business to interfere with this area of practice of which the drafters obviously have no knowledge.

That criticism is fairly severe and I believe it deserves an answer from the Government. It seems to be a normal practice in private psychiatric hospitals for patients to be treated by their general practitioner, and for that reason we should have a fairly good reason advanced by the Government as to why that situation will be altered. The Government has a duty to the Committee to explain why it believes general practitioners should be debarred from being able to treat one of their patients in a private psychiatric hospital and why the practitioner attending must be a psychiatrist. If the Government has evidence of the present system not working properly I would be pleased to hear it; and, possibly, I will be convinced by it. However, I certainly feel now that the query raised by the college should be answered by the Government.

Clause put and passed.

Clause 16: Offence to operate undertakings or premises without approval—

Mr HODGE: I wonder whether it is worth while my debating this clause if the Minister

intends to ignore remarks I make and thereby treat the Parliament with contempt. Twice today I have raised legitimate points, after which the Minister has remained seated, either through ignorance or apathy. In any case, if he refuses to answer my queries, that will turn this debate into a farce. If the Minister is to treat the debate with contempt—

Mr Pearce: He is incompetent as well.

Mr HODGE: —the Opposition can play that game as well. If he continues to treat the debate in the way he has I will change my attitude to it; and we may not make much more progress with the Bill.

In regard to clause 16 I raise the query mentioned by the Royal Australian and New Zealand College of Psychiatrists in the part of its submission relating to clause 16(1)(d) when it refers to private sheltered workshops. The college poses the question, and so do I: Does this definition include organisations such as Para-Quad Industries? I raise the query further in relation to Activ Industries. Will this clause cover workshops operated by such organisations? I understand they are not covered at present by the Act, but that this legislation intends to cover them. All people who work in private sheltered workshops are not mentally ill or intellectually handicapped; a diverse group of people are involved with work in those institutions. We may find that the organisers are reluctant to take on mentally ill or intellectually handicapped people if those organisers find they are subject to rigorous control under the Act. The Government should give some explanation.

Mr YOUNG: As I said earlier in regard to the definitions contained in the Bill, I cannot see any reason that any workshop should not be required to be approved and licensed under this clause if it is to have within it people whose day-to-day functioning may not be up to the standard of other people in the community. One of the first people to agree with me on that matter would be the member for Swan, and I am sure others who are interested particularly in industrial safety would agree with me.

I visited a sheltered workshop the other day run by Activ Industries. The member for Welshpool was with me. Certain machinery in that workshop is quite capable of causing severe damage even to a person who has all his faculties unless expert training is made available.

In this case we are talking about sheltered workshops for people who may not have normal faculties. Some of the equipment could do extreme damage to the people operating it, and because of the responsibility attaching to organisations like those referred to by the member for Melville—we definitely have not experienced any problem in that area—it seems to me to be quite proper that they should be approved and licensed. I do not think it will cause any trouble to any of the organisations mentioned by the member for Melville, or to anyone else for that matter, who takes his situation seriously.

Clause put and passed.

Clause 17: Approval of private services—

Mr HODGE: I wish to raise the same query I have raised several times today. No avenue of appeal appears to be provided in this clause against decisions of the Minister not to grant approval for a private sheltered workshop or a private day activity centre to be conducted. I briefly recapitulate the arguments I used before. This is a denial of natural justice. The Minister should not have the full and final say in these matters; there must be an avenue of appeal beyond the Minister. The matter should be appealable to a court—either to a stipendiary magistrate or the District Court or some other form of judicial review.

This should be a general rule. I do not think the decision should stop with the Minister, unless it is a very special case. People should have the right in our type of system to have a judicial review, particularly when it involves their livelihood. A decision to refuse approval by the Minister could result in people going out of business. It is remarkable that a Government that is supposedly very interested in private enterprise and business people, is prepared to put in these sorts of clauses which leave decisions with the Minister and provide no avenue of appeal or judicial review. That is a denial of natural justice, and a clause should be inserted to provide an avenue of appeal if the Minister refuses to grant approval for a private hostel or private sheltered workshop.

Clause put and passed.

Clause 18 put and passed.

Clause 19: Duration of licences and approvals—

Mr BERTRAM: It has been suggested this clause is unfair and offers little encouragement to persons proposing to operate a small business of the type envisaged by this particular part. It is unfair that they should be granted a licence only from year to year.

The Law Society report itself makes the point that in order to establish and conduct a business of this kind one requires to be put to expense by a very substantial sum of money. The report says

that high amounts of capital are invested in enterprises of this type. There is no doubt about that. It goes on to say that people will not be inclined to go into this type of business operation where the tenure may be as short as one year.

There is a requirement for the licences mentioned in that clause to be renewed annually. Therefore, that seems to be a valid point. The Minister's comments would be appreciated.

Mr YOUNG: This was a matter raised by the Law Society. The major thrust of this legislation is the protection of the patients and not the protection of the investors in private organisations. It seems a rather paradoxical situation that we have the member for Mt. Hawthorn talking about the protection of investment and the Minister on this side of the Chamber saying that is not what the legislation is all about. However, it is not what the legislation is all about. If the circumstances in respect of nursing homes to which I referred earlier, which have been raised by the Hon. Lyla Elliott in another place and the member for Melville in this place, and probably others, are taken into consideration, the critics of—only the two, I might add—the nursing homes that were found not to have complied completely in respect of the care and attention of patients, on reflection would realise that all institutions looking after people who are not capable of looking after themselves, ought to be licensed on a constant renewal basis. That is the reason for the provision, and I have no intention of changing it.

Clause put and passed.

Clauses 20 and 21 put and passed.

Clause 22: Revocation of approval of licence—

Mr HODGE: I wish to raise the same point again about the lack of avenue of appeal under this clause, which gives the Minister the power to revoke the approval of a licence to operate a psychiatric hostel or workshop. My argument is identical to the one I have made a number of times this afternoon. I think it is most unjust and unfair that a Minister should be able to revoke a person's licence without providing an avenue of appeal.

I do not say he should not have that power; we are not saying that he should not use that power if he thinks it is necessary. However, I still believe that a final avenue of appeal in all these cases must be provided to the courts. I find it strange that members do not agree with me and that under our system where we normally differentiate between the Executive and the judiciary, members are not prepared to support me. It would be most appropriate if a final appeal lay with the judicial system rather than with the Government. It leaves people in a completely powerless position. They cannot go to anyone to appeal against the Minister's decision. That is most unfair.

Clause put and passed.

Clause 23: Power to make grants or subsidies—

Mr YOUNG: This is a matter which would probably normally be dealt with by the Clerks because it is apparently a printing error, but in line 8 on page 17 the word "or" first appearing obviously should read "of". I would think that that is a printing error. I do not recall its having been that way in the original draft.

The DEPUTY CHAIRMAN (Mr Watt): I direct the Clerk to make the appropriate correction.

Clause, as corrected, put and passed.

Clause 24 put and passed.

Clause 25: Detention except under this Act prohibited—

Mr HODGE: I wish to refer to subclause (1) of this clause, as the Law Society has highlighted serious deficiencies in it. The following appeared in the Law Society document—

> The committee points out that this section would make it an offence for members of a family to retain custody of another member of the family in the home if that member were mentally ill.
>
> The section would also appear to cover situations of parent child and prevent an adult detaining his child.
>
> The committee notes that this is not remedied by Section 25 (2) in that there is no Act authorising the detention of a child by its parent.

That appears to be a valid point made by the Law Society. Certainly the subclause appears to do what the Law Society says it will do—a person could not have custody or control of a member of his family in his own home. It seems to be unbelievable that the Government intended that. If a family is prepared to keep a person at home, perhaps with the aid of outside professional help, that would be in line with the Government's policy. The Minister has stated frequently that he believes in keeping sick people in their own homes wherever possible by the provision of extended care services. I hope this is an error, and I wonder why the Government has decided not to amend it along with all the other amendments. The Law Society must have pointed the matter out to the Minister. I would appreciate the Minister's explanation of the reason he is prepared to allow

this provision to go through in an obviously faulty condition.

Mr YOUNG: This is not a faulty condition. The provision is exactly the same as that in the existing Act. I would like to quote to the Committee an example of what could happen, and I agree that it is a far-fetched example and members will say, "Oh, but that would not happen here." However, the case I intend to refer to did happen, and people did not believe it could happen where it did.

A person who was suffering from a mental illness was detained by his family; he was locked away and forgotten about. Even the villagers in the village in which the person had lived his life up to the time he was locked away forgot about him. So the family had detained this person for many years and he ought to have been receiving treatment. So the provisions of the existing Act and of this Bill are clearly to ensure that a person who is suffering from a mental illness is not detained by his family, and the connotion is that the provision would be used in cases of non-voluntary detention.

The provision is to ensure that people suffering from mental illness can be assessed properly, admitted or discharged from institutions as is necessary, or permitted to enter private psychiatric hostels on a voluntary basis. It will be improper even for a family to detain someone who ought otherwise to be receiving treatment for his mental illness.

This provision has been in force for a long time, and I believe it ought to remain. On the surface the argument put forward by the member for Melville is quite acceptable, and certainly no-one would really believe that a family could do something that would be detrimental to the welfare of one of its own loved ones. Unfortunately, however, that is not always the situation. I could give examples of instances which were brought to my attention during my period as Minister for Community Welfare. These examples did not concern mental illness, but they did relate to the detention of people who should have been dealt with under other Statutes.

Mr BERTRAM: Clauses 25 to 34 make up part V which is headed, "Safeguards". It is interesting at the outset to note the comments of the Law Society about this part. It says—

> The committee notes these sections of this part are some of the most critical in the Act and as presently drafted are unacceptably difficult to follow.

This is the society's first general comment about the total part. The society then refers to clause 25 and the member for Melville has raised this point already so I do not propose to repeat it. I would, however, inquire of the Minister whether he was able to satisfy the Law Society committee, when in conference with it, that the Law Society's objections to clause 25 should not be sustained. Did the committee accept his argument, or did it stand firm and say that clause 25 is unacceptable?

Mr YOUNG: The Law Society did not really get to the stage of standing firm on that point when we discussed it. In regard to part V, the major thrust of the conversation between the Law Society and me related mainly to clause 28 which is to be amended considerably. I will move an amendment in respect of clause 25. But the Law Society did not dig its toes in on that point. I cannot remember our having discussed it for more than a few minutes.

Mr HODGE: I listened with interest to the Minister's explanation about subclause (1) and I believe that the problem he raised could have been overcome easily. In fact, I believe it is overcome in a later clause.

I draw the Minister's attention to clause 57 which will give the director or any other officer of the department or a police officer very wide and sweeping powers to enter premises by force, if necessary, and take into custody a person whom they believe is not under proper care and control, or is being cruelly treated or neglected by any person, or is detained in contravention of any provision of the legislation. So, the fears the Minister raised in respect of people being kept against their will in improper circumstances seem to me to be well covered by clause 57.

We should accept that the Law Society is a professional body, that it is learned in the law, and that its criticism is valid. This provision will have the effect of stopping a family from looking after one of its own. For example, it could stop parents from looking after their child who is suffering some form of mental illness. It might be only a mild form of mental illness which could be coped with at home perfectly adequately, if professional services were available to assist.

In fact, I made the point during the second reading debate that doctors should be required to consider the alternative of allowing people to care for their relatives at home rather than have them compulsorily committed. This provision seems to be against the whole thrust of a family caring for its own. If a family is willing to look after a member who is mentally ill, we should not be putting obstacles in its way but, rather, encouraging it.

Mr YOUNG: The member for Melville has missed the point; there is no intention of preventing a family from looking after a mentally ill child or other relative. The whole thrust of this provision is that they shall not detain that person. Clause 64 states as follows—

> 64. (1) Non-voluntary patients and security patients are detained.
>
> (2) Voluntary patients are not detained.

Mr Hodge: But that is in an institution.

Mr YOUNG: I realise that. Although clause 64 does not apply to the situation provided for under this clause, the only time the word "detained" is used in the Bill is in the strict sense that it means "non-voluntary" detention. That would be the general interpretation put upon the word by anyone required to interpret this legislation.

Mr Hodge: How can you say that? I have already read to the Committee the objection of members of the Law Society and it is likely the members of that body will be those called upon to interpret the legislation. I have already told you how that body interprets this clause.

Mr YOUNG: The Law Society also referred to the ambiguity of division 2 of part VII of the legislation; it stated that a number of provisions should not apply to voluntary patients. However, the society had completely overlooked clause 63(2) which provides that it shall not apply to voluntary patients. In other words, the Law Society made errors in its submission. We cannot accept that the society has been faultless in its examination of the legislation. We pointed this out to the society and it said, "Fair enough".

In regard to the definition of "mental illness" the society was not aware of the fact that "intellectually handicapped" persons also could have "mental illness" and ought properly to come within that definition. There were some things the society did not know in respect of our intention and some areas where it made clear errors. By virtue of the fact that I cannot remember any argument on the point, I assume that when this was pointed out to the society it agreed our argument was reasonable.

The word "detention" would be construed by almost any reasonable person to mean "detained against one's will". There is no intention to detain voluntary patients or a member of a family whose relatives are prepared to care for him as long as the procedures under this legislation are complied with. If the word were not "detained", but were some other word, I could understand the argument of the member for Melville. However, the word used can be clearly understood.

I move an amendment—

> Page 17, line 33—Delete the passage "or 662" and substitute the passage ", 652, 653, 662 or 693 (4) ".

Mr BERTRAM: The Committee may or may not know these sections of the Criminal Code and it would seem to me most desirable that we be told what the sections are all about. I appreciate there may be a very good reason for their inclusion; presumably they are of some significance.

Mr YOUNG: I apologise to the Committee for that omission; I was more concerned with getting the amendments in the right order. Section 652 would be well known to the member for Mt. Hawthorn, and refer to the situation in which an accused person is discovered to be insane during the course of his trial. The word "insane" is used in the Criminal Code, but it has rather offensive connotations in this legislation.

Section 652 refers to a person who is found to be insane during the course of his trial, so provision is made for his detention. Section 653 refers to acquittal on the grounds of insanity, and therefore this part of the legislation follows the Criminal Code, and they will take the responsibility for a person who is acquitted on the grounds of insanity. Section 693 (4) applies to acquittal on the grounds of insanity on appeal where a person has appealed against a sentence and is found by the court of appeal to have been insane. There are special provisions under section 693 (4) of the Criminal Code whereby that person could not be dealt with properly under this legislation. That is why those parts of the Act have been exempted.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 26 put and passed.

Clause 27: Meaning of "admission"—

Mr HODGE: This clause lays down certain details about the types of patients who will be admitted as voluntary patients and the types of patients who will be admitted under various other clauses and who will be classified as non-voluntary patients. It is in respect of the non-voluntary patient classification that I wish to speak.

In clause 27 (a) (ii) the following appears—

> following a request under section 48 or an order under section 49, 50 or 51 relating to that person (a person so admitted being referred to in this Act as a "non-voluntary patient");

I do not believe that people admitted under clause 48 should be included in this as non-voluntary patients.

Clause 48 provides for a person to go to a general practitioner and for the general practitioner to agree that the person appears to be suffering from a mental illness. It is for the general practitioner to fill out the appropriate form for the person to go to a mental institution for admission.

Clause 48 is the subject of proposed amendments by the Minister. However, those amendments do not alter the point about which I am concerned.

If someone goes to a general practitioner voluntarily, and the general practitioner and the patient decide that the patient should go to a mental institution for treatment, when the patient goes voluntarily to the institution he finds suddenly that once he is admitted and examined by the psychiatrist, he becomes non-voluntary. He is admitted compulsorily. That must be a great shock to many people who go along on the advice of their doctors and find suddenly that they have been classified, under this legislation, as involuntary patients. That is ludicrous.

We should be making every effort in this legislation to ensure that wherever possible the people who go into mental institutions do so voluntarily.

I have already pointed out in the second reading debate that Western Australia has an incredibly high percentage of involuntary patients in its institutions. We have a higher percentage than anywhere else in Australia, and the percentage seems to be increasing. In Great Britain, 95 per cent of all patients in mental institutions are there voluntarily. If the British can accomplish that, why cannot we do it?

The type of provision in this clause will militate against that. It is unnecessarily heavy-handed, and it will result in reluctance on the part of people to go to their general practitioners asking for referrals to mental institutions. They will not be able to move in and out of the institutions as they wish.

If these people go to an institution and a psychiatrist decides to admit them, suddenly they will find they have lost all their rights and they have become involuntary patients. Then they can be subjected to compulsory treatment. They could be declared incapable and they could lose control of their assets and their property.

It is very serious for someone to be admitted as an involuntary patient in a mental institution. If a person goes voluntarily to his general practitioner and discusses the situation with him, and the general practitioner decides there is a need for treatment, although the person is responsible and interested in restoring his mental health, suddenly he is declared an involuntary patient in a heavy-handed way. This is a major flaw in the Bill, and the Government should be prepared to reconsider this provision.

Mr YOUNG: I certainly would be prepared to reconsider it if the definition or interpretation of the member for Melville were correct. Unfortunately for him, it is not correct; and therefore there is no need for any amendment to this clause.

The member for Melville referred to clause 48. Clause 27 cannot be read without referring to clause 48; so I must do the same and refer to clause 48. Clause 48 (2) (a) says "in the prescribed form"; and that is the most important part of that clause. This has been overlooked by many commentators on this clause.

Clause 48 provides that a person who, in the opinion of a medical practitioner—and I hope it will be amended to "two medical practitioners"—appears to be suffering from mental illness may be received into an approved hospital. Subclause (2) provides that a person shall not be received into an approved hospital under subsection (1) unless the request referred to therein is in the prescribed form. This means that if a person goes to his doctor on a voluntary basis and tells him he has a problem and the doctor observes him to be mentally ill, he can call in another doctor, as will happen if the amendment is passed; and those two doctors will determine that that person is suffering from a mental illness, and they can then have the person referred. However, they have to do it in the prescribed form. In other words, those doctors would have to take a form and actually refer the person and say that they wanted the person admitted into an approved hospital for observation and treatment.

That action would clearly have the connotation that the doctors intended to refer the person as a non-voluntary patient because, in normal circumstances, if a person went voluntarily and said, "I have not been feeling too well lately. I deliberately killed all my neighbour's chooks", and the doctor thinks, "This fellow needs psychiatric treatment", he would say to that person, "I think you are sick, and I think you ought to see a psychiatrist. You ought to go to an approved hospital." He would refer him under clause 46. In other words, he would write a letter to the psychiatrist or superintendent of the hospital and say, "I am sending Mr Jones along to see you because he has done all these things."

Mr Hodge: That does not happen in reality. If you look at the figures, you will find the commonest form of referral is by way of these compulsory referrals from doctors.

Mr YOUNG: If that is the case it is not because of the Act but because the doctors are not properly doing their job. A referral can be made in the form of a letter saying that a person needs attention. That person can then front as a voluntary patient under clause 46. But if a doctor considers it necessary under clause 48 (2) (a) to fill in the prescribed form, there will need to be two doctors and that person must clearly have objected to taking the advice of a medical practitioner and going along as a voluntary patient.

The member for Melville has raised a very important point, and if it is not understood, people might imagine that clause 48 would apply to voluntary patients, when it ought not to.

The medical profession ought to be reminded—and I hope members of the Press take notice—that under circumstances like this members of the profession ought to refer patients to approved hospitals by way of a letter, and not, as the member for Melville claims they do, by blandly filling in a form 3.

Mr Hodge: In 1979 there were 444 people referred by way of medical referrals who were held involuntarily.

Mr YOUNG: I am not disagreeing with the member's figures. All those people may have been properly referred. I am saying that I hope no medical practitioner is under the impression that the only way he can refer a voluntary patient under clause 48 is by way of a prescribed form. A doctor can refer someone by letter and allow that person to go along as a voluntary patient. That person would remain free to come and go as he pleased.

There is nothing wrong with clause 27. In view of the fact I am getting the wind-up sign I suggest that someone moves progress.

Progress

Progress reported and leave given to sit again, on motion by Mr Davies (Leader of the Opposition).

FISHERIES AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Connor (Deputy Premier), read a first time.

QUESTIONS

Questions were taken at this stage.

House adjourned at 4.36 p.m.

QUESTIONS ON NOTICE

1390, 1392 and 1404. *These questions were postponed.*

HEALTH

Insurance: Royal Perth Hospital

1432. Mr HODGE, to the Minister for Health:

Is it a fact that the Royal Perth Hospital Board recently made a decision that any patient entering that hospital with medical and hospital insurance would be deemed to be a "private" patient and would not be offered the option of electing to be a "hospital" patient?

Mr YOUNG replied:

The Government has made its position clear on this matter and I do not accept the Royal Perth Hospital Board's decision.

1444, 1451, 1458, 1472 and 1475. *These questions were postponed.*

HOUSING: ABORIGINES

Murray Shire

1480. Mr BRIDGE, to the Minister for Urban Development and Town Planning:

With reference to a telex addressed to the Minister from Messrs Phillips, Isaacs, Hume and Blackwood as representatives of various Aboriginal bodies concerning the Shire of Murray's refusal to grant a building permit for the erection of four conventional houses on Aboriginal Reserve land in Hampton Road, Pinjarra, does she intend to intervene in this matter on behalf of the Aboriginal Housing Board of the State Housing Commission and utilise her powers as Minister for Urban Development and Town Planning to overrule the decision by the Shire of Murray to not allow new conventional houses to be built for occupancy by Aborigines on their own land?

Mrs CRAIG replied:

As the Honorary Minister Assisting the Minister for Housing has indicated that this matter will be negotiated with the shire until a satisfactory conclusion has been reached, I do not intend to intervene.

ALUMINA REFINERIES: ALWEST

Worsley: Contracts

1481. Mr BRYCE, to the Honorary Minister Assisting the Minister for Resources Development:

(1) In respect of his statement of 26 June in which he stated *inter alia*—

. . . . That of contracts for the Worsley alumina project let so far 59.4 per cent of the work would be done by W.A. companies, 14.7 per cent by other Australian companies and 25.9 per cent overseas . . . .—

(a) What was the nature of contracts let to Western Australian companies;

(b) what was the value in dollar terms of the contracts let to Western Australian companies;

(c) which Western Australian companies received the contracts?

(2) (a) What was the nature of the contracts let to companies in other parts of Australia;

(b) what was the value in dollar terms of the contracts let to other Australian companies;

(c) which other Australian companies received such contracts?

(3) (a) What was the nature of the contracts let to overseas companies;

(b) what was the value in dollar terms of the contracts let to overseas companies;

(c) which overseas companies received such contracts?

Mr LAURANCE replied:

(1) (a) Mainly earthmoving/civil construction and steel fabrication.

(b) $202 million.

(c) Numerous but an example of large contracts is as follows—

PDM—Johns Perry—Fabricate and erect tanks.

Citra Constructions—Excavations and Foundations.

The Hornibrook Group—Concrete foundations for conveyor system.

Waroona Contracting—Earthworks for conveyor.

Westralian Transformers—Power distribution transformers.

Westrail—Rail link to Worsley, Refinery & Port Sidings, Rolling stock.
PHB Weserhutte (Perth) Pty. Ltd.— mobile primary crusher.
Transfield (WA) Pty. Ltd.—Design and fabricate pressure vessels.
Gardner Bros. & Perrott (WA) Pty. Ltd.—sand blast and paint steel structural plate.
J. F. Thompson—Design and fabricate steel tanks.
John Holland (Const.) Pty. Ltd.—Construct Murray and Hotham Bridges.
Kewdale Structural Engineers—Fabricate and install structural steel.
Clough Danalith Joint Venture—Design, manufacture and install power house stack.
Atco Structures (WA) Pty. Ltd.—Fabricate and erect camps Nos. 1, 2 and 3.
McMahon Construction Pty. Ltd.—Earthworks Refinery & Mine Sites.

(2) (a) Heavy rotating equipment such as grinding mills, and power house equipment and controls.
(b) $50 million.
(c) Fischer & Porter—Magnetic Flow meters.
Dorr Oliver—Rake mechanisms (large proportion of this contract will be subcontracted to W.A. companies).
Electrical Equipment Ltd.—Design & supply controls.
Bailey Meter Aust. Pty. Ltd.—Burner management system.
Fischer Controls Pty. Ltd.—Globe & ball valves.
Babcock Australia—Trim evaporation plant.
Bell Bryant Pty. Ltd.—agitators.
W.E. Smith Eng. Pty. Ltd.—heat exchangers.
Nilsen Electrica (SA) Pty. Ltd.— 415V switchgear.
Thompsons-Byron Jackson—Boiler.

(3) (a) Heavy rotating equipment, controls and engineering design of specialised equipment.
(b) $88 million.
(c) Fischer & Porter (Canada and Germany).
C. Itoh & Co. (with considerable local input).
GEC Industrial Products Division.
Allis Chalmers (Aust.) Pty. Ltd. (with significant local input).
Voith (Aust.) Pty. Ltd. (with local input).
Nissho-Iwai & Co. (Aust.) Ltd.
Australian General Electric Ltd. (imported equipment).
Cable Belt (with significant local input).

INDUSTRIAL DEVELOPMENT

Work Flow: Monitoring

1482. Mr BRYCE, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

(1) Who are the representatives of the State Government who meet regularly with project leaders in charge of development contracts and the Confederation of Western Australian Industry, to enable the Government to monitor the work flowing to Western Australian companies from resource projects?

(2) In distinguishing between Western Australian companies, other Australian companies and overseas companies, how does his department define a Western Australian company?

(3) (a) Has he received complaints that some Eastern states and overseas companies have opened a "shop front presence" in Perth with virtually no staff in order to be regarded as a Western Australian company;
(b) if so, has the matter been investigated by his department?

Mr MacKINNON replied:

(1) Senior officers of the Department of Industrial Development and Commerce and the Department of Resources Development.

(2) A company classed as Western Australian is assessed on the amount of actual work it performs here.

(3) (a) Yes.
(b) Yes.

The number of complaints and instances of "shop front" only concerns claiming to be Western Australian has diminished as companies have become aware of the Government's policy in this regard.

MINING

Royalties: Review

1483. Mr BRYCE, to the Minister for Fuel and Energy:

(1) With regard to the Government's review of royalty payments, when is it expected that the review will be completed?
(2) Does the Government intend to release a report on its review of royalties or will it simply announce the details of any proposed increases?
(3) Is it intended that results of the Government's review of royalties will be published prior to, or at the time of, the State Budget?
(4) Which mining companies have had discussions with the Government as a result of the work of the committee which is reviewing royalty payments?

Mr P. V. JONES replied:

(1) The review is ongoing. However, discussions are currently being held with sections of industry to ensure adequate consultation with interested parties.
(2) and (3) Any changes to present known royalties would be made public.
(4) There have been meetings with representatives of the Chamber of Mines and other interested parties, and companies have also made submissions.

1484. *This question was postponed.*

FUEL AND ENERGY: ELECTRICITY AND GAS

Fixed Charges

1485. Mr BRYCE, to the Minister for Fuel and Energy:

Adverting to his answer to question 1310 of 1981 relevant to fixed charges, and in view of the fact that fixed charges for both electricity and gas are separately and specifically denoted on consumers' accounts, why is it not possible for the State Energy Commission to separately estimate the amount of revenue raised by the fixed charge?

Mr P. V. JONES replied:

I refer to my previous answer to question 1310 of 1981.
In answer to the present question, it is certainly possible for the commission to provide an estimate of the revenue raised by fixed charges, based on the average number of customers supplied during the year.
During the 1980-81 financial year, for example, the commission estimates that total fixed charges amounted to $16.9 million, or 5.6 per cent of total sales revenue.

1486. *This question was postponed.*

MINISTER FOR EDUCATION

Statement: Teachers' Union

1487. Mr BRYCE, to the Minister for Education:

With reference to his answer to question without notice 313 on 6 August 1981 relating to the Teachers' Union executive, where he stated, *inter alia*, "... there are rabid, extreme left elements on that executive and I would put them in the category of Marxists..." which members of the Teachers' Union executive does he categorise as Marxist or rabid extreme left?

Mr GRAYDEN replied:

The words to which the member refers have been taken out of context and for that reason alone the question does not warrant a reply.
I suggest that the member evaluate the speeches which will be made by executive members at the forthcoming SSTU conference and form his own conclusions as to which members of the executive are in the category mentioned.

RIVER: SWAN

Closure

1488. Mr BRYCE, to the Minister for Transport:

(1) During what specific periods this winter has the Swan River been "closed" upstream from the Garratt Road bridge?

(2) What are the criteria employed to determine the need to close the river?

(3) Does closure of the river refer to boat traffic only or does it include all forms of activity on the river?

(4) How many offence notices have been issued to people who have used the river during periods of closure this winter?

(5) What proportion of offence notices resulted in—

(a) summonses being issued;

(b) cautions given,

during the 12 months ended 30 June 1981?

(6) On how many occasions in the last 12 months has Fremantle harbour been closed because of rough seas?

Mr RUSHTON replied:

(1) From 11 June to 13 June, 1981, at which time closure was varied to apply to waters upstream of Guildford Road Bridge only. On 16 June closure was lifted completely.

On 25 July waters upstream of Garrett Road Bridge were closed and this still applies.

Closure did not affect craft involved in the Avon Descent.

(2) The basic criteria are flood levels and/or conditions in the river which are considered by the Harbour and Light Department to make it unsafe for private craft use. While such abnormal conditions prevail, twice daily checks of tide gauges and water levels are carried out and the whole or parts of the river are re-opened as soon as safe navigation is possible.

(3) The Marine Act provides for "closure to navigation" of any waters. However it also provides for application of closure conditions to specific vessels only or for exemption of specific vessels.

(4) One.

(5) (a) None.
(b) One.

(6) None.

ALUMINA REFINERIES

Alcoa of Australia Pty. Ltd.: Alumina Price

1489. Mr BRYCE, to the Minister for Fuel and Energy:

What price does Alcoa currently receive per tonne for alumina produced in Western Australia?

Mr P. V. JONES replied:

As the member is aware, a significant share of exports are sold under long and short-term contractual arrangements, and detailed information on prices is generally not made public for sound commercial reasons. We would assess bauxite value at less than $10 per tonne at the mine head. The estimated average price for exports from Western Australia of the processed product, alumina, in 1980 was $150.

1490 and 1491. *These questions were postponed.*

POLICE

Crossbows

1492. Mr TONKIN, to the Minister for Police and Traffic:

(1) Is the Police Department concerned at the fact that licences are not required for crossbows, which can be lethal weapons?

(2) Is he or his department considering action which will close off this opportunity to unscrupulous or irresponsible persons?

Mr HASSELL replied:

(1) and (2) The Police Department is concerned with all weapons which can become lethal and crossbows are no exception.

The provisions of the Firearms Act are currently under review; however, that review at this stage is incomplete.

It is pointed out that the law does currently provide for instruments which become lethal and cause injury or damage.

EDUCATION: HIGH SCHOOLS

Driver Training: Course

1493. Mr GRILL, to the Minister for Police and Traffic:

(1) Has the Government given any consideration to providing a comprehensive theory and practical course on roadcraft in secondary schools in Western Australia?
(2) Has the Education Department been approached concerning this matter?
(3) What was the expressed attitude of the Education Department towards such a course?
(4) What would be the estimated cost of such a course?
(5) What prospects are there of implementing such a course?

Mr HASSELL replied:

(1) This is one of the recommendations of the inter-departmental committee investigating road safety measures that is at present under consideration by the Government.
(2) Yes.
(3) The Education Department supports the view that road safety should be seen as an important component of a comprehensive health education course rather than a separate curriculum subject. Experience has shown that new studies of this type need to be identified as part of a recognisable, timetabled subject.
(4) Planning has not yet reached a stage whereby costs can be estimated.
(5) Answered by (1) above.

MAGISTRATES: APPOINTMENTS

Number

1494. Mr GRILL, to the Minister representing the Attorney General:

(1) How many magistrates were appointed during the last five years?
(2) What were their names?
(3) How many were appointed from the Crown Law Department, and what are their names?
(4) How many were appointed from other States or Federal departments or instrumentalities, and what are their names?

Mr O'CONNOR replied:

(1) Eleven.
(2) 1976—Nil.
1977—R. J. Gething.
1978—D. W. J. Brown.
1979—K. F. Chapman, J. A. Howard, R. M. Davis.
1980—D. W. Walsh, C. H. Grant.
1981—M. J. Stapp, R. E. L. Greaves, M. T. Whitely, N. L. Roberts.
(3) Four—R. J. Gething, K. F. Chapman, R. M. Davis, and M. T. Whitely—all of whom are fully qualified legal practitioners.
(4) Two—Prior to his appointment, Mr N. L. Roberts was employed by the Commonwealth Attorney General's Department, and Mr M. J. Stapp was employed by the Aboriginal Legal Service.

TIMBER: SANDALWOOD

Export Committee

1495. Mr GRILL, to the Minister representing the Minister for Forests:

(1) Under what agreement is the sandalwood export committee convened and what is the legislation governing the agreement?
(2) What is the present makeup of the sandalwood export committee who is represented on it, and who are the persons actually sitting on the committee?

Mrs CRAIG replied:

(1) A formal agreement between the Minister for Lands for South Australia, the Minister for Forests for Western Australia, the Australian Sandalwood Company Limited and the Co-operative Sandalwood Company (South Australia) Limited.
In Western Australia sandalwood licences for pulling from Crown lands are issued under the Forests Act 1918-1976 and from private property under the Sandalwood Act 1929-34. South Australian operations are governed by the Sandalwood Act 1930-1949.
(2) Under the agreement the Sandalwood Export Committee comprises—
One representative to be appointed by the South Australian Minister;
one representative to be appointed by the Western Australian Minister;
one representative to be appointed by the two companies.

The present membership is—

Mr B. J. Beggs, Conservator of Forests for Western Australia appointed by the Western Australian Minister;
Mr J. Burridge, appointed by the two companies.

Currently sandalwood exports are confined to Western Australia with contact being maintained with the South Australian Government as required.

1496. *This question was postponed.*

EDUCATION: TERTIARY

Mining, Engineering, Metallurgy and Geology Courses

1497. Mr GRILL, to the Minister for Education:

(1) What mining, engineering, metallurgy and geology courses are carried on in tertiary institutions outside the WA School of Mines at Kalgoorlie, and where are they carried on?

(2) What further similar courses are planned or proposed in these institutions in the next two years?

(3) What safeguards are there against proliferation of courses already provided for and duplication of courses in other tertiary institutions in Western Australia?

Mr GRAYDEN replied:

(1) (a) WA Institute of Technology, Bentley—

Master of Applied Science in Engineering (Civil; Electrical; Mechanical).

Master of Applied Science in Metallurgy (Engineering Metallurgy).

Graduate Diploma in Engineering (Bioengineering; Chemical; Communication; Electrical Power; Electronic; Electronic Instrumentation; Mechanical; Micro-processors; Municipal.).

Graduate Diploma in Metallurgy (Engineering Metallurgy).

Graduate Diploma in Natural Resources (Geology stream).

Bachelor of Applied Science: (in Civil Engineering), (in Construction Engineering), (in Electronic Technology), (in Mechanical Engineering), (in Geology), (in Engineering Metallurgy).

Bachelor of Engineering: (Civil; Construction Communication); (Electrical Power; Electronic; Mechanical).

Associate Diploma in Engineering (Instrumentation).

(b) Murdoch University—

Post-graduate Diploma in Mineral Science (Extractive Metallurgy).

Bachelor of Science (Hons.) (Extractive Metallurgy).

Master of Philosophy (Metallurgy).

Doctor of Philosophy (Metallurgy).

(c) University of WA

Bachelor of Science
Bachelor of Science(Hons.)
Master of Science
Master of Science (Hons.)
Doctor of Philosophy
} Geology

Bachelor of Engineering (Civil).

Bachelor of Engineering (Electrical).

Bachelor of Engineering (Electronic).

Bachelor of Engineering (Mechanical).

Bachelor of Engineering (Hons.), (Civil, Electrical, Electronic Mechanical).

Master of Engineering Science (by research or course work).

Master of Engineering (by thesis).

Doctor of Philosophy.

(2) WA Institute of Technology: Bachelor of Engineering (in Chemical and Process Engineering) to be introduced in 1982.

(3) The WA Post-Secondary Education Commission is required to advise institutions and make recommendations where appropriate to the Commonwealth Tertiary Education Commission on proposals to establish new courses for the purpose of achieving rationalisation of resources and avoidance of unnecessary duplication.

EDUCATION

WA School of Mines and WA School of Mines and Further Education

1498. Mr GRILL, to the Minister for Education:

(1) What capital funds have been spent on the WA School of Mines at Kalgoorlie and the new WA School of Mines and Further Education over the last four years?
(2) On what have the funds been spent?
(3) What future funds have been committed?

Mr GRAYDEN replied:

(1) and (2)

		$
WA School of Mines—		
1978	Extension of chemistry laboratory	16 500
1979	Purchase of land (Egan Street)	28 000
1980	Alteration to computer suite	24 000
	Technology building—design and documentation	126 000
1981	Technology building construction	456 000
	Acquisition of remainder of land required for technology building	22 000
WA School of Mines and Further Education—		
The interim council is not responsible for capital expenditure until 1982.		

(3)

		$
WA School of Mines—		
1982	Completion of technology building	1 478 000
WA School of Mines and Further Education—		
1982	Completion of library/resource centre commenced by the Education Department	100 000 (estimated)

SEWERAGE

Gosnells

1499. Mr PEARCE, to the Minister for Water Resources:

When is it anticipated that the sections of—

(a) Eudoria Street, Gosnells;
(b) Southern River Road, Gosnells,
(c) Chale Street, Gosnells,

excavated as part of the current sewerage scheme will be resurfaced and surrounding areas restored to normal?

Mr MENSAROS replied:

(a) to (c) In accordance with normal procedure, road restoration work is to be undertaken by the City of Gosnells on behalf of the Metropolitan Water Board. Work will commence in two to three weeks and should be completed within a further two months. The surrounding areas will be restored by the board at the same time.

FUEL AND ENERGY: STATE ENERGY COMMISSION

Action Group

1500. Mr BERTRAM, to the Minister for Fuel and Energy:

What is the precise present position pertaining to the submission from the State Energy Commission action group titled "Proposal for a Rebate System"?

Mr P. V. JONES replied:

A decision has been made and the Government expects to be in a position to make an announcement shortly.

DAIRYING: MILK

Quality

1501. Mr BERTRAM, to the Minister for Agriculture:

(1) Is he aware that many people believe that the milk supplied during the recent Transport Workers' Union strike was of superior quality to the milk usually supplied to householders?
(2) If "Yes", is it a fact that the said belief is accurate and why is it that the milk usually supplied is inferior?

Mr OLD replied:

(1) and (2) I am aware that some people have expressed a preference for the milk supplied during the recent Transport Workers' Union strike. Chemical analysis, however, showed that milk delivered during the strike was of comparable quality to that normally supplied.

1502 to 1504. *These questions were postponed.*

WATER RESOURCES: RATES

Tax

1505. Mr BERTRAM, to the Minister for Water Resources:

(1) Is it not a fact that a tax or levy is paid on the gross amount of all water rates paid?
(2) If "Yes", what is the present rate of that tax?

Mr MENSAROS replied:

(1) and (2) No, there is no levy on "the gross amount of all water rates".

Each year under the Public Authorities (Contribution) Act 1974 the Metropolitan Water Board, like the other instrumentalities covered by the legislation, transfers to the Consolidated Revenue an amount equal to 3 per cent of the total revenue for the last preceding financial year.
All country area water supply, sewerage, drainage and irrigation rates and charges are paid into the Consolidated Revenue Fund and are not subject to any levy.

1506 and 1507. *These questions were postponed.*

LOTTERIES COMMISSION

Agencies

1508. Mr BERTRAM, to the Chief Secretary:

(1) Is the Lotteries Commission currently reviewing its agency representation throughout the State?
(2) If "Yes", when will this review be completed?

Mr HASSELL replied:

(1) Yes.
(2) It is hoped that this review will be completed by the end of August 1981.

TRAFFIC: ACCIDENTS

Osborne Park

1509. Mr BERTRAM, to the Minister for Police and Traffic:

In each of the last four years, how many motor vehicle accidents have been reported to have occurred at the intersection of Frobisher Road and McDonald and Collingwood Streets, Osborne Park?

Mr HASSELL replied:

The number of reported motor vehicle accidents occurring over the last four years at the intersection of Frobisher Road, McDonald and Collingwood Streets, Osborne Park is as follows—

1977	6
1978	17
1979	25
1980	20
1981 (to 31/7/81)	21

COURT: SUPREME

Delays

1510. Mr BERTRAM, to the Chief Secretary:

Bearing in mind the backlog of cases in the Supreme Court and the already heavy workload of the Chief Justice, why did the Government not consider relieving the Chief Justice of the chairmanship of the Electoral Boundaries Commission when it amended the Electoral Districts Act recently?

Mr HASSELL replied:

The work position at the Supreme Court was not considered to require interference with the long established practice and legal requirement that the Chief Justice act as one of three independent Electoral Commissioners.

MINING: GOLD

State Batteries: Charges

1511. Mr I. F. TAYLOR, to the Minister for Mines:

(1) Is the current scale of State battery charges for the treatment of gold bearing ore related to an average price of gold?
(2) If "Yes"—
  (a) over what period was the average calculated;
  (b) on what gold price is the average based;
  (c) what is the average gold price on which the charges are based;
  (d) how was the average calculated?

Mr P. V. JONES replied:

(1) Yes.

(2) (a) Previous financial year.
  (b) Gold Producers Association.
  (c) At the end of the financial year, the actual average turned out to be $486.20.
  (d) An average of the monthly average of daily Gold Producers Association sales price.

MINING: GOLD

Weights and Measures Branch: Inspectors

1512. Mr I. F. TAYLOR, to the Minister for Labour and Industry:

(1) With reference to his answer to question 1338 of 1981 relating to gold buyers' scales, is it a fact that all gold is no longer bought and sold through the Mint?

(2) If "Yes", will he instruct Weights and Measures inspectors to inspect and check the accuracy of the scales of gold buyers and sellers throughout the State?

(3) If not, why not?

Mr O'CONNOR replied:

(1) Yes.

(2) The inspection and checking of the scales of gold buyers and sellers was re-introduced in June 1981.

(3) Answered by (2).

MINING: LEASES

Rentals

1513. Mr I. F. TAYLOR, to the Minister for Mines:

(1) What was the total value of lease rental collections in 1980-81?

(2) Does the Government plan to allocate, as requested by prospector associations, a certain proportion of lease rental collection towards the cost of renovating, updating and running State Batteries?

(3) If "Yes", what proportion?

(4) If not, why not?

Mr P. V. JONES replied:

(1) The total of rentals collected for all mining tenements in 1980-81 was $10 397 844, including approximately $200 000 for goldmining leases.

(2) The draft Budget now under consideration includes a provision for operation, maintenance and improvement of State Batteries.

(3) and (4) As the Budget has not been finalised, the proportion is not available now.

BUILDING INDUSTRY

Government Policies

1514. Mr I. F. TAYLOR, to the Minister for Works:

(1) Is it standard Government policy to ensure that a local preference clause is included in all plans and specifications for Government buildings in country areas?

(2) If "Yes", was such a clause included in the plans and specifications for the technology building-metallurgical laboratories at the Kalgoorlie School of Mines?

(3) If not, why not?

(4) Did the plans and specifications for the abovementioned building effectively preclude the use of local bricks?

(5) If "Yes", why?

Mr MENSAROS replied:

(1) Yes.

(2) Yes.

(3) Not applicable.

(4) Yes.

(5) Extensive examination of the local product proved that it could not be matched in with the existing building. It was also more expensive.

MINING: GOLD

North Kalgurli Mines Ltd.

1515. Mr I. F. TAYLOR, to the Minister for Mines:

(1) Has the Department of Mines agreed to sell or has it sold to North Kalgurli Mines Ltd. gold bearing sands from the tailing dumps alongside or near the Kalgoorlie State Battery?

(2) If "Yes"—

(a) how many tonnes were sold or are to be sold;

(b) what was or is to be the price per tonne;

(c) was the material assayed and, if so, what was the average assayed gold content;

(d) does the Government intend to use the revenue from the sale or proposed sale to upgrade the Kalgoorlie State Battery and-or other State Batteries?

Mr P. V. JONES replied:

(1) North Kalgurli Mines Ltd. was given treatment rights for 12 months ending 4 March 1981.

(2) (a) 98 751 tonnes.
(b) $1 per tonne.
(c) 1.56 gms a tonne.
(d) Proceeds are paid to State revenue, and are taken into account when the State Batteries budget is being formulated.

MINING: GOLD

North Kalgurli Mines Ltd.

1516. Mr I. F. TAYLOR, to the Minister for Mines:

(1) Has North Kalgurli Mines Ltd. repaid in full the State Government loan moneys that were used to finance the construction of its custom mill?

(2) Is the Government aware of any intention on the part of North Kalgurli Mines Ltd. to either—
(a) reduce the amount of prospectors' ore it will treat; or
(b) refuse to treat prospectors' ore?

(3) Will the Government assure prospectors that if North Kalgurli Mines Ltd. is unable or unwilling to meet prospectors' needs for custom mill facilities, it will construct a State owned custom mill facility in the area?

Mr P. V. JONES replied:

(1) Yes.
(2) (a) and (b) No.
(3) If North Kalgurli Mines Ltd. does not continue to provide a service, the State will encourage private enterprise to provide an alternative.

1517. *This question was postponed.*

AGNEW CLOUGH LTD: LAND

Salinity

1518. Mr COWAN, to the Minister for Water Resources:

(1) Did he receive, either late last year or early this year, a letter from Mr N. Hodgson of Wooroloo protesting against a decision by Agnew Clough to clear land within the Wooroloo Brook catchment area?

(2) Was receipt of the letter acknowledged?

(3) Has a full reply been forwarded to Mr Hodgson?

(4) (a) If "Yes" to (3), when was the reply sent;
(b) if "No", why has not Mr Hodgson been afforded the courtesy of a reply?

(5) Did any officer of his department investigate the effects clearing of this land would have on the salinity levels of the Wooroloo Brook?

(6) If "Yes" to (5), what was the conclusion of his investigation?

Mr MENSAROS replied:

(1) to (4) No record of any such letter can be found.

(5) No investigation was undertaken to determine the effect of the clearing of the Agnew Clough land on the salinity of Wooroloo Brook. However, a quick office assessment was made of the effect clearing would have on the small streams in that locality.

(6) Based on experience in other parts of the south-west of the State, it was assessed that the removal of the native vegetation in the area would result in an increase in stream salinity levels. The increase would depend upon the extent of the land clearing and the nature of the catchment involved.

AGNEW CLOUGH LTD.: LAND

Salinity

1519. Mr COWAN, to the Minister representing the Minister for Lands:

(1) What is the total area of land in the Wooroloo Brook catchment area that was owned by Agnew Clough and is now being cleared for farming purposes?

(2) What was the total area of the parcel of land sold by the department to Agnew Clough in the Wooroloo area?

(3) When was it sold to Agnew Clough?

(4) What was the price per hectare?

(5) When the sale was made, were conditions for the sale of land under the Lands Act complied with?

(6) Were any conditions imposed upon Agnew Clough by the Lands Department in relation to future clearing or re-sale?

Mrs CRAIG replied:

(1) As freehold land does not come within its jurisdiction, the Lands Department is not aware of the total area of land owned by Agnew Clough in the Wooroloo Brook catchment area that is now being cleared for farming purposes.

(2) to (6) Land at Wooroloo to which the member refers was granted or transferred to Agnew Clough Ltd. under the provisions of the Wundowie Charcoal Iron Industry Sale Agreement Act No. 73 of 1974. Lands Department involvement was restricted to the issue of Crown grants over the land detailed in the second schedule to that agreement under the conditions contained in that agreement.

1520 to 1527. *These questions were postponed.*

WORKERS' COMPENSATION

Advertisement: Cost

1528. Mr DAVIES, to the Minister for Labour and Industry:

Will he outline the cost of the full page advertisement which appeared on Wednesday, 12 August 1981, in *The West Australian* on page 55?

Mr O'CONNOR replied:

West Australian Newspapers advises that the cost of the advertisement will be $2 160.40. However, this is subject to a 10 per cent discount if the account is paid within 30 days.

1529. *This question was postponed.*

FISHERIES

Albany Jetty

1530. Mr EVANS, to the Minister for Works:

(1) Is there any reason why professional fishermen at Albany cannot use the whole of the town jetty under a permit system for this purpose providing it is with due care and at their own risk?

(2) If such permission is not given, how will it be possible for them to operate from only the area of jetty which they repaired in the summer period, when low tides prevail?

Mr MENSAROS replied:

(1) Use of the jetty is controlled by the Albany Port Authority, which will not permit such use.

(2) The Public Works Department has no information on repair details, but understands that fishermen were permitted by the Albany Port Authority to have access to a section of the Albany town jetty which the fishermen nominated as being sufficient for their needs.

ABATTOIR

Midland Junction: Alternative Uses

1531. Mr EVANS, to the Minister for Agriculture:

To what uses has the committee which was set up to examine the future uses of the Midland abattoir site recommended the site be put?

Mr OLD replied:

(a) Main abattoir complex, administration and amenities block—

Sell if possible otherwise effect total closure until disposal of saleyards is reviewed.

(b) Lairages—

Incorporate with saleyards.

(c) Cold Store Complex—

Retain as operational unit to be managed by the Meat Commission or sold by tender.

(d) Houses, industrial land and paddock area—

Offer for sale.

(e) Plant and equipment—

Transfer to Robb Jetty what is essential for its operation and sell remainder.

(f) Waste treatment facility.

Offer to the Department of Health and Medical Services for the treatment of community liquid wastes.

WATER RESOURCES

Country Areas Scheme

1532. Mr GREWAR, to the Minister for Agriculture:

(1) How much money has been loaned to farmers during each of the past five years under the farm water supply scheme?

(2) In which shire areas has the money been expended?

Mr OLD replied:

(1) The Rural and Industries Bank advise that loans to farmers during the financial years 1 April to 31 March were—

	$
1980-81	1 716 103
1979-80	784 663
1978-79	1 800 350

Figures for 1977-78 and 1976-77 are not available at short notice.

(2)

Dandaragan	Quairading	Woodanilling
Moora	Bruce Rock	Katanning
Dalwallinu	Narembeen	Kent
Victoria Plains	Beverley	Kojonup (part)
Wongan Ballidu	Brookton	Broomehill
Koorda	Corrigin	Tambellup
Goomalling	Kondinin	Gnowangerup
Dowerin	Wandering (part)	Ravensthorpe
Wyalkatchem	Pingelly	Cranbrook (part)
Trayning	Cuballing	Plantagenet (part)
Nungarin	Wickepin	Albany (part)
Yilgarn	Kulin	Esperance
Northam (part)	Williams (part)	Dundas
Cunderdin	Narrogin	Mt Marshall
Tammin	West Arthur (part)	Mukinbudin
Kellerberrin	Wagin	Carnamah
Merredin	Dumbleyung	Westonia
York	Lake Grace	Coorow
Perenjori	Morawa	Three Springs
Irwin	Mingenew	Greenough
Mullewa	Chapman Valley	Northampton

QUESTIONS WITHOUT NOTICE

INTEREST RATES

Housing

350. Mr B. T. BURKE, to the Honorary Minister Assisting the Minister for Housing:

(1) Is the Minister aware of reports that home loan interest rates are likely to rise by at least 1 per cent if Commonwealth Government propositions are accepted at a conference now taking place in Canberra?

(2) Is the Minister aware that if the proposition put forward by the Commonwealth to allow the rates for Government and semi-Government bonds and securities to find their own level in the market place is accepted, the corresponding increase in home loan rates is likely to be closer to 2 per cent or 2.5 per cent than to the speculated 1 per cent?

(3) Is the Minister aware that increasing interest rates are creating a new class of people who could conveniently be called the new poor, people who are unable to qualify for Government assistance by virtue of their own income yet by virtue of the same income are unable to pay for private loan funds?

(4) Is the Minister aware of the latest statistics which show that the activity in the building industry, home building activity in particular, is declining steadily?

(5) Will the Minister give this House an assurance that his Government will undertake a close examination of the following means by which the State Government might relieve the burden of high interest rates—

(a) A family allowance conversion scheme similar to that which operates in New Zealand, which would permit people with families to take advantage of their family allowances?

The ACTING SPEAKER (Mr Blaikie): In my opinion, the member's question is unduly long for a question without notice. In order to be fair to the Minister the member ought to give serious consideration to its length.

Mr B. T. BURKE: There are only one or two more points.

Several members interjected.

Mr B. T. BURKE: It is not a political matter.

Mr Mensaros: Is it question time or a Press conference?

Mr B. T. BURKE: I could have finished the question by now. To continue—

(b) a moratorium on foreclosures;

(c) extending low-cost money schemes by extending the eligibility for low-interest funds;

(d) talks with the building societies to see if there are ways of improving their efficiency;

(e) establishing a mortgage market?

(6) What advice has the Minister got for intending and existing home owners and for those people employed in the building industry?

Mr LAURANCE replied:

(1) to (6) At the outset, I point out that the member for Balcatta was obviously reading his question, so he had a copy himself but did not do me the courtesy of providing me with a copy. No notice of the question was given.

Several members interjected.

Mr LAURANCE: Perhaps the member had two copies: one for himself and one for the Press.

Mr B. T. Burke: What is the matter with you? You are the most ineffective Minister for Housing we have ever had.

Mr LAURANCE: The easiest thing for me to do would be to ask the member to put the question on notice. I will now give an answer to the first part of his question which was based on an article in today's edition of the *Daily News* and which could be entitled a question without notice. The headline reads, "One per cent home loan rise". It conjectures on a Loan Council meeting that was still going on when the paper went to Press.

Mr B. T. Burke: My question didn't say it had risen.

The ACTING SPEAKER (Mr Blaikie): Order! The member for Balcatta will listen to the answer and not debate it.

Mr LAURANCE: That is what I was about to say. Of course, the deliberations of the Loan Council are secret and that is referred to in the newspaper article. I point out to the member for Balcatta that the Premier left this State yesterday with the intention of putting before the Premiers' Conference the need to bring down home loan interest rates in this country—

Mr O'Connor: You might laugh about them going up, but it is not funny to us.

Several members interjected.

Mr LAURANCE: —as did several other Premiers, including the Premiers of South Australia and New South Wales. I had discussions with the Premier yesterday before he left about that strategy. He advised me, that as soon as something was known from the conference with regard to home loan interest rates, Treasury officials would contact me. That has not been done as yet, so I can only assume the matter is still being negotiated. Therefore, members cannot take anything concrete from those proposals or discussions at this time. If the report that home loan rates are likely to rise has any substance, obviously the Government would be more concerned than it is already and I indicated the Government's concern when speaking on the Opposition's motion last night.

Mr B. T. Burke: What is it going to do?

Mr LAURANCE: I have answered the member's question in relation to the report in today's *Daily News*. I believe the member should put the balance of the question on notice so that a considered reply may be given.

The member referred to a gap which was occurring between the people who are eligible for building society finance and those who are eligible for welfare assistance. If that gap widened, it would mean some people would be unable to obtain any form of home loan assistance. If such a position arose, it would be of great concern to the State Government and this point was covered also when I replied to the Opposition's motion last night.

We will be looking at eligibilities to make sure such a gap does not occur. In fact, the latest report on the national scene for the month of June indicated building statistics had increased, so there has not been the dramatic decline which was forecast. However, I checked with the Housing Industry Association this week and it indicated that although there was no cause for concern, figures were not good. Therefore, it seems the association is anticipating the situation will deteriorate although it is satisfactory at the moment.

The member mentioned a number of points in relation to family allowance conversion schemes, along with a number of other matters. I suggest the member put the question on notice,

because the matters referred to have been considered at various times.

The Government is well aware of the situation which has been caused by rising interest rates on home loans in this State. We have led all States in Australia in requesting that a cushioning effect be provided by the Federal Government.

Mr Davies: With magnificent lack of success.

Mr LAURANCE: We want to ensure people are provided with a cushioning effect against rising interest rates.

Once the Federal Budget is announced on Tuesday, we will know in detail the funds which will be available to the State, and a strategy will be drawn up for maintaining the level of home loans and building in this State.

This morning I met with the building societies advisory committee and asked it to examine a range of initiatives which could form part of a package which we will announce when the exact funding position of the State is revealed in next Tuesday's Federal Budget.

LAND: RURAL

Foreign Investment

351. Mr BRYCE, to the Minister for Agriculture:

My question concerns the Minister's answer to question 1452 which I asked yesterday. It related to the inflow of speculative investment into Western Australian rural land. My question is as follows—

If it is appropriate to tell the world that action has been taken to stem the flow of speculative investment from Britain, will the Minister explain why he insists upon concealing the names of the Asian groups with whom he has allegedly had discussions in respect of the source of speculative investment from that quarter?

Mr OLD replied:

I do not intend to disclose the names of the Asian companies with whom I have had discussions.

Mr Bryce: Why not?

Mr OLD: It is not in the interests of this Parliament or this State to do so.

Mr B. T. Burke: Who says so?

Mr OLD: I say so. I am not going to disclose this information. There is no requirement upon me to do so and I have no intention of making such a disclosure.

Mr Bryce: Have you had those discussions?

Mr OLD: I have indeed, together with other Ministers.

Mr B. T. Burke: Only tell them what is good for them!

Mr OLD: That is right.

Several members interjected.

The ACTING SPEAKER (Mr Blaikie): Order! It has been an accepted practice in this House that, where repeated interjections are made during question time—certainly during questions without notice—the Speaker has discontinued the courtesy of allowing such questions. I ask members to reflect on what has happened previously.

EDUCATION

WA School of Mines and Further Education

352. Mr I. F. TAYLOR, to the Minister for Mines:

(1) Did the Minister meet recently with the Commonwealth Minister for Education to discuss the granting of CAE status to the WA School of Mines and Further Education in 1982?

(2) Is it correct that he today stated that he had asked the Minister to request the Tertiary Education Commission to review its previous advice to the Minister?

(3) If "Yes", does that mean the commission has initially refused CAE status for the WA School of Mines and Further Education?

Mr P. V. JONES replied:

(1) to (3) I have not met personally with the Federal Minister as he was engaged in a Cabinet meeting in Canberra on Tuesday, but I left a submission with him on behalf of the mining industry. That submission related to the future of the WA School of Mines and Further Education at Kalgoorlie and reflected the view of the mining industry in so far as that institution was concerned and the concern felt by the industry at any suggestion the institution not be accorded the status of a college of advanced education in the future. I am not aware whether or not the Tertiary Education Commission has made a decision.

The Commonwealth Minister for Education advised that consideration was being given to the institution not being accorded CAE status and, in case that was so, I made the submission to the Minister to which I have referred.

DAIRYING: MILK

Quality

353. Mr BERTRAM, to the Minister for Agriculture:

The Minister replied to question 1501 which I asked today in the following terms—

> I am aware that some people have expressed a preference for the milk supplied during the recent Transport Workers' Union strike. Chemical analysis, however, showed that milk delivered during the strike was of comparable quality to that normally supplied.

I should like to ask the Minister the circumstances which gave rise to the taking of those analyses and whether he would be good enough to supply the readings?

Mr OLD replied:

The chemical analyses were, as a matter of form, taken as all milk was brought in. As the member for Mt. Hawthorn is well aware, such milk was bottled under the supervision of the Department of Health and samples were taken of every batch of milk which arrived. I am afraid even my retentive brain does not enable me to spout off the criteria and figures produced by those analyses.

HEALTH: INSURANCE

Royal Perth Hospital

354. Mr HODGE, to the Minister for Health:

My question seeks clarification of the answer the Minister gave today to question 1432 in which I asked as follows—

> Is it a fact that the Royal Perth Hospital Board recently made a decision that any patient entering that hospital with medical and hospital insurance would be deemed to be a "private" patient and would not be offered the option of electing to be a "hospital" patient?

The Minister's answer is less than clear. He said—

> The Government has made its position clear on this matter and I do not accept the Royal Perth Hospital Board's decision.

I ask the Minister—

(1) Is it a fact that the Royal Perth Hospital Board has made that sort of decision and, if so, what action does he intend to take?

(2) Does the Minister intend to issue an instruction to the Royal Perth Hospital Board to make it comply with Government policy?

Mr YOUNG replied:

(1) and (2) I understand the Royal Perth Hospital Board made the decision to which the member for Melville referred, and that it was subsequently confirmed. My reference to the fact that the Government has made its position clear on this matter refers to the fact that we do not accept the particular stance. Talks will be held in respect of the matter with the Royal Perth Hospital Board.

BREAD

Returns

355. Mr DAVIES, to the Minister for Labour and Industry:

(1) Is the Minister aware that although it is illegal for bakeries to accept returns of bread, at least one baker is overcoming

this by allowing credit for unsold bread without actually taking back the bread?

(2) Is he aware this is causing serious concern within the industry?

(3) Is he prepared to amend the Act to make the practice illegal?

(4) Is it true that widespread alterations to the legislation covering the production and distribution of bread are being considered?

Mr O'CONNOR replied:

(1) to (4) I am aware that a particular baker—in fact, in East Perth—

Mr Davies: You are spot on.

Mr O'CONNOR: —is overcoming the provisions of the present legislation by giving credit in the way the member mentioned. This is causing concern to the industry, which is having discussions with me. For some time we have been preparing legislation which we intend bringing before the House during this session to try to overcome problems in the baking game. I am not able to give full details of the proposed amendments because they are not complete, but they should be before the House within the next month or two.

EDUCATION

WA School of Mines and Further Education

356. Mr GRILL, to the Minister for Education:

(1) Is the Minister aware a crisis situation exists at the WA School of Mines and Further Education in Kalgoorlie in that no-one from the school has yet agreed to accept any offer of work at the school in 1982?

(2) Is he also aware that only three out of 25 technical college staff in Kalgoorlie have agreed to teach at the new school of mines institution in 1982?

(3) Does the Minister agree that the WA School of Mines and Further Education in 1982, without adequate and qualified staff, as a tertiary institution will be as useful as a library without books.

Mr GRAYDEN replied:

(1) to (3) This matter has been the subject of quite a deal of discussion between the WA School of Mines and the Western Australian Institute of Technology and has now been referred back to WAPSEC.

Mr Grill: Do you appreciate my query?

Mr GRAYDEN: I appreciate the problem the member raised. We have been endeavouring to resolve it and hope it will be resolved shortly.

MINING: ROYALTIES

Review

357. Mr BRYCE, to the Minister for Mines:

(1) My question concerns the Government's approach to the review of royalties in this State. I refer particularly to the Minister's frequent public statements that this Government has nothing to hide and is happy to discuss things in the open. I refer to his answer to question on notice 1483. Will he confirm that he and his Government have no intention of tabling the report provided to the Government on the review of royalties?

(2) Does the Minister have any intention of revealing the names of the companies with which the Government has had discussions concerning the review of royalties?

Mr P. V. JONES replied:

(1) and (2) I do not mind the names of the companies with which we have had discussions being made known.

Mr Bryce: Why didn't you give us the names in answer to the question?

Mr P. V. JONES: Does the member want me to list all of them?

Mr Bryce: I asked a specific question.

Mr P. V. JONES: Does the member require the whole lot?

Mr Bryce: I asked a specific question.

Mr P. V. JONES: Presently we are discussing the matter with companies the subject of an agreement Act. Most of the discussions have been completed and various industry bodies such as the Chamber of Mines of WA and the Gold Producers' Association Ltd. are being consulted. I had no intention of listing in the answer every company the subject of an agreement Act, because as the member was advised during the course of a debate here last week, the Government is talking not only with

industry groups, but also with individual companies subject to agreement Acts.

As to the information and research upon which some discussions are being held, and the relative aspect of each industry—particularly, the submissions we have had from the various companies—no, I do not intend to table the information we have available.

Mr Bryce: There is no secrecy—much!

EDUCATION

Western Australian Council of State School Organisations

358. Mr PEARCE, to the Minister for Education:

(1) Is the Minister aware that at the Western Australian Council of State School Organisations, conference last Saturday his colleague the member for Bunbury suggested that schools should approach private enterprise to obtain support for specific programmes operated within schools? The member concerned was good enough this afternoon to repeat those comments in the House.

(2) Does the proposition that Government schools should go to private enterprise for support of their programmes accord with the Government's policy, or were the comments a pointer to the types of actions the Minister believes schools might have to take given the run down in education financing which the Minister is now supervising?

Mr Davies: To say he is promoting it would be better.

Mr GRAYDEN replied:

(1) and (2) Firstly, I am not aware of the comments made by the member for Bunbury at the conference to which the member for Gosnells referred. I have neither read them nor heard them; therefore I am not in a position to comment upon them. I dismiss as absolute nonsense the member for Gosnells' last statement to the effect that the amount of money spent on education will be reduced substantially. Nothing could be further from the truth. His statement was absolute rubbish. As far as we are aware there will be a real increase this year in expenditure on education as has occurred for each of the last five years, when there have been substantial increases.

Increases of 15, 16, or 17 per cent have occurred in each of the last five years which indicates the attitude of this Government towards education. For the member to come out with such statements is totally irresponsible. What he said was absolute nonsense and false, but typical of the types of statements he has made throughout Western Australia.

EDUCATION: FUNDING

Cutbacks: Home Economics Course

359. Mr CARR, to the Minister for Education:

Last evening I asked a question of the Minister which concerned the prospect of a new syllabus being prepared by the department whereby home economics would be taught as a classroom subject instead of in a specialist facility. The Minister said he was not aware of such a move but would acquaint himself with the position. Has he acquainted himself with the syllabus? If so, when does the Government propose to implement it and how does the Government justify it?

Mr GRAYDEN replied:

I made brief inquiries and ascertained that absolutely no substance exists in the rumour the member heard. However, a broadening—what I am about to say has absolutely nothing to do with any economies proposed—of the domestic science curriculum will be brought about. It is possible that is the change to which the member for Geraldton referred. In the process of broadening this aspect of the curriculum various aspects of domestic science will be taught in the classroom, but they will not be aspects which require equipment currently provided.

Mr Pearce: So it is true, is it?

Mr GRAYDEN: No substance at all exists in the rumour.

POLICE: OFF-ROAD VEHICLES

Incident: Complaint

360. Mr WILSON, to the Minister for Police and Traffic:

(1) Has he received a written complaint from a parent whose son along with two other nine-year-old boys was terrorised last Friday afternoon by a trail bike rider in an area of vacant land off The Strand in Dianella?

(2) If Yes—

(a) Did the complaint relate to difficulties in contacting police at Morley and Nollamara Police Stations, and a lack of response from police communications when the matter was referred to it;

(b) what action has he taken in response to this complaint?

Mr HASSELL replied:

(1) and (2) A letter of complaint was received by my office at approximately 12 noon today which was after my receiving notice of the member's question. The letter related to difficulties in contacting the police and it has been referred to the Commissioner of Police for investigation and advice.

INTEREST RATES

Commonwealth Government

361. Mr B. T. BURKE, to the Acting Premier:

(1) Is the Acting Premier aware that on page 14 of tonight's *Daily News* the Commonwealth Treasury is advertising for the reinvestment of maturing stock at rates that prove the Commonwealth will increase interest rates?

(2) Will the Acting Premier undertake to investigate why the Commonwealth has bothered to conduct a conference with Premiers when it already has produced an advertisement that pre-empts decisions which may be made?

Mr O'CONNOR replied:

(1) and (2) I have not seen the article in tonight's *Daily News*; I have not been through that newspaper totally. If I have the opportunity tonight to speak to the Premier I will bring this matter to his attention.